


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 / 1635 Fleet Street		

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

DATE: June 7, 2010

### REQUEST

The Department of Planning has received Vincenzo Costagliola's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises for accessory outdoor seating for the existing restaurant. We understand that this appeal is scheduled for hearing on June 8, 2010.

### SITE

1635 Fleet Street is located on the south side of the street, approximately 104' west of the intersection with Broadway. This property measures approximately 11' by 60' and is currently improved with a three-story attached building covering the entire lot. This site is zoned B-2-2 and is located within the Fells Point Historic District.

### 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 (§6-308). The current use of this property is a restaurant without live entertainment and dancing.

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). Because this property is only 11' wide, only a limited area in front of the building is available for placement of outdoor tables and chairs.

### 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;
- The capacity of the outdoor seating area will not be more than two tables and 4 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: Vincenzo Costagliola, Appellant