


*Thib Ngonyang for*

|      |                       |                                                                          |                                         |                                                                                     |
|------|-----------------------|--------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------|
| FROM | NAME & TITLE          | THOMAS J. STOSUR, DIRECTOR                                               | CITY of<br>BALTIMORE<br><br><b>MEMO</b> |  |
|      | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR |                                         |                                                                                     |
|      | SUBJECT               | BMZA / 2601 North Howard Street                                          |                                         |                                                                                     |

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

DATE: August 14, 2013

### REQUEST

The Department of Planning has received Amanda Rothschild's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Cafenix Inc., to use a portion of the premises for outdoor table seating accessory to an existing coffee shop. We understand that this appeal is scheduled for hearing on August 20, 2013.

### SITE

2601 North Howard Street is located on the northeast corner of the intersection with 26<sup>th</sup> Street. This property measures approximately 202' along Howard Street by 150' along 26<sup>th</sup> Street and contains approximately 0.877 acre, and is currently improved with a four-story apartment and office building covering nearly all of the lot. This site is zoned O-R-2 and is located within the Charles/ 25<sup>th</sup> Urban Renewal Plan area.

### ANALYSIS

**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). To qualify this application for approval, the applicant would need to agree that coffee shop patrons using the outdoor tables and chairs would be served there by staff. The application includes a sidewalk site plan showing placement of 7 two-top tables and 14 seats along approximately 42' of the southern building façade on 26<sup>th</sup> Street. The plan reserves at least 8' of unimpeded pedestrian width of the sidewalk and allows ample distance from the last seat to the foot of the handicap access ramp leading to the front door of the Millers Court building.

**Definition:** If the coffee shop meets the definition of a "restaurant" ("a business establishment at which food and drinks are provided to the public, primarily for on-premises consumption by seated patrons" – §1.182.1), the Zoning Board would be able to approve the proposed outdoor seating and tables.

**Urban Renewal Plan:** This property is located in the Charles/ 25<sup>th</sup> Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. The Urban Renewal Plan's Appendix A, Design Standards, G.1., General Standards for Site Plans, states: "The use of even wider sidewalks in commercial areas for outdoor table service, as allowed by the Zoning Code, is encouraged." Approval of this application would be consistent with the Plan's objectives of emphasizing pedestrian scale and increasing the quality of public spaces.

**TransForm Baltimore:** This property would remain part of a O-R-2 District (Proposed Zoning Map Area 7-A) in which Neighborhood Commercial Establishments would be conditional uses (Table 12-301). "Neighborhood commercial establishment" includes restaurants (§14-328).

**RECOMMENDATION**

The Department of Planning recommends that approval of the appeal, if the applicant meets requirements for approval of accessory outdoor table service, be subject to these conditions:

- A minimum of eight feet of the sidewalk must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area will not be more than 7 tables and 14 patrons;
- The tables will be limited to those that can seat two 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: Amanda Rothschild, Appellant