



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Laurie Feinberg
Acting Director

October 18, 2018

REQUEST: City Council Bill #18-0292/ Urban Renewal – Market Center – Amendment 19

For the purpose of amending the Urban Renewal Plan for Market Center to reauthorize the acquisition of properties within the Project Area and to extend the life of the Plan; 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: Christina Hartsfield

PETITIONER: Councilman Costello

SITE/GENERAL AREA

The Market Center Urban Renewal Plan area generally encompasses downtown west of Liberty Street, east of Martin Luther King, Jr. Boulevard, south of the Mount Vernon and Seton Hill historic districts, and north of Ridgely's Delight and the Inner Harbor. Much of the area URP correlates with the area of Downtown known as the Westside, which has a mix of commercial, residential, institutional and hospitality land uses.

HISTORY

The Market Center Urban Renewal Plan (URP) was established by Ordinance #77-579, dated November 16, 1977. As written, the Market Center URP was set to expire November 16, 2017, 40 years from its adoption. On November 26, 2014, Ordinance #14-312 (Amendment 17) was enacted, which extended the term and acquisition authority of the URP to December 31, 2018. The last amendment to the URP was by Ordinance #16-553 to amend Exhibit 3.

ANALYSIS

City Council Bill #18-0292 proposes to amend Section D.1.(d) of the Market Center URP to renew the acquisition authority of the plan to December 31, 2022 and to also extend the term of the URP to December 31, 2022. Per Maryland Real Property Code §12-105.1 (2017), the legislative authority of the URP to acquire and condemn property must be renewed every four years. Since the current authority and term of the plan expires on December 31, 2018, an amendment to the URP is necessary for reauthorization and renewal.

By extending the term of the URP, the City can continue to use its acquisition and disposition authorities to assemble redevelopment parcels and apply standards for development that meet the use and design objectives of the Plan. The Baltimore Development Corporation is the City's

broker for city-owned properties in the URP. They manage 48 properties in Market Center, more than 25 of which are in some process of disposition for private development. The URP allows BDC to sell those properties without a separate sales ordinance, which would otherwise prolong the transaction time for real estate deals.

While these authorizations are important and still prove to be useful in facilitating development in the Westside district, the Plan also contains elements that are no longer applicable or inconsistent with other City codes or policies. The 2017 update of Baltimore City's Zoning Code incorporated the land use and design elements of the URP, so many aspects of the URP are now duplicative and add unnecessary regulatory reviews. Other components of the plan detailed below are also not applicable or no longer necessary:

- **The URP binds future development and renovation to the terms a Memorandum of Agreement that no longer exists.**

In 2001, the City and the Maryland Historical Trust entered into a Memorandum of Agreement (MOA) to preserve certain contributing structures to the Market Center National Register Historic District. The URP references the MOA and states that "all development and preservation standards as a result of renovations and redevelopment" must conform to it. In 2017, that agreement was terminated in lieu of two new local historic districts – the Five and Dime and Howard Street districts.

- **The prescription of "mixed" land use for each parcel is not consistent with intent of the Plan or current zoning.**

The URP encourages mixed-use development throughout the district. However, the Plan defines "mixed" as "two or more uses occupy[ing] the same parcel" and prescribes "mixed" use for each parcel in the Plan area. Since many properties are of a single use, the literal application of this regulation would make many of the properties non-complying.

The Zoning Code diminishes the need for the URP to regulate the development, use, and design of the built environment, as the Zoning Code more accurately reflects present-day land uses and development trends. Because of the Westside's historical mix of land uses, most of the properties that fall within the URP area were zoned C-5, the densest and most diverse commercial zoning category. This category permits the use of each parcel as one or more of many commercial, residential, institutional, industrial or open space uses to encourage the mixed-use neighborhood that the community desires.

- **The Baltimore City Design Manual incorporates the Design Guidelines for New Construction and Rehabilitation from the URP.**

Most of the standards in the Design Manual regulating the C-5 district derived from the design guidelines of the Central Business District and Market Center URPs. By doing this, the City ensured the ability to enforce quality design standards and protect the architectural integrity of the district when the URPs expire. Since modifications to the manual are approved by the Planning Commission and not legislatively, it will be easier to update the standards as design trends evolve.


- **The URP signage regulations do not reflect the trends of the market.**

Presently, the signage regulations of the Zoning Code are being redrafted to conform to the most current laws and trends. As proposed in the introductory bill, properties in the C-5 district will be permitted to install larger signage, in more locations, and with innovative technology. Having sign regulations that are compatible with the latest trends will be crucial for the City to recruit more retail and commercial tenants to Market Center. However, by renewing the URP, the sign regulations of the URP will still govern and will restrict the signage capacity of tenants in the URP area.

In recognition of the plan's importance in facilitating redevelopment of the Market Center area and realization that substantive amendments to CCB #18-0292 would be infeasible before the plan's expiration, planning staff recommends support of this bill. However, it is in the best interest of all stakeholders to take prompt action to further evaluate and update the URP in line with the new Zoning Code and contemporary community needs.

NOTIFICATION

The Market Center Merchant's Association, the Seton Hill association, the Mount Vernon Neighborhood Association, and the Baltimore Development Corporation have been notified of this action.



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