


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 / 710 South Central Avenue		

TO

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

DATE: August 29, 2012

REQUEST

The Department of Planning has received Ryan Potter's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Harbor East Office LLC, to use a portion of the first floor of the premises as a restaurant with live entertainment. We understand that this appeal is scheduled for hearing on September 4, 2012.

SITE

710 South Central Avenue is located on the northwest corner of the intersection with Lancaster Street. This property measures approximately 226'8" along Central Avenue by 227'11" along Lancaster Street and contains approximately 0.862 acre, and is currently improved with a six-story residential mixed-use building covering most of the lot. This site is zoned B-2-4 and is located within the Inner Harbor East Urban Renewal Plan area.

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 restaurant is to continue to occupy a portion of the first floor of the building, and accessory outdoor table service was previously approved with conditions by the Board in its decision concerning appeal no. 2012-143, heard on May 1, 2012. This application would add live entertainment in the form of musical acts, and/or recorded music, located in the lounge area of the 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 indicates that, although this restaurant has a rated capacity of 150 people, addition of lightly amplified acoustic music is not expected to increase the patronage significantly beyond current levels. For this reason, there is no traffic and parking management plan or indoor and outdoor security plan included with the application. The applicant has provided a floor plan showing where the live entertainment would be located, including in relation to windows or doors, and it demonstrates that there would be minimal sound transmission to nearby residences in the Promenade Apartments.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions:

- 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: Ryan Potter, Appellant