


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>Shale / for T. Stosur</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 401 North Howard Street		

TO

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

DATE: April 10, 2012

REQUEST

The Department of Planning has received Renwick Bass' Board of Municipal and Zoning Appeals (BMZA) application to use the premises for a cultural center with youth development programs, cultural arts, gourmet food and live entertainment. We understand that this appeal is scheduled for hearing on April 17, 2012.

SITE

401 North Howard Street is located on the northeast corner of the intersection with Mulberry Street. This property measures approximately 50' by 167' and is currently improved with a two-story semi-detached commercial building measuring approximately 50' by 100'. This site is zoned B-4-2 and is located within the Market Center Urban Renewal Plan area and the Market Center National Register Historic District.

ANALYSIS

Use: In this zoning district, multi-purpose neighborhood centers and restaurants are listed as permitted uses, and so are allowed (§6-506). In this case, the property was last authorized for use as a bank, which is also a permitted use in this B-4 Central Business District.

Urban Renewal Plan: This property is located in the Market Center Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this 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 copy of the application made available to this Department provided information about the various types of live entertainment to be provided on site. The applicant intends to limit sound levels to 115 decibels which may be acceptable in an area with little residential activity at present; however, if redevelopment of the immediate area should increase the number of dwelling units adjoining or across the streets from this property, the applicant may need to reduce the maximum sound level in the future. The application indicates that food served at this site would be catered, i.e. cooked elsewhere but served here, thus this application does not include a restaurant per se. There are adequate plans for exterior lighting and security.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.a). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b.). In this zoning district, restaurants are not required to provide off-street parking spaces (§10-405.21.i). The amount of off-street parking for a multi-purpose neighborhood center will be as required by the Board after considering written recommendation by the Department of Public Works (§10-405.22.iii). There is an existing parking area in the rear of this property which is accessible from Mulberry Street and Tyson Street; currently this provides approximately 8 parking spaces. The applicant proposes to arrange for up to 75 additional parking spaces with a downtown area parking lot manager. The City's Department of Transportation has separately reviewed this proposed downtown cultural center and determined that on-site and immediate surrounding parking resources are adequate for the proposed use.

RECOMMENDATION

The Department of Planning recommends that, if this appeal is approved, the approval be subject to these conditions related to the live entertainment component of the proposed use, in addition to any conditions that the Board may impose:

- The premises close to the public not later than 2:00 a.m. on all days of the week;
- 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: Renwick Bass, Appellant