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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 / 2901 O'Donnell Street | | |

TO

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

DATE: December 9, 2014

REQUEST

The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Blaze, Inc., to increase the accessory outdoor table service area to include the O'Donnell Street frontage of the property and to increase the total number of seats to 36. The Zoning Administrator has determined that this is an amendment of the conditional use accessory outdoor table service previously approved by the Board in appeal no. 2011-533, as most recently extended on November 18, 2014. We understand that this appeal is scheduled for hearing on December 16, 2014.

SITE

2901 O'Donnell Street is located on the southeast corner of the intersection with Linwood Avenue. This property measures approximately 18'6" by 75' and is currently improved with a two-story end-of-row building covering the entire lot. This site is zoned B-2-2 and is located within the Canton Waterfront Urban Renewal Plan area and the Canton National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-308).

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 applicant is proposing two accessory outdoor seating areas, one on the sidewalk on the west side of the building, the other on the sidewalk in front of the building. The former would contain four 4-top tables and six 2-top tables, with a total of 20 seats; the latter would contain two 4-top tables and 8 seats.

Land Use and Urban Design: A proposed balcony that would be 9' wide by 32' long and supported in part by posts placed in the sidewalk below at a distance 7' from the side wall of the building was previously approved by the Board. As the sidewalk is approximately 12'6" wide, the applicant repositioned the support posts for the proposed balcony so that they leave a minimum of 5'6" of clear and unobstructed walkway on the sidewalk below the balcony. Exact placement of, and number of tables and seats for, outdoor sidewalk seating would be influenced by exact placement of those support posts. The sidewalk site plan included with this application did not show location of those posts, and so the approvable total of tables and seats, and their exact placement, on the Linwood Avenue side of the building could not be determined. The applicant should revise the sidewalk site plan to include location of the posts, and if necessary decrease the number of tables and seats accordingly to allow circulation of patrons and wait staff.

The portion of the sidewalk site plan for the front of the building shows a seating area that is 17' wide across the front of a structure that is 18'6" wide, with a front door near the party wall. This would result in obstruction of access to the door, or obstruction of its use for emergency egress from the premises. This portion of the proposed outdoor table service area is therefore unacceptable as designed. The applicant should reduce the outdoor seating to a single 4-top table and seats, if that can be positioned to leave a minimum of 5'6" of the sidewalk for unimpeded pedestrian passage in front of the premises and a minimum of 4' of width in front of the door for unimpeded patron access to and from the premises.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 8-C) in which restaurants and outdoor dining would be permitted uses (Table 10-301). "Outdoor dining" standards include "compactness": "An outdoor dining area for an establishment must be as compact as possible by locating the outdoor dining area in a single portion of an establishment's frontage" (§14-329). This would restrict a property such as this one to use of only one side of the building for an accessory outdoor table service (outdoor dining) area.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal be subject to these conditions in addition to any conditions which the Board may establish:

- The applicant must provide a revised dimensioned sidewalk site plan showing (1) a reduced number of tables and seats on the O'Donnell Street (front) side of the building, to allow unimpeded pedestrian access to and emergency egress from the premises using the front door, and (2) a reduced number of tables and seats on the Linwood Street side of the building, if needed to accommodate placement of support posts for the balcony previously approved by the Board for additional accessory outdoor table service;
- A minimum of six feet of the sidewalks must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area will not be more than the number of tables and seats for patrons approved by the Planning Department based upon the revised dimensioned sidewalk site plan;
- 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: Stanley Fine, Appellant