


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 / 1444 Light Street		

TO

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

DATE:

May 16, 2014

REQUEST

The Department of Planning has received Cecilia Benalcacer's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the first floor of the premises as a restaurant – including live entertainment. 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 20, 2014.

SITE

1444 Light Street is located on the west side of the street, approximately 64' north of the intersection with Fort Avenue. This property measures approximately 31'3" along Light Street and contains approximately 0.083 acre, and is currently improved with a three-story attached building measuring approximately 31'3" by 70'. This site is zoned B-2-3 and is located within the Federal Hill South National Register 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 property is currently authorized for use as a restaurant.

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 states that the premises has a rated capacity of 101 persons. Proposed live entertainment would have a maximum sound level of 40 decibels measured at a distance of 10' from the property, and would occur during operating hours of the restaurant, which end with closing times of 10:00 p.m. on weekdays and 11:00 p.m. on Fridays and Saturdays

(Sunday closings would be at 10:00 p.m. also). A valet service provides off-street parking on a separate lot. No security plan was provided in the application.

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 shows a courtyard at the rear of the property, with landscaping and an assortment of six two-top tables, two four-top tables, and one six-top table with associated seating. There is no outdoor table service proposed on the sidewalk along Light Street. For purposes of emergency egress, there is available a 3’ wide pedestrian alley leading from the center of this 30’ by 40’ courtyard to Marshall Street, which nearly parallels Light Street at this location.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 11-A) in which restaurants and outdoor dining would be permitted uses (Table 10-301). Live entertainment would continue to be subject to requirements equal to those in the current Zoning Code (§14-319).

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 establish:

FOR LIVE ENTERTAINMENT – CONDITIONS:

- Live entertainment will occur only inside the restaurant structure, with sound level not to exceed 40 decibels at 10 feet from the property;
- During live entertainment events, security will be provided in accordance with an approved 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.

FOR OUTDOOR TABLE SERVICE – CONDITIONS:

- The capacity of the outdoor seating area will not be more than 9 tables and 26 patrons;
- The tables will be limited to those that can seat 6 patrons, and are to be kept inside the wall of the courtyard behind the building;
- There will be no outdoor bar;
- There will be no outdoor music, a jukebox, or other form of entertainment; and
- All patrons must be seated for dining, and served by wait staff.

TJS/wya/mf

cc: Cecilia Benalcázar, Appellant