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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 / 248 Albemarle Street | | |

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

DATE: May 7, 2010

REQUEST

The Department of Planning has received Michael Goldsmith's Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as a restaurant and tavern, and to add accessory outdoor table service to include outdoor preparation of food. We understand that this appeal is scheduled for hearing on May 11, 2010.

SITE

248 Albemarle Street is located on the northwest corner of the intersection with Fawn Street. This property measures approximately 31' by 99' and is currently improved with a 3-story extended row building covering the entire lot. The sidewalk on the south wall of the building, along Fawn Street, has a width of approximately 10' before allowance for tree pits, potted plants and other proprietary landscaping, and sign and light poles. This site is zoned B-3-2.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment and dancing, but not including accessory outdoor table service, are a permitted use; and taverns – including live entertainment and dancing, are a permitted use (§6-406).

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).

Uses to be enclosed: Except as specified in paragraph (2) of this subsection, business, servicing, and processing uses must be located within enclosed structures (§6-405.b.1). This requirement does not apply to off-street parking and loading; outdoor table service that is accessory to a restaurant use and has been approved by the Board; drive-in establishments; and the display of merchandise for sale to the public (§6-405.b.2).

The applicant should specify what type of food preparation, during what hours, is being proposed. The Department would not object to cold food preparation (such as Caesar salads made and served at an outdoor table) but recommends careful consideration of more extensive outdoor food preparation alternatives, from a raw bar or sushi bar to hot food preparation. The Department also would suggest that any outdoor food preparation which the Board may consider approving should be limited to preparation of food for consumption by patrons seated in the outdoor area only, as the restaurant's kitchen already serves the needs of all patrons inside the restaurant.

RECOMMENDATION

The Department of Planning recommends approval of the appeal for accessory outdoor table service, 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 6 tables and 12 patrons;
- The tables will be limited to those that can seat 2 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: Michael Goldsmith, Appellant