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| FROM | NAME & TITLE | CHRIS RYER, DIRECTOR  | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET | | |
| | SUBJECT | CITY COUNCIL BILL #22-0280 / URBAN RENEWAL – JOHNSTON SQUARE – AMENDMENT ____ | | |

TO

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

DATE: October 14, 2022

At its regular meeting of October 13, 2022, the Planning Commission considered City Council Bill #22-0280, for the purpose of amending the Urban Renewal Plan for Johnston Square to reauthorize the acquisition of properties within the Project Area, to extend the life of the Plan, and to remove certain properties from the list in Appendices A and B; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #22-0280 and adopted the following resolutions, with five members being present (four in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #22-0280 be **approved** by the City Council.

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

CR/ewt

attachment

cc: Ms. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
Mr. Ethan Cohen, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services



Brandon Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

October 13, 2022

REQUEST: City Council Bill #22-0280 Urban Renewal Plan – Johnston Square – Amendment

For the purpose of amending the Urban Renewal Plan for Johnston Square to reauthorize the acquisition of properties within the Project Area, to extend the life of the Plan, and to remove certain properties from the list in Appendices A and B; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Imani Jasper

PETITIONER: City Council President, on behalf of the Administration (Department of Housing and Community Development)

HISTORY

- The Johnston Square Urban Renewal Plan (URP) was established by Ordinance #357, dated June 27, 1977.
- The latest amendment was Amendment #9, dated December 5, 2002, approved by the Mayor and City Council of Baltimore by Ordinance #456, dated December 19, 2002
- Ordinance #18-0247, dated May 14, 2018 was enacted on November 19, 2018 to extend the acquisition authority of the plan for 4 years

ANALYSIS

Maryland Law Amendment: In July of 2007, an amendment to the Maryland Annotated Code, Real Estate, Title 12 was made that requires an action for condemnation to be filed within four years of an authorization for acquisition. If that cannot be accomplished, then the authorization must be renewed. That requirement remains in the Maryland Code Real Property Title 12 - Eminent Domain Subtitle 1 - General Rules:

§ 12-105.1. Condemnation action to acquire private property

- (a) Notwithstanding any other provision of law, the State or any of its instrumentalities or political subdivisions shall file an action to acquire private property for public use by condemnation within 4 years of the date of the specific administrative or legislative authorization to acquire the property.

- (b) If an action for condemnation is not filed within 4 years of the date described in subsection (a) of this section, the State or any of its instrumentalities or political subdivisions may not proceed with condemnation until it first obtains a new authorization to acquire the property. [MD Real Prop Code § 12-105.1 (2019)]

The effect of this change in the Maryland Annotated Code is that all Urban Renewal Plans (URPs) that have designated properties for acquisition and disposition that have not yet been acted upon now need to be expressly confirmed and reauthorized every four years, for the life of the URP. Therefore, since four years have nearly elapsed since the date of the previous reauthorization in 2018, amendments to several Urban Renewal Plans are necessary in order to reauthorize each URP's powers of acquisition and condemnation. With each reauthorization, those actions may legally continue beyond December 31, 2022 until December 31, 2026.

While these URPs are being amended, there are also technical amendments to some of the URPs to remove properties which have already been acquired and disposed of and an extension of the life of two of the URPs which would otherwise terminate on their own terms prior to the end of the reauthorization period. To that end, the Department of Housing and Community Development (HCD) has introduced a group of bills with the goal of adoption before the December 31, 2022 acquisition authority expiration, to ensure that the City's acquisition authority is seamless. The group includes the following bills:

- City Council Bill #22-0279 - Urban Renewal – Coldstream Homes Montebello - Amendment
- City Council Bill #22-0281 - Urban Renewal - Middle East - Amendment
- City Council Bill #22-0282 - Urban Renewal - Oliver - Amendment
- City Council Bill #22-0283 - Urban Renewal - Poppleton - Amendment

Staff understands that CCB #22-0283 will be withdrawn.

Effect of the Bill: The change proposed to this URP is technical in nature and required to reauthorize the acquisition authority of the URP. The specific changes follow:

- In the Plan, amend C.1.c to read: “c. THE AUTHORITY TO ACQUIRE THE PROPERTIES WITHIN THE PROJECT AREA IS EXPRESSLY CONFIRMED AND REAUTHORIZED THROUGH AND INCLUDING DECEMBER 31, 2026.” This is the express reauthorization of the acquisition authority for the next four-year period. This does not materially affect the purposes of the URP, and is required to comply with the requirements of the State of Maryland under the Maryland Annotated Code, as outlined above.
- In the Plan, amend D. To read as follows: “d. Duration of Provisions and Requirements: The Johnston Square Urban Renewal Plan, as amended from time to time, is in full force and effect through and including [December 31, 2018] DECEMBER 31, 2026.”
- In the Plan, in Appendix A, delete the following from the list of properties:

- 702 E. Biddle Street
- 704 E. Biddle Street
- 706 E. Biddle Street
- 709 E. Biddle Street
- 710 E. Biddle Street
- 714 E. Biddle Street
- 716 E. Biddle Street
- 718 E. Biddle Street
- 720 E. Biddle Street
- 722 E. Biddle Street
- 902 E. Biddle Street
- 904 E. Biddle Street
- 906 E. Biddle Street
- 924 E. Biddle Street
- 938 E. Biddle Street
- 1323 E. Biddle Street
- 1325 E. Biddle Street
- 700 E. Chase Street
- 707 E. Chase Street
- 713 E. Chase Street
- 715 E. Chase Street
- 717 E. Chase Street
- 719 E. Chase Street
- 725 E. Chase Street
- 803 E. Chase Street
- 815 E. Chase Street
- 817 E. Chase Street
- 819 E. Chase Street
- 1306 E. Eager Street
- 1308 E. Eager Street
- 1022 N. Eden Street
- 1024 N. Eden Street
- 1114 N. Eden Street
- 1316 Greenmount Avenue
- 1124 Homewood Avenue
- 1216 Homewood Avenue
- 725 E. Preston Street
- 743 E. Preston Street
- 745 E. Preston Street
- 751 E. Preston Street
- 911 E. Preston Street

- In the Plan, in Appendix B, delete the following from the list of properties:
 - 13. 1024 North Eden Street

Community Notice: Article 13, *Housing and Urban Renewal*, is the section of the City Code that outlines the processes for establishment of and amendments to URPs. For new URPs, or major changes, § 2-6(d) outlines the notice procedures, and include postings within the neighborhood, and two newspaper notices (one per week for two weeks) prior to the first public hearing.

For amendments to URPs, under § 2-6(g)(3) the amending bills are required to go through the same procedure as for adoption, that is, a City Council ordinance process. However, “If the Planning Commission determines that the proposed amendment is a technical correction or a minor modification that would not substantially affect the Plan or the size, use, or disposition of any property subject to the Plan, the proposed amendment need not be posted or advertised as otherwise required by subsection (d) of this section.”

Minor Modifications: The amendments proposed to these URPs are necessary to extend the time allowed for the City to continue with implementation of these plans through the acquisition of designated properties. Additionally, where the city has already disposed of designated properties the acquisition and disposition lists have been updated to remove those properties.

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

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

In addition, after making the finding of the technical nature of the bill, Staff recommends that the Planning Commission recommend approval of City Council Bill #22-0280.

Staff Notification: Staff notified 5 community organizations of today's hearing including ReBUILD Metro, ReBUILD Johnston Square, St. Francis Academy, Parks and People, The 6th Branch, the City Council President and all the affected City Councilmembers. In addition, the Department of Housing and Community Development set up a special email address for constituents that may have questions about their suite of bills.



Chris Ryer
Director