

Introduced by: Councilmember Costello

At the request of: 1301 Howard LLC

Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202

Telephone: 410-547-6900

Prepared by: Department of Legislative Reference

Date: October 25, 2017

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-0157

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Conditional Use Banquet Hall –
First Floor Area of 333 West Ostend Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

By authority of

Article 32 - Zoning
Sections 5-201(a), 14-302, and Table 12-402 (TOD-4)
Baltimore City Revised Code
(Edition 2000)



****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input type="checkbox"/> Baltimore City Public School System	<input checked="" type="checkbox"/> Department of Public Works
<input checked="" type="checkbox"/> Baltimore Development Corporation	<input type="checkbox"/> Department of Real Estate
<input checked="" type="checkbox"/> City Solicitor	<input type="checkbox"/> Department of Recreation and Parks
<input type="checkbox"/> Comptroller's Office	<input checked="" type="checkbox"/> Department of Transportation
<input type="checkbox"/> Department of Audits	<input checked="" type="checkbox"/> Fire Department
<input type="checkbox"/> Department of Finance	<input type="checkbox"/> Health Department
<input type="checkbox"/> Department of General Services	<input type="checkbox"/> Mayor's Office of Employment Development
<input checked="" type="checkbox"/> Department of Housing and Community Development	<input type="checkbox"/> Mayor's Office of Human Services
<input type="checkbox"/> Department of Human Resources	<input type="checkbox"/> Mayor's Office of Information Technology
<input type="checkbox"/> Department of Planning	<input type="checkbox"/> Office of the Mayor
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Police Department
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Board of Estimates	<input type="checkbox"/> Environmental Control Board
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Fire & Police Employees' Retirement System
<input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals	<input type="checkbox"/> Labor Commissioner
<input type="checkbox"/> Comm. for Historical and Architectural Preservation	<input type="checkbox"/> Parking Authority Board
<input type="checkbox"/> Commission on Sustainability	<input checked="" type="checkbox"/> Planning Commission
<input type="checkbox"/> Employees' Retirement System	<input type="checkbox"/> Wage Commission
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Boards and Commissions

<input type="checkbox"/> Board of Estimates	<input type="checkbox"/> Environmental Control Board
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Fire & Police Employees' Retirement System
<input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals	<input type="checkbox"/> Labor Commissioner
<input type="checkbox"/> Comm. for Historical and Architectural Preservation	<input type="checkbox"/> Parking Authority Board
<input type="checkbox"/> Commission on Sustainability	<input checked="" type="checkbox"/> Planning Commission
<input type="checkbox"/> Employees' Retirement System	<input type="checkbox"/> Wage Commission
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

CITY OF BALTIMORE
ORDINANCE **18-112**
Council Bill 17-0157

Introduced by: Councilmember Costello

At the request of: 1301 Howard LLC

Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202

Telephone: 410-547-6900

Introduced and read first time: October 30, 2017

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: February 26, 2018

AN ORDINANCE CONCERNING

**Zoning – Conditional Use Banquet Hall –
First Floor Area of 333 West Ostend Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

BY authority of

Article 32 - Zoning

Sections 5-201(a), 14-302, and Table 12-402 (TOD-4)

Baltimore City Revised Code

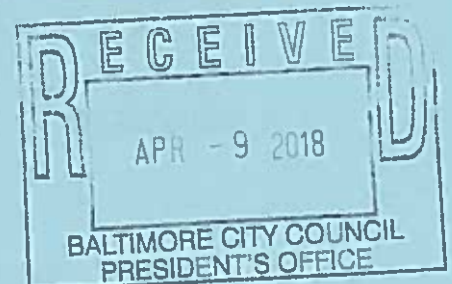
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-201(a), 14-302, and Table 12-402 (TOD-4), subject to the condition that the banquet hall complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That the property owner shall be required to provide, at all times when the banquet hall is operating, access to 1 parking space per 10 persons of rated capacity within 600 feet of the property line of the facility. These spaces may either be owned or under long term lease by the owner or by Himmelrich Associates.

SECTION 3. ~~AND BE IT FURTHER ORDAINED,~~ That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

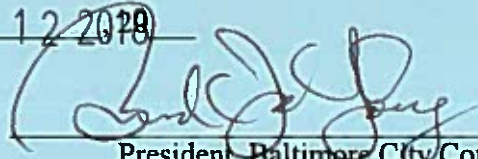


Council Bill 17-0157

1 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
2 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
3 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
4 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
5 the Zoning Administrator.

6 SECTION 43. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th
7 day after the date it is enacted.

Certified as duly passed this _____ day of MAR 12 2018




President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of MAR 12 2018, 2018

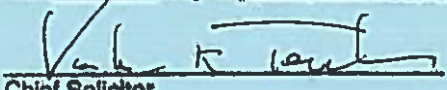


Chief Clerk

Approved this 27 day of March, 2018

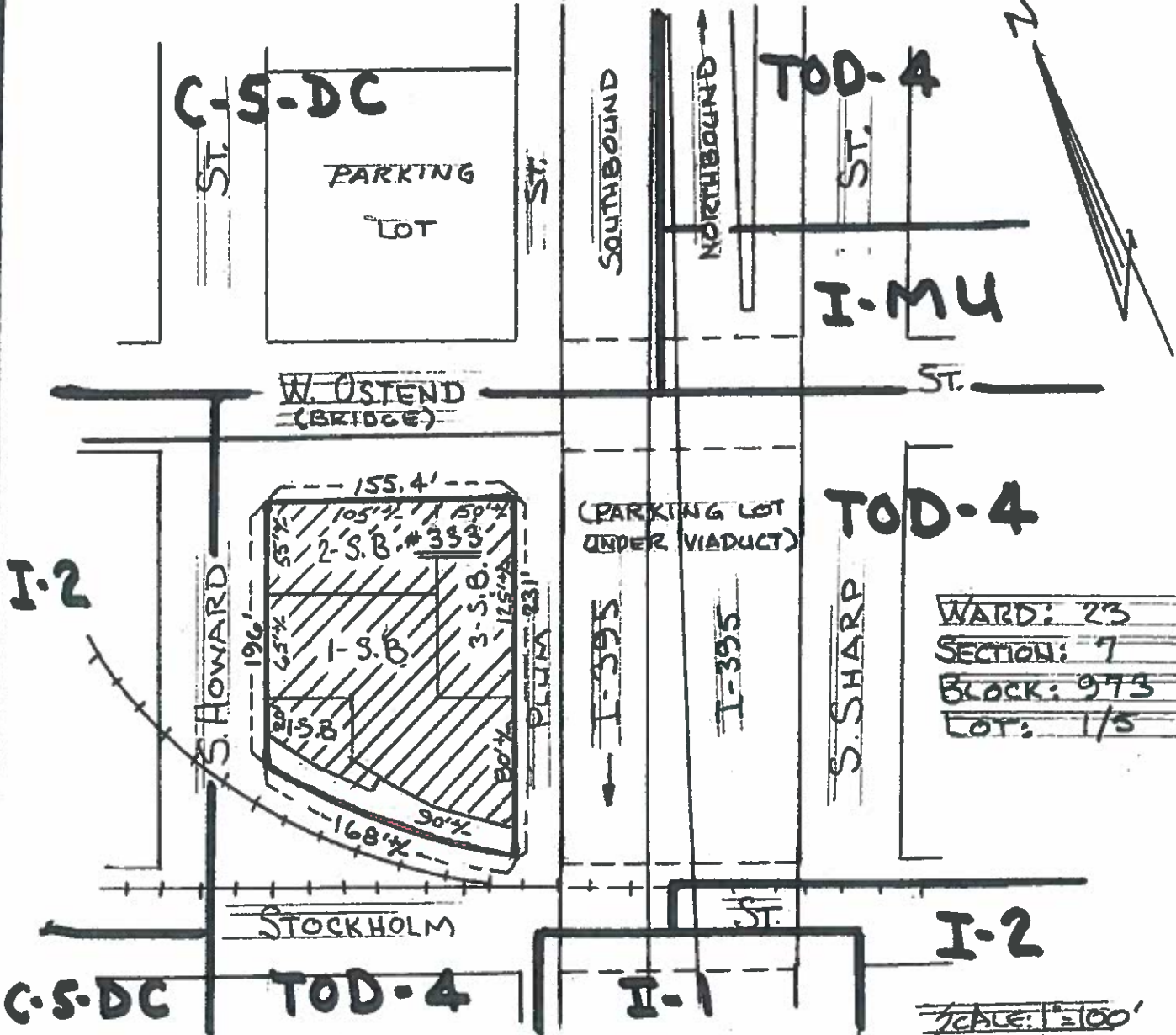


Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 19th Day of March 2018


Chief Solicitor

SHEET No. 56 OF THE ZONING MAPS OF THE BALTIMORE CITY CODE



WARD: 23
SECTION: 7
BLOCK: 973
LOT: 1/5

SCALE: 1"=100'

CONDITIONAL USE:
AREA OUTLINED IN RED TO BE
USED AS A BANQUET HALL

FOR:
333 OSTEND, LLC
333 OSTEND ST.
BALTIMORE, MD. 21230

Car
MAYOR

Burt J. Jany
PRESIDENT CITY COUNCIL

8/5 12/17

2-15-18

AMENDMENTS TO COUNCIL BILL 17-0157
(1st Reader Copy)

By: Land Use and Transportation Committee

Amendment No. 1

On page 1, after line 19, insert:

“SECTION 2. AND BE IT FURTHER ORDAINED, That the property owner shall be required to provide, at all times when the banquet hall is operating, access to 1 parking space per 10 persons of rated capacity within 600 feet of the property line of the facility. These spaces may either be owned or under long term lease by the owner or by Himmelrich Associates.”.

Amendment No. 2.

On page 1, in line 19, and on page 2, in line 1, strike “2 and 3”, respectively, and substitute “3 and 4”, respectively.

ADOPTED

BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

DATE: February 14, 2018

BILL#: 17-0157

BILL TITLE: Ordinance -Zoning - Conditional Use Banquet Hall - First Floor
Area of 333 West Ostend Street

MOTION BY: Costello SECONDED BY: Clark

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>			
Stokes, Robert				
TOTALS	<u>7</u>			

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO ARTICLE 32, SECTION 5-406 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

ADOPTED

City Council Bill No. 17-0157

Zoning – Conditional Use Banquet Hall - First Floor Area of 333 Ostend Street

- (1) the establishment, location, construction, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or welfare for the following reasons:

Due to its location between an expressway and a rail transit line, and within a long-established commercial and industrial area, there would be minimal adverse noise impact upon the nearest residents in either the Sharp-Leadenhall or Pigtown communities.

- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;

The banquet hall is not precluded at this location by any other law, and is not inconsistent with the Urban Renewal Plan for the Carroll Camden area.

- (3) the authorization would not be contrary to the public interest for the following reasons:

The proposed use is consistent with the Urban Renewal Plan's objective of promoting new business activity in under-utilized properties.

- (4) the authorization would be in harmony with the purpose and intent of this Code for the following reasons:

Authorization of a banquet hall in this location will help protect nearby commercial and industrial areas from the "floating nightclub" phenomena.

After consideration of the following, where applicable (fill out all that are *only* relevant):

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The 0.735 acre site is located on the southeast corner of the intersection of Ostend and Howard Streets. Frontage for the site rests on Ostend Street, Howard Street and Plum Street which is now part of the State of Maryland's right-of-way under the causeway of Interstate Highway 395. The site is improved with a combination of one- two-, and three-story detached commercial structures which cover approximately 90% of the lot.

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

The property and its immediate neighbors to its south and east are zoned TOD-4, a transit-oriented development zoning district. The area is traversed by an active rail freight line, the Camden Line of MARC rail commuter service between Baltimore and Washington, DC, and by the north-south bridge of the Baltimore Light Rail mass transit line.

The applicant has taken the initiative to address off-street parking by purchasing and leasing various properties within 600 feet of the site and offering to convert them into open-air off-street parking lots according to current Baltimore City standards.

- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

North of the site are Baltimore's two professional athletic stadiums.

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks and structures;
- (9) the character of the neighborhood;

The Carroll Camden Industrial Area has been entirely commercial and industrial for over a century.

- (10) the provisions of the City's Comprehensive Master Plan;

The proposed action is consistent with LIVE EARN PLAY LEARN, THE Comprehensive Master Plan for Baltimore, Play Goal 2: Improve nightlife, entertainment, and recreation experiences for residents and visitors, Objective 1: Expand access to nightlife.

- (11) the provisions of any applicable Urban Renewal Plan;

The action would also be to support and encourage new business activity in under-utilized properties and land.

- (12) all applicable standards and requirements of this Code;

- (13) the intent and purpose of this Code; and

- (14) any other matters considered to be in the interest of the general welfare.

SOURCE OF FINDINGS (Check all that apply):

Planning Report

Testimony presented at the Committee hearing

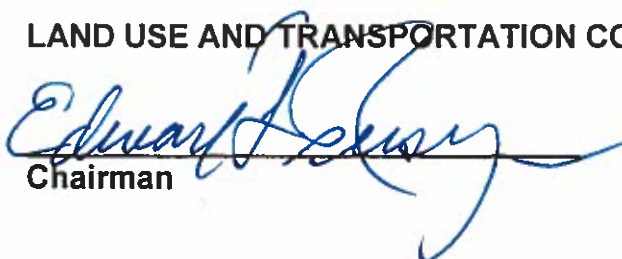
Oral – Witness Name:

Martin French, Staff, Baltimore City Department of Planning

Written – Submitted by: (Include documents that have relevant facts only)

Baltimore City Planning Commission – Agency Report – Dated: 12/22/17
Department of Planning - Staff Report - Dated: 12/21/17

LAND USE AND TRANSPORTATION COMMITTEE:


Chairman


Member

[Handwritten signature]

Member

[Handwritten signature]

Member

Member

[Handwritten signature]

Member

[Handwritten signature]

Member

Member

CERTIFICATE OF POSTING

RE: Case No. CCB 17-0157

Date of Hearing 2/14/18

**Baltimore City Council
c/o Natawna B. Austin
Room 409 – City Hall
100 N. Holliday Street
Baltimore, Md. 21202**

**This letter is to certify that the necessary sign(s) were posted conspicuously
on the property located at _____**

333 W. Ostend Street

on 1/24/18

Sincerely,

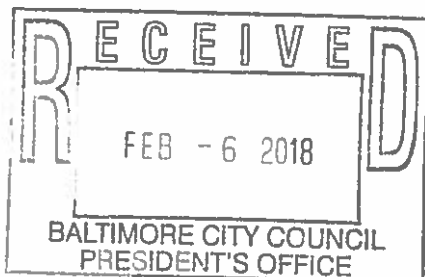
 1/24/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360



Certificate of Posting

Baltimore City Council

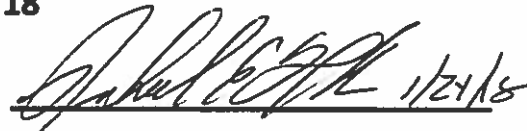
Land Use and Transportation Committee

City Council Bill No. 17-0157



333 W. Ostend Street

Posted 1/24/18

 1/24/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

TO: Alfred W. Barry, III
FROM: Natawna B. Austin, Executive Secretary, Baltimore City Council
DATE: January 9, 2018
RE: INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR ZONING -
CONDITIONAL USE

The Land Use and Transportation Committee has scheduled the following City Council Bill for public hearing:

Bill: City Council Bill No. 17-0157
Date: Wednesday, February 14, 2018
Time: 1:05 p.m.
Place: City Council Chambers, 4th floor of City Hall, 100 N. Holliday Street.

At the expense of the applicant, notice of this public hearing:

- 1) must be posted by sign on the property involved, **21 days prior** to date of hearing. The sign is to be not less than 4 feet long and 3 feet wide with black lettering 2 inches high on a white back-ground. The sign is to be placed in a conspicuous manner not over 10 feet above the ground; and

Wording for Sign

The information that must be advertised and posted appears between the double lines on the attached page; the deadline date is indicated at the top of the page.

Certification of Postings

Certification of the sign posting on the property, in duplicate, must be sent to the Executive Secretary, four (4) days prior to the hearing.

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) ARE AS FOLLOWS, A SIGN MUST BE POSTED ON THE PROPERTY **BY WEDNESDAY, JANUARY 24, 2018**, AS OUTLINED ON THE PREVIOUS PAGE.

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0157

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, February 14, 2018 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0157.

CC 17-0157 ORDINANCE - **Zoning - Conditional Use Banquet Hall - First Floor Area of 333 West Ostend Street** - FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

BY authority of
Article 32 - Zoning
Sections 5-201(a), 14-302, and Table 12-402 (TOD-4)
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER

Chair


SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

Alfred W. Barry, III
201 East Baltimore Street, Suite 1150
Baltimore, MD 21202
410-547-6900

MS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0157 / Zoning – Conditional Use Banquet Hall – First Floor Area of 333 West Ostend Street		

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

DATE: December 22, 2017

At its regular meeting December 21, 2017, the Planning Commission considered City Council Bill #17-0157, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001) as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #17-0157, and adopted the following resolution, eight members being present (eight in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406 of Article 32, the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- would not be detrimental to or endanger the public health, safety, or general welfare;
- would not be precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest; and
- would be in harmony with the purpose and intent of this Code;

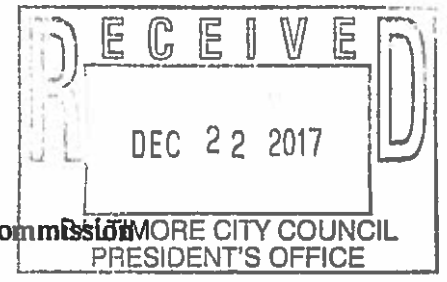
and further **RESOLVED**, That the Planning Commission does not agree with the recommendation of its Departmental staff that this bill be amended as recommended in the attached report, and instead recommends that City Council Bill #17-0157 not be amended and passed without amendment by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division, at 410-396-4488.

TJS/WA

Attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
 Mr. Jim Smith, Chief of Strategic Alliances
 Ms. Karen Stokes, Mayor's Office
 Mr. Colin Tarbert, Mayor's Office
 Mr. Kyron Banks, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration (continued next page)



Fav

**cc: Ms. Sharon Daboin, DHCD
Mr. Frank Murphy, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Paul Plymouth, Council President's Office
Mr. Francis Burnszynski, PABC
Mr. Alfred Barry (for 1301 Howard LLC)**



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

December 21, 2017

REQUEST: City Council Bill #17-0157/ Zoning – Conditional Use Banquet Hall – First Floor Area of 333 West Ostend Street

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

RECOMMENDATION: Amend, and Approve as amended

Recommended Amendment: Section 1 of City Council Bill 17-0157 should include this condition:

The banquet hall will continue to maintain and operate open-air off-street parking areas on the properties outlined in red and designated as "Parking Owned by Himmelrich Affiliates/ +/- 225 spaces", as shown with the number of parking spaces enumerated on the approved parking plan named "Parking for 333 West Ostend Street" attached hereto, for use by banquet hall patrons during banquet hall events; and to lease or otherwise provide other off-street parking resources for use by banquet hall patrons and staff.

STAFF: Martin French

PETITIONERS: Councilmember Costello, at the request of 1301 Howard LLC

OWNER: 1301 Howard LLC

SITE/ GENERAL AREA

Site Conditions: 333 West Ostend Street is located at the southeast corner of the intersection of Ostend and Howard Streets. This property has 155'4" of frontage on Ostend Street, 196' of frontage on Howard Street, and approximately 231' of frontage on the bed of a former street known as Plum Street which is now part of the State of Maryland's right-of-way under the causeway of Interstate Highway 395. The site contains approximately 0.735 acre and is improved with a combination one-, two-, and three-story detached commercial structure covering approximately 90% of the lot. (The largest part of this property, which was formed by consolidation of three properties in 1992, was formerly known as 1301 South Howard Street.) The property and its immediate neighbors to its south and east are zoned TOD-4, a transit-oriented development zoning district in which banquet halls are a conditional use approvable by ordinance (Article 32, Zoning Code, Table 12-402).

General Area: This property is at the eastern edge of the Carroll Camden Industrial Area, which has been entirely commercial and industrial for over a century. North of this site are Baltimore's two professional athletic stadiums. The area is traversed by an active rail freight line, the Camden Line of MARC rail commuter service between Baltimore and Washington, DC, and by the north-south bridge of the Baltimore Light Rail mass transit line.

HISTORY

This site is in the Carroll Camden Urban Renewal Plan area originally approved by the Mayor and City Council by Ordinance No. 02-296 dated March 6, 2002, as last amended by Amendment No. 8 dated August 15, 2016, approved by Ordinance No. 16-551 dated November 14, 2016.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Play Goal 2: Improve nightlife, entertainment, and recreation experiences for residents and visitors, Objective 1: Expand access to nightlife. The action would also be consistent with the Carroll Camden Urban Renewal Plan's Objective 6: To promote and encourage new business activity in under-utilized properties and land.

ANALYSIS

Background: The applicant wishes to use the first floor level of the commercial building known as 333 West Ostend Street as a banquet hall, with an anticipated capacity of approximately 500 persons seated or up to 1,000 persons standing in the banquet hall. The one aspect of the proposal needing a solution is off-street parking for patrons of the banquet hall. The applicant has taken the initiative to address this by purchasing and leasing various properties within 600 feet of the site and offering to convert them into open-air off-street parking lots according to current Baltimore City standards. As the anticipated capacity of these lots (shown in red on the parking plan) will not accommodate all banquet patrons at large events, the applicant has also leased parking spaces at other locations close to 333 West Ostend Street. This supports his effort to limit possible adverse effects on the existing on-street parking and loading needs of the nearby commercial and industrial properties. As most of these lots are not "just across the street" from the proposed banquet hall, the applicant anticipates that some valet parking service may also be provided as part of arrangements with banquet organizers.

Conditional Use: Per §5-406 {"Approval standards"} of Article 32 – *Zoning*:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Below is the staff's review of §5-406(b) {"Required considerations"} of Article 32 – *Zoning*:

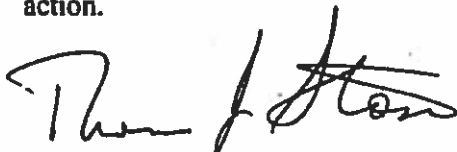
“Banquet hall” means an establishment: (i) for which all events are directly managed by the owner of the facility or by a person regularly employed by the owner and responsible to the owner for the on-site management of all events held in that facility and for event arrangements; (ii) that is used regularly for serving food or beverage provided by the owner or by caterers and suppliers approved in advance by the owner; (iii) that serves designated groups that, before the day of the event, have reserved the facility for banquets or meetings and provided all insurance certificates, security contracts, off-street parking contracts required by the facility’s owner; (iv) to which the general public is not admitted; (v) for which no admission fee is charged at the door; and (vi) in which no third party promoter is involved or stands to profit (§1-303(c)(1)). This definition of a banquet hall, which is both stricter and more extensive than the definition contained in the Zoning Code before June 5, 2017, will help protect nearby commercial and industrial areas from the “floating nightclub” phenomenon that would occasionally occur under the previous Code’s less detailed provisions. For these reasons, the proposed use’s location, maintenance and operation would not be detrimental to or endanger public health, safety, or welfare.

The proposed banquet hall has an estimated capacity of approximately 1,000 persons, for which at least 100 off-street parking spaces are required (Table 16-406). The parking lots shown in red on the parking lot map are intended to provide approximately 225 spaces. The balance of commercially-needed spaces, according to the applicant, would be provided by another 450 spaces leased on nearby properties. To the extent that there could be conflicts with residential or local business uses when banquet halls have located in other areas, this site could be considered one not likely to generate such conflicts provided that the banquet hall continues to provide off-street parking for its patrons.

Due to its location between an expressway and a rail transit line, and within a long-established commercial and industrial area, there would be minimal adverse noise impact upon the nearest residents in either the Sharp-Leadenhall or Pigtown communities.

The banquet hall is not precluded at this location by any other law, and is not inconsistent with the Urban Renewal Plan for the Carroll Camden area. As noted above, the proposed use is actually consistent with the Urban Renewal Plan’s objective of promoting new business activity in under-utilized properties. The authorization would not be contrary to the public interest, and would be in harmony with the purpose and intent of the Zoning Code.

Notification: The Carroll Camden Industrial Business Association has been notified of this action.



Thomas J. Stosur
Director

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

January 3, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

**RE: CC Ord.17-0157: Zoning – Conditional Use Banquet Hall – 333 West
Ostend Street**

Ladies and Gentlemen:

City Council Bill No. 17-0157 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0157 is to permit, with certain conditions, the conditional use of a banquet hall on the first floor of the premises located at 333 West Ostend Street, as outlined in red on the accompanying plat.

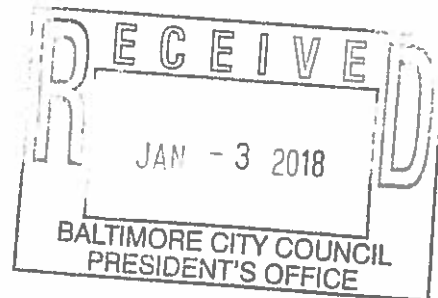
The BMZA has reviewed the legislation and defers to the report and recommendation of the Planning Commission recommending passage of CC# 17-0157.


Sincerely,

David C. Tanner
Executive Director

DCT/djb

CC: Mayors Office of Council Relations
Legislative Reference



FROM	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill Report 17-0157		

TO Mayor Catherine E. Pugh

DATE: January 31, 2018

TO: Respective City Council Land Use and Transportation Committee
 FROM: Department of Transportation
 POSITION: Support
 RE: Council Bill – 17-0157- Zoning - Conditional Use Banquet Hall - First Floor Area of 333 West Ostend Street

INTRODUCTION – First Floor Area of 333 West Ostend Street For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001).

PURPOSE/PLANS – Allowing a vacant 75,000 SF warehouse building to reestablish as a banquet hall in the South Baltimore area.

BRIEF HISTORY – 333 West Ostend, located over the bridge from M&T Bank Stadium, was previously “The Parke Metal Decorating Co.” and is currently a vacant building available for office space rentals.

FISCAL IMPACT – Not applicable

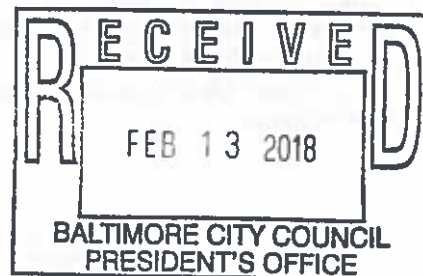
AGENCY/DEPARTMENT POSITION –
 The Department of Transportation supports City Council 17-0157.

If you have any questions, please do not hesitate to contact Katelyn McCauley, at Katelyn.McCauley@baltimorecity.gov, or (443) 677-9391.

Sincerely,



Michelle Pourciau
 Director




**CITY OF BALTIMORE
COUNCIL BILL 17-0157
(First Reader)**

Introduced by: Councilmember Costello
At the request of: 1301 Howard LLC
Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202
Telephone: 410-547-6900

Introduced and read first time: October 30, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Housing and Community Development,
Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Banquet Hall –**
3 **First Floor Area of 333 West Ostend Street**

4 FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and
5 operation of a banquet hall on the first floor area of the property known as 333 West Ostend
6 Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

7 BY authority of

8 Article 32 - Zoning
9 Sections 5-201(a), 14-302, and Table 12-402 (TOD-4)
10 Baltimore City Revised Code
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**
13 **permission is granted for the establishment, maintenance, and operation of a banquet hall on the**
14 **first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as**
15 **outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City**
16 **Zoning Code §§ 5-201(a), 14-302, and Table 12-402 (TOD-4), subject to the condition that the**
17 **banquet hall complies with all applicable federal, state, and local licensing and certification**
18 **requirements.**

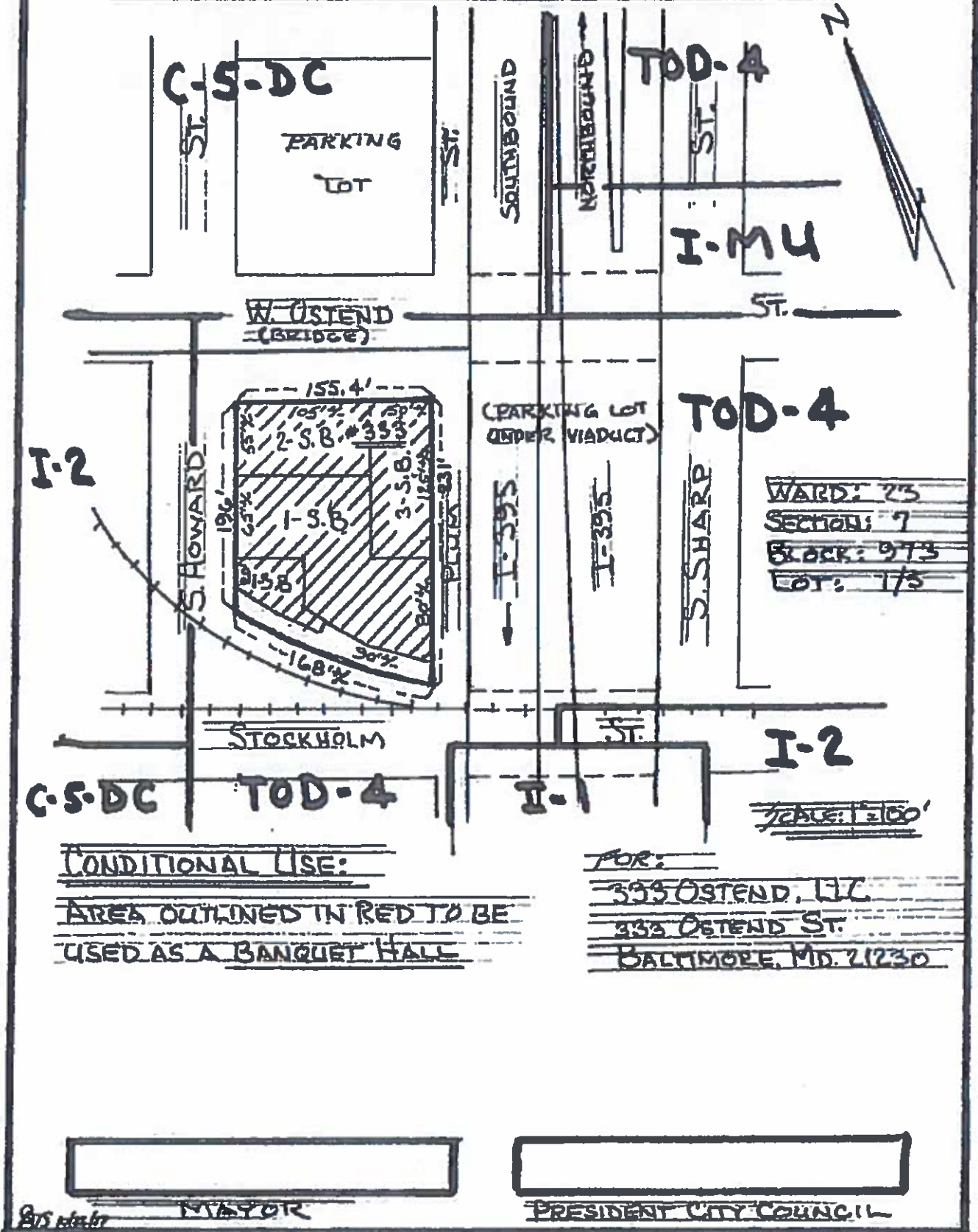
19 **SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the**
20 **accompanying plat and in order to give notice to the agencies that administer the City Zoning**
21 **Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council**
22 **shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;**
23 **and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the**
24 **Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of**
25 **Housing and Community Development, the Supervisor of Assessments for Baltimore City, and**
26 **the Zoning Administrator.**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 17-0157

1 **SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day**
2 **after the date it is enacted.**

SHEET No. 56 OF THE ZONING MAPS OF THE BALTIMORE CITY CODE



CONDITIONAL USE:
AREA OUTLINED IN RED TO BE
USED AS A BANQUET HALL

FOR:
333 OSTEND, LLC
333 OSTEND ST.
BALTIMORE, MD. 21230

MAYOR

PRESIDENT CITY COUNCIL

STATEMENT OF INTENT

FOR

333 West Ostend Street

(Address)

1. Applicant's Contact Information:

Name: 1301 Howard LLC c/o Alfred W. Barry III

Mailing Address: 201 E. Baltimore St #1150

Baltimore, MD 21202

Telephone Number: (410) 547-6900

Email Address: ababall@yahoo.com

2. All Proposed Zoning Changes for the Property: _____

Conditional use banquet hall for portion of property as outlined on plat

3. All Intended Uses of the Property: Conditional use approval for banquet hall

4. Current Owner's Contact Information:

Name: 1301 Howard LLC

Mailing Address: 1340 Smith Avenue

Baltimore, MD 21209

Telephone Number: (410) 385-1234

Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on 9/26/1996 by deed recorded in the
Land Records of Baltimore City in Liber 05862 Folio 00429.

6. Contract Contingency:

(a) There is _____ is not a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization

(i) The names and addresses of all parties to the contract are as follows (use additional sheet if necessary): _____

(ii) The purpose, nature, and effect of the contract are: _____

7. Agency:

(a) The applicant is _____ is not acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows (use additional sheet if necessary): _____

AFFIDAVIT

I, Alfred W. Barry III, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.


Applicant's signature

10/24/17
Date

CITY OF BALTIMORE

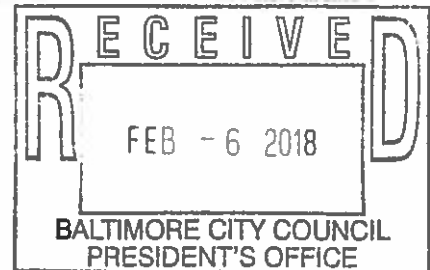
CATHERINE E. PUGH,
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

February 6, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 17-0157- Zoning - Conditional Use - Banquet Hall - First Floor
Area of 333 West Ostend Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0157 for form and legal sufficiency. The bill permits, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first-floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001).

This property is zoned TOD-4, which requires banquet halls to be approved by ordinance. City Code, Art. 32, Table 12-402. Under the City Code, approval of a conditional use must be based on a finding that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Art. 32, § 5-406(a). Moreover, the finding must be guided by 14 "considerations" involving such things as the "nature of the surrounding area and the extent to which the proposed use might impair its present and future development": "the resulting traffic patterns and adequacy of proposed off-street parking"; etc. See Art. 32, § 5-406(b).

The Law Department notes that the Planning Commission's Report ("Report") indicates that the Planning staff has reviewed and commented on the facts pertinent to the requirements of Art. 32, § 5-406(a). The Report, however, does discuss any of the 14 "considerations" required

Favorable assuming all considerations/requirements are met



by Art. 32, § 5-406(b). For this reason, the City Council the City Council must elicit those considerations at the public hearing before it lawfully approve this conditional use ordinance.

Law Department notes further that a bill that would authorize a conditional use is classified as a "legislative authorization." Art. 32, § 5-501. Legislative authorizations require that certain procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the bill. See Art 32, § 5-602. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. See Art. 32, §§ 5-504, 5-506, 5-604. Finally, certain limitations on the City Council's ability to amend the bill apply. See Art. 32 § 5-507.

In conclusion, if the City Council agrees with the facts contained in the Report and establishes the required considerations at the bill's public hearing, the Law Department is prepared to approve the bill for form and legal sufficiency, assuming all other procedural requirements are met.

Sincerely,



Victor K. Tervala
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MEB*

Date: January 18, 2018

Re: City Council Bill 17-0157 - First Floor Area of 333 West Ostend Street

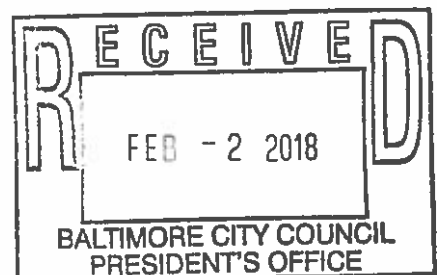
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0157, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001).

If enacted, this bill would allow for the operation of a banquet hall on the first floor of an existing commercial building in the Carroll-Camden neighborhood. The property is located in the TOD-4 zoning district.

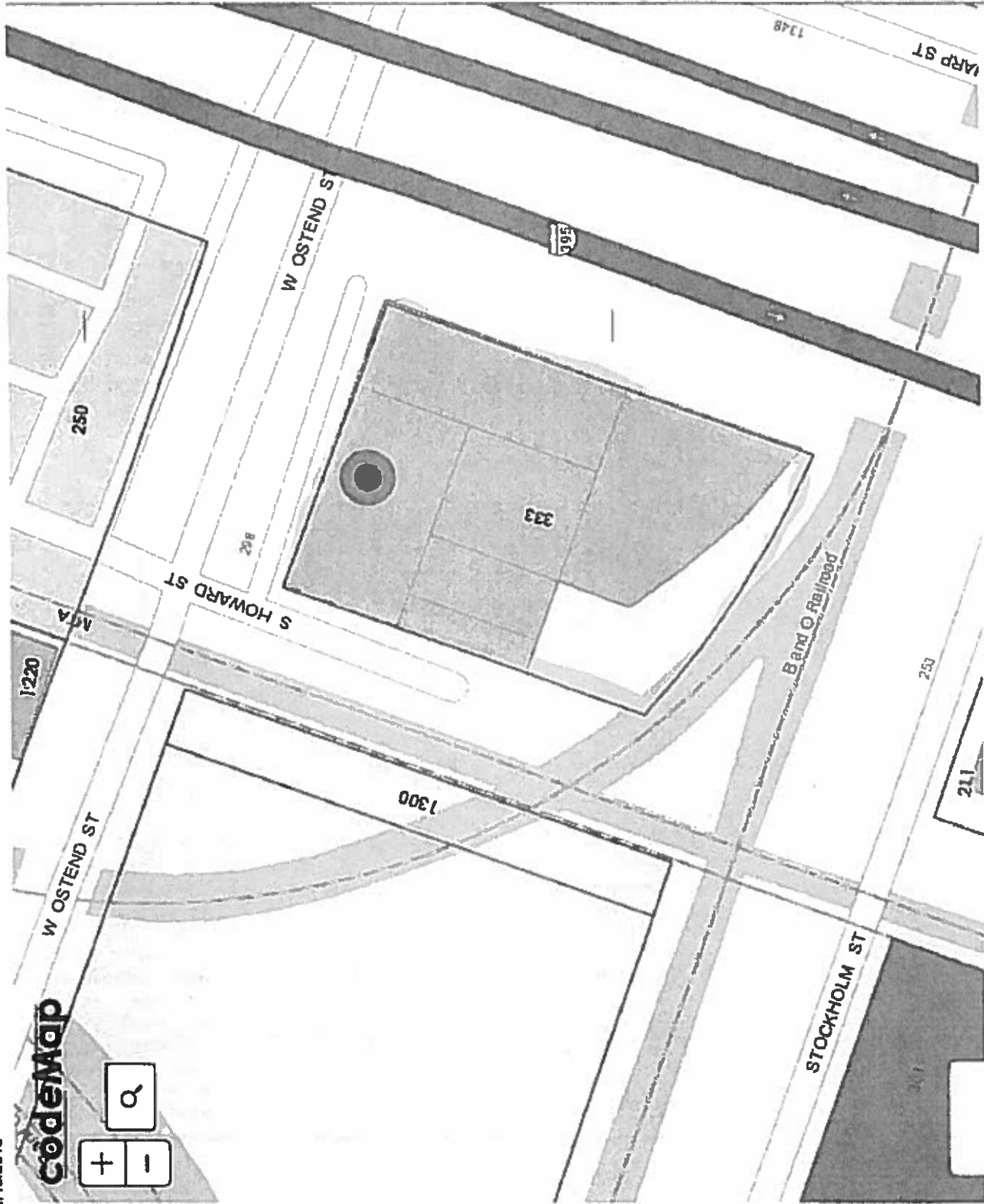
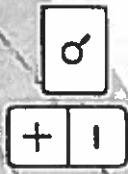
The Department of Housing and Community Development supports the passage of City Council Bill 17-0157.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



codeMap



Imagery

Contents


- Focus Areas
- Funded De
- Funded Dei
- Comm De
- Major Rede
- Major R
- Popplet
- Streamline
- CE Internal
- DHCD Acqt
- Title Ga
- Judgme
- BOE Rei
- Case Rt
- Acqini,
- Suspeni
- All Miles
- Demolition
- Planning
- Phas
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- Non-
- eDemo (
- Intake
- RFA RE



Baltimore
Development Corporation

MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO 

DATE: November 21, 2017

SUBJECT: City Council Bill 17-0157
Zoning – Conditional Use Banquet Hall – First Floor of 333 West Ostend Street

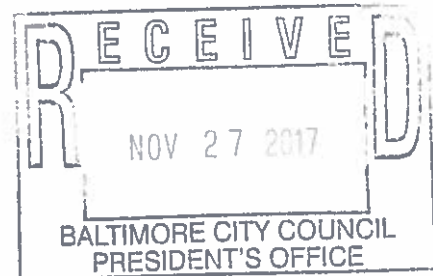
The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 17-0157, for the purpose of permitting the establishment, maintenance, and operation of a banquet hall on the first floor of the property known as 333 West Ostend.


The BDC supports this Bill. The addition of the banquet hall use would complement the existing entertainment district to the west and is an appropriate distance from the nearest residential zoning district as to not cause a noise nuisance.

The BDC respectfully requests that favorable consideration be given to City Council Bill No. 17-0157.

cc: Kyron Banks

F



FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>NRF</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. 21202		
	SUBJECT	City Council Bill #17-0157 Response to Zoning – Conditional Use Banquet Hall – First Floor Area of 333 West Ostend Street		

DATE

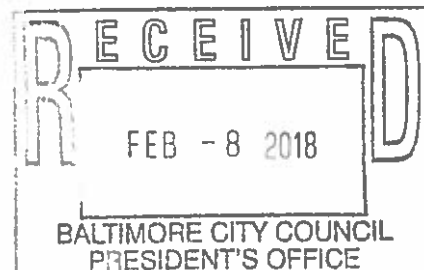
February 7, 2018

TO

**The Honorable Bernard C. Young, President
And All Members of the Baltimore City Council
City Hall, Room 408**

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

The Fire Department does not object to City Council Bill 17-0157 provided that all applicable sections of the Fire and Building codes are adhered. This may include a requirement for plans to be submitted to the Fire Department, an annual Fire Inspection, permit, automatic sprinkler system, and Fire Alarm system.



no obj.

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 17-0157

Zoning - Conditional Use Banquet Hall - First Floor Area of 333 West Ostend Street

Committee: Land Use and Transportation

Chaired By: Councilmember Edward Reisinger

Hearing Date: February 14, 2017
Time (Beginning): 1:00 PM
Time (Ending): 1:15 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~20
Committee Members in Attendance:
Reisinger, Edward, Chairman
Middleton, Sharon, Vice Chair
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert
Clarke, Mary Pat

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Evidence of notification to property owners?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Costello, Eric		
Seconded b	Councilmember Clarke, Mary Pat		
Final Vote:	Fav. with Amendments		

Major Speakers
(This is not an attendance record.)

- Mr. Martin French, Department of Planning
 - Katelyn McCauley, Department of Transportation
 - Derrick Baumgardner, Board of Municipal Zoning Appeals
 - Sharon, DaBoin, Department of Housing and Community Development
 - Victor Tervalá, Department of Law
 - Raven Thompson, Baltimore Development Corporation
-

Major Issues Discussed

1. Mr. French presented the Planning Commission's report and discussed the Planning Department's findings.
 2. Agency reports were read. Agency representatives testified in support of their respective agency's position on the bill.
 3. Mr. Al Barry spoke about use of the property and answered questions.
 4. The committee discussed the bill.
 5. The committee approved finding of facts for the bill.
 6. The committee approved an amendment to the bill to address parking requirements.
-

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

Reisinger, Edward, Chairman..... Yea
Middleton, Sharon, Vice Chair..... Yea
Clarke, Mary Pat..... Yea
Costello, Eric Yea
Dorsey, Ryan Yea
Pinkett, Leon..... Yea
Stokes, Robert:..... Yea

Jennifer L. Coates, Committee Staff
cc: Bill File
OCS Chrono File



Date: February 15, 2017



CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation Chairperson: Edward Reisinger
 Date: February 14, 2018 Time: 1:05 PM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Zoning - Conditional Use Banquet Hall - First Floor Area of 333 West Ostend Street CC Bill Number: 17-0157

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY	
						FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Al	BARRY	201	FALTS ST	21202	A606.LTC@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Martin	French		Planning			<input checked="" type="checkbox"/>			
Sharon	Dobson		HOLLIS						
RAVEN	THOMPSON		BOE						

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger
Chairperson**

PUBLIC HEARING

Wednesday, February 14, 2018

1:05 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 17-0157

***Zoning - Conditional Use Banquet Hall -
First Floor Area of 333 West Ostend Street***

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: D'Paul Nibber

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

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Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: D'Paul Nibber

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Marguerite Currin

LAND USE AND TRANSPORTATION

Edward Reisinger – Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Jennifer Coates
- Larry Greene (pension only)

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 17-0157

Zoning - Conditional Use Banquet Hall – First Floor Area of 333 West Ostend Street

Sponsor: Councilmember Costello

Introduced: October 30, 2017

Purpose:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

Effective: 30th day after enactment

Hearing Date/Time/Location: February 14, 2018 /1:05 p.m./Clarence "Du" Burns Chambers

Agency Reports

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Favorable
Department of Law	Favorable
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable
Department of Transportation	Favorable
Fire Department	No Objection

Analysis

Current Law

Article 32 – Zoning; Sections 5-201 (a), 14-302, and Table 12-402 (TOD-4); Baltimore City Revised Code (Edition 2000)

Background

CC Bill 17-0157, if approved, would permit the establishment, maintenance and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001). The property is zoned Transit Oriented Development TOD-4. Property adjacent to the south and east are also zoned TOD-4. Banquet halls are a conditional use approvable by ordinance in a TOD zoning district. The site also lies in the Carroll Camden Urban Renewal Plan area.

The property at 333 West Ostend Street lies at the eastern edge of the Carroll Camden Industrial Area, which has been entirely commercial and industrial for over a century. Two of Baltimore's professional athletic stadiums lie to the North. The Camden Line of MARC rail commuter service along with an active rail freight line and the north-south bridge of the Baltimore Light Rail mass transit line traverse the area.

The site is currently owned by 1301 Howard LLC. The owner is proposing to use the first floor level of the commercial building as a banquet hall. Capacity would be 500 persons seated or up to 1,000 persons standing in the banquet hall. At least 100 off-street parking spaces are required. The applicant has purchased and leased various properties within 600 feet of the site and proposes to convert the space into open-air off-street parking lots.

The proposed action is consistent with LIVE, EARN, PLAY, LEARN, The Comprehensive Master Plan for Baltimore Play Goal 2: Improve nightlife entertainment, and recreation experiences for residents and visitors, Objective 1: Expand access to nightlife. The action would also be consistent with the Carroll Camden Urban Renewal Plan's Objective 6: To promote and encourage new business activity in under-utilized properties and land.

Article 32 describes a banquet hall as follows:

"Banquet hall" means an establishment: (i) for which all events are directly managed by the owner of the facility or by a person regularly employed by the owner and responsible to the owner for the on-site management of all events held in that facility and for event arrangements;

(ii) that is used regularly for serving food or beverage provided by the owner or by caterers and suppliers approved in advance by the owner; (iii) that serves designated groups that, before the day of the event, have reserved the facility for banquets or meetings and provided all insurance certificates, security contracts, off-street parking contracts required by the facility's owner; (iv) to which the general public is not admitted; (v) for which no admission fee is charged at the door; and (vi) in which no third party promoter is involved or stands to profit. (2) Supplemental definition. In paragraph (1)(vi) of this subsection, "promoter" means a person whose primary business is to organize, schedule, and operate one-time events in various leased venues through wide-scale promotions and advance sales of general admission tickets advertised primarily by flyers, websites, e-blasts, and social media and customarily selling general admission tickets at the door. (3) Inclusions. "Banquet hall" includes an establishment that provides live entertainment as an accessory to the use described in paragraph (1) of this subsection. (4) Exclusions. "Banquet hall" does not include any restaurant or tavern. (ZONING ART. 32, § 1-303)

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency reports

Analysis by: Jennifer L. Coates *JLC*
Analysis Date: February 12, 2018

Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE
COUNCIL BILL 17-0157
(First Reader)**

Introduced by: Councilmember Costello

At the request of: 1301 Howard LLC

Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202

Telephone: 410-547-6900

Introduced and read first time: October 30, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Banquet Hall –**
3 **First Floor Area of 333 West Ostend Street**

4 FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and
5 operation of a banquet hall on the first floor area of the property known as 333 West Ostend
6 Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

7 BY authority of

8 Article 32 - Zoning
9 Sections 5-201(a), 14-302, and Table 12-402 (TOD-4)
10 Baltimore City Revised Code
11 (Edition 2000)

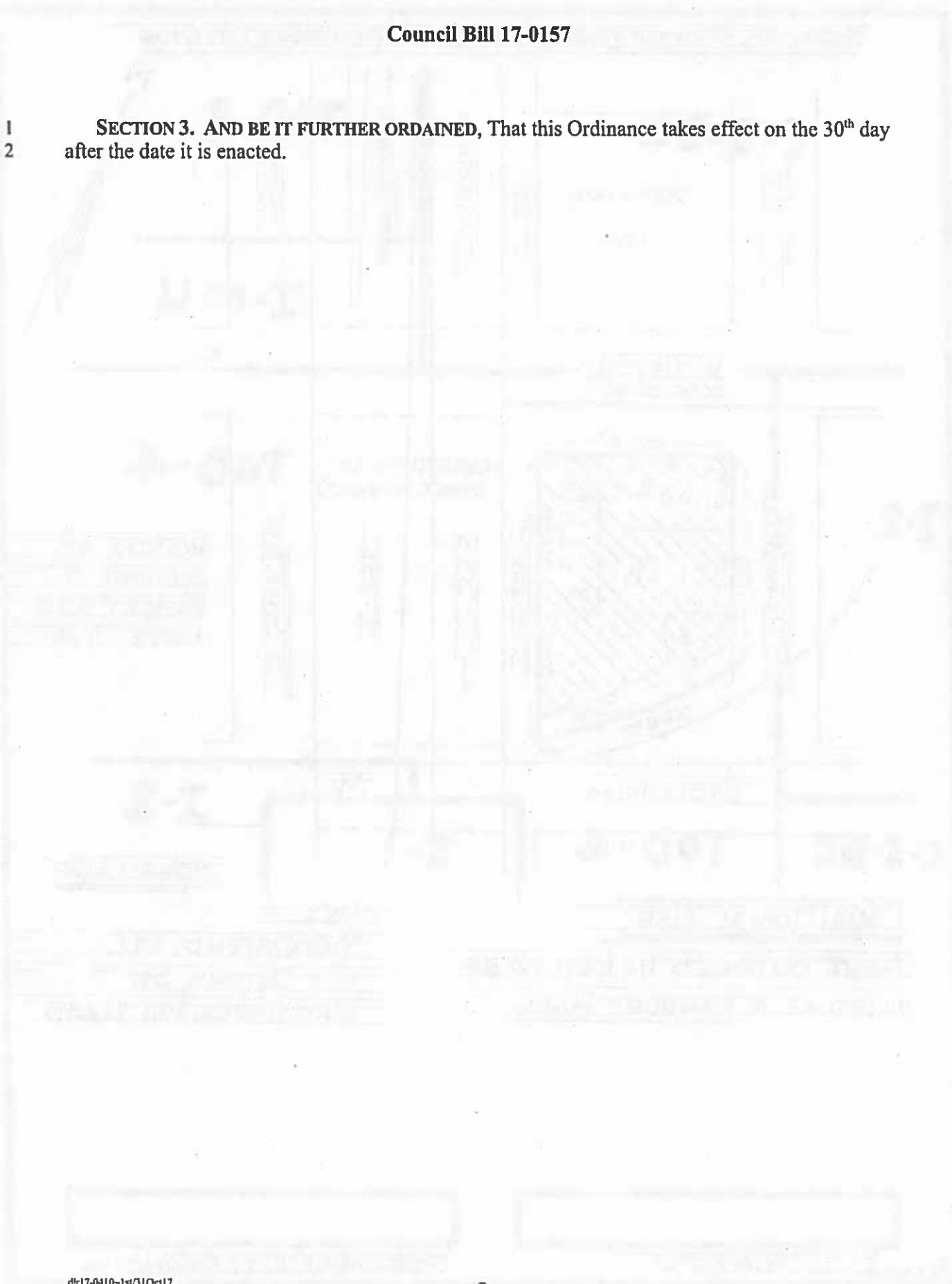
12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That
13 permission is granted for the establishment, maintenance, and operation of a banquet hall on the
14 first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as
15 outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City
16 Zoning Code §§ 5-201(a), 14-302, and Table 12-402 (TOD-4), subject to the condition that the
17 banquet hall complies with all applicable federal, state, and local licensing and certification
18 requirements.

19 **SECTION 2. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
20 accompanying plat and in order to give notice to the agencies that administer the City Zoning
21 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
22 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
23 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
24 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
25 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
26 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 17-0157

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.



SHEET No. 56 OF THE ZONING MAPS OF THE BALTIMORE CITY CODE



C-5-DC

PARKING
LOT

TOD-4

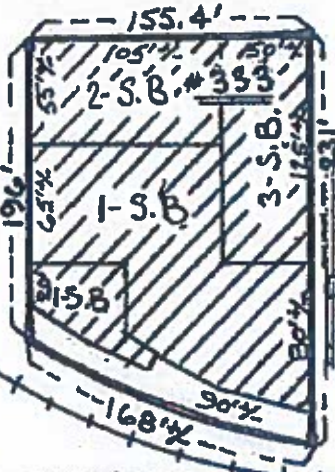
I-MU

W. OSTEND
(BRIDGE)

ST.

I-2

S. HOWARD



(PARKING LOT
UNDER VIADUCT)

TOD-4

WARD: 23
SECTION: 7
BLOCK: 973
LOT: 1/3

I-395

I-395

S. SHARP

STOCKHOLM

ST.

I-2

C-5-DC

TOD-4

I-1

SCALE: 1"=100'

CONDITIONAL USE:
AREA OUTLINED IN RED TO BE
USED AS A BANQUET HALL

FOR:
333 OSTEND, LLC
333 OSTEND ST.
BALTIMORE, MD. 21230

MAYOR

PRESIDENT CITY COUNCIL

BTS 12/17

LAND USE AND TRANSPORTATION COMMITTEE

BILL 17-0157

AGENCY REPORTS

Planning Commission	Favorable
Board of Municipal Zoning Appeals	Favorable
Department of Transportation	Favorable
Department of Law	Favorable
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable
Fire	No Objection

FROM

TJS

NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #17-0157 / Zoning – Conditional Use Banquet Hall – First Floor Area of 333 West Ostend Street

CITY of
BALTIMORE
MEMO



DATE: December 22, 2017

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

At its regular meeting December 21, 2017, the Planning Commission considered City Council Bill #17-0157, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001) as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #17-0157, and adopted the following resolution, eight members being present (eight in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406 of Article 32, the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- would not be detrimental to or endanger the public health, safety, or general welfare;
- would not be precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest; and
- would be in harmony with the purpose and intent of this Code;

and further **RESOLVED**, That the Planning Commission does not agree with the recommendation of its Departmental staff that this bill be amended as recommended in the attached report, and instead recommends that City Council Bill #17-0157 not be amended and passed without amendment by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division, at 410-396-4488.

TJS/WA

Attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration (continued next page)

cc: **Ms. Sharon Daboin, DHCD**
Mr. Frank Murphy, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Paul Plymouth, Council President's Office
Mr. Francis Burnszynski, PABC
Mr. Alfred Barry (for 1301 Howard LLC)



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

December 21, 2017

REQUEST: City Council Bill #17-0157/ Zoning – Conditional Use Banquet Hall – First Floor Area of 333 West Ostend Street

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

RECOMMENDATION: Amend, and Approve as amended

Recommended Amendment: Section 1 of City Council Bill 17-0157 should include this condition:

The banquet hall will continue to maintain and operate open-air off-street parking areas on the properties outlined in red and designated as "Parking Owned by Himmelrich Affiliates/ +/- 225 spaces", as shown with the number of parking spaces enumerated on the approved parking plan named "Parking for 333 West Ostend Street" attached hereto, for use by banquet hall patrons during banquet hall events; and to lease or otherwise provide other off-street parking resources for use by banquet hall patrons and staff.

STAFF: Martin French

PETITIONERS: Councilmember Costello, at the request of 1301 Howard LLC

OWNER: 1301 Howard LLC

SITE/ GENERAL AREA

Site Conditions: 333 West Ostend Street is located at the southeast corner of the intersection of Ostend and Howard Streets. This property has 155'4" of frontage on Ostend Street, 196' of frontage on Howard Street, and approximately 231' of frontage on the bed of a former street known as Plum Street which is now part of the State of Maryland's right-of-way under the causeway of Interstate Highway 395. The site contains approximately 0.735 acre and is improved with a combination one-, two-, and three-story detached commercial structure covering approximately 90% of the lot. (The largest part of this property, which was formed by consolidation of three properties in 1992, was formerly known as 1301 South Howard Street.) The property and its immediate neighbors to its south and east are zoned TOD-4, a transit-oriented development zoning district in which banquet halls are a conditional use approvable by ordinance (Article 32, Zoning Code, Table 12-402).

General Area: This property is at the eastern edge of the Carroll Camden Industrial Area, which has been entirely commercial and industrial for over a century. North of this site are Baltimore's two professional athletic stadiums. The area is traversed by an active rail freight line, the Camden Line of MARC rail commuter service between Baltimore and Washington, DC, and by the north-south bridge of the Baltimore Light Rail mass transit line.

HISTORY

This site is in the Carroll Camden Urban Renewal Plan area originally approved by the Mayor and City Council by Ordinance No. 02-296 dated March 6, 2002, as last amended by Amendment No. 8 dated August 15, 2016, approved by Ordinance No. 16-551 dated November 14, 2016.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Play Goal 2: Improve nightlife, entertainment, and recreation experiences for residents and visitors, Objective 1: Expand access to nightlife. The action would also be consistent with the Carroll Camden Urban Renewal Plan's Objective 6: To promote and encourage new business activity in under-utilized properties and land.

ANALYSIS

Background: The applicant wishes to use the first floor level of the commercial building known as 333 West Ostend Street as a banquet hall, with an anticipated capacity of approximately 500 persons seated or up to 1,000 persons standing in the banquet hall. The one aspect of the proposal needing a solution is off-street parking for patrons of the banquet hall. The applicant has taken the initiative to address this by purchasing and leasing various properties within 600 feet of the site and offering to convert them into open-air off-street parking lots according to current Baltimore City standards. As the anticipated capacity of these lots (shown in red on the parking plan) will not accommodate all banquet patrons at large events, the applicant has also leased parking spaces at other locations close to 333 West Ostend Street. This supports his effort to limit possible adverse effects on the existing on-street parking and loading needs of the nearby commercial and industrial properties. As most of these lots are not "just across the street" from the proposed banquet hall, the applicant anticipates that some valet parking service may also be provided as part of arrangements with banquet organizers.

Conditional Use: Per §5-406 {"Approval standards"} of Article 32 – Zoning:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Below is the staff's review of §5-406(b) {"Required considerations"} of Article 32 – Zoning:

"Banquet hall" means an establishment: (i) for which all events are directly managed by the owner of the facility or by a person regularly employed by the owner and responsible to the owner for the on-site management of all events held in that facility and for event arrangements; (ii) that is used regularly for serving food or beverage provided by the owner or by caterers and suppliers approved in advance by the owner; (iii) that serves designated groups that, before the day of the event, have reserved the facility for banquets or meetings and provided all insurance certificates, security contracts, off-street parking contracts required by the facility's owner; (iv) to which the general public is not admitted; (v) for which no admission fee is charged at the door; and (vi) in which no third party promoter is involved or stands to profit (§1-303(c)(1)). This definition of a banquet hall, which is both stricter and more extensive than the definition contained in the Zoning Code before June 5, 2017, will help protect nearby commercial and industrial areas from the "floating nightclub" phenomenon that would occasionally occur under the previous Code's less detailed provisions. For these reasons, the proposed use's location, maintenance and operation would not be detrimental to or endanger public health, safety, or welfare.

The proposed banquet hall has an estimated capacity of approximately 1,000 persons, for which at least 100 off-street parking spaces are required (Table 16-406). The parking lots shown in red on the parking lot map are intended to provide approximately 225 spaces. The balance of commercially-needed spaces, according to the applicant, would be provided by another 450 spaces leased on nearby properties. To the extent that there could be conflicts with residential or local business uses when banquet halls have located in other areas, this site could be considered one not likely to generate such conflicts provided that the banquet hall continues to provide off-street parking for its patrons.

Due to its location between an expressway and a rail transit line, and within a long-established commercial and industrial area, there would be minimal adverse noise impact upon the nearest residents in either the Sharp-Leadenhall or Pigtown communities.

The banquet hall is not precluded at this location by any other law, and is not inconsistent with the Urban Renewal Plan for the Carroll Camden area. As noted above, the proposed use is actually consistent with the Urban Renewal Plan's objective of promoting new business activity in under-utilized properties. The authorization would not be contrary to the public interest, and would be in harmony with the purpose and intent of the Zoning Code.

Notification: The Carroll Camden Industrial Business Association has been notified of this action.



Thomas J. Stosur
Director

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



**BOARD OF MUNICIPAL AND
ZONING APPEALS**

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

January 3, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

**RE: CC Ord.17-0157: Zoning – Conditional Use Banquet Hall – 333 West
Ostend Street**

Ladies and Gentlemen:

City Council Bill No. 17-0157 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0157 is to permit, with certain conditions, the conditional use of a banquet hall on the first floor of the premises located at 333 West Ostend Street, as outlined in red on the accompanying plat.

The BMZA has reviewed the legislation and defers to the report and recommendation of the Planning Commission recommending passage of CC# 17-0157.

Sincerely,

David C. Tanner
Executive Director

DCT/djb

CC: Mayors Office of Council Relations
Legislative Reference

F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill Report 17-0157		

TO Mayor Catherine E. Pugh

DATE: January 31, 2018

TO: Respective City Council Land Use and Transportation Committee

FROM: Department of Transportation

POSITION: Support

RE: Council Bill – 17-0157- Zoning - Conditional Use Banquet Hall - First Floor Area of 333 West Ostend Street

INTRODUCTION – First Floor Area of 333 West Ostend Street For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001).

PURPOSE/PLANS – Allowing a vacant 75,000 SF warehouse building to reestablish as a banquet hall in the South Baltimore area.

BRIEF HISTORY – 333 West Ostend, located over the bridge from M&T Bank Stadium, was previously “The Parke Metal Decorating Co.” and is currently a vacant building available for office space rentals.

FISCAL IMPACT – Not applicable

AGENCY/DEPARTMENT POSITION –

The Department of Transportation supports City Council 17-0157.

If you have any questions, please do not hesitate to contact Katelyn McCauley, at Katelyn.McCauley@baltimorecity.gov, or (443) 677-9391.

Sincerely,



Michelle Pourciau
Director

CITY OF BALTIMORE

**CATHERINE E. PUGH,
Mayor**



**DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202**

February 6, 2018

**The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202**

**Re: City Council Bill 17-0157– Zoning – Conditional Use – Banquet Hall – First Floor
Area of 333 West Ostend Street**

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0157 for form and legal sufficiency. The bill permits, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first-floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001).

This property is zoned TOD-4, which requires banquet halls to be approved by ordinance. City Code, Art. 32, Table 12-402. Under the City Code, approval of a conditional use must be based on a finding that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;**
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;**
- (3) the authorization would not be contrary to the public interest; and**
- (4) the authorization would be in harmony with the purpose and intent of this Code.**

Art. 32, § 5-406(a). Moreover, the finding must be guided by 14 “considerations” involving such things as the “nature of the surrounding area and the extent to which the proposed use might impair its present and future development”: “the resulting traffic patterns and adequacy of proposed off-street parking”; etc. See Art. 32, § 5-406(b).

The Law Department notes that the Planning Commission’s Report (“Report”) indicates that the Planning staff has reviewed and commented on the facts pertinent to the requirements of Art. 32, § 5-406(a). The Report, however, does discuss any of the 14 “considerations” required

by Art. 32, § 5-406(b). For this reason, the City Council the City Council must elicit those considerations at the public hearing before it lawfully approve this conditional use ordinance.

Law Department notes further that a bill that would authorize a conditional use is classified as a "legislative authorization." Art. 32, § 5-501. Legislative authorizations require that certain procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the bill. See Art 32, § 5-602. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. See Art. 32, §§ 5-504, 5-506, 5-604. Finally, certain limitations on the City Council's ability to amend the bill apply. See Art. 32 § 5-507.

In conclusion, if the City Council agrees with the facts contained in the Report and establishes the required considerations at the bill's public hearing, the Law Department is prepared to approve the bill for form and legal sufficiency, assuming all other procedural requirements are met.

Sincerely,



Victor K. Tervalo
Chief Solicitor


cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor



Baltimore
Development Corporation

MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO 

DATE: November 21, 2017

SUBJECT: City Council Bill 17-0157
Zoning – Conditional Use Banquet Hall – First Floor of 333 West Ostend Street

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 17-0157, for the purpose of permitting the establishment, maintenance, and operation of a banquet hall on the first floor of the property known as 333 West Ostend.

The BDC supports this Bill. The addition of the banquet hall use would complement the existing entertainment district to the west and is an appropriate distance from the nearest residential zoning district as to not cause a noise nuisance.

The BDC respectfully requests that favorable consideration be given to City Council Bill No. 17-0157.

cc: Kyron Banks

The Baltimore City Department of
**HOUSING & COMMUNITY
DEVELOPMENT**

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MB*

Date: January 18, 2018

Re: City Council Bill 17-0157 - First Floor Area of 333 West Ostend Street

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0157, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001).

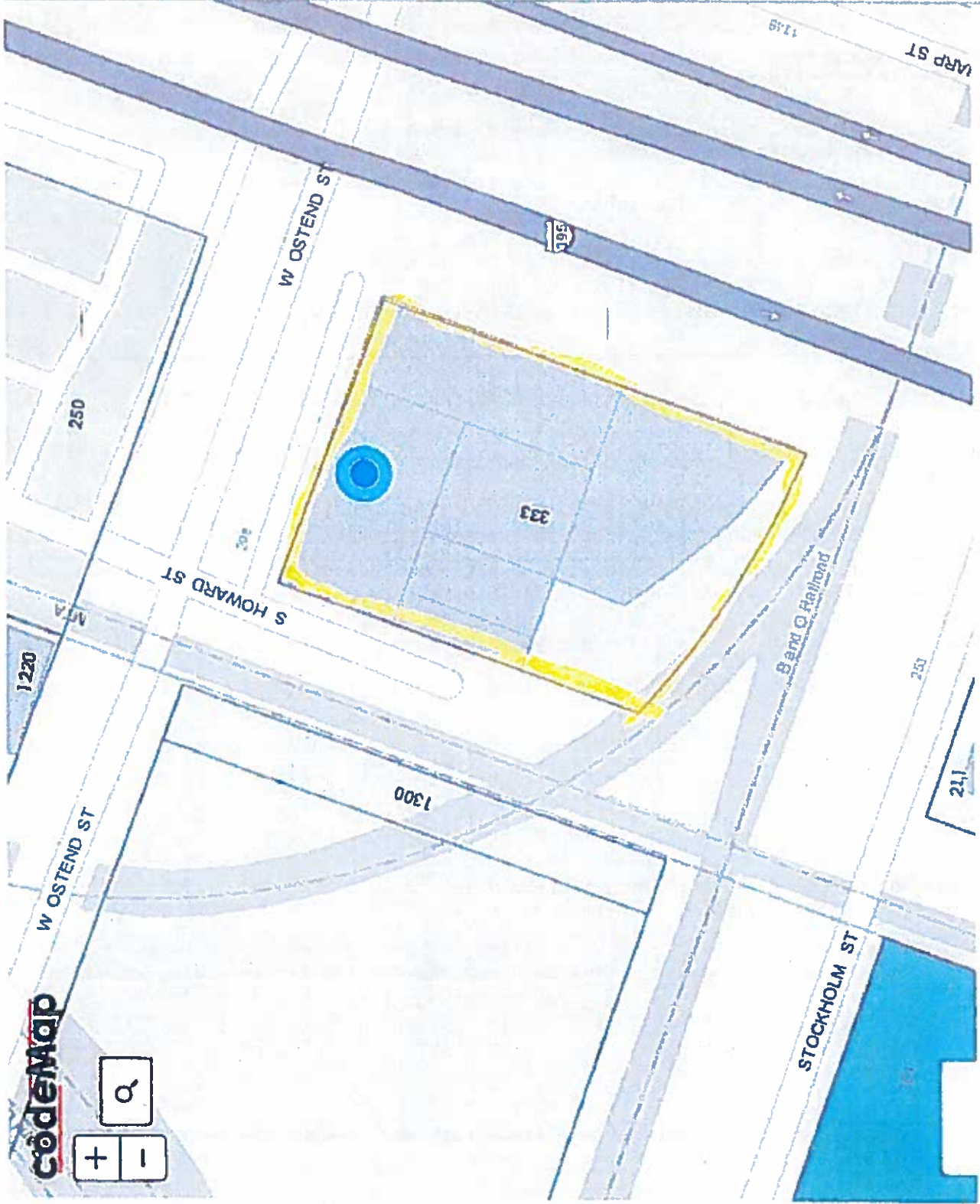
If enacted, this bill would allow for the operation of a banquet hall on the first floor of an existing commercial building in the Carroll-Camden neighborhood. The property is located in the TOD-4 zoning district.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0157.

MB:sd


cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*

codeMap



Contents

- Focus Areas
 - Funded De
 - Funded Dei
 - Comm De
 - Major Rede
 - Major R
 - Popplet
 - Streamline
 - CE Internal
- DHCD Acq
- Title Ga
- Judgme
- BOE Rei
- Case Rt
- Acqinit,
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- All Miles
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- Intaki
- RFA Re

FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>117</i>	CITY OF BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. _21202		
	SUBJECT	City Council Bill #17-0157 Response to Zoning – Conditional Use Banquet Hall – First Floor Area of 333 West Ostend Street		

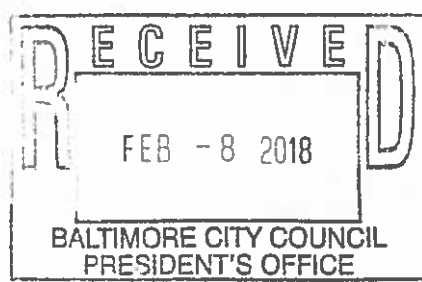
DATE

February 7, 2018

TO The Honorable Bernard C. Young, President
And All Members of the Baltimore City Council
City Hall, Room 408

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

The Fire Department does not object to City Council Bill 17-0157 provided that all applicable sections of the Fire and Building codes are adhered. This may include a requirement for plans to be submitted to the Fire Department, an annual Fire Inspection, permit, automatic sprinkler system, and Fire Alarm system.



NO obj.

**CITY OF BALTIMORE
COUNCIL BILL 17-0157
(First Reader)**

Introduced by: Councilmember Costello

At the request of: 1301 Howard LLC

Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202

Telephone: 410-547-6900

Introduced and read first time: October 30, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Housing and Community Development,
Baltimore Development Corporation, *Department of Transportation, Fire Department*

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Banquet Hall –**
3 **First Floor Area of 333 West Ostend Street**

4 FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and
5 operation of a banquet hall on the first floor area of the property known as 333 West Ostend
6 Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

7 BY authority of

8 Article 32 - Zoning
9 Sections 5-201(a), 14-302, and Table 12-402 (TOD-4)
10 Baltimore City Revised Code
11 (Edition 2000)

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18 requirements.

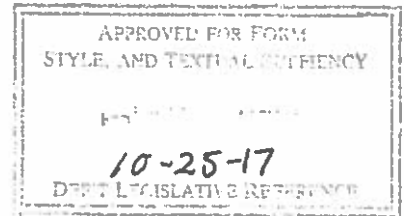
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22 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
23 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
24 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
25 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
26 the Zoning Administrator.

EXPLANATION: CAPITALS indicate matter added to existing law.
{Brackets} indicate matter deleted from existing law.

Council Bill 17-0157

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Costello
At the request of: 1301 Howard LLC
Address: c/o Alfred W. Barry, III, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland
21202
Telephone: 410-547-6900

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Conditional Use Banquet Hall –
First Floor Area of 333 West Ostend Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the accompanying plat.

By authority of

Article 32 - Zoning
Sections 5-201(a), 14-302, and Table 12-402 (TOD-4)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a banquet hall on the first floor area of the property known as 333 West Ostend Street (Block 0973, Lot 001), as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 5-201(a), 14-302, and Table 12-402 (TOD-4), subject to the condition that the banquet hall complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

STATEMENT OF INTENT

FOR

333 West Ostend Street
{Address}

1. **Applicant's Contact Information:**
Name: 1301 Howard LLC c/o Alfred W. Barry III
Mailing Address: 201 F. Baltimore St #1150
Baltimore, MD 21202
Telephone Number: (410) 547-6900
Email Address: ababalt@yahoo.com

2. All Proposed Zoning Changes for the Property: _____
Conditional use banquet hall for portion of property as outlined on plat

3. All Intended Uses of the Property: Conditional use approval for banquet hall

4. **Current Owner's Contact Information:**
Name: 1301 Howard LLC
Mailing Address: 1340 Smith Avenue
Baltimore, MD 21209
Telephone Number: (410) 385-1234
Email Address: _____

5. **Property Acquisition:**
The property was acquired by the current owner on 9/26/1996 by deed recorded in the
Land Records of Baltimore City in Liber 05862 Folio 00429.

6. **Contract Contingency:**
(a) There is _____ is not a contract contingent on the requested legislative authorization.
(b) If there is a contract contingent on the requested legislative authorization:
(i) The names and addresses of all parties to the contract are as follows {use additional sheet if necessary}: _____

(ii) The purpose, nature, and effect of the contract are: _____

7. Agency:

(a) The applicant is _____ is not acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows [use additional sheet if necessary]: _____

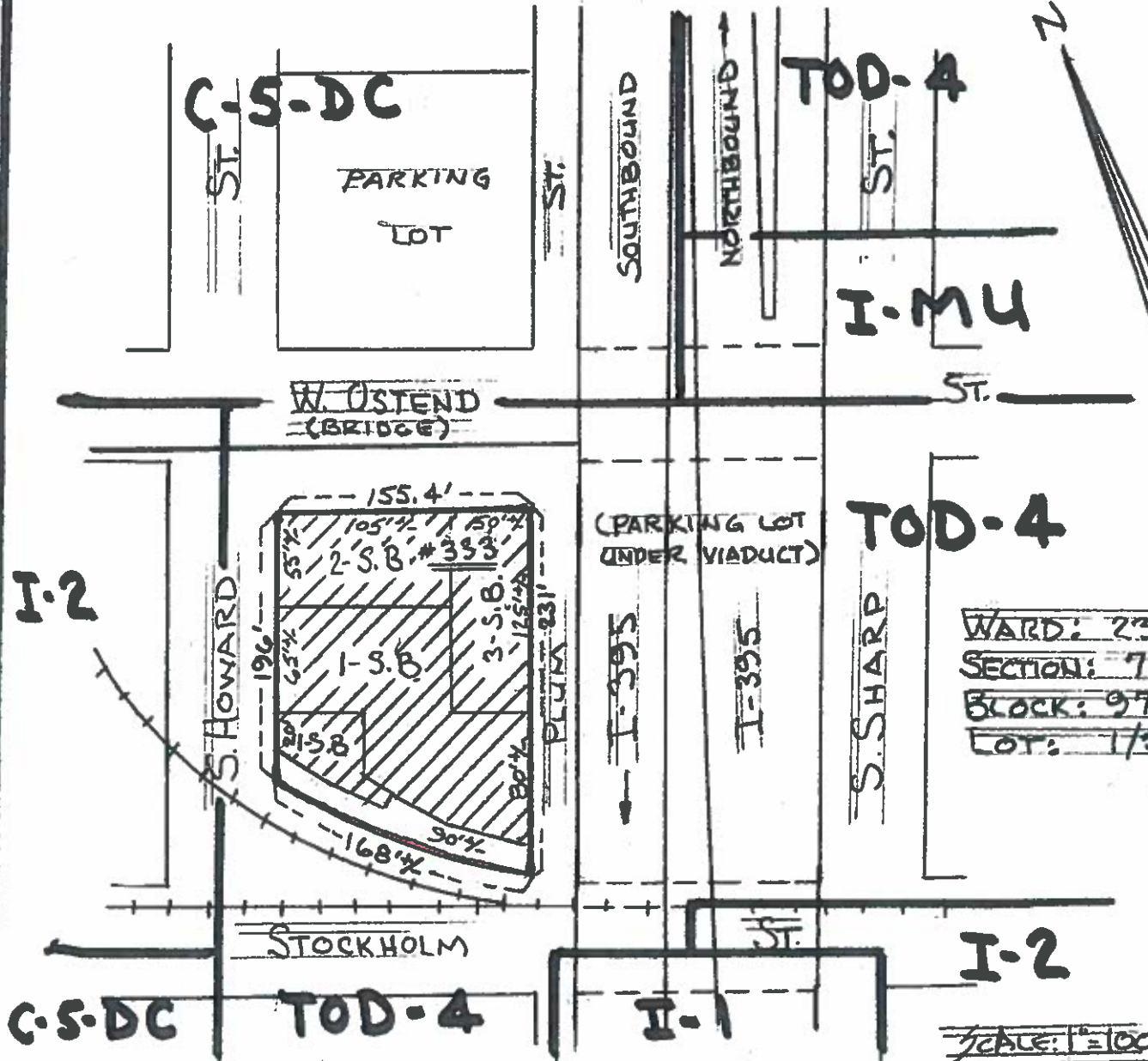
AFFIDAVIT

I, Alfred W. Barry III, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.


Applicant's signature

10/24/17
Date

SHEET No. 56 OF THE ZONING MAPS OF THE BALTIMORE CITY CODE



WARD: 23
SECTION: 7
BLOCK: 973
LOT: 1/5

SCALE: 1"=100'

CONDITIONAL USE:

AREA OUTLINED IN RED TO BE
USED AS A BANQUET HALL

FOR:

333 OSTEND, LLC
333 OSTEND ST.
BALTIMORE, MD. 21230

MAYOR

PRESIDENT CITY COUNCIL

BTS 12/17

ACTION BY THE CITY COUNCIL

OCT 30 2017

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON February 14, _____ 20 18

COMMITTEE REPORT AS OF February 26, _____ 20 18

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION


Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

FEB 26 2018

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing. _____ 20 _____

THIRD READING _____ MAR 12 2018

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

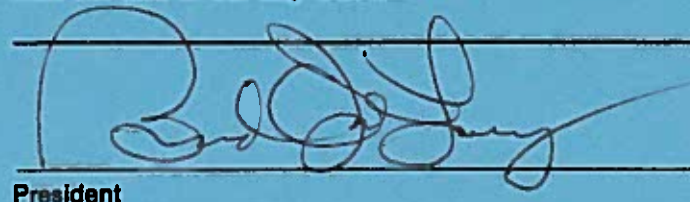
THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.


President


Chief Clerk

