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FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 3801-3809 Falls Road		

TO Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: December 27, 2011

REQUEST

The Department of Planning has received Lisa Junker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of the "Foundry", to construct 2 one-story additions and use the property as a restaurant with accessory outdoor table service. We understand that this appeal is scheduled for hearing on January 10, 2012.

SITE

3801-3809 Falls Road is located on the northeast corner of the intersection with 38th Street. This property measures approximately 85' by 102' and contains approximately 0.210 acre, and is currently improved with a one-story detached commercial building measuring approximately 36' by 25'. This site is zoned B-1-2 and is located within the Hampden National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-208). This property was last authorized for use as a club or lodge, also a conditional use.

Definition: "Outdoor table service", as an accessory to a restaurant, means an outdoor service area at which patrons are seated at tables for service of food and drinks (§1-168.1). The proposed accessory outdoor table service area is behind the existing and proposed building, in the rear yard that extends from 38th Street to Crowther Street and that adjoins a group of attached houses.

Off-Street Parking: In this zoning district, restaurants require one off-street parking space per 400 square feet of floor area (§10-405.21.i). The proposed additional floor areas measure 10' by 25' and 38' by 25', for a proposed 1,200 additional square feet to be added to the existing 900 square feet. This would create a requirement for 5 parking spaces on site. The proposed site plan would provide 4 spaces, including 1 handicapped-reserved space, and bicycle parking, in front of the existing and proposed building. The previous use of this property included off-street parking spaces that would remain.

Land Use and Urban Design: The final site plan for this property should be reviewed and approved by the Site Plan Review Committee. The plan should indicate safe entrance, circulation, and exit for vehicles using the parking area in front of the premises, and adequate buffering of the proposed accessory outdoor seating area from the adjoining residential properties. Any outdoor lighting should be directed away from the residential area to the east, to minimize glare into nearby residences.

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Comprehensive Planning: To minimize the impact of evening and night-time outdoor dining activities on the neighboring residential properties, the outdoor seating area should be closed at 10:00 p.m. on Sunday through Thursday nights and at 11:00 p.m. on Friday and Saturday nights. The area should also be bordered by a solid fence or masonry wall along its eastern side, to reduce sound transmission to the residential neighborhood to the east.

RECOMMENDATION

The Department of Planning recommends that approval of the portion of this appeal relating to accessory outdoor table service, if granted, be subject to these conditions:

- The capacity of the outdoor seating area will not be more than 17 tables and 68 patrons;
- The tables will be limited to those that can seat 4 patrons, and are to be kept within the rear yard area behind the building;
- There will be no outdoor bar;
- There will be no outdoor music, a jukebox, or other form of entertainment;
- The outdoor seating area will close at or before 10:00 p.m. on Sundays through Thursdays, and on or before 11:00 p.m. on Fridays and Saturdays; and
- All patrons must be seated for dining, and served by wait staff.

The Department of Planning also recommends that approval of the portions of the site plan for parking and for the accessory outdoor seating area, including its lighting, be subject to approval by the Site Plan Review Committee. The Department has no objection to approval of the two proposed additions to the existing building on the property.

TJS/wya/mf

cc: Lisa Junker, Appellant