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| FROM | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR <i>Ghole / for T.S.S.</i> | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR | | |
| | SUBJECT | BMZA / 710 South Central Avenue | | |

TO

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

DATE: March 24, 2012

REQUEST

The Department of Planning has received Ryan Potter's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Harbor East Office LLC, to use a portion of the premises for a restaurant with accessory outdoor table service. We understand that this appeal is scheduled for hearing on April 3, 2012.

SITE

710 South Central Avenue is located on the northwest corner of the intersection with Lancaster Street. This property measures approximately 226'8" along Central Avenue by 227'11" along Lancaster Street and contains approximately 0.862 acre, and is currently improved with a six-story residential mixed-use building covering most of the lot. This site is zoned B-2-4 and is located within the Inner Harbor East Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-308). The restaurant is to occupy a portion of the first floor of the building.

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 application indicates that use of a portion of the sidewalk outside the restaurant, but does not state which of the three possible sidewalks (along Central Avenue, Lancaster or Aliceanna Streets) is intended. The sidewalk widths vary: approximately 12' wide along Lancaster Street, approximately 8' wide along Central Avenue, and approximately 9' wide along Aliceanna Street. Due to the accessibility requirement that a minimum of 6' of sidewalk should be kept clear and unobstructed for pedestrian use, only the sidewalk along Lancaster Street should be considered for this accessory outdoor seating area. The applicant provided a seating diagram showing many four-top tables and seats, but did not indicate the remaining sidewalk dimension. As there are also street trees and poles or posts along the sidewalks, only the clear and unobstructed distances may be used to define the exact location of the tables and seats.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions:

- A minimum of six feet of the sidewalk must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area will not be more than a reasonable number of tables and patrons, as determined by the Planning Department after review and approval of a sidewalk site plan showing clear and unobstructed accessibility along the sidewalk at a minimum of six feet of width;
- The tables will be limited to those that can seat 2 or 4 patrons, and are to be kept against the wall of the building;
- There will be no outdoor bar;
- There will be no outdoor music, a jukebox, or other form of entertainment; and
- All patrons must be seated for dining, and served by wait staff.

TJS/wya/mf

cc: Ryan Potter, Appellant