


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 505 South Broadway		

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

DATE: April 30, 2014

### REQUEST

The Department of Planning has received Pedro and Yenys Silva's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the first and second floors of the premises as a restaurant 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 May 6, 2014.

### SITE

505 South Broadway is located on the east side of the street, approximately 30' south of the intersection with Eastern Avenue. This property measures approximately 15' by 94' and is currently improved with a four-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, are a conditional use, requiring approval by the Board (§6-308). The application requests approval to add musical acts, including karaoke, and dancing to the current use of the property.

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 notes that the premises has a rated capacity of 85 persons, but does not provide a parking management plan or a security plan. Live entertainment and dancing would occur only on Friday, Saturday, and Sunday nights.

Historic District: The subject property is located within the Fells Point District, a locally and nationally 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.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 7-D) in which live entertainment secondary to a restaurant, tavern, art studio or art gallery, would be 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 any conditions which the Board may establish:

- The applicant provides the Board with an approvable parking management plan and security plan;
- 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: Pedro and Yenys Silva, Appellants