


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 / 31-33 East Cross Street		

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

DATE: October 28, 2015

REQUEST

The Department of Planning has received Kelley James' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Cross Street Management LLC, to continue to use the first and second floors of the premises as a restaurant and tavern, and add live entertainment and dancing on the first floor. 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 November 3, 2015.

SITE

31-33 East Cross Street is located on the south side of the street, approximately 32' west of the intersection with Marshall Street. This property measures approximately 32' by 62' and is currently improved with a two-story attached commercial building covering the entire lot. This site is zoned B-2-3 and is located within the South Baltimore Business Area Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment and dancing, are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as a restaurant and a tavern, which are permitted uses in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the South Baltimore Business Area 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 includes a floor plan showing a live entertainment area (possibly a platform) measuring 15' by 3' where performers would be located, but did not show a dance floor. The rated capacity of the premises was given as 98 persons for just the first floor. Live entertainment is proposed to occur on Thursday, Friday, and Saturday nights, from 5:00 p.m. to 1:00 a.m. on the first two nights, and from 12:00 noon to 1:00 a.m. on Saturdays. (The business is open seven days a week.) The application indicated that sound proofing would not be required and that all operable windows and doors would be kept closed during performances. There is no parking available on site, and the plan indicates that patrons would be directed to a lot at the corner of Cross and Charles Streets. The security plan consists of a doorman and "other employees who will ID patrons and monitor the crowd." Given the small size of the premises combined with the rated capacity of the premises, it would be prudent to consider engaging at least one security guard during times when live entertainment was to be provided.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 11-A) in which Entertainment: Live – Secondary to Restaurant or Tavern, and taverns, would be conditional uses (Table 10-301).

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:

- 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: Kelley James, Appellant