


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 / 1400 Light Street		

TO

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

DATE: September 18, 2014

REQUEST

The Department of Planning has received Paul Snyder's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Rowhouse Grille LLC, to continue to use the first and second floors of the premises as a restaurant and add live entertainment and accessory outdoor table service. The Zoning Administrator has determined that this is a conditional use in a B-2 Zoning District. We understand that this appeal is scheduled for hearing on September 23, 2014.

SITE

1400 Light Street is located on the southwest corner of the intersection with Gittings Street. This property measures approximately 16' by 85'11" and is currently improved with a three-story semi-detached commercial building covering the entire lot. 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 (§6-309).

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 applicant is proposing to add amplified 2-piece musical acts with sound levels kept at or below 80 decibels measured at 10' distant from the property. The rated capacity of the

premises is 53 persons on the first floor and 45 persons on the second floor. Live entertainment would occur only on Fridays and Saturdays from 10 p.m. to 12 midnight, and on Sundays from 10 a.m. to 6 p.m. The parking plan would provide valet parking on Fridays and Saturdays but does not identify where patrons' vehicles would actually be parked. There was no security plan included 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 included a sidewalk site plan showing placement of four 2-top tables against the side or Gittings Street wall of the premises, leaving 5'6" of sidewalk available for unimpeded pedestrian passage. This plan is approvable.

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:

FOR LIVE ENTERTAINMENT – CONDITIONS:

- The applicant provides the Board an approvable security plan for use of the premises for live entertainment on Fridays, Saturdays, and Sundays, and stipulates where patrons' vehicles would be temporarily parked during live entertainment events;
- 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:

- A minimum of six feet of the sidewalk must remain clear and unobstructed for pedestrian use;
- The capacity of the outdoor seating area will not be more than four tables and eight patrons;
- The tables will be limited to those that can seat two patrons, and are to be kept against the wall of 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: Paul Snyder, Appellant

Downtown South