



**BALTIMORE
HOUSING**

SHEILA DIXON
Mayor

PAUL T. GRAZIANO
Executive Director, HABC
Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Karen Randle, Executive Secretary

From: Paul T. Graziano, Commissioner

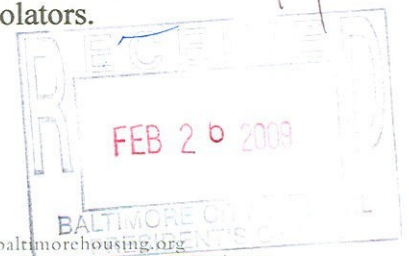
Date: February 25, 2009

Re: **City Council Bill 08-0163 Live Entertainment - Licensing and Regulation - Hospitality Services - Promotion and Coordination**

The Department of Housing and Community Development has reviewed City Council Bill 08-0163, which was introduced for the purpose of deleting live entertainment and dancing as a zoning use category; requiring the licensing of certain establishments that provide live entertainment or dancing; establishing the Board of Licenses for Live Entertainment and providing for its powers and duties; establishing an Office of Hospitality Services and providing for its powers and duties; defining certain terms; imposing certain penalties; and generally relating to the licensing and regulation of live entertainment and to the promotion and coordination of hospitality services.

The issues related to the regulation of live entertainment have long proven to be a complicated discussion for Baltimore City policymakers. The topic has been subject of several City Council task forces and hearings over the last several years. At the heart of the issue is the demand for more restaurants, taverns and other hospitality venues to host live musical and comedic performances and dancing in order to attract both local residents and tourists. This need must be balanced with the rights of adjacent residents and neighborhoods to be protected from the potential nuisances of noise and traffic.

The licensing process proposed by City Council Bill 08-0163 would bridge these apparent competing objectives. The proposed legislation would create a public licensing board that could better define and categorize the various performance mediums and activities that would require a license. As a result, the board could create a multi-tiered licensing system that covers the range from the small poetry reading to the large rock festival and therefore expand live entertainment to appropriate venues that have been currently restricted by more rigid zoning provisions. Finally, and perhaps most critical, a regularly scheduled renewal procedure for each licensee will give communities the ability to hold accountable the bad actors whom might have used zoning rights as a shield to continue irresponsible behavior. The bill also imposes civil fines for violators.



At present, the legislation would eliminate live entertainment as a zoning category because it transfers the responsibility for regulation to the new licensing board. DHCD believes that revised live entertainment should remain as a category in the zoning code as a secondary control over nonconforming businesses in residential areas. Additionally, DHCD recommends a phase in period to afford the licensing board sufficient time to become operational and a grandfathering provision in the legislation to protect business that already have live entertainment.

The Department of Housing and Community Development supports the adoption of City Council Bill 08-0163 with amendment and defers to the Planning Commission for further comments.

PTG:pmd

cc: Ms. Angela Gibson
Ms. Diane Hutchins
Mr. Andrew Frank