2011-526

TJS

FROM		
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR	
SUBJECT	BMZA / 701 South Eden Street	DATE: December 7, 2011

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

REQUEST
The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Townhouse Restaurants LLC, to use a portion of the property known as 1350 Lancaster Street as a restaurant with accessory outdoor table service with 7 tables, 4 seats each. We understand that this appeal is scheduled for hearing on December 20, 2011.

SITE
701 South Eden Street is located on the northeast corner of the intersection with Lancaster Street, and occupies the entire area bounded by Eden, Lancaster, Spring, and Aliceanna Streets. This property measures approximately 300'6" by 170' and is currently improved with a 12-story residential mixed-use building covering the entire lot. This site is zoned B-2-4 and is located within the Inner Harbor East Urban Renewal 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). A restaurant is a permitted use. The location within the Eden Condominium proposed for the restaurant is currently vacant.

Urban Renewal Plan: This property is located in the Inner Harbor East Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this 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 applicant is proposing use of the sidewalk on the north side of Lancaster Street, next to the Eden Condominium, for 7 "four-top" tables and 28 seats.

Land Use and Urban Design: The site plan for the sidewalk provided with the application appears to show inadequate distances between some of the "tree pits" and some of the tables and seats. A minimum of 6' of the sidewalk, exclusive of "tree pits" or other impediments such as lamp-posts, sign-posts, or hydrants, must be maintained for compliance with the requirements of the Americans with Disabilities Act (ADA). The applicant must demonstrate that the proposed accessory seating area meets those requirements. Review of the site plan for the sidewalk area submitted by the applicant suggests that the "four-top" tables nearest to the "tree pits" would leave an accessible pathway that required a person to cross the tree

grates covering each “tree pit”, and thus those tree grates must remain level with the sidewalk and one another.

RECOMMENDATION
The Department of Planning recommends approval of the appeal, subject to these conditions:

- A minimum of six feet of the sidewalk must remain clear and unobstructed for pedestrian use, and where tree grates form part of this clear and unobstructed pathway, the applicant must ensure that the tree grates remain level with the sidewalk, with each other, and in good repair;
- 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 4 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.

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cc: Stanley Fine, Appellant