


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 / 236 South High Street		

TO

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

DATE: November 19, 2012

REQUEST

The Department of Planning has received Tony Gambino's Board of Municipal and Zoning Appeals (BMZA) application to add accessory outdoor table service to an existing restaurant. We understand that this appeal is scheduled for hearing on November 27, 2012.

SITE

236 South High Street is located on the west side of the street, approximately 65'8" south of the intersection with Stiles Street. This L-shaped property measures approximately 62'1" along High Street by 100' and contains approximately 0.112 acre, and is currently improved with a three-story semi-detached residential mixed-use building covering the entire lot. This site is zoned B-3-2.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment and dancing, and including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-408). The applicant is proposing to place tables and seating on the public sidewalk in front of the premises.

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 area proposed is directly in front of the restaurant, to the north of the entrance stairs.

Land Use and Urban Design: The sidewalk site plan accompanying the application shows a clear and unimpeded sidewalk 6' wide, consistent with City policies supportive of the Americans with Disabilities Act (ADA). However, the sidewalk in this vicinity is approximately 9' wide, and the proposed arrangement and number of "4-top" tables could not be accommodated without encroaching on the clear and unimpeded width required. The applicant should prepare a revised sidewalk site plan showing tables aligned with their seating perpendicular to the building façade, with table widths not exceeding 3'. Due to the width needed to accommodate a standard seat for a patron, these tables would more appropriately be "2-top" tables. In addition, tables or seats cannot be closer than 5' to the bottom step of the entrance stairs, in order to avoid impeding two-way pedestrian traffic entering and leaving the premises.

RECOMMENDATION

The Department of Planning recommends deferral of a complete hearing of this appeal, to allow the applicant time to prepare a revised and completely dimensioned sidewalk site plan for the outdoor seating area. The Department recommends that approval of this appeal, when granted by the Board, be subject to these conditions in addition to any conditions that the Board may impose:

- 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 4 tables and 8 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: Tony Gambino, Appellant