

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR
	SUBJECT	BMZA / 701 South Eden Street (1401 Aliceanna Street)

CITY of
BALTIMORE
MEMO



TO

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

DATE: November 25, 2015

REQUEST

The Department of Planning has received Mondel Powell's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Teaology LLC, to continue to use the premises as a restaurant with accessory outdoor table service, and add live entertainment. 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 December 1, 2015.

SITE

1401 Aliceanna Street is located on the southeast corner of the intersection with Eden Street (and is part of the building known as 701 South Eden Street). This property measures approximately 170' along Aliceanna Street by 300'6" along Eden Street and is currently improved with a 12-story residential mixed-use building covering the entire lot. This site is zoned B-2-4.

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). In this case, the property was last authorized for use as a restaurant with accessory outdoor table service, a conditional use in this B-2 Community Business District, by the Board's approval of appeal no. 2011-222. The applicant is requesting a modification of an existing conditional use.

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)

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Re: 701 South Eden Street – 1401 Aliceanna Street

The application included statements that the amplified sound level would be kept below 40 decibels at 10 feet from the structure, with entertainment to include musical acts, karaoke, theatrical acts including stand-up comedy, and disc jockeys. According to the floor plan, a stage would be provided inside the restaurant for this purpose. The rated capacity of the establishment is 150 persons, and live entertainment would be offered nightly. Although the application noted three levels of off-street parking garage exist above this establishment, it also noted “continued on-street parking” as the parking plan. The application should indicate whether additional parking resources would be provided in conjunction with live entertainment, to accommodate any increase of patronage created by live entertainment. The application did not include a security plan, as the applicant stated “no anticipated need for security”. For patronage of 150 persons, the applicant should consider having at least one security guard present during live entertainment events.

TransForm Baltimore: This property would become part of the C-5 District (Proposed Zoning Map Area 7-D) and C-5-DE (Downtown East) Subdistrict (Proposed Zoning Map Area 14-B) in which Entertainment: Live – Secondary to a Restaurant or Tavern, would be a permitted use (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: Mondel Powell, Appellant