

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0248 / URBAN RENEWAL – MIDDLE EAST- AMENDMENT		

**TO**

DATE: June 22, 2018

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

At its regular meeting of June 21, 2018, the Planning Commission considered City Council Bill #18-0248, for the purpose of amending the Urban Renewal Plan for Middle East 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 D; 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 #18-0248 and adopted the following resolution; seven 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 #18-0248 be passed by the City Council.

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

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
- Mr. Ervin Bishop, Council Services



*Catherine E. Pugh*  
Mayor

## PLANNING COMMISSION

*Sean D. Davis, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**June 21, 2018**

**REQUEST:** City Council Bill #18-0248 / Urban Renewal- Middle East- Amendment

For the purpose of amending the Urban Renewal Plan for Middle East 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 D; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

**RECOMMENDATION:** Approval

**STAFF:** Tamara Woods

**PETITIONER(S):** The Administration (Department of Housing and Community Development)

#### HISTORY

- The Middle East Urban Renewal Plan (URP) was established by Ord. #88-156, dated July 6, 1988.
- Amendment No. 9, dated February 28, 2011, was approved by the Mayor and City Council of Baltimore by Ordinance # 11-453, dated May 26, 2011.
- Ordinance 14-294 was enacted on October 1, 2014 to extend the acquisition authority for four 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:

§ 12-105.1. Condemnation action to acquire private property.

- (a) Time limitation.- Notwithstanding any other provision of law, the State or any of its instrumentalities or political subdivisions shall file an action to acquire private property for public use by condemnation within 4 years of the date of the specific administrative or legislative authorization to acquire the property.
- (b) New authorization.- If an action for condemnation is not filed within 4 years of the date described in subsection (a) of this section, the State or any of its instrumentalities or political subdivisions may not proceed with condemnation until it first obtains a new authorization to acquire the property. [2007, ch. 305]

The effect of this change in the Maryland Annotated Code is that all Urban Renewal Plans (URPs) that have designated properties for acquisition and disposition that have not yet been acted upon now need to be expressly confirmed and reauthorized every four years, for the life of the URP. Therefore, since four years have nearly elapsed since the date of the previous reauthorization in 2014, 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, 2018 until December 31, 2022.

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, 2018 acquisition authority expiration, to ensure that the City's acquisition authority is seamless. In addition, City Councilmember Bill Henry has introduced a separate bill to extend the acquisition authority for the York-Woodbourne Urban Renewal Plan area. The group includes the following bills:

- City Council Bill #18- 0241- Urban Renewal - Druid Heights
- City Council Bill #18-0242- Urban Renewal - Broadway East
- City Council Bill #18-0243- Urban Renewal - Poppleton
- City Council Bill #18-0244- Urban Renewal - Oliver
- City Council Bill #18-0245- Urban Renewal - Park Heights
- City Council Bill #18-0246- Urban Renewal - Coldstream Homestead Montebello (aka CHM)
- City Council Bill #18-0247- Urban Renewal - Johnston Square - Amendment
- City Council Bill #18-0248- Urban Renewal - Middle East
- City Council Bill #18-0252- Urban Renewal - York-Woodbourne Business Area

Effects of the Bill: The changes proposed to this URP are technical in nature and are required to reauthorize the acquisition authority of the URP and to extend the life 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, 2022." 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: "THE MIDDLE EAST RENEWAL PLAN, AS AMENDED FROM TIME TO TIME, IS IN FULL FORCE AND EFFECT THROUGH AND INCLUDING DECEMBER 31, 2022." This extends the life of the URP which would otherwise terminate on its own terms prior to the end of the acquisition

reauthorization period. This is necessary to ensure that the acquisition authority can be extended for the intended four year period.

- In the Plan, in Appendix A and Appendix D, delete several addresses from the list of properties (see attached list). This action removes properties of which the City has already disposed.

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 amendments to the URP as proposed in this bill are technical in nature, and they do 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 #18-0248.

Staff Notification: Staff notified 39 community organizations of today’s hearing, the City Council President and all of 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 Also, on June 12, 2018, the Planning Department, in conjunction with the Department of Housing and Community Development, hosted a public informational meeting for the suite of Administration bills.



**Thomas J. Stosur**  
**Director**

**List of Properties to be deleted from  
City Council Bill #18-0248 / Urban Renewal- Middle East-Amendment**

In the Plan, in Appendix A, delete the following from the list of properties:

- 1728 Ashland Avenue
- 1745 Ashland Avenue
- 1746 Ashland Avenue
- 2206 Ashland Avenue
- 1935 E. Chase Street
- 931 N. Chester Street
- 933 N. Chester Street
- 937 N. Chester Street
- 953 N. Chester Street
- 968-970 N. Chester Street
- 971 N. Chester Street
- 903 N. Collington Avenue
- 2022 E. Eager Street
- 2036 E. Eager Street
- 2048 E. Eager Street
- 806 Rutland Avenue

In the Plan, in Appendix D, delete the following from the list of properties:

- 1709 East Biddle Street
- 1711 East Biddle Street
- 1713 East Biddle Street
- 1715 East Biddle Street
- 2101 East Biddle Street
- 825 North Broadway
- 1103 North Broadway
- 1109 North Broadway
- 1115 North Broadway
- 1117 North Broadway
- 1119 North Broadway
- 1726 East Chase Street
- 1736 East Chase Street
- 1744 East Chase Street
- 901 North Chester Street
- 951 North Collington Avenue
- 1101 North Collington Avenue
- 1103 North Collington Avenue
- 1107 North Collington Avenue
- 1109 North Collington Avenue

- 1111 North Collington Avenue
- 1117 North Collington Avenue
- 902 North Duncan Street
- 904 North Duncan Street
- 906 North Duncan Street
- 908 North Duncan Street
- 910 North Duncan Street
- 914 North Duncan Street
- 919 North Duncan Street
- 923 North Duncan Street
- 925 North Duncan Street
- 930 North Duncan Street
- 934 North Duncan Street
- 935 North Duncan Street
- 936 North Duncan Street
- 937 North Duncan Street
- 938 North Duncan Street
- 941 North Duncan Street
- 946 North Duncan Street
- 952 North Duncan Street
- 2020 East Eager Street
- 2022 East Eager Street
- 2024 East Eager Street
- 2026 East Eager Street
- 2028 East Eager Street
- 2030 East Eager Street
- 2032 East Eager Street
- 2034 East Eager Street
- 2036 East Eager Street
- 2038 East Eager Street
- 2040 East Eager Street
- 2042 East Eager Street
- 2044 East Eager Street
- 2046 East Eager Street
- 2048 East Eager Street
- 2050 East Eager Street
- 2052 East Eager Street
- 2054 East Eager Street
- 2056 East Eager Street
- 2058 East Eager Street
- 2060 East Eager Street
- 2062 East Eager Street
- 2064 East Eager Street
- 2101 East Eager Street

- 2103 East Eager Street
- 2105 East Eager Street
- 2107 East Eager Street
- 2109 East Eager Street
- 2111 East Eager Street
- 2113 East Eager Street
- 2115 East Eager Street
- 2117 East Eager Street
- 2119 East Eager Street
- 2203 East Eager Street
- 2204 East Eager Street
- 2205 East Eager Street
- 2206 East Eager Street
- 2207 East Eager Street
- 2212 East Eager Street
- 2214 East Eager Street
- 2220 East Eager Street
- 2222 East Eager Street
- 2230 East Eager Street
- 707 North Madeira Street
- 915 North Madeira Street
- 917 North Madeira Street
- 919 North Madeira Street
- 921 North Madeira Street
- 2106 East Madison Street
- 2108 East Madison Street
- 2110 East Madison Street
- 2112 East Madison Street
- 2116 East Madison Street
- 2223 East Madison Street
- 1102 McDonogh Street
- 1108 McDonogh Street
- 1109 McDonogh Street
- 1111 McDonogh Street
- 1113 McDonogh Street
- 1120 McDonogh Street
- 718 North Patterson Park Avenue
- 720 North Patterson Park Avenue
- 726 North Patterson Park Avenue
- 942 North Patterson Park Avenue
- 1000 North Patterson Park Avenue
- 1108 Rutland Avenue
- 1110 Rutland Avenue
- 1112 Rutland Avenue

- 1018 North Washington Street
- 1031 North Washington Street