


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>Stole/for T. JS.</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 1417 Thames Street		

TO

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

DATE: April 11, 2012

REQUEST

The Department of Planning has received AB Associates' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Mission-Driven Dining, LLC., to continue to use a portion of the premises as a restaurant with accessory outdoor table service, and add live entertainment. We understand that this appeal is scheduled for hearing on April 17, 2012.

SITE

1417 Thames Street is located on the south side of the street, opposite the intersection with Philpot Street. This property measures approximately 300' along the south side of Thames Street and approximately 500' along the north shore of the Northwest Branch of the Patapsco River and contains approximately 1.408 acre of fast land, and is currently improved with a three-story renovated historic waterfront warehouse building joined by an enclosed elevated walkway to a new four-story institutional building, together used as a museum and educational facility. This site is zoned B-2-2 and is located within the Fells Point Waterfront Urban Renewal Plan area and the Fells Point Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment and dancing, and including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-308). The applicant proposes to add live entertainment to the restaurant now located in the first floor of the new building with its outdoor seating area placed on the waterfront side of the building facing southeasterly.

Definition – Live Entertainment:

(a) *In general.* "Live entertainment" means and one or more of any of the following, performed live by one or more persons, whether or not done for compensation and whether or not admission is charged:

- (1) musical act (including karaoke);
- (2) theatrical act (including stand-up comedy);
- (3) play;
- (4) revue;
- (5) dance;
- (6) magic act;
- (7) disc jockey; or
- (8) similar activity. (§1-153.2).

The applicant is proposing only musical acts, with no or minimal amplification, as live entertainment until 11:00 p.m. Tuesdays through Thursdays and Sundays, and until 1:00 a.m. on Fridays and Saturdays.

Urban Renewal Plan: This property is located in the Fells Point Waterfront Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Historic District: The subject property is located within the Fells Point District, a locally designated Baltimore City historic district. All exterior changes, including additions, demolitions, and alterations are subject to review and approval by the Commission for Historical and Architectural Preservation (CHAP). It is recommended that the applicant contact CHAP to determine the review process applicable to their project if there would be any changes in signage associated with the proposed addition of live entertainment.

RECOMMENDATION

The Department of Planning recommends approval of the appeal for a restaurant with live entertainment as described in this application, subject to these conditions in addition to any conditions that the Board may approve:

- 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: AB Associates, Appellant