


| | | | | |
|-------------|-----------------------|--|-------------------------------------|---|
| FROM | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR | | |
| | SUBJECT | BMZA / 509-513 South Broadway | | |

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

DATE: April 15, 2014

REQUEST

The Department of Planning has received Jose Enrique Ribadeneira's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of the Latin Palace, to use the premises as a restaurant and tavern with live entertainment and dancing and with accessory outdoor table service. 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 April 22, 2014.

SITE

509-513 South Broadway is located on the east side of the street, approximately 60' south of the intersection with Eastern Avenue. This property measures approximately 49'9" by 112' and is currently improved with a three-story attached commercial building covering the entire lot. This site is zoned B-2-2 and is located within the Fells Point Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment and dancing, and including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as a restaurant, which is a permitted use in this B-2 Community Business District.

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 this premises has a rated capacity of 600 persons, and has been operating for 17 years with a valet parking service, security managed by an off-duty Police sergeant, and live entertainment including musical acts, plays, and dance instruction and dancing; and states that these would continue as they are now. The application does not indicate a maximum decibel level for amplified sound associated with live entertainment.

The Department of Planning recommends that this be set at 80 decibels measured 10' distant from the property.

Definition: "Outdoor table service", as an accessory to a restaurant, means an outdoor service area at which patrons are seated at tables for service of food and drinks (§1-168.1). The application states that outdoor seating is presently authorized for up to 20 seats, and the floor plan included with the application shows a 50' span of sidewalk in front of the premises to be used for five seating areas. Unfortunately, as one of these is shown blocking the front door this number must be reduced in order to allow safe ingress and egress. The Department of Planning recommends that the accessory outdoor table service area remain, against the front wall of the building, limited to four 4-top tables with four seats each.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 7-D) in which restaurants with secondary live entertainment would be conditional uses and outdoor dining would be a permitted use (Table 10-301). "Live entertainment" includes dancing and would be subject to requirements and standards identical to those in the Zoning Code today (§14-319).

RECOMMENDATION

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

FOR LIVE ENTERTAINMENT – CONDITIONS:

- Sound levels must be limited to 80 decibels measured at a distance of 10 feet from the property line;
- 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.

FOR OUTDOOR TABLE SERVICE – CONDITIONS:

- A minimum of eight feet of the sidewalk must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area will not be more than four tables and 16 patrons;
- The tables will be limited to those that can seat four patrons, and are to be kept against the wall of the building, and not impede access to the front doors of the premises;
- There will be no outdoor bar;
- There will be no outdoor music, jukebox, or other form of entertainment; and
- All patrons must be seated for dining, and served by wait staff.

TJS/wya/mf

cc: Jose Enrique Ribadeneira, Appellant
Southeast