



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

May 21, 2015

REQUEST: City Council Bill 15-0529/ Historical and Architectural Preservation – 50th 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

STAFF: Eric Holcomb, Executive Director, Commission for Historical and Architectural Preservation

PETITIONERS: The Council President and Councilmember Henry (The Administration)

GENERAL AREA

The City of Baltimore, including designated historic districts and landmarks, and sites of future designations.

HISTORY

The original CHAP ordinance no. 229 dated May 21, 1964, as amended from time to time for the past 50 years, is being repealed and replaced for the purposes and reasons stated in this bill.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, LIVE Goal 2: Elevate the Design and Quality of the City's Built Environment, Objective 4: Protect and Enhance Preservation of Baltimore's Historic Buildings

and Neighborhoods; and PLAY Goal 1: Enhance the Enjoyment, Appreciation, and Stewardship of Baltimore's Historical and Cultural Resources, Objective 4: Strengthen Stewardship of Historical and Cultural Resources.

ANALYSIS

Beginning in March of 2013, a working group composed of CHAP Commissioners, planning staff, real estate developers, and community representatives crafted recommended changes to the original 1964 CHAP ordinance. On February 10, 2015, CHAP reviewed and approved its draft ordinance rewrite with several minor amendments. A bill based on this was then written and formally introduced. On May 12, 2015, CHAP considered and voted to recommend approval of City Council Bill #15-0529. The proposed ordinance would repeal and replace Article 6, Historic and Architectural Preservation, in the City Code. Below is a summary of key points and overall changes from the current ordinance:

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

Over 50 years' time, the existing ordinance has come to include varying terms or language, making reading and understanding of some of its points difficult. This bill would resolve these issues.

CCB 15-0529 eliminates the Special List and replaces it with the Potential Landmark List:

Subtitle 5 covers designation of potential landmarks. The intent of the Potential Landmark List is to protect an historic structure while it is in the process of being designated a Local Landmark. CHAP may recommend a potential landmark at a public hearing after posting the property for at least 30 days. Also, the draft ordinance would allow for postponement of a 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 approval at a CHAP hearing), protection for the property lasts for 180 days unless a City Council bill to landmark it is introduced. If a CC Bill is introduced within 180 days, then the property stays on the Potential Landmark List for up to one year from the date of introduction of the bill. After one year the property is automatically removed from the Potential Landmark List if a landmark designation ordinance is not enacted by the Mayor and City Council. CHAP may not place a property back on the Potential Landmark List (i.e., try again) for two years or until start of a new Council session.

Background: The current ordinance allows CHAP to create a "Special List" and place structures on that list by approval at a public hearing. Once a structure is placed on the Special List (by CHAP approval only), CHAP must review all exterior changes. If the exterior changes (or demolition) are inappropriate, then HCD, the current "Building Official," will postpone issuance of that requested permit for six months. A property now remains on the Special List until CHAP votes to take it off.

CCB 15-0529 requires the CHAP Executive Director to create an Inventory of Historic Places (Subtitle 6):

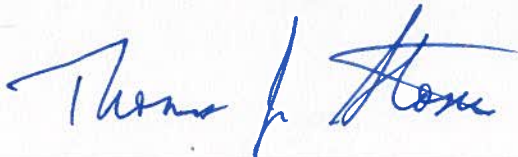
The Inventory of Historic Places is NONREGULATORY and serves as a research and documentation planning tool. The Inventory will be used to identify future landmarks or districts, and to provide historic contexts to planning documents such as area master plans. It will be an informational tool and will be placed on the CHAP website.

CCB 15-0529 clarifies the CHAP role for reviewing municipal structures (Section 8-13) that are owned by the Mayor and City Council AND:

1. have been or are 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; or,
2. have been or are being aggregated by or for the City for redevelopment under authority of a master plan or urban renewal plan; or,
3. meet any other criteria adopted by CHAP rule or regulations for structures requiring review under this section. These criteria would be adopted in a public hearing and CHAP would work proactively with fellow City agencies to create and implement these criteria after the ordinance is adopted. From time to time, the Commission could revise these criteria.

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

Notification: Planning and CHAP staff notified 1,153 community associations and other interested parties City-wide in advance of the CHAP hearing of this bill held on May 12, 2015, and of this Planning Commission hearing today.



Thomas J. Stosur
Director