


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 129 South Broadway		

**TO** Mr. David Tanner, Executive Director  
Board of Municipal and Zoning Appeals  
417 East Fayette Street, 14<sup>th</sup> Floor

DATE:

October 4, 2010

**REQUEST**

The Department of Planning has received Nicolas Ramos' Board of Municipal and Zoning Appeals (BMZA) application to continue to use the premises as a restaurant/ tavern and add live entertainment and dancing and outdoor table service in a rear patio. We understand that this appeal is scheduled for hearing on October 12, 2010.

**SITE**

129 South Broadway is located on the east side of the street, approximately 44' north of the intersection with Pratt Street. This property measures approximately 22' by 111' and is currently improved with a three-story attached building measuring approximately 22' by 92'. This site is zoned B-2-2.

**ANALYSIS**

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

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)

Planning staff note that the application as filed does not provide any information relative to several of the criteria contained in §14-309. Of concern, given the anticipated patronage level of 200 persons stated in the application, is the need for a traffic and parking management plan, and an indoor and outdoor security plan. The floor plan and site plan attached to the Conditional Use Authorization Application shows a bar and a dance floor in the outdoor

seating area proposed for outdoor table service, which will be closest to the R-8 zoned residential area approximately 200' away on Regester Street.

The location of the rear bar is inconsistent with not allowing an outdoor bar in the same area as outdoor table service. Planning staff recommend that this rear bar, which is subsidiary to the main bar in the front of the restaurant and tavern, be relocated to the western side of the covered patio area immediately behind the dining room portion of the building on the property.

### **RECOMMENDATION**

The Department of Planning recommends approval of the appeal for accessory outdoor table service at the rear of the property, subject to these conditions:

- The capacity of the outdoor seating area will not be more than 18 tables and 62 patrons;
- The tables will be limited to those that can seat 4 patrons, and are to be kept within the patio area at the rear of the building;
- There will be no outdoor bar;
- There will be no loud outdoor music or other form of entertainment; and
- All patrons must be seated for dining, and served by wait staff, unless they are dancing in the designated "dance floor" portion of the outdoor area (patio).

The Planning Department has no objection to approval of the appeal for live entertainment and dancing if the applicant provides the Board additional information satisfactory to resolve possible concerns about parking and security.

TJS/wya/mf

cc: Nicolas Ramos, Appellant