


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 2400 Boston Street		

TO

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

DATE: April 29, 2015

### REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of The Can Company LLC, to increase the existing outdoor seating (table service) area accessory to a restaurant from 100 seats capacity to 400 seats capacity. The Zoning Administrator has determined that this is a modification of a conditional use in a B-3 Zoning District. We understand that this appeal is scheduled for hearing on May 5, 2015.

### SITE

2400 Boston Street is located on the northeast corner of the intersection with Montford and Hudson Streets. This triangular property measures approximately 367'8" along Boston Street and 266'4" along Hudson Street and is currently improved with a four-story detached commercial building known as the American Can Company Building. This site is zoned B-3-2 and is located within the American National Plaza Planned Unit Development 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 (§6-408). In this case, the first floor portion of the premises was last authorized for use as a restaurant and carry-out food shop, both permitted uses, with accessory outdoor table service, a conditional use attached to the restaurant. The remainder of the existing structure is used for retail commercial establishments and offices.

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 proposed additional outdoor seating area has been reviewed and approved for compatibility with the Planned Unit Development by the Planning Commission.

TransForm Baltimore: This property would become part of the TOD-2 (Transit-Oriented Development) District (Proposed Zoning Map Area 7-D) in which restaurants and outdoor dining would be permitted uses (Table 12-402).

### RECOMMENDATION

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

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- Accessible pathways, as provided in the plan approved by the Planning Commission, and the sidewalk must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area will not be more than 400 patrons;
- 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: Nate Pretl, Appellant