Please Note: This manual is currently being updated.

The Community Association's

Guide to the Development Process in Baltimore City

COMMUNITY LAW CENTER

LAWYERS FOR NEIGHBORHOODS & NONPROFITS

ABOUT COMMUNITY LAW CENTER, INC.

Community Law Center is Maryland's only legal services organization dedicated solely to strengthening neighborhoods and the nonprofit sector. We seek partnerships with community organizers, nonprofits, businesses, law enforcement, educators, and governmental agencies to realize each client's strategic goals. With staff attorneys and over 500 volunteer attorneys, Community Law Center is equipped to provide representation to neighborhoods and nonprofits for all of their legal needs.

Community Law Center empowers communities and nonprofits that lack the financial resources to pay for private legal representation. Community Law Center makes an important and unique contribution to the region as it utilizes its expertise and effectiveness in using the law to overcome or mitigate many of the social, economic, and environmental problems that plague neighborhoods. Through our programs, we have assisted in the formation and growth of community associations and nonprofits, facilitated the revitalization of blighted land and vacant structures, reduced crime and nuisance activities stemming from residential and commercial properties, and helped communities and nonprofits accomplish their goals and achieve their missions.

Other Publications Available from Community Law Center

How to Start a Nonprofit Organization in Maryland

Strengthening Baltimore's Neighborhoods: A Legal Handbook for Community Associations

Legal Tools for Urban Agriculture in Baltimore City

ACKNOWLEDGMENTS

The publication of this manual was made possible by SURDNA Foundation.

Community Law Center, Inc. wishes to acknowledge the contributions of several people who helped bring this manual to life. Staff members Kelly Pfeifer, Esq. and Kristine Dunkerton, Esq. wrote and edited this manual. Eric Tiso contributed to the 2019 updates. Barbara Bezdek, Esq., Reshard Kellici and Eric K. Hontz contributed to early drafts of this manual. Additionally, Dorcas Gilmore, Esq., Robin Jacobs, Esq. and Becky Lundberg Witt, Esq. reviewed drafts of the manual.

The following publications were reviewed and relied upon in drafting this manual: *The Tracking Toolbox* by The Partnership for Working Families, *Development Guidebook* by Baltimore City Department of Planning, and *Site Plan Review Guidelines* by Baltimore City Department of Planning.

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We hope you find this book useful. Should you need additional information about our services, please contact:

Community Law Center, Inc.
3355 Keswick Road, Suite 200
Baltimore, MD 21211
410-366-0922
www.communitylaw.org

Design by KTDCreative

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A Voice In Development Projects

Chapter 1

Introduction

COMMUNITY LAW CENTER HAS WORKED WITH COMMUNITY ORGANIZATIONS IN THE BALTIMORE AREA FOR OVER 30 YEARS.

During that time, Community Law Center has seen countless situations where community organizations expressed concerns about land development proposed in their neighborhoods. Often, they knew little or nothing about the planned development, and simply wanted an opportunity to talk with the developer. In many situations, the community was fully supportive of the new development, and in many other situations, the community opposed some or all of what was proposed to be built in their neighborhood. No matter the scenario, Baltimore's communities truly care about what happens in their neighborhoods. Communities want a voice in the development projects that impact them.

New development can bring all sorts of things to a community – new housing, commercial or retail space, industrial or manufacturing uses, schools, and parks. Sometimes these are resources the residents of the community need, and at other times, residents do not see their needs reflected in the proposed development. Sometimes a community may seek simple, minor changes to the development plans. Other times, a community may seek major changes to development plans, based on concerns about construction noise, traffic disruption, damage to their homes, local hiring, environmental pollution, and other impacts on quality of life. Regardless of whether the community supports or opposes the planned development, community organizations need a voice in the decision-making process from the outset.

Baltimore's communities truly care about what happens in their neighborhoods.

This manual provides a basic overview of the development process in Baltimore City and advises community leaders about ways to insert themselves into the process. Community organizations should contact Community Law Center as soon as possible when development-related issues arise, as legal representation is often highly advisable and every situation requires advice specific to the circumstances involved.

Throughout this manual, a sample development scenario is presented at the end of each chapter in an effort to further illustrate the various topics covered. While entirely fictional, the scenario reflects existing laws and policies in place at the time of publication.

Getting Organized

For any community organization to effectively participate in the development process, it must first be properly organized. Community organizations can take many forms, ranging from loosely-gathered groups of neighbors to highly structured 501(c)(3) tax-exempt organizations. Readers should refer to Community Law Center's *How to Start a Nonprofit Organization in Maryland* for more information about proper formation of nonprofit organizations.

At a minimum, the community should have a decision-making structure in place. Typically this structure is outlined in a document called bylaws.

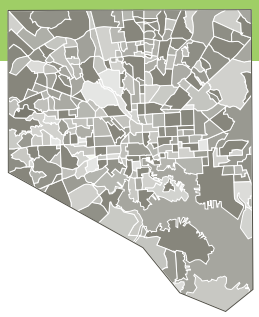
Bylaws detail, among other things, who gets to make decisions, how to make decisions, how to convey information, and who speaks on behalf of an organization. These policies should be spelled out in detail in written form. *How to Start a Nonprofit Organization in Maryland* provides additional information on bylaws, including sample bylaws.

Before forming an opinion about a development, a community must first know about it. If a community does not know what is happening in its own neighborhood, it cannot have an effective voice in the development process. Communities learn about proposed development via a number of methods, including the following:

1. Designating a committee or an individual to track developments in the neighborhood.
2. Making a connection with the neighborhood's Community Planner from the City's Department of Planning, who can alert communities to new development proposals in the neighborhood (https://planning.baltimorecity.gov/planning-divisions/comprehensive).
3. Watching the Board of Municipal and Zoning Appeals docket for hearings on properties within the neighborhood's boundaries (https://zoning.baltimorecity.gov).
4. Reading local newspapers and blogs to learn about new projects.

In addition to tracking developments, communities gather information by maintaining and developing public visibility and fostering good relationships by:

1. Creating a welcoming environment for developers, so that they feel comfortable approaching the community organization to share information about planned developments.
    a. Creating a website and including contact information (and keeping the information up to date).
    b. Registering with the Baltimore City Department of Planning to be included in the Community Association Directory (http://www.baltimorecity.gov/Government/AgenciesDepartments/Planning/OnlineCommunityAssociationDirectory.aspx) (and keeping the information up to date).
2. Working together with neighboring community associations and/or umbrella organizations.
3. Maintaining a positive reputation by being approachable and reasonable in interactions with developers and city agencies.



There are many steps any organization should take when evaluating its readiness to approach development projects within its boundaries.

4. Create an account through Gov Delivery to receive notices from the Department of Planning and other agencies (https://govedeline.com/accounts/MDBALT/subscriber/new).

It is extremely important for communities to learn about development proposals as early as possible. The more a community knows about a proposed development, the better the community can evaluate the project and decide its position. The earlier the conversations start, the better the chances are for positive interactions and successful negotiations (if desired). By collecting detailed information on development projects in their neighborhoods, communities will ensure that their organizations will be able to take advantage of as many opportunities as possible to strategically insert themselves into the processes that determine what those projects become.

Depending on the capacity of an organization, it might not be plausible to run a full-time development monitoring system. However, if it is within the scope of the organization's mission to exert influence over the type of development that is entering the community, the organization needs to develop a strategy for being in the loop. Learning about development projects too late means the organization may not possess the power to impact the project.

Additional Initial Steps

There are many steps any organization should take when evaluating its readiness to approach development projects within its boundaries. Does the organization have a mission statement, and if so, does this type of work fall within that mission statement? Does the organization have a comprehensive strategy on how to determine which endeavors to undertake? How does the organization prioritize its goals? These topics and more are discussed in detail in Community Law Center's *Revitalizing Baltimore's Neighborhoods.*

A Better Community, Inc. ("ABC") is a community association in Baltimore City, Maryland. The association represents a diverse neighborhood that is experiencing a renewed interest from developers due to its location and proximity to amenities. While residents share excitement about the prospect of growth and development in the area, they also share concerns about the kind of development that might take place. They want to maintain affordable housing, preserve the historic character of the neighborhood, and protect the environment, among other goals. Over the past few years, the community has watched the construction of new projects without an opportunity to voice their opinion. With a new proposal of a residential development on its way, the community association wants to ensure that its opinions are expressed and heard, and that it has a say in what is eventually built.

After talking with an attorney from Community Law Center, the ABC board meets to set forth a plan for approaching development in its neighborhood. It designates one board member, Sue Smith, to be the key point of contact for the organization on development issues, and establishes a Land Use Committee with Sue as the chairperson. The board delegates to the committee the following tasks:

1. Identify their assigned Community Planner in the Department of Planning, and invite him or her to an upcoming ABC meeting to talk about development proposals in the neighborhood.
2. Contact the Board of Municipal and Zoning Appeals (BMZA) and request to be added to their email list that distributes zoning hearing dockets.
3. Set up a process for monitoring local news sources for proposed development.
4. Establish a standard process for inviting developers to present plans to the community, which may include developing a website or some other means of ensuring that developers know how to reach ABC.
5. Register with the Department of Planning's online Community Association Directory, and regularly update the contact information.
6. Create an account through Gov Delivery to receive notices on a variety of topics from government agencies.
7. Begin conversations with neighboring community associations to learn how they approach discussions about new development and identify possible opportunities for collaboration.

Knowing that a new development was looming on the horizon, Sue convenes the new committee and sets a goal of accomplishing the above list of items within one month's time.

Opportunities for Public Involvement

Chapter 2

The Development Process in Baltimore City

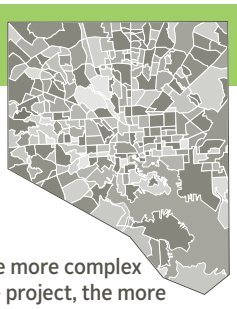
BEFORE ANY COMMUNITY ORGANIZATION BECOMES AN ACTIVE PART OF THE DEVELOPMENT PROCESS, IT MUST FIRST UNDERSTAND WHAT THAT PROCESS ENTAILS.

Knowledge about the various steps and the opportunities for public involvement empowers community residents and gives them opportunities to get involved. Land use is governed primarily at the local government level with some federal and state overview. As such, each municipality reviews land use in its own way, and community leaders should learn about their own jurisdiction's process. This chapter outlines the government review process in Baltimore City.

A mayor and city council governs Baltimore City. These elected officials enact and enforce legislation of all kinds, including legislation that impacts land use and development. They also oversee the various departments that run the city, including the Department of Planning (which oversees development), and appoint members to the Planning Commission and Board of Municipal and Zoning Appeals, both of which play important roles in development in Baltimore.

Typical Development Process

Every development project begins with an idea and a piece of land. Sometimes the owner of the land wants to build something, but sometimes someone else – perhaps an investor – comes up with an idea for the property. There are many steps, however, between the initial idea and the completion of construction. Depending on a variety of factors, including the size of the project, the financing needed, and any potential complicating factors (such as environmental issues), a development project may be accomplished within less than a year or it may take years to complete.



The more complex the project, the more approvals it requires.

Early on in a development project, the developer comes up with a concept plan for the project. This concept plan is typically a simple graphic plan noting general ideas for types of land use and approximate locations and sizes. This plan might show bubbles or simple squares to note where the buildings and parking lots will be located, and lines and arrows to show vehicular and pedestrian access. This plan may be used to elicit funding from private investors, loans, or tax benefits. The developer may also bring the early conceptual plans to the City for preliminary discussion and review. Ideally, there is community input at this early stage in the development process, but it would most likely be through efforts of the developer and community to start discussions and not through the City review process, which does not generally anticipate or solicit public input at this phase.

Once a developer refines a concept plan and lines up funding, the developer has more detailed designs and architectural plans drawn up for the project. The developer submits the plans to the City to obtain necessary approvals before construction, and the City conducts its development review process. Throughout this process, and depending on the scale of the development, the developer may bring together a team of professionals to assist with the project, including architects, engineers, lenders, attorneys, and others.

The size or scope of a project generally determines how it is routed through various City agencies for approval. For the most part, the more complex the project, the more approvals it requires. At each

approval stage, there may be opportunities for the community to involve itself in the development process. Additionally, any involvement by the City in the development process (i.e. using special tax incentives or other tools that aim to spur development) also provides community groups an opportunity to raise concerns.

By-Right Development

The City uses the designation *"by-right"* when proposed plans for a property do not require a public hearing or meeting because they comply with all zoning and other code regulations. The application goes through the standard review process as described below, but that completes the review. By-right development allows for little – if any – opportunity for public comment, since it is compliant with all laws and regulations, which means public opinion is not considered in any formal manner.

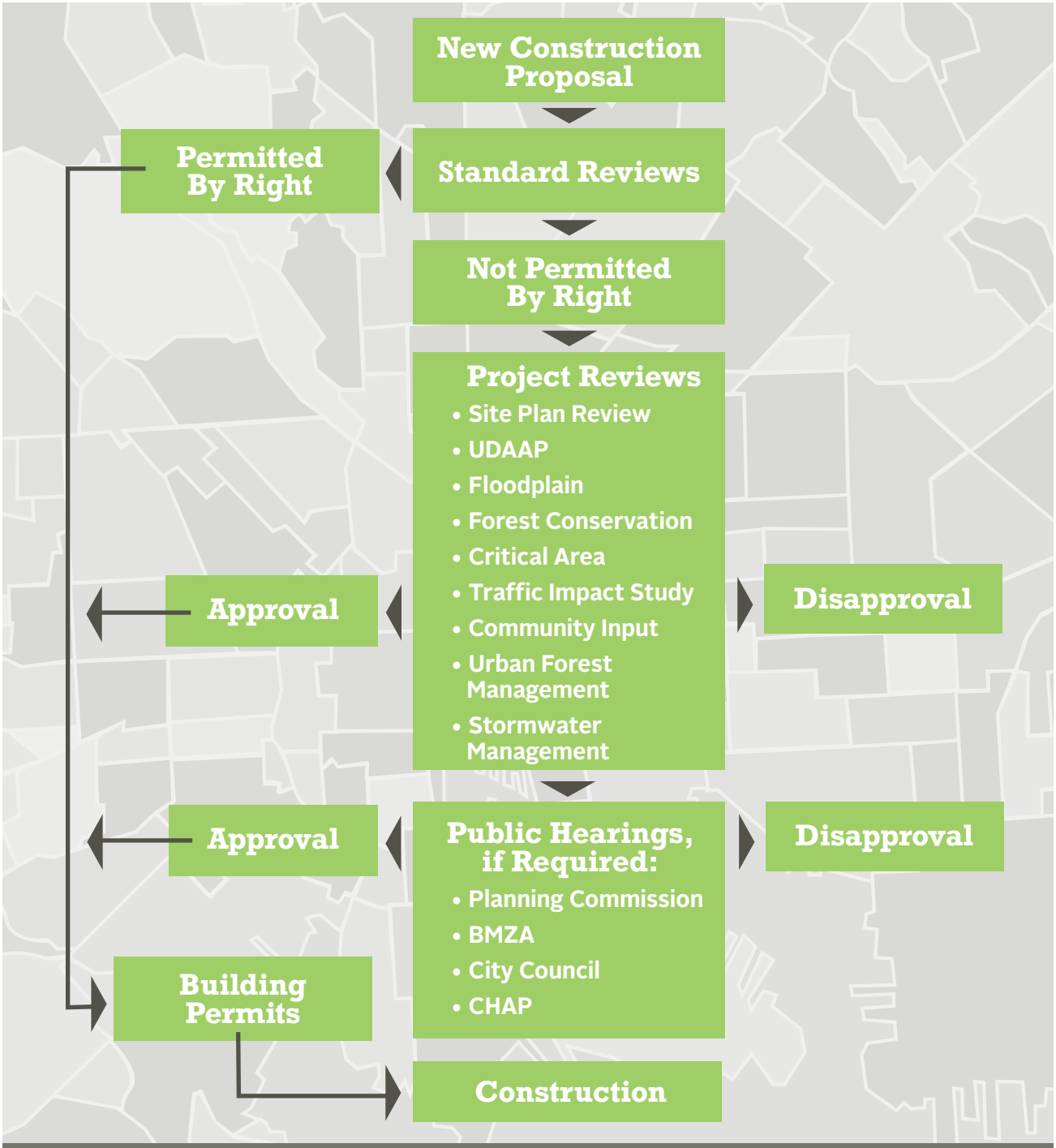


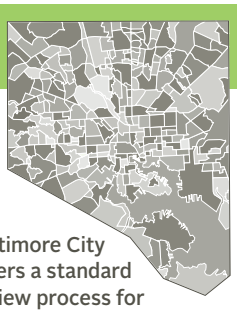
Figure 2.1 ***Typical Development Review Process in Baltimore City Access Planning Department Resources on the topics here: https://planning.baltimorecity.gov/planning-resources***

Standard Review Process

Baltimore City offers a standard review process for most development projects. The departmental review, usually conducted simultaneously by multiple City departments, is generally not open for public comment, except in certain special situations. Each review is explained below.

Site Plan Review Committee

While most projects will be reviewed by the Site Plan Review Committee (SPRC), simpler projects that meet the applicability requirements are reviewed administratively. Community groups should become familiar with the SPRC review process. While there is generally not an opportunity for public comment during this particular review, comprehending the steps and departments involved will be helpful in understanding the development process as a whole. Additionally, communities should make their comprehensive planners aware of any concerns so they can raise them during this internal review process in an informal manner. The Department of Planning publishes the Site Plan Review Manual online (http://planning.baltimorecity.gov/sites/default/files/SitePlanReviewManual.pdf).



Baltimore City offers a standard review process for most development projects.

The SPRC reviews and makes recommendations to the Planning Commission for development plans accompanying building permit applications, subdivision and development plans, residential developments (other than single family and semi-detached dwellings), commercial and institutional developments, renovations, and parking lots. This process aims to ensure that proposed projects meet the requirements of the Baltimore City Zoning Code and the City's Comprehensive Plan, as well as subdivision regulations, building codes, and environmental regulations. Additionally, the process looks at aesthetics, circulation (both vehicular and pedestrian), and development goals for the city in general.

Member agencies of the Site Plan Review Committee include the following:

- Department of Planning (Chair)
- Office of Sustainability (a subset of the Department of Planning)
- Department of Housing and Community Development
- Parking Authority of Baltimore City
- Department of Public Works
- Department of Transportation

The Zoning Code requires SPRC review when a proposal includes any of the following:

- New construction if:
  - The development involves over 15,000 square feet of gross floor area;
  - The project proposes multiple principal structures on a single lot; or
  - There is multi-tenant commercial development proposed, including mixed-use development.
- Subdivision of land.
- Additions and/or major structural alterations to an existing structure that result in a 50% increase in the gross floor area of the existing structure prior to addition or alteration, excluding single-family detached and semi-detached dwellings.
- Planned Unit Developments (PUDs, discussed later in this chapter).
- Conditional uses, unless fully contained within an existing structure.
- Parking lot or structure containing five or more spaces.
- Any use including drive-up/drive-thru facilities or a walk-up component.
- Any development within an environmentally sensitive area, including projects within the 100-year floodplain and projects within the buffer of the Critical Area (discussed later in this chapter).
- Urban agriculture or a community-managed open-space farm.
- Any development around the Inner Harbor.

Urban Design and Architecture Advisor Panel (UDAAP)

All proposed development projects in Baltimore City that require site plan review also require architectural design review. At minimum, this review consists of Department of Planning staff review, but large scale development projects will additionally require review by the UDAAP.

UDAAP meetings are open to the public, and agendas for meetings are emailed a week in advance to interested parties and posted on the Department of Planning's web page (https://planning.baltimorecity.gov/commissions-review-panels/udaap). To participate in this process, a community organization may submit a written statement by email or fax to its Community Planner to be

passed along to UDAAP in advance of the meeting date. The written statement must be received by UDAAP early enough before the date of the meeting for its timely distribution to Panel members. In general, persons attending UDAAP meetings are just observers, but at the Panel's discretion, those attending may be recognized to make brief statements related to architectural design issues only. UDAAP typically does not hear comments about opposition to the project in general.

Traffic Impact Study

City laws require a complete Traffic Impact Study (TIS) for certain new and redevelopment projects:

- Residential developments of 100 or more dwelling units; or
- An impact area (determined by the Department of Transportation) that includes a building 15,000 square feet or greater and an intersection performing at level of service D (which generally means that traffic speeds decrease as volume of traffic increases, and maneuverability becomes limited); or
- A gross floor area that equals or exceeds:
    - For a warehouse use, 150,000 square feet; or
    - For any other use, 50,000 square feet.

City of Baltimore laws require sustainable development.

The developer pays for completion of a Traffic Impact Study and then sends it to the Department of Transportation, Transportation Engineering Division and Planning for review.

Few formal opportunities exist for public input into the Traffic Impact Study process. Parking and traffic, though, often present major concerns for neighbors living near a new development project. Community representatives may still seek to provide comments on the anticipated traffic impact directly to the Department of Transportation. Current contact information may be found on the Department of Transportation's web page (https://transportation.baltimorecity.gov/).

Environmental Review

City of Baltimore laws require sustainable development – development that meets the environmental, social, and economic needs of the city while not limiting future generations. Additionally, the City encourages developers to explore additional options for efficient site design and sustainable building practices (both during and after construction).

The following reviews are conducted for the environmental review (as required):

Forest Conservation

The Maryland Forest Conservation Act was passed by the General Assembly in 1991 and is intended to conserve the State's forest resources. Each jurisdiction was required to adopt regulations to enforce the Act. Baltimore City's local regulations are contained in Article 7, Section 41-1 of the City Code.

Developments that disturb more than 20,000 square feet of land or divide a lot of 20,000 square feet or more are subject to the requirements set out in the Act. In these situations, the developer submits a Forest Stand Delineation plan, showing where forest exists on the site, which is reviewed before the project goes to the Site Plan Review Committee. Additionally, the developer is required to submit a Forest Conservation Plan, which could include preservation of the trees on the site or off-site tree planting to replace trees removed for development.

If no forest exists, then there is a streamlined review process, but it is important to note that it is impermissible to clear a development site of trees before entering into the review process. (Violations of the Act are generally punishable by monetary penalties.) The developer must submit a landscape plan as part of this process.

Sites located within the boundaries of the Critical Area Regulations are exempt from the Forest Conservation Act (see description of Critical Area Regulations below).

No building permits can be issued until the appropriate agencies review and approve both the Forest Stand Delineation and Forest Conservation Plan. A complete description of requirements is available in the Natural Resources title of the Maryland Annotated Code (http://www.baltimorecity.gov/Portals/0/agencies/planning/public%20downloads/ForestConservation.pdf).

The Department of Planning has adopted a Landscape Manual (https://planning.baltimorecity.gov/sites/default/files/BaltimoreCityLandscapeManual_AdoptedMay252017.pdf) to define landscaping requirements for all development and redevelopment projects that involve over 5,000 or more square feet of disturbance.

Critical Area Zoning Overlay District

The State of Maryland Chesapeake Bay Critical Area Law establishes the Critical Area, a protection zone around and including the waters of the Chesapeake Bay. The City's Critical Area Management Program (CAMP)/Zoning Overlay District establishes guidelines for development of properties within the waters and lands under the Chesapeake Bay and within a 1,000-foot strip of land beyond the mean high tide line or the bulkhead (known as the buffer). A map shows which properties are located in the overlay district (http://www.baltimorecity.gov/Portals/0/agencies/planning/public%20downloads/2010/CriticalAreaMap.pdf).

If the site is within the Critical Area, any of the following actions will trigger Critical Area review:

- Building/grading permit;
- Rezoning;
- Subdivision;
- Conditional use (zoning); or
- Variance (zoning).

Upon notification of a proposed development, the Department of Planning staff determines if the project is within the Critical Area and notifies the developer if any of the above actions will prompt what is termed significant review based on the following criteria:

- If there is any disturbance (defined as breaking the soil) in the buffer;
- If there is a disturbance of 10,000 square feet outside the buffer; or
- If improvements are being made to an existing structure that are 50% or more of the base full cash value of the property.

The permit set must include approved CAMP designs for stormwater management, landscaping, and any other CAMP mitigation.

Floodplain Management

Properties located within a floodplain area are subject to numerous special requirements of the building codes, Zoning Code, and subdivision regulations (http://www.baltimoresustainability.org/floodplain). Some of these requirements are:

- The lowest floor elevation of new or substantially improved residential structures must be at a minimum of two feet of free board above flood elevation.
- Adverse impacts on aquatic and terrestrial habitat and their related flora and fauna from any development in a floodplain district must be minimized.

Green Building Requirements

Baltimore City has adopted the International Green Construction Code for commercial and certain multi-family residential buildings.

To determine applicability, a Green Building Statement of Compliance must be submitted to the permits and code enforcement office of the Department of Housing and Community Development. (https://dhcd.baltimorecity.gov/ce/green-building-std).

Stormwater Management

A stormwater management review may be initiated if a development will disturb more than 5,000 square feet of land. In that case, the developer will submit its plans to the Department of Public Works' Water and Wastewater Division (Surface Water Management group) for review.

Grading/Sediment & Erosion Control

Any project which involves site disturbance of 5,000 square feet or greater must include sediment and erosion control plans. During the planning stage of such a project, the Environmental Engineering Section of the Department of Public Works must approve the plans before their submission to the Planning Commission.
For a full overview of the permit process and who needs to obtain permits, see Baltimore City's permit page (http://www.baltimorehousing.org/permit_procedure).

Opportunities for Public Comment

Many proposed projects do not meet all of the standard requirements for development, and, as such, will trigger additional review beyond the site plan review process. The following situations require public hearings, and, accordingly, allow significant opportunities for the public to weigh in on proposed development.

Rezoning

Baltimore City updated the Zoning Code in 2017 (http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf). The new code and zoning maps mean that fact-finding must uncover that either: 1) the character of the neighborhood has changed since 2017, or 2) there was a mistake in the existing zoning classification. A zoning change will not be allowed in any other circumstances.

Additionally, the Planning Commission must first find the change to be in the public interest and not solely for the interest of the applicant.

The Zoning Code requires that notice of the

proposed zoning change is placed in a conspicuous place on the property. The City Council, which has the authority to approve zoning changes, will consider the needs of the City and of the neighborhood that surrounds the property in its consideration for the approval or denial of the request. This will be done at a public hearing where residents are able to comment.

Other Zoning Requests

Two types of zoning requests automatically trigger public hearings: conditional uses and variances. These requests, and the public hearings where they are considered, are outlined in Chapter 4.

Planned Unit Developments (PUDs)

Planned Unit Developments (PUDs) allows a flexible approach in development, while creating a binding agreement for the development plans and a timeline for that development. A PUD can be canceled for failure to comply with the requirements agreed upon. The approval of a PUD is similar to that of a rezoning, requiring City Council approval (in the form of an ordinance) after a public hearing. The ordinance ultimately passed by the City Council to approve the PUD may include restrictions and limitations based on community input.

Landmark and Local Historic District Designations

Landmark or local historic district designations are created by ordinance through the City Council legislative process. Any changes made to a Baltimore City landmark or to a property within a local historic district must be presented to the Committee for Historical and Architectural Preservation (CHAP). CHAP is an independent agency of the City and carries the mandate to review and approve any change to a building which is either designated a landmark or located within a historic district; this approval must come before a building permit can be issued.

Urban Renewal Plans

If a proposed project is located within an area governed by an Urban Renewal Plan – a written document designed to guide development in a particular part of the city – additional guidelines must be followed. Urban Renewal Areas can be more restrictive than other applicable ordinances such as the Zoning Code. A list of current urban renewal plans is provided on Baltimore City's website (https://planning.baltimorecity.gov/planning-plans/urban-renewal).

Special Purpose Districts

Special Purpose Districts are outlined in the Zoning Code. Overlay Districts have an additional layer of regulations that are superimposed on the regulations of the underlying zoning district. The zoning code provides standards for:

- Office-Residential Districts;
- Transit-Oriented Development Districts;
- Educational Campus Districts;
- Hospital Campus Districts;
- Transportation Districts;
- Waterfront Overlay Districts;
- Rowhouse Mixed-Use Overlay Districts;
- Detached Dwelling Mixed-Use Overlay Districts;
- Adult-Use Overlay Districts, and;
- Port Covington District.

Special District descriptions and standards are in the Zoning Code (http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf).

Permits

Developers must obtain required building permits before beginning construction. Various inspections are required throughout construction. The building may not be used at the completion of construction before a certificate of occupancy is issued.

After convening ABC's Land Use Committee and accomplishing its initial list of tasks, Sue realizes that she and the other committee members did not know a great deal about how developments are planned and approved in Baltimore City. She contacts Community Law Center and obtains a copy of this manual to read for an introduction to the process. She also speaks with ABC's Community Planner from the Department of Planning and locates the Zoning Code online. Next, she attends a couple of Planning Commission and Board of Municipal and Zoning Appeals hearings to see how the hearings work, which helps her to feel more comfortable with the notion of potentially appearing at hearings in the future.

Sue also investigates whether the ABC community is located in any sort of special district that would lead to any different types of considerations for proposed developments. Additionally, she learns that an Urban Renewal Plan had been adopted for the ABC community several years ago. The Urban Renewal Plan outlines general ideas and limitations for future development in the area. Sue also finds that there is not a historic district in the ABC community, even though the area definitely has many old buildings.

All of this work certainly keeps Sue and her committee members busy, but by getting organized and learning about the development process before a new development proposal is put on the table, they know they will be prepared when there is a project ready for them to review.

Before long, they learn that the new development they had heard rumblings about is really in the works. They know it is time to get down to business if they want to have a chance to have an impact on the development.

Find Who is Involved

Chapter 3

Identifying and Contacting Property Owners and Developers

A COMMUNITY ASSOCIATION WILL OFTEN LEARN OF A PROPOSED DEVELOPMENT – PERHAPS BY NOTICING A PUBLIC NOTICE SIGN FOR AN UPCOMING ZONING HEARING, OR THROUGH THE RUMOR MILL – AND WANT TO FIND OUT MORE ABOUT THE PROJECT.

It is always wise for interested parties to contact the developer to ask for plans and engage in a conversation. However, if the association does not know who owns the property, it can be really difficult to do this. This chapter offers instructions on how to identify property owners and obtain their contact information.

Identifying Property Owners

In Maryland, the ownership of real property is a matter of public record. The Maryland State Department of Assessments and Taxation (SDAT) maintains records on every parcel of real property for the entire state of Maryland. SDAT has the property owner's name and address for the person who last purchased the property and recorded the deed, except when the property's ownership has changed so recently that the change has not yet been recorded by the Land Records office. SDAT is also the agency that retains information on business entities operating within Maryland.

SDAT's website address is dat.maryland.gov. The home page contains links to the various searches the site offers. Community leaders should follow these steps to use the SDAT website to identify the owner of property in Baltimore City:

- Click *Search the Real Property Database*.
- Click on the pull-down menu and select *Baltimore City*.
- Click on the next pull-down menu on the same page and select *search by street address*.
- Click the *Continue* button to proceed to the next page.
- Enter the street number in the blank field requesting *street number*.
- Enter the street name in the blank field requesting *street name*. Follow the instructions for entering text in the blank fields. Do not enter any street direction (such as North or East) or street name suffixes (such as Road or Street).
- Click on the *Next* button.

The resulting page should be SDAT's assessment information on the property. It displays the name and mailing address (which may well be different from the property address, if the owner does not actually reside at the property) of the owner of record, as well as value information and recent sales of the property.

Business Entities

If the real property data search shows that the current owner of the property is a business entity, a community leader may wish to navigate back to the SDAT home page for a search for information about the business, following these steps:

- Click the *Search the Business Database* link.
- Enter the business entity name (as listed on the real property data sheet) in the blank field requesting entity name.
- If more than one entity is listed on the resulting page, select the one that most closely matches the name from the real property data sheet.
- Click on *General Info*. to obtain information about the entity.

The resulting page should be SDAT's business entity information. The entity's mailing address will be listed, as well as contact information for

the entity's resident agent (the individual who is responsible for accepting documents on behalf of the entity). In addition to contact information, the website may provide some entity formation documents. Community leaders may wish to look at any available documents an entity has filed, such as the corporate charter (also known as articles of incorporation), to look for the names of any individuals who have signed documents (who may be additional possible contacts). All of the information found on the website is printable, including many of the documents filed with SDAT.

Community Law Center's publication, *Strengthening Baltimore's Neighborhoods: Legal Tools for Community Associations* contains additional information about locating property owners.

Contacting Property Owners

Once the owner of a property has been identified, a community association should contact the owner to obtain more information about the proposed development. In the absence of a phone number or email address, neither of which are typically listed on public documents, sending a letter to the entity or individual at their mailing address is a good starting point.

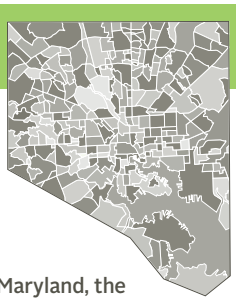
The letter should be sent by the community association, on community association letterhead if possible, and sent with a return address of the community association (if the association has its own mailing address). The letter need not be detailed or express any opinions about the development; it should merely state that the proposed development falls within the community association's boundaries and the association would like to obtain information about the project. The association could invite the developer to speak at a community meeting or to the board of directors.

It is important that any contact with the developer is cordial and professional. Starting off on the wrong foot – even if the community feels harmed by the developer and is offended that the developer has not already reached out to the community – could establish a negative relationship. A community never wants to be perceived as unreasonable or difficult to work with in these types of situations, as that might lead to problems down the road. Having open and polite communication with developers is key, and communities should work hard to maintain positive relationships.

The letter could also be sent via email if an email address is known. In either case, it is important to maintain a copy of what was sent. Sending a letter by certified mail can be a good idea, since the sender will receive proof that the letter was received by the intended recipient. This can be helpful later in some situations.

Identifying Developers

In many instances, the person or entity planning to develop the property is not actually the owner of the property. Developers often enter into purchase agreements with property owners, contingent on obtaining necessary government approvals and financing to proceed with their projects.



In Maryland, the ownership of real property is a matter of public record.

Unfortunately, there are few methods of identifying potential developers of properties, other than asking the property owner (once identified) and contacting officials at the Department of Planning. Once the name of the entity is identified, community leaders can find contact information for the entity through the SDAT Business Entity Search if it is not made available in other ways. Often, an attorney is the point of contact for a developer. Community leaders should not be dissuaded from contacting the attorney to request information about the proposed project. However, if the community association is represented by an attorney, their attorney should be the one to contact the developer's attorney.

While members of the ABC community had heard that this new development was coming, they weren't sure who exactly was proposing the development. Sue knows she can find the owner of the property via the State Department of Assessments and Taxation website, so she conducts a search there. She finds the owner's name – Paul Peters – and sends a letter to his mailing address, requesting more information about the proposed development. Simultaneously, she reaches out to their Community Planner, who is able to give her the name and contact information for the developer of the property.

Sue contacts the developer, Baltimore Builders, for an initial conversation about the project. Although Sue and some of the other ABC leaders have some apprehension about the proposed development, they offer the developer time on their next community meeting agenda, so that everyone will have a chance to learn about the proposal, ask questions, and offer feedback.

At the meeting, the developer's representative, Richard Roberts, shares large poster boards showing drawings of the proposed development, which will primarily consist of a condominium building located directly adjacent to a large public park that has long been a valued community resource. Residents have a chance to ask questions and voice concerns. One of the largest concerns voiced is about traffic and parking. The streets in the neighborhood are already congested, parking is at a premium, and residents are worried that the addition of numerous condos in the area would make things worse. Additionally, residents are concerned that the condominium buildings, proposed to be six stories tall, are going to be too tall in their neighborhood of primarily two- or three-story rowhouses, and some citizens are concerned that they will lose access to the park. At the same time, many community members are excited to see this proposal, which they think might reinvigorate the neighborhood and ultimately lead to other desired development, like new restaurants and shops.

Baltimore Builders shares that they have submitted their plans to the Department of Planning and, as such, the plans are making their way through the Site Plan Review process. Sue knows, based on her research, that the Site Plan Review process includes several departments conducting simultaneous reviews, and that there is little room for public input. However, she also knows she can contact their Community Planner and also their City Councilwoman to voice opinions. She takes careful notes of the comments made at the community meeting and also arranges for other ways of gathering input, by sending a message to the neighborhood email list and arranging a meeting of the Land Use Committee that will be open to the public for comment on this particular proposal.

How Land May Be Used

Chapter 4

Zoning

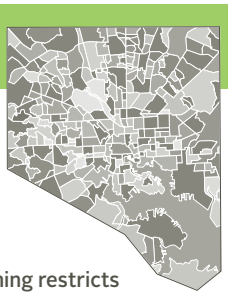
ZONING IS A LEGISLATIVE PROCESS THAT ASSIGNS CERTAIN CATEGORIES TO VARIOUS PIECES OF LAND THROUGHOUT A MUNICIPALITY.

Each category – or zone – covers two general aspects of how property may be used and developed: 1) the way the land may be used, and 2) the general physical characteristics or layout of anything built on the land. Each piece of land in Baltimore City is assigned a zoning category on a map, and each category is described in the Baltimore City Zoning Code. This chapter provides an overview of zoning in Baltimore City.

NOTE: At the time this manual was originally published (September, 2013), the updated version of the Baltimore City Zoning Code had not yet been adopted. This manual is currently being updated. All sections of the manual may not yet be fully up-to-date to the current code.

How Zoning Impacts Development

Zoning restricts how property may be used and what it must look like, and, as such, any proposed development in Baltimore City must be reviewed for compliance with its underlying zoning designation. A zoning review can be triggered both when development plans are submitted to the Department of Planning for preliminary review and when construction drawings are submitted for permits. The Zoning Administrator is tasked with this review, where he or she will determine the property's zoning by looking at the zoning map, and then check the Zoning Code to ensure that the proposed development is in compliance in both land use and layout (as discussed later in this chapter). If the development complies with the provisions outlined in the Zoning Code, the owner of the property can by right (by law) proceed with that development without any further scrutiny of the zoning of the property. In many cases, however, a proposed development will not comply with the terms of the Zoning Code. In some of those situations, the development simply will not be allowed. But in many other cases, the property owner may ask for a special review of his project and request approval of the project by way of certain exceptions outlined in the Zoning Code. These exceptions will be discussed later in this chapter.



Zoning restricts how property may be used and what it must look like.

Reading and Understanding the Zoning Code

To be well-versed in the realm of zoning, one must be able to read and understand a zoning code. Each municipality has a different zoning code composed of different terms and requirements, so it is important to know that no two codes are alike. Also, readers should make certain they are looking at the most updated version of a zoning code at all times. While comprehensive updates may not be done for decades, a zoning code is revised through small legislative changes on a regular basis. Since this manual is focused on the development process in Baltimore City, Maryland, this text follows the Baltimore City Zoning Code (which is posted at http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf).

A zoning code includes a variety of topics, including some introductory statements, a discussion of how the municipality administers zoning rules, and

basic definitions to terms that appear throughout the code. It will also include sections on each general type of zoning district and discussions on exceptions to the rules in the code, namely variances, conditional uses, and nonconforming uses.

Zoning Districts

The Baltimore City Zoning Code references the following zoning districts: Open Space (OS), Floodplain Overlay (FP), Chesapeake Bay Critical Area Overlay (CBCA), Residence (R), Commercial (C), and Industrial (I), including Bio-Science Campus (BSC). Additionally, the code includes sections on other overlay districts, planned unit developments (PUDs), and off-street parking and sign regulations.

Each section of the Code describing a zoning district will include, generally, an overview introduction and then a subsection on each division of the district. For example, the Residence District section of the Baltimore City Zoning Code includes 15 subsections, including, among other things, R-1, R-3, R-7, and R-10. Each of these districts is residential in nature, but the various subsections cover different kinds of residential areas. R-1A to R-1 is for detached residential, R-2 to R-4 is for detached and semi-detached and R-5 to R-10 is for rowhouse and multi-family developments. The numbered subsections generally refer to the density of the development, with the density increasing with the assigned numbers (i.e., R-10 is denser than R-1).

Within each subsection of the Zoning Code, one will see that a number of topics are covered.

Part I: Use Regulations

- *Permitted uses* – The way the land can be used (the land use) by right. This is not always restricted to the name of the district; for example, in an R-1 zone, which is primarily residential, one could also use their land for a residential care facility or playground. These uses are described in the Tables section of the Zoning Code.
- *Accessory uses* – A use that is incidental and subordinate to the principal or primary use of the land. For example, a garage in the back of a lot that includes a single family house is an accessory use.
- *Conditional uses* – Types of land use that are not permitted uses (not allowed by right) but may be approved by either the Board of Municipal and Zoning Appeals (BMZA) or the City Council (by ordinance) following a public hearing on the matter.

Part II: Bulk Regulations

- Lot area and coverage – Outlines the minimum lot area (size of the property) and the maximum lot coverage (physical dimensions of the buildings on the lot).
- *Yards* – Prescribes minimum setbacks from front, rear, and side property lines.
- *Building height* – The zoning code provides maximum height for buildings, with the possibility of approval for increased height by conditional use.

Special Districts/Treatments

The Baltimore City Zoning Code also has a few special purpose and overlay districts. They are discussed in Chapter 2.

Planned Unit Developments (PUDs)

The Code also includes a section on Planned Unit Developments (PUDs), see discussion in Chapter 2.

Parking

An important aspect of any development plan is off-street (also known as on-site) parking. Whether a residential development or an office building or any other type of development is planned, the property owner must provide space for residents and visitors to park their vehicles. This section of the Zoning Code outlines the minimum size of a parking space, approved locations of parking lots/spaces on parcels of land, the type of access to the parking space, the surface material used for the parking space, and the number of spaces required per type of development.

Bicycle Parking

A certain number of bicycle parking spaces may be required depending on the use. Some uses may require both short-term and long-term spaces. (Table 16-705 in the Zoning Code).

Signs

The Zoning Code seeks to regulate the number, height, size, design and locations of signs. Table 17-201 in the Zoning Code summarizes sign regulations in each zoning district.

Exceptions

In certain situations, the Zoning Code allows uses and physical layouts that are not expressly permitted by right. These exceptions are generally known as *nonconformance, conditional uses*, and *variances*.

- *Nonconformance* – Refers to lawfully existing structures or uses that do not comply with the current zoning code. This means that they were in existence prior to the relevant zoning code's adoption.
- *Conditional use* – A land use which is not permitted by right but, due to unique characteristics, may be allowed in a district if approved by the BMZA or City Council.
- *Variance* – An adjustment to the physical layout requirements of the Code, granted by the BMZA or by the City Council in conjunction with a conditional use approval.

Each of these exceptions is addressed in detail in the Zoning Code.

Nonconformance

A *nonconformance* may be either a nonconforming use or a nonconforming structure. In either situation, the present circumstances on the property do not comply with the Zoning Code, but they were created lawfully prior to that section of the current Zoning Code's existence. As such, the Code allows the use or structure to remain. If a property owner stops using a property with a nonconforming use for that use for a certain amount of time, the owner will not be able to reinstate the nonconforming use and must then abide by the current Zoning Code moving forward. Similarly, the same general principle holds for the discontinuances of nonconforming structures.

Conditional Use

A *conditional use* is a land use that must be considered and approved by either the BMZA or the City Council. The consideration by the BMZA or City Council must include the impact on neighboring properties, the public need for the use, and a list of 13 factors as outlined in the Code (including the proximity to dwellings, the preservation of historical landmarks, and the provisions of any applicable Urban Renewal Plan). A property owner must submit a written and graphic application for a conditional use and appear before the granting body. Additionally, the grantor may impose certain conditions to the conditional use when approving it.

Variance

A *variance* may be granted to address a variety of situations, including a reduction of the minimum lot area required for a property, a lessening of setbacks, an increase in floor area ratio and height, and an adjustment of the number of parking spaces required for a development. In order to obtain a variance, the property owner must appear at a public hearing in front of the BMZA or, in limited circumstances, the City Council. The BMZA or City Council may not approve a variance unless they make certain findings of fact. Namely, they must find that an *unnecessary hardship* or *practical difficulty* would result if a variance is not granted, due to the physical characteristics of the land or structure involved. Additionally, the code outlines several other required findings, such as unique conditions, that the variance will not impair the access to light and air of neighboring properties, and that the variance will not have a negative impact on public safety and welfare.

Board of Municipal and Zoning Appeals Process and Hearings

If the owner of a property needs a variance or a conditional use to accomplish the desired project, she must submit a completed application requesting that approval to the Zoning Administrator. This application must include building floor plans and an area plat map. The Zoning Administrator will deny the application, since the requested use or development does not comply with the Zoning Code, and then forward the application to the Board of Municipal and Zoning Appeals (BMZA), which will consider the appeal of the Zoning Administrator's decision. The Zoning Administrator will also circulate the application to relevant City departments (including Planning, Housing, Health, Public Works, and Fire) for review. Once the relevant departments submit their reports, the BMZA will schedule a public hearing for presentation and deliberation of the appeal. Ideally, before the hearing takes place, the developer will meet with affected neighbors and community associations.

Once the BMZA schedules the hearing, the applicant must post a sign on the property containing relevant information about the zoning request and the public hearing. The sign itself must be four feet long and three feet high, with text at least two inches high, and it must be posted at least 21 days in advance of the hearing. This sign constitutes public notice of the hearing.

BMZA Procedure

BMZA hearings are held on Tuesday afternoons on the second floor of City Hall in Room 215. The meetings are open to the public and anyone can attend. Visitors to City Hall must show photo identification to be allowed into the building. Persons attending a BMZA hearing with interest in a particular case should sign in to the hearing

by visiting the BMZA employee seated at the far left end of the dais upon arrival. Hearings are also available to watch on CharmTV Channel 25 and YouTube (https://www.youtube.com/user/tv25bcocc).

The Board of Municipal and Zoning Appeals consists of a panel of five professionals who are appointed by the Mayor and confirmed by the City Council. The members of the Board are not full-time City employees, but they are paid for their service. Most have full-time jobs in the land use field.

The BMZA hears several cases on each hearing day. The Board will begin by going through a consent docket – a list of cases where they have the authority to grant the requested approval and there is no known opposition. Attendees should listen carefully and be sure to speak up if the property they came to discuss is called on the consent docket.

After the consent docket, the Board will call cases one at a time, by case number (as listed on the docket) and property address. They may or may not follow the order of cases listed on the docket ahead of the hearing day, so participants should be sure to arrive at the stated start time, even if it seems like the property in question won't be called for some time.

Hearings

When the hearing begins, the applicant (the property owner and/or developer), her attorney, and her supporters will stand on the right side of the dais (when facing the Board), and any opposition will stand on the left. Anyone interested in speaking on the matter should approach the podium at that time. If the Board has not already issued a blanket oath to everyone in the room, those planning to testify will be asked to give an oath to tell the truth in their testimony.

It is important for all in attendance to understand that this is the applicant's hearing; she is trying to get approval for her project. As such, the applicant will speak first and present information related to her project to the Board. The applicant may or may not have an attorney or a land planning consultant representing her at the hearing; attorneys or consultants are not required for zoning hearings, but applicants often use them to help advocate for the desired project. As the applicant presents her case, the Board members may interrupt and ask questions. At the conclusion of the applicant's presentation, any opposition may cross-examine her and ask questions about what she presented to the Board.

When the applicant has completed her presentation to the Board, the opposition has a chance to speak out against the proposed development. As with any presentation, it is always best if the persons wishing to speak are organized and succinct. The Board will not be receptive to rambling comments and hearing the same complaint over and over again. Community groups should make a plan ahead of time as to what is going to be said, and who is going to say what. It is not helpful for multiple people to stand up and say, "We do not want it because we do not like it." Those commenting in opposition should have reasons for their dislike of the request. To be most effective, anyone in opposition would look at the proposed plans and compare them to the requirements in the Zoning Code. For example, if the request is for a conditional use, then the opposing community member should look at the requirements for that conditional use in the Zoning Code, and formulate testimony related to the requirements. If there is going to be a negative impact on public safety, the testimony should state that and explain how the public will be impacted in that regard. Just as with the applicant's testimony, any opposition may be interrupted by the Board and asked questions, and at the conclusion of each person's testimony, the applicant may ask the opposition questions.

While it is always best to be present at a zoning hearing if concerned about the case, it is not always possible to attend these hearings, especially since they start at 1:30 pm when most community members are at work. People who cannot attend the hearing may submit written comments to the BMZA, whether by email or letter in advance or by sending the testimony with someone who will be present. The person presenting the information should read the comments aloud so they are included in the transcript of the hearing.

After the opposition has completed their testimony, the applicant has a chance to rebut the opposition's testimony. Only the applicant gets the chance for rebuttal; they get the last word.

The Board will hear all of the cases on the docket and then, at the end of the day, deliberate on each matter. They will announce the result of each hearing – whether or not the request will be granted – at the end of the deliberations. The public is welcome to stay to hear the deliberations and results. However, sometimes this may require a person to stay for several hours after the conclusion of the hearing. Alternatively, the public can call the BMZA office the following morning to hear the result of the case.

Although one may hear the verbal decision in a matter immediately after the hearing date, the decision does not become official until it is issued in written form. The BMZA will issue a written decision after the hearing, outlining the factors it considered and the rationale for its decision. The issuance date of this decision is very important in case of an appeal, as discussed below. The BMZA should send a copy of the written decision to any person who signed in to the hearing for that property; however, this does not always happen. Those interested in the outcome of the case should make a practice of calling the BMZA office on a regular basis to inquire about the written decision to make sure they get a copy of it in a timely fashion.

City Council Hearings

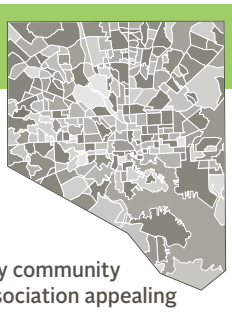
In certain limited circumstances, such as particular conditional use applications, the City Council is the body that hears the zoning appeal instead of the BMZA. These specific instances are outlined in the Zoning Code. Just as with BMZA hearings, City Council hearings are public in nature, and anyone supporting or opposing the proposal will have an opportunity to testify.

Appeals

A decision by the Board of Municipal and Zoning Appeals may be appealed to the Circuit Court of Maryland in certain circumstances. Only persons with legal standing to file a complaint may file the appeal. To have standing in a zoning case, a person must be a property owner whose property is in very close proximity – generally within sight and sound of the subject property –who participated at the zoning hearing in question. This means the person must have provided either written or oral testimony at the hearing. Therefore, it is very important for anyone interested in the issue at hand to participate in the zoning hearing.

An appeal is initiated by filing a document called a Petition for Judicial Review with the Circuit Court. This document is very simple and merely notes the desire for an appeal; no arguments are set forth in the document. The petition must be filed within 30 days of the issuance of the BMZA's written decision on the matter. The person or group filing the petition is responsible for the filing fee.

Once the petition is filed, the City of Baltimore will file a response, and other parties may respond as well. Technically, the appeal is of the City's decision – via the BMZA or City Council – and the property owner may not even be required to participate in the hearing (although it would generally be in their best interest as their property is at issue). Since the BMZA is composed of persons who are considered to be experts in land use, there is a legal presumption that the BMZA made the correct decision. Anyone challenging the decision must make convincing legal arguments that the Board erred in its decision. Furthermore, no new testimony or evidence is permitted in an appeal of a zoning decision. The entire appeal is heard on the record – meaning the appeal is based on the information that was in front of the Board at the time it made its decision. The record includes any written materials in the zoning file at the time of the hearing as well as any oral testimony presented at the hearing. Whomever files the appeal is required to obtain a copy of the transcript of the hearing; this may cost anywhere from $100 to $500 depending on the length of the hearing.



Any community association appealing a zoning decision should retain legal counsel to assist through the court process.

Legal arguments are outlined in a written memorandum of law by each party over a schedule of a few months, and then presented briefly at a hearing in front of a Circuit Court judge. The party who brought the appeal (the petitioner) will argue first, and then the opposition will have a chance to argue, and then the petitioner will close with a rebuttal. Typically these hearings are brief (30 minutes to one hour in length). The judge may not issue his or her ruling that day, but will ultimately issue a written decision. This decision may be appealed to the Court of Special Appeals (again with a 30-day filling deadline).

Any community association appealing a zoning decision should retain legal counsel to assist through the court process.

Meanwhile, as planning for the BB development is underway, ABC is also keeping its eyes on a couple of other projects. Sue now receives the zoning docket via email, and is surprised to see a proposal to expand a nearby restaurant and bar. She looks up the property's zoning and learns that the expansion will require a variance to construct an addition that would violate the side yard setback as well as a variance to reduce the required number of parking spots. Sue obtains the submitted plans online, and also finds contact information for the developer, Lester Lewis. She contacts Lester and asks to meet with him to talk about the proposed development, but he refuses. He says he knows the community will oppose whatever he wants to do, so he does not think it is worth his time to meet with them.

Sue and the Land Use Committee meet and discuss their options, ultimately deciding that they need to attend the BMZA hearing and present opposition to the request. The community already has many problems with this bar, including trash, noise, and public drunkenness, but Sue knows that their opposition needs to be targeted to what the Zoning Code requires for approvals of variances. She looks up Sections 15-217 through 15-219, which list specific requirements that the Board must find in order to approve a variance, and formulates an argument around those points. Sue also organizes the group of residents who will attend the hearing, and assigns each of them a point to make in their oral testimony.

At the hearing itself, the Board asks if the community has met with the property owner. Sue states that they have not had a chance to talk, although she requested a meeting. Accordingly, the Board sends Sue and the other community members outside the hearing room to speak with Lester about the plans for expansion. Sue makes an effort to stay cordial, and encourages her fellow community members to do the same, and they all listen to Lester's proposal. In return, they ask him to listen to their concerns. Unfortunately, they are not able to come to an agreement on the spot that would alleviate the need for the hearing, so the group returns to the hearing room and ultimately their case is called.

Lester puts on his case and explains to the Board why he wishes to expand. The community then has a chance to present their opposition. Because of Sue's advance preparation, their case is presented thoroughly and efficiently, and the community members all stay on point regarding the findings the Board must make. Lester is unable to prove how his variance meets all of the requirements in the Zoning Code, and ultimately, the Board denies his request. Chalk up a win for ABC!

Unified Voices

Chapter 5

Community Coalitions

ACROSS THE COUNTRY, MANY COMMUNITIES HAVE FOUND TREMENDOUS SUCCESS AT INFLUENCING DEVELOPMENT PROJECTS BY FORMING COMMUNITY COALITIONS.

These coalitions are often formed with the goal of negotiating community benefits agreements (CBAs), which are discussed in Chapter 6, but they may also be effective in other scenarios. The primary reason for the success of community coalitions is that the voices of many are much harder to ignore than the voices of a few. A developer may feel it can get away with denying requests from one community association, but it will be much more difficult for it to ignore the requests from a unified coalition of several organizations. A unified coalition also means the developer cannot single out one group to work with while ignoring others. This chapter provides information on building coalitions.

Groups working together are motivated to get organized and find common ground to work from. In addition to community associations, coalitions should consider including groups like labor unions, who may be able to offer professional organizing skills that are key in these types of situations. Coalitions also often include members from the faith-based community, who can be quite influential with local politicians. Certainly, the addition of more organizations brings more volunteer manpower as well. All of these things add up to the ability to accomplish a great deal more than one community association could accomplish. Finally, the simple act of banding together provides a great deal of power. In some situations developers may be able to pit one organization against another, and then say it does not know who it should talk to because nobody can agree. Working together avoids that potential pitfall.

Forming a Coalition

Ideally, coalition building should happen prior to the start of an active campaign on any particular development project. Organizing a coalition takes more time than is typically afforded with the ticking clock of an actual development proposal. Like-minded groups should band together and discuss their mutual interests. Thinking through the following questions can be helpful in initial coalition conversations:

- What is our shared vision for our community?
- What are the biggest concerns about new development in the area?
- What types of benefits would the coalition want to obtain through CBAs (jobs, community services, environmental benefits, and so on)?
- Which organizations should be a part of the coalition?
- How will the coalition identify potential development projects to focus on?

Once common ground is established, the next step is to outline a structure for the coalition. Questions to consider include:

- Who can be a part of the coalition? Organizations only (and if so, what types of organizations), or individuals, too? Nonprofits only, or for-profit businesses, too?
- How will decisions be made?
- Who will be allowed to attend meetings?
- Who will represent the coalition in CBA negotiations and/or in public settings?

- Will the coalition be a separate entity or a loosely formed group?

The coalition should prepare bylaws that outline the structure of the organization. As with bylaws for any community association, the document should address membership, voting rights, leadership election, and so on.

In most situations, a community coalition wishing to enter into CBAs should also file articles of incorporation with the State to create its own entity. If the coalition will be signing the actual contract, it should be incorporated to limit potential liability to its leadership and members.

Additional information about organizing, creating, and maintaining a neighborhood-based organization can be found in Community Law Center's *Strengthening Baltimore's Neighborhoods: A Legal Handbook for Community Associations*.

An attorney should be retained to assist a coalition with both the bylaws and the articles of incorporation.

A unified coalition also means the developer cannot single out one group to work with while ignoring others.

Sue thinks it will be vitally important to engage other organizations in their quest to impact the BB development and potentially negotiate a community benefits agreement (CBA). She contacts neighboring community associations, the local park Friends organization, a local labor union, local businesses and institutions, and the faith-based institutions in the area. After a few meetings are held to discuss how a new coalition would work, they decide to contact Community Law Center and request an attorney to assist them in forming a coalition.

With an attorney's guidance, the group drafts a set of bylaws. Through the process of writing the bylaws, the coalition thinks through how membership in the coalition will be structured, how each member organization will be represented in the coalition, and how decision-making will be accomplished. Since each of the organizations is already organized itself, this process is fairly simple to work through.

With the potential for a CBA in front of them, the attorney advises the coalition to incorporate and create its own legal entity that will be able to sign legal documents. After the incorporation is completed, the new coalition adopts its bylaws and elects its first leaders. Soon enough, the coalition is fully organized and functional, and the members are excited about working together.

Become Directly Engaged

Chapter 6

Community Benefits Agreements (CBAs)

ONE POWERFUL WAY FOR A COMMUNITY ASSOCIATION TO BECOME DIRECTLY ENGAGED IN A DEVELOPMENT PROJECT IN ITS NEIGHBORHOOD IS BY NEGOTIATING A COMMUNITY BENEFITS AGREEMENT WITH THE DEVELOPER OF THE PROJECT.

A community benefits agreement (CBA) is a binding agreement between a developer & an organized coalition of community groups regarding a specific development project. Generally, in a CBA, a developer agrees to provide certain benefits as contributions to the community in exchange for the community's support of the developer's plan before government agencies. This chapter provides information on CBAs and how community associations and coalitions can negotiate them.

Key Components

There are several key components to the definition of a CBA. Each component is discussed further below.

Binding Agreement

A CBA is a *contract* – a legally binding agreement between two (or more) parties. As with any type of contract, all of the terms of the agreement are spelled out in appropriate detail. For the contract to be binding, each party must offer some form of legal *consideration* for the agreement; generally this means that each party must offer something in exchange for what they receive from the contract. For CBAs, this typically means that the community agrees to give its support to the project in exchange for the developer giving the community certain benefits. The contract will also include provisions standard to contracts, such as term (length of time), dispute resolution, and termination. The CBA will be signed by legally authorized representatives of the parties.

Contracts are legally enforceable through the court system. If one party breaches a contract, the other party will have legal remedies available to ensure that the breaching party upholds its end of the agreement. The enforceability of contracts is extremely important to the CBA process. A letter or a simple memorandum of understanding (MOU) – as many developers will be more interested in offering to communities – offers the community no enforcement power. A fully enforceable agreement – drafted and negotiated with the assistance of an attorney – will give both parties the legal right to ensure that the terms of the agreement are met. Without an enforceable agreement, the developer can ignore promises made or change its mind about many aspects of the project at any given time, for any reason, without consequences.

Developer

For the purposes of this manual, the term *developer* is used to denote any entity or person developing a piece of land. In some situations, the developer could be a municipal entity; for example, if the City is building a new recreation center. In many developments, the developer is actually composed of several entities or parties. It is very important for the community to know who all of the involved parties are when negotiating and developing a CBA, so that all involved parties participate in the negotiations and ultimately *execute* (sign) the agreement. In present business practices, it is quite common for a new entity, such as a limited liability company (LLC), to be formed for the development of a project, comprised of the various entities involved in the project.

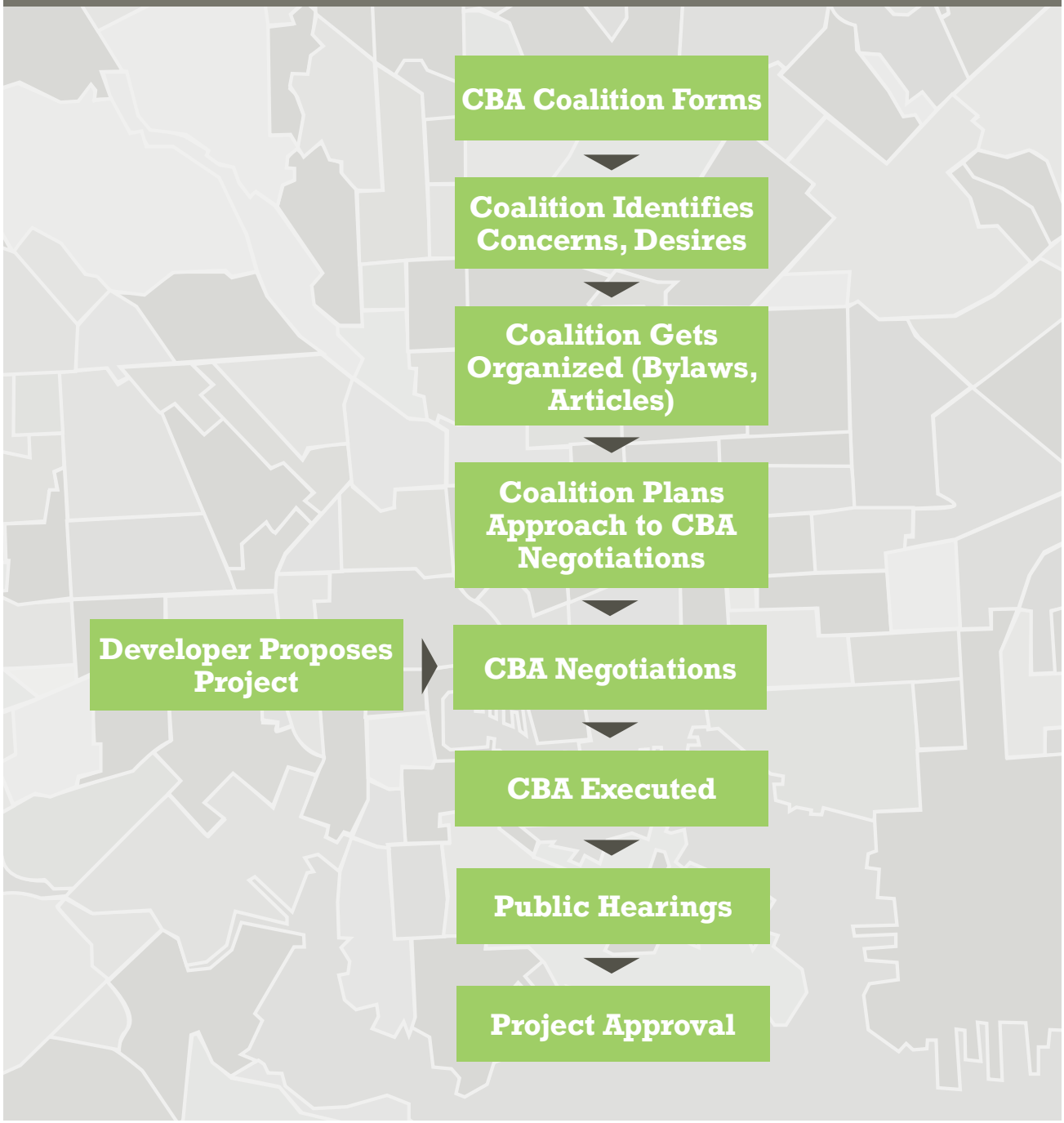
Organized Coalition of Community Groups

The vast majority of successful CBAs have involved *coalitions* of community organizations, multiple community groups working together to achieve their goals for the development. By working together, these organizations present a unified front to the developer. This is typically attractive to the developer, as it saves time and makes the community's demands clearer when the developer is not forced to hold separate discussions with several organizations.

Specific Development Project

Lastly, a CBA must be related to a *specific development project*. Since a CBA is a contract, it must relate to a specific term with a defined beginning and an end. The project must be planned and ultimately financed, although the negotiations should certainly begin as soon as possible in the planning process. Ultimately, the CBA must have specific terms that are clearly enforceable, or the community will be unable to hold the developer to any of the terms that have been negotiated.

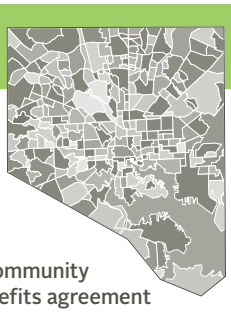
Figure 6.1 *Typical CBA Process*



Other Key Components of CBAs

CBAs should include key contract provisions related to jurisdiction, term, breach, dispute resolution, notice, and so on. Substantially, the following four areas are the most important to flesh out in detail specific to the project at hand:

- Parties – It is imperative that the proper parties are bound to the terms of the contract. Any person or entity assigned rights and responsibilities in the document, or affiliated with the development project, must be named as parties and must be signatories of the document in order to be bound by its terms. Additionally, the document must articulate who has the authority to speak and sign for each party (for example, the president of the community association, or the managing member of the developer LLC).
- Benefits and Obligations – The agreement must clearly outline the scope of the benefits the developer agrees to provide, including an appropriate level of detail. If the community wants to see 50 trees planted along both sides of a certain street, then the CBA should say that, instead of saying something vague about how the developer will plant trees without specifying how many or where. The agreement should also specify when benefits will be provided, and when the agreement itself will be completed. On the community side, the agreement must outline what type of support the community will offer to the developer: public testimony at hearings, written letters of support, speaking at publicity events, and so on. Additionally, a provision should be included for how the parties would go about amending the benefits by mutual agreement.
- Remedies – An important provision of any contract is the remedies section, which describes what happens if something goes wrong with the contract. If one party fails to live up to their end of the bargain, the other party must have some remedy available to it to fix the situation. What constitutes a breach must be clearly stated, and any requirements regarding notice of a breach must be spelled out in detail. Ultimately, the parties must specify whether specific performance – an order from a court forcing the breaching party to do what the contract says it will do – will be available to the parties, and if equitable relief will be permitted if there is some irreparable damage.
- Compliance – The agreement must define how the project will be monitored for compliance. In a CBA, the developer gets its consideration – the community's support – up front, but the community may not get its consideration for quite some time, such as when jobs are being filled or when amenities are constructed. Therefore, the agreement must include information on who will monitor the terms of the agreement and the construction of the project for compliance, as well as how frequently (monthly, quarterly, etc.) and in what manner (written reports, quarterly meetings, etc.) that monitoring will occur. Furthermore, the agreement must note how compliance concerns are to be communicated and addressed.



A community benefits agreement (CBA) is a binding agreement between a developer & an organized coalition of community groups regarding a specific development project.

Enforcement

A CBA must include oversight and enforcement provisions. It is a legally enforceable contract, which means that if either the developer or the community does not uphold its responsibilities, the other party has the ability to enforce the agreement. A key component of any contract is dispute resolution, whereby the parties agree to how they will handle disputes. Typically this section will include notice provisions (one party notifying the other party that they are in breach of the terms of the agreement), some length of time to allow the breaching party to cure (or fix) the default, and perhaps some level of agreed-upon mediation. Ultimately, however, an aggrieved party to a contract can file a breach of contract claim against the defaulting party in the court system. There are a variety of remedies available for breach of contract, but in the case of CBAs, the most desired remedy is typically for the court to order the parties to abide by the terms of the agreement as opposed to money damages or other reparations.

In some situations, it may be possible for the privately-negotiated CBA between the community and the developer to be incorporated into a *development agreement* between the developer and the municipality at hand. Development agreements may outline certain benefits or restrictions on the use of the land in exchange for tax benefits or other considerations from the municipality. If a CBA is

incorporated into an agreement that involves the local government, then the local government may also have enforcement mechanisms, and that may ultimately be helpful to the community as well.

Types of Community Benefits

Community benefits agreements may include a vast variety of benefits for the affected community, depending on what the community desires. Examples include the following:

- Jobs: Job opportunities for community residents, job training programs, apprenticeships, living wages, and workplace safety standards.
- Housing: Affordable units and housing/homeownership funds.
- Environmental Benefits: Green buildings, environmental remediation/clean-up, public transit, tree plantings, and community open spaces.
- Other Community Assets: Incentives for private investment, child care, and health clinics.

Campaigning for Community Benefits Agreements

A CBA campaign is a complex, sustained effort that generally must be completed before any governmental approvals are issued for a project. To ensure adequate time for negotiations, communities should consider the following questions well in advance of starting an actual campaign.

What is the community's vision for being a healthier, more vibrant place to live, work, worship, and play?

Before beginning any potential CBA campaign, the community must have an assessment of what it needs in terms of development, infrastructure, and livability, as well as a vision of how to accomplish its goals in that regard.

Who will participate in a CBA campaign?

The most successful CBA campaigns are led by organized coalitions of community associations, faith-based organizations, environmental groups, labor organizations, other nonprofits, and sometimes for-profit businesses. A coalition will need to determine its structure in terms of who participates, how decisions are made, and leadership. It takes considerable time and energy to organize a coalition and come to agreement about how the coalition will operate, so it is best for coalitions to be up and running before CBA negotiations begin. Chapter 5 discusses coalition building in more detail.

What will be the desired outcomes of a CBA?

While some benefits obtained through CBA negotiations may be specific to one development project, many are not. A coalition should think through what it wants to see in terms of benefits. Possibilities include jobs, housing, environmental benefits, and community improvements.

What sort of leverage will a coalition offer in exchange for community benefits?

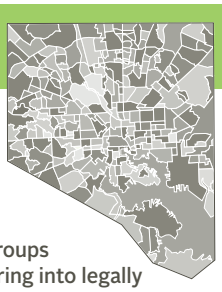
Leverage is key in CBA negotiations; it is what brings the developer to the table. Most commonly, the leverage offered is support for the project in front of government agencies and in the eye of the public.

How will a coalition decide which projects are ripe for CBAs?

Typically a member organization of a coalition will be directly impacted by a proposed development. The coalition must decide whether the potential impact is great enough to warrant coalition involvement, by considering factors such as the number of jobs to be provided, the overall size of the project, the potential impact on the community, environmental impacts, and the duration of the project.

How long do CBA campaigns take?

Depending on the scope of the project, the availability and willingness of the developer, and the readiness of the coalition, the timeline can vary significantly. Some campaigns might be accomplished over a few months while others may take years to reach fruition. Due to this variation, it is important that a coalition is ready to go when an opportunity to negotiate for community benefits arises.



All groups entering into legally binding contracts should consult with an attorney.

When does a coalition need legal assistance in CBA negotiation?

Some coalitions will need legal assistance with writing bylaws and incorporating. Others may request assistance with negotiations with a developer. All groups entering into legally binding contracts should consult with an attorney.

Are there any potential projects a coalition should be watching?

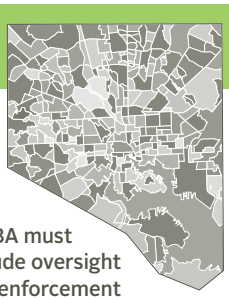
Coalitions should monitor potential development

projects by identifying vacant properties or properties targeted for redevelopment within their boundaries. By requesting information, monitoring zoning dockets, and staying on top of leads on new developments, a coalition will be prepared to negotiate when a development project is announced.

Leverage

In any contract negotiation, both parties must be willing to come to the table to discuss issues and ultimately sign a contract. This can be a challenge with CBAs, in part because developers have not historically been expected to engage in this level of conversation and negotiation with communities. Thus, it is imperative that communities have some leverage to entice the developer into the discussion of a CBA. Communities need to offer something valuable to the developer and be able to demonstrate that they have power and influence in the situation.

Typically, the leverage in CBA negotiation is related to the government approval process. For example, if the developer must obtain BMZA, Planning Commission, or City Council approval of its project, those forums are all public hearings where the community can protest the development. The developer knows that those approvals will go much faster and more smoothly if the community supports the project. Community opposition can mean delays, and in the development world, delays equal increased expense.



A CBA must include oversight and enforcement provisions.

An additional source of potential leverage is related to the source of funding for the project. Municipalities often provide funding by way of tax incentives such as TIFs (Tax Increment Financing) or PILOTs (Payments In Lieu of Taxes). These public funds are approved by elected officials after public hearings and debates, offering another opportunity for public comment. Federal funds often require a certain amount of civil rights obligations and the hiring of lower-income personnel. Thus, it is important for communities to know where the funding for any development project comes from, in case it affords an additional opportunity for public input.

It is imperative for communities to identify their leverage points early on in the process, and work on CBA negotiation before any leverage might be lost. Once the leverage is gone, in the current climate of development in Baltimore, the developer has little reason to negotiate a binding agreement with a community.

Another key point related to leverage has to do with unified support for the CBA. The developer will want to know that if it negotiates a CBA with the community association, it will not face opposition in the approval process. If another association comes in opposing the project, or if numerous citizens are in opposition, the developer will still face potential delays, and that will make it less interested in negotiating an agreement. Coalitions can be very helpful in this regard, as unified support for a CBA is essential.

How to Get Started with a CBA Campaign

Ideally, a community coalition is organized and prepared to take on potential CBA campaigns from the moment a new project is identified. If the organization is not ready to go at that moment, it will be racing against a very quickly-ticking clock as the development process moves full steam ahead.

Any community organization should think about what types of benefits it would like to see in a CBA before it learns of potential projects. Clearly each project will present its own opportunities and constraints, but if the list of needs and desires is made and prioritized before the project is known, that is one step the coalition has already accomplished and it can then meld together the benefits and the specific project at hand.

Once a development project has been proposed, the community coalition should notify the developer as soon as possible that it expects to negotiate a CBA. The coalition should quickly compile what it expects to see in the CBA, and garner support from the community as a whole.

Negotiation

As with any contract, all parties to a CBA must be in full agreement with the terms of the document. The process of reaching agreement is called *negotiation*. Each party will likely come to the table with ideas of what it would like to see in the agreement, and only very rarely would those ideas be identical from the very beginning. Negotiation involves a certain amount of give and take, and also a fair dose of compromise. To assist in the negotiation process, communities should come to the negotiation table knowing exactly what they

must have in the document in order to agree to it, and what they might be able to be flexible on.

A typical contract negotiation scenario will include several rounds of back-and-forth between the parties (and/or their attorneys). There are various ways to approach the negotiation, but one common approach involves the parties first having oral discussions about the key points. Each party should be respectful and listen carefully to the other's requests and demands, even if they do not agree with them, and ask questions as necessary. Often it can be very helpful to try to understand why a certain request is being made, as that understanding can help one see the basis of a request and ultimately help reach an agreement. After some discussions are held and verbal agreements are made, one party will generally take the lead on drafting (writing) the agreement itself. Next, there may be a significant amount of review and editing that takes place, with the non-drafting party reviewing the text and providing edits, then going back to the drafting party to either accept or deny those proposed revisions, and so on.

The process of negotiating a contract can be lengthy and time-consuming. CBAs can range from relatively short documents listing only a handful of obligations for a small-scale project to documents that are dozens of pages long and cover 20-year projects. As such, those attempting to negotiate the contracts should give themselves plenty of time to complete the negotiation process and not try to conduct it too quickly.

The Importance of Legal Representation

Community benefits agreements are legal contracts that may be incredibly complex and involve a significant amount of negotiation. Any party to a CBA should have legal representation through an attorney, so that it can be assured that it understands its rights and its obligations as defined in the contract. An attorney for a community coalition pursuing a CBA will lead the negotiation and the conversations with the developer, and also draft the contract itself. By working with an attorney, a community may feel that the playing field has been leveled a bit, as developers will almost certainly have legal representation. Additionally, a community coalition working with an attorney will know that someone is looking out for them in terms of ensuring that the contract is fair and equitable.

Once an attorney is retained, a community coalition client should allow the attorney to conduct all communication regarding any potential CBA with the developer (or, as appropriate, the developer's attorney).

A community coalition should be organized and prepared to take on potential CBA campaigns from the moment a new project is identified.

Successful CBAs

Some of the places CBAs have been used include: Los Angeles, CA (Hollywood & Highland, Staples Center, SunQuest, NoHo Commons, Marlton Square, Hollywood & Vine); San José, CA (CIM Project); San Diego, CA (Ballpark Village); Denver, CO (Gates Cherokee Development); New Haven, CT (Yale-New Haven Hospital); Oakland, CA (Oak to 9th Project); San Francisco, CA (Bayview-Hunters Point); Pittsburgh, PA (Hill District); and Seattle, WA (Dearborn Street). These CBAs take a variety of forms and address a broad spectrum of issues. The Appendix provides brief summaries of a few well-known CBAs.

While ABC was working on the zoning case and concurrently building the community coalition, things were also progressing along with the BB development. Several of the community members had heard of community benefits agreements, but weren't sure exactly what they were. Sue is able to share with them information she had learned from Community Law Center, and members of ABC are now really excited about the prospect of negotiating a CBA for the BB development.

Realizing that BB needs zoning approvals to be able to construct the development, Sue knows that any potential CBA negotiations need to occur prior to the BMZA hearing. This is the community's leverage – if the developer does not come to an agreement with the community, the community will oppose the zoning requests at the BMZA. Thankfully the zoning hearing has not yet been scheduled, although Sue knows it is just a matter of time. She recognizes that they need to move quickly.

The Land Use Committee has already worked on gathering input from the community about what it wants to see in this development. Generally, the community wants to see:

- The height of the buildings limited to four stories;
- Public access to the park;
- Sufficient on-site parking;
- Input on the design of the project; and
- Some of the construction jobs dedicated to local residents.

In exchange for receiving these benefits from the developer, the community is prepared to agree to support the project in any government approval process, including the BMZA hearing and other forums.

The coalition meets and decides that since ABC is the community most impacted by the proposed development, ABC's Land Use Committee, led by Sue, should continue to lead the way on this effort. Of course, everything will be discussed and approved by the coalition in the end, so ABC must keep that in mind throughout the CBA process. Sue reaches out to BB's representative and schedules a time for a few people to meet to talk about the project. This is not a meeting for the community to come out in droves, but rather a time for a few community leaders to sit down with a few representatives of the developer's company. At that meeting, they discuss the project plans, and the community requests a community benefits agreement. The community comes prepared with some literature on CBAs in case the developer was unfamiliar with them. They verbalize a few of the things they would like to see in the CBA, but only in general terms. The developer seems hesitant, but agrees to continue to talk. The group sets up another meeting where real negotiations will occur.

At the initial negotiations meeting, Sue makes sure the community group is organized. Again, there is not a large crowd from the community here; the community had already met separately and then sent Sue and a couple of other representatives to the

continued next page

negotiating table. ABC has engaged an attorney from Community Law Center, who leads the negotiation discussion. Both the community and the developer lay out what they want to see in a contract, and over time, they discuss the items back and forth until they come to agreement. The developer is adamant that it needs to build a six-story building, and is unsure about hiring workers from the community when it already has its own construction team in place. The negotiation process takes a total of three meetings over the course of a few weeks. The parties are able to agree to meet in the middle and plan for a five-story building, and the developer and community agree on what they believe to be a reasonable number of parking spaces in the development. Additionally, the developer agrees to add a trail connecting to the park so the public will continue to have access to it. The parties agree to a process that will allow community input throughout the detailed design process, and, ultimately, the developer agrees to hire 5 people from the community on the construction team.

After the parties came to an oral agreement on the details, the coalition's attorney from Community Law Center drafts the agreement and negotiates with the developer's attorney until they agree upon the specific language. The agreement includes provisions for what will happen if the agreement is breached or if one party stops communicating with the other. The clock is ticking, as the BMZA hearing is quickly approaching, and both the coalition and the developer are motivated to sign the CBA before the hearing date.

When the day comes to execute the agreement, the community holds an event celebrating the signing of the CBA. The developer is invited and everyone gathers together to note the important step that had been reached. Even the Mayor and City Councilperson attend the event. The community is pleased to have been heard and to be receiving some important benefits from this project, and the developer is happy to have garnered the community's support. It is truly a win-win situation for everyone involved!

Voice Opinions and Effect Change

Chapter 7

Conclusion

COMMUNITIES ARE AN ABSOLUTELY VITAL PART OF THE DEVELOPMENT PROCESS, AND CAN BE MOST EFFECTIVE WHEN INFORMED AND KNOWLEDGEABLE ABOUT HOW TO VOICE OPINIONS AND EFFECT CHANGE.

As Baltimore City begins to grow after decades of population decline, and as elected officials place increased emphasis on that growth – while simultaneously addressing problems resulting from vacant land – development in Baltimore will continue to occur at a rapid pace.

With information gleaned from this manual, Baltimore City community organizations will be poised to take on active roles in development in their neighborhoods, insert themselves into the process, appear effectively at public hearings, and negotiate community benefits agreements, all with the goal of improving their communities. All of this community involvement will lead to better developments for citizens, communities, developers, and the city as a whole.

APPENDIX:
Summaries of Existing Community Benefits Agreements

Pittsburgh United CBA

WHERE: Pittsburgh, PA **WHEN:** August 2008

WHO: One Hill Coalition (a coalition of various individuals and organizations, including neighborhood and regional associations, faith-based groups, social service agencies, businesses, democratic committees, and individual residents)

WHAT: Pittsburgh Penguins Hockey Arena development in Pittsburgh's Hill District (hockey arena plus a hotel and adjacent redevelopment projects)

HOW:

- Coalition formed two years before this project was announced, and was ready to move when it learned of the project
- Coalition held 10 public process meetings, 40 community meetings, 3 large town hall meetings, and more than a dozen committee meetings, and conducted extensive community outreach (direct mail, phone calls, surveys, and neighborhood canvassing); garnered broad community support
- Negotiations occurred over 17 months

RESULTS:

- $1 million each from the Pittsburgh Penguins and the city's Urban Redevelopment Authority for a grocery store
- A First Source Employment Center; apprenticeship programs; and the Pittsburgh Penguins agreed to create jobs that pay wages between $12 and $30 an hour, provide benefits, and not interfere with employees' right to form a union

- Community given representation on a master planning committee responsible for creating guidelines for the development of the Hill District
- A multipurpose community center in the neighborhood
- The Pittsburgh Penguins agreed to pay $500,000 a year for six to twelve years for a Neighborhood Partnership Program

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Park East Redevelopment Compact

WHERE: Milwaukee, WI **WHEN:** December 2004

WHO: Good Jobs and Livable Neighborhoods Coalition (more than 30 community groups, unions, and faith-based organizations; organized by the Milwaukee County Labor Council President and the Institute for Wisconsin's Future)

WHAT: A section of freeway in the city was demolished, opening up a two-mile stretch of land for development

HOW:

- Traditional CBA negotiation was not possible because the land was broken into many small parcels, each with its own developer, so the coalition took its demands to city officials for incorporation into the development plan
- City's Common Council stopped consideration of the project until a CBA proposal was ready for consideration
- Coalition never secured the city's support for the plan, but it was able to get the Compact approved through the county

RESULTS:

- First CBA implemented through legislation rather than private negotiations between the community and developers
- Living wages for construction jobs, mandates for job training and apprenticeship programs
- Green design elements
- Affordable housing units
- Community and Economic Development Fund was created, financed by land sales, to support a community advisory board to oversee and monitor the implementation of the Compact
- Created a highly public approval process for proposed redevelopment projects

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Staples CBA

WHERE: Los Angeles, CA **WHEN:** May 2001

WHO: Figueroa Corridor Coalition for Economic Justice (coalition of over 30 labor and community-based organizations)

WHAT: Los Angeles Sports and Entertainment District development (hotel, 7,000-seat theater, convention center expansion, housing complex, entertainment plazas; restaurant, retail businesses)

HOW:

- Partnership with Strategic Actions for a Just Economy, LAANE advocacy organization, and Coalition L.A.
- Leadership development training program to educate community members about CBAs
- Collaboration with developer
- After adoption of CBA, City of L.A. and L.A. Community Redevelopment Agency incorporated the CBA into the development agreement
- Oversight committee meets regularly with developer

RESULTS:

- Developer-funded assessment of community park and recreation needs, and a one million dollar commitment toward meeting those needs
- Goal that 70% of the jobs created in the project will pay the City's living wage, and consultation with the coalition on selection of tenants
- First source hiring program targeting job opportunities to low-income individuals and those displaced by the project
- Increased affordable housing requirements in the housing component of the project, and a commitment of seed money for other affordable housing projects
- Developer funding for a residential parking program for surrounding neighborhoods
- Standards for responsible contracting and leasing decisions by the developer

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Yale-New Haven Hospital (YNHH) CBA

WHERE: New Haven, CT **WHEN:** March 2006

WHO: Community Organized for Responsible Development (CORD): 22 community groups, faith-based organizations, and local unions; and Connecticut Center for a New Economy (CCNE): a nonprofit organization with goals of better wages for the working poor, improved public education and training, and preservation of affordable housing

WHAT: Construction of a new cancer center at the Yale-New Haven Hospital

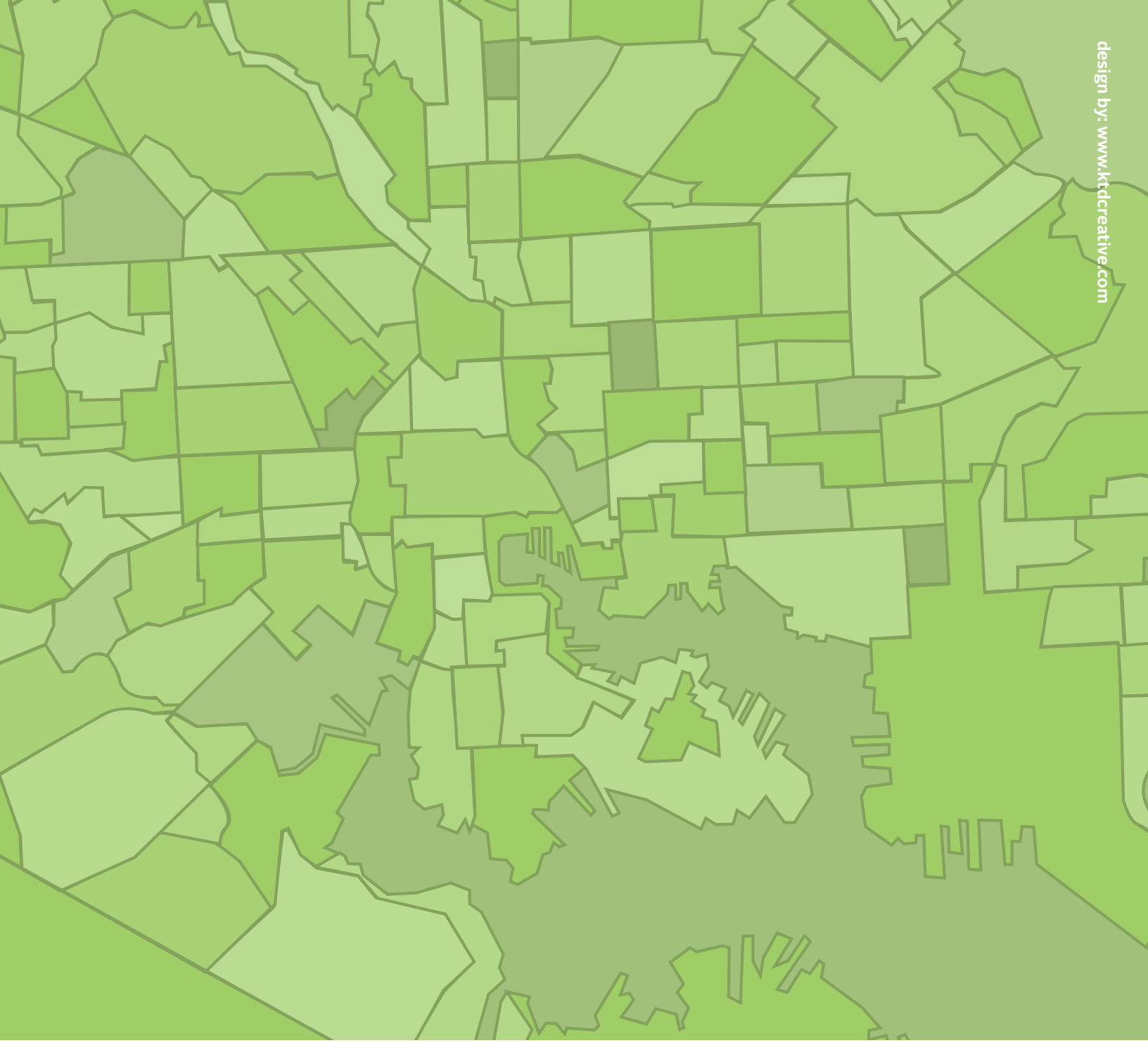
RESULTS:

YNHH agrees to:

- Provide $1.2 million for housing and economic development in the area surrounding the hospital
- Hire 500 area residents over a five year period and establish a comprehensive training program that includes at least 50 career ladder opportunities and $300,000 in funding per year
- Contribute $100,000 per year for a minimum of five years to the City of New Haven's Youth Initiative
- Establish a Citizen's Advisory Committee to review issues and advise on "free care" policies
- Fund two outreach positions, one for asthma and one for uninsured children, through the City of New
- Haven Health Department
- Initiate and fund a comprehensive program aimed to reduce by 10% the number of employees that drive to work
- Register for LEED (Leadership in Environmental and Energy Design) Certification

COMMUNITY LAW CENTER

LAWYERS FOR NEIGHBORHOODS & NONPROFITS



design by: www.ktdcreative.com

Community Law Center, Inc.
3355 Keswick Road, Suite 200
Baltimore, Maryland 21211
www.communitylaw.org
mail@communitylaw.org

www.facebook.com/CommunityLawCenter

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