

Theo Nguyen for

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 / 2900 O'Donnell Street		

TO

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

DATE: August 12, 2013

REQUEST

The Department of Planning has received William Larney's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the entire premises as a tavern and restaurant with package good sales and 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 August 20, 2013.

SITE

2900 O'Donnell Street is located on the northeast corner of the intersection with Linwood Avenue. This property measures approximately 33' by 75' and is currently improved with a three-story end-of-row residential mixed-use building covering the entire lot. This site is zoned B-2-2 and is located within the Canton Waterfront Urban Renewal Area and the Canton National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, taverns – including live entertainment and dancing, are a conditional use, requiring approval by the Board (§6-308).

Urban Renewal Plan: This property is located in the Canton Waterfront 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 application indicates that live entertainment would be provided by musical duos or by DJs using the house speaker system, which would not cause sound levels to exceed 80 decibels at 10' distant from the property. The rated capacity of the premises is 261 persons but the application included no security plan other than a reference to having "one to four security personnel present each night according to the necessity during an event or volume of customers". This security plan should be better defined. The application also notes that there is no on-premises parking available and thus no parking management plan is included. The applicant should provide some off-street parking alternatives for those patrons among the maximum 261 persons permitted on premises who may drive to the proposed live entertainment performances.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 8-C) in which live entertainment – secondary to a restaurant, tavern, art studio or art gallery, would be a conditional use (Table 10-301). Taverns would be conditional uses and restaurants would be permitted uses. "Entertainment: Live" includes forms of entertainment now cited in the Zoning Code (§1-306 (C)).

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:

- 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: William Larney, Appellant