


EPNU

<b>FROM</b>	NAME & TITLE	ERIC L. HOLCOMB, EXECUTIVE DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #15-0529 HISTORICAL AND ARCHITECTURAL PRESERVATION - 50 <sup>TH</sup> ANNIVERSARY REAUTHORIZATION		

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

DATE: May 15, 2015

At its regular meeting of May 12, 2015, the Commission for Historical and Architectural Preservation considered City Council Bill #15-0529, for the purpose of reconstituting and reauthorizing the Commission for Historical and Architectural Preservation; restating and clarifying the Commission's powers, duties, and functions; substituting a new, short-lived "Potential-Landmark List" for the current "Special List"; modifying the processes for designating Historical and Architectural Preservation Districts, Landmarks, and Potential Landmarks; modifying the procedures for protecting the exteriors, interiors, and appurtenant property of structures located within an Historical District or included on the Landmark List or Potential-Landmark List; modifying the provisions that require review of proposed alterations to "municipal structures"; providing for the establishment and maintenance of an Inventory of historical Places, to serve primarily as a non-regulatory research and documentation instrument; modifying the procedures for reviewing and criteria for approving proposed alterations to protected structures; authorizing the Commission to delegate to its professional staff the review and approval of minor, compliant alterations; defining various terms; correcting, clarifying, and conforming related provisions; repealing obsolete provisions; and generally relating to the designation and preservation of historically and architecturally significant property.

In its consideration of this Bill, the Commission for Historical and Architectural Preservation reviewed the attached staff report which recommended approval and support of City Council Bill #15-0529 and adopted the following resolution (9 members being present, 9 in favor):

Approve and Support CC Bill 15-0529

If you have any questions, please contact Mr. Eric Holcomb, Executive Director, at 410-396-4866.

**Attachment**

- cc: Ms. Kaliope Parthemos, Chief of Staff  
 Mr. Colin Tarbert, Deputy Chief for Economic and Neighborhood Development  
 Ms. Angela Gibson, Mayor's Office  
 Ms. Elena DiPietro, Law Dept.  
 Ms. Natawna B. Austin, Council Services  
 Ms. Casey Brent, Special Assistant Mayor's Office  
 Mr. Thomas J. Stosur, Director Baltimore City Department of Planning  
 Ms. Sheila Wyche, Mayor's Office  
 The Honorable William Henry, Council Rep. to CHAP

**Staff Report – May 12, 2015**

**CC Bill#15-0529**

**Historical and Architectural Preservation – 50<sup>th</sup> Anniversary  
Reauthorization**

**Staff: Eric Holcomb**

**Applicant: Mayor and City Council**

**REQUEST: City Council Bill 15-0529/Historical and Architectural Preservation – 50<sup>th</sup>  
Anniversary Reauthorization**

For the purpose of reconstituting and reauthorizing the Commission for Historical and Architectural Preservation; restating and clarifying the Commission’s powers, duties, and functions; substituting a new, short-lived “Potential-Landmark List” for the current “Special List”; modifying the processes for designating Historical and Architectural Preservation Districts, Landmarks, and Potential Landmarks; modifying the procedures for protecting the exteriors, interiors, and appurtenant property of structures located within an Historical District or included on the Landmark List or Potential-Landmark List; modifying the provisions that require review of proposed alterations to “municipal structures”; providing for the establishment and maintenance of an Inventory of Historical Places, to serve primarily as a non-regulatory research and documentation instrument; modifying the procedures for reviewing and criteria for approving proposed alterations to protected structures; authorizing the Commission to delegate to its professional staff the review and approval of minor, compliant alterations; defining various terms; correcting, clarifying, and conforming related provisions; repealing obsolete provisions; and generally relating to the designation and preservation of historically and architecturally significant property.

**RECOMMENDATION: Approve and Support CC Bill 15-0529**

**BACKGROUND:**

**Proposed CHAP Ordinance – Summary**

Since March of 2013, a working group composed of CHAP Commissioners and staff has been considering changes to the original CHAP ordinance, established in 1964. The new ordinance will repeal and replace Article 6 Historic and Architectural Preservation in the City Code. Below is a summary of key points. On February 10, 2015, CHAP reviewed and approved the proposed ordinance rewrite with several minor amendments. The overall changes from the current ordinance are as follows:

1. Overall clean-up of language and format for ease of understanding.

## **2. Draft Ordinance Eliminates the Special List and REPLACES IT with the Potential Landmark List**

**Current Ordinance** allows for CHAP to create a “Special List” and place structures on that list by holding a public hearing. Once a structure is placed on the Special list (by CHAP hearing only), CHAP must review all exterior changes. If the exterior changes including demolition are inappropriate, then HCD, the current “Building Official,” will postpone issuance of that permit for six months. A property remains on the Special list until CHAP takes it off.

This City Council Bill eliminates the Special list and replaces it with the Potential Landmark List. This will allow the Commission to place a structure on the potential landmark list at a public hearing after posting the property for at least 30. CHAP can also postpone a Potential Landmark Hearing AT THE OWNER’S request. From the time of posting, the property is protected. Once a property is on the Potential Landmark list (which requires only a CHAP hearing), protections for the property last for 180 days unless City Council introduces a bill to landmark it. If a CC Bill is introduced within 180 days, then the property stays on the Potential Landmark List for another year. After one year the property is automatically removed from the Potential Landmark List if a landmark designation ordinance is not adopted by M&CC. CHAP may not place a property back on the Potential Landmark List (try again) for two years or until start of new Council session.

The intent of the Potential Landmark List is to protect an historic structure while it is in the process of becoming a Local Landmark.

**3. CC Bill requires Executive Director (CHAP) to create an Inventory of Historic Places (Subtitle 6).** The Inventory of Historic Places is NONREGULATORY and serves as a research and documentation planning tool. The Inventory will be used to identify future landmarks, districts, and provide historic contexts to planning documents such as area master plans. It will be an informational tool and will be placed on our website.

**4. Draft Ordinance Clarifies role of CHAP for reviewing municipal structures (Section 8-13) that are owned by MCC AND**

(I) Has been or is being used for a municipal function, including offices and other work places, schools, fire stations, police stations, monuments, water and waste water facilities, and the like;

(II) has been or is being aggregated by or for the city for redevelopment under authority of a master plan or urban renewal plan; or

(III) meets any other criteria adopted by Commission rule or regulations for structures requiring review under this section. These criteria would be adopted in a public hearing and the Commission would work proactively with fellow city agencies to create these criteria after the ordinance is passed. From time to time, the Commission could revise these criteria.

Relevant agencies must send plans to CHAP for its report (as it is today) and Commission (or staff) must send the report to Mayor within 45 days. The report is advisory only and non-binding.

**ANALYSIS:**

On February 10, 2015, CHAP approved of a draft ordinance:

A motion was made by Bill Henry and seconded by Aaron Bryant to request introduction to City Council with the following amendments and subject to alterations by Legislative Reference.

On March 19<sup>th</sup>, Chairman Liebel sent an email detailing several changes to the draft ordinance. Many commissioners responded in support; no commissioners responded in opposition.

After meeting with City Council President the following two amendments were added:

- First, on page 7, under §2-2 (C) City Representatives, the Council President asks that that section read “(1) 1 City Council member, nominated by the President of the City Council” instead of the proposed language (proposed language currently reads: 1 member is a council member, to be nominated by the council president and appointed by the mayor, or the Councilmember’s designee).
- Second, on page 9, Council President Young asks that section §2-2 (A)(2) regarding the council members term be deleted.

The changes that have occurred after the February 10<sup>th</sup>, 2015 CHAP hearing help clarify the Commission’s powers, duties, functions and composition of Commission, and therefore, strengthen the original draft that was approved on 2/10/15.

**Eric L. Holcomb**  
**Executive Director**