



Memorandum

To: Mayor and City Council

March 4, 2014

From: Suja Lowenthal, Second District 

Subject: Downtown Dining and Entertainment District Ordinance – Rooftop Patio

RECOMMENDATION: Request the City Attorney to draft amendment language to the Downtown Dining and Entertainment District ordinance enabling entertainment activity on rooftop patios during the following days and times of the week:

- Sunday until 10:00 pm
- Monday – Wednesday until 12:00 am
- Thursday – Saturday until 1:00 am

DISCUSSION:

On December 13, 2013, BO Beau Kitchen and Tap (144 Pine Avenue) was approved for an Entertainment Permit without Dancing. The Permit enables entertainment inside Bo Beau, but not on its rooftop patio per the existing Downtown Dining and Entertainment District conditions. However, given the improvements made to the rooftop to capture sound, feedback from neighbors potentially impacted by rooftop sound and the intended use of entertainment as a complement to the primary function of dining at BO Beau Kitchen and Tap, I committed to returning in the new year with an amendment to the existing DDED ordinance to allow entertainment on this rooftop until such time as the Downtown Dining and Entertainment District Task Force returned with recommendations related to entertainment on this and future rooftops in the DDED.

My recommendations above reflect conversations with LBPD, Business Licensing, residents and the owner, Cohn Restaurant Group.

HISTORY:

The Downtown Dining and Entertainment District Pilot Program was established in 2005 to develop consistent hours and operating conditions for businesses requiring an entertainment permit. The program also set conditions to promote a safe environment benefiting visitors, retail and entertainment venues, while ensuring quality of life for residents who might be impacted by the enhanced hours and operating conditions. In December 2008, the Downtown Dining and Entertainment District was established on a permanent basis with a set of seventeen (17) Conditions of Operation and three (3) Tiered Conditions for progressively more stringent regulation of entertainment and related activities.

FISCAL IMPACT: No fiscal impact