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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 / 5904-5906 York Road | | |

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

DATE: September 30, 2015

REQUEST

The Department of Planning has received Scott Donnelly's Board of Municipal and Zoning Appeals (BMZA) application to add accessory outdoor table service to the existing restaurant at this location. The Zoning Administrator has determined that this is a conditional use in a B-2 zoning district. We understand that this appeal is scheduled for hearing on October 6, 2015.

SITE

5904-5906 York Road is located on the northwest corner of the intersection with Rosebank Avenue. This property measures approximately 112'1" along York Road and 145'5" along Rosebank Avenue and contains approximately 0.471 acre, and is currently improved with a landmark historic building known as the Senator Theatre which covers the entire lot. This site is zoned B-2-2 and is located within the York Road Community Strategic Neighborhood Action 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). In this case, the property was last authorized for use as a restaurant only, which is a permitted use in this B-2 Community Business District.

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 includes a sidewalk site plan showing placement of seven 4-top tables in front of the restaurant with the more northerly ones placed no closer than 8' from the curb, with no impediments at curb-side to diminish the pedestrian walkway. This plan is approvable.

Historical and Architectural Preservation: The Historical and Architectural Preservation Division of the Department of Planning has reviewed the application and determined that the proposed location is:

- On a Baltimore City Landmark property list or within a Baltimore City Historical and Architectural Preservation District
- A property, or within a district, listed on the Maryland Inventory of Historic Properties
- A property, or within a district, listed on the National Register of Historic Places.

The proposed accessory outdoor table service area would not impair the historic value or attributes of the landmark property.

TransForm Baltimore: This property would become part of the C-2 District (Proposed Zoning Map Area 3-A) in which restaurants and outdoor dining would be permitted uses (Table 10-301).

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RECOMMENDATION

The Department of Planning recommends approval of this appeal 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 28 patrons;
- The tables will be limited to those that can seat four 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: Scott Donnelly, Appellant