


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 1236 Light Street		

**TO**

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

DATE: March 18, 2013

**REQUEST**

The Department of Planning has received Jason Stevens' Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the premises as a restaurant and tavern with live entertainment and dancing. The Zoning Administrator has determined that this is a conditional use in a B-2 District. We understand that this appeal is scheduled for hearing on March 19, 2013.

**SITE**

1236 Light Street is located on the west side of the street, approximately 64'6" north of the intersection with Ostend Street. This property measures approximately 17'7" by 134'7" and is currently improved with a four-story attached building measuring approximately 17'7" by 65'. This site is zoned B-2-3 and is located within the South Baltimore Business Area Urban Renewal Plan area.

**ANALYSIS**

Conditional Use: In this zoning district, restaurants or taverns – including live entertainment and dancing, are a conditional use, requiring approval by the Board (§6-308). The premises is currently authorized for use as a restaurant and a tavern. The applicant is proposing to add live entertainment and dancing on Tuesdays through Saturdays.

Urban Renewal Plan: This property is located in the South Baltimore Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district, provided that the extent of dancing included with the live entertainment would not result in a characterization of the use as a "dance hall".

Required Findings - Live Entertainment or Dancing: For a restaurant or tavern operating with live entertainment or dancing as an accessory use, the Board must consider imposing conditions, as appropriate, concerning:

- (1) days and hours of operation;
- (2) use of amplification, noise levels, and need for noise proofing;
- (3) limits on the size of the establishment or on the size, location, or configuration of the entertainment or dancing venue within the establishment;
- (4) number of live entertainers;
- (5) number of seats proposed for outdoor table service;
- (6) exterior lighting;
- (7) whether to limit the accessory use to live entertainment only or dancing only; and

- (8) the establishment and maintenance of:
- (i) a traffic and parking management plan; and
  - (ii) an indoor and outdoor security plan. (§14-309)

The application indicates that the live entertainment would be amplified acoustic music and jazz, primarily on the second floor of the premises and occasionally on the first floor, with sound levels below 80 decibels. As this is an attached structure, if there are dwellings on either side of this property the sound level would need to be less than 80 decibels as measured at the party wall of the adjoining structure. The application proposes a 60 decibel sound level maximum. The application did not include a parking management plan (99 patrons being expected for live entertainment performances), and the size and shape of the property would prevent its use for off-street parking. The application states that patrons would be from the nearby Federal Hill area, and would arrive on foot.

TransForm Baltimore: This property would become part of a C-1 Neighborhood Business District (Proposed Zoning Map Area 11-A), in which indoor live entertainment would remain a conditional use (Table 10-301).

#### **RECOMMENDATION**

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions, in addition to conditions which the Board may impose:

- The maximum sound level must be kept below 60 decibels as measured on the other side of the party walls of the premises, or below 60 decibels as measured immediately outside the structure;
- Dancing will be strictly accessory to the principal use of the property for a restaurant and tavern, and both daily activities and the proportion of floor area used for dancing will not become cause for the premises to be considered as being used as a dance hall;
- A copy of the use and occupancy permit for the premises must be kept on the premises and available for inspection by representatives of Baltimore City at all times;
- A copy of the written approval by the Board of Municipal and Zoning Appeals of the live entertainment provided on the premises, including details of any restrictions or limitations on the live entertainment provided, must be kept on the premises and available for inspection by representatives of Baltimore City at all times;
- A copy of all other permits and licenses required pursuant to the written approval of the Board of Municipal and Zoning Appeals must be kept on the premises and available for inspection by representatives of Baltimore City at all times.

TJS/wya/mf

cc: Jason Stevens, Appellant