



**Date:** June 7, 2018

**To:** Mayor and Members of the City Council

**From:** Patrick H. West, City Manager *P.H.W.*

**Subject:** Low Volume/Street Performer Pilot Program

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At its June 20, 2017 meeting, the City Council requested that a study be conducted by the Special Events and Filming (SEF) Office into the viability of employing a Street Performer Program and a Low Volume Music Venue Program. Since the initial request, a significant amount of research has been conducted, which has included meetings with leaders of the City's Business Improvement Districts, as well as traveling to other cities to meet with counterparts to learn how they have implemented and manage their programs. At its April 27, 2018 meeting, the City Council also requested that staff address the impact of amplified sound from City-permitted events on residents. Since a sound level component was already inherently being studied as part of the Street Performer Program and a Low Volume Music Venue Program, it was decided to address the new study concurrently, and to return with findings of our studies in November 2018.

Staff is currently entering the second phase of the studies, which includes a pilot program to be implemented beginning with "The Make Music LB" event on June 21, 2018. This secondary phase will help assess what will ultimately be included in the final recommendation. The pilot program will be coordinated through the SEF Office, and will require the assistance of the Police, Fire, Financial Management (Business Licensing), Health and Human Services, and Development Services (Planning) Departments. A summary of the pilot program is attached. The projected success of the pilot program is based largely on the modeling and best practices learned from other cities that allow both street performers and low volume music venues, while delicately balancing the quality of life issues that the adjacent neighborhoods experience.

Both the SEF Office and the Downtown Long Beach Alliance (DLBA) have agreed to partner in defining the acceptable boundaries of the pilot program. Some of the parameters to be defined will include the hours of allowable entertainment, locations, sound levels, and how to manage excessive sound levels. At the completion of the pilot program, the SEF Office will incorporate the information and feedback analyzed into the overall recommendations to the Mayor and City Council.

ATTACHMENT

CC: CHARLES PARKIN, CITY ATTORNEY  
LAURA L. DOUD, CITY AUDITOR  
TOM MODICA, ASSISTANT CITY MANAGER  
KEVIN JACKSON, DEPUTY CITY MANAGER  
REBECCA GARNER, ASSISTANT TO THE CITY MANAGER  
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #17-0504, #17-0505, #18-0345)

# **STREET PERFORMER PROGRAM/LOW VOLUME SOUND**

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## **Pilot Program for the Downtown Entertainment District**

Provided below are the pilot program recommendations to assess the viability and public acceptance of the proposed Street Performer Program/Low Volume Sound venues. For the purposes of this pilot program, Low Volume Sound shall be considered the sound from the performance conducted within the venue. This corresponding level of sound shall not disturb the peace of the surrounding neighborhood.

The proposed program will begin with "The Make Music" event on June 21, 2018, which will take place citywide. The remaining future events will be restricted to the Downtown Entertainment District (DED) for the duration of the program in which the Special Events and Filming (SEF) Office will work with the Downtown Long Beach Alliance (DLBA) in adopting future parameters. Future programming will include events like DLBA's "Live After 5," as well as other multiple-location, low-volume music-related events within the DED area. These events will run through November 30, 2018. For the purposes of the pilot program, staff is requiring all entertainment relating to this program to operate during the hours of 10:00 a.m. to 10:00 p.m.

During the time of the pilot program, residents and businesses will be able to give feedback to our office via phone calls on a dedicated phone line (562-570-5339) to make the necessary changes before a final recommendation is presented to the City Council. City departments will also have the opportunity to provide input on their current operations.

For the duration of the pilot program, no permits or related permit fees will be required. This pilot program is being implemented solely for the purposes of the study. The SEF Office will collect the required information listed below and send it via e-mail to affected City personnel. These notifications will be sent on a weekly basis to keep the related City departments informed of where and when the entertainment will be conducted.

Some of the types of entertainment that will be allowed may include, but are not limited to, the following:

- Playing a musical instrument(s)
- Two (2) or more musicians
- Singing
- Dancing
- Acting
- Pantomiming
- Puppeteering
- Juggling
- Spoken Word (Poetry, Stand-Up Comedy, Recitals, Etc.)
- Magic Acts
- Creating Visual Art
- Sculpture
- Any performance activity with the intent to hold the attention of an audience

During their performance, the entertainers shall not use any of the following items or engage in any of the following activities in their performance:

- Swords, knives, axes, saws, or weapons of any kind
- Torches or any flaming objects
- Any object(s) that may cause serious bodily injury
- Acrobatics/Tumbling
- Cycling
- Stages
- Any activity that may cause serious bodily injury
- Conducting in sexually explicit activities
- Displaying any pornographic material or material that is deemed offensive

As part of the study, the City will conduct sound level readings using professional, industry-accepted sound meters that are routinely calibrated to ensure accuracy. During the sound readings, staff will record the sound levels, and, if necessary, require the business or performer to adjust the sound level to meet an acceptable level. Staff will also assess the impact to the surrounding businesses and neighborhoods, as well as the amount of infrastructure and/or space required to maintain these programs.

Businesses participating in this pilot program shall provide the following information to be included in a permanent program. Failure to provide all the necessary information, or providing false information, will exclude the business from participating in the program. All City, County, or State business, liquor, or health licenses must be current to participate. The pilot program does not have the ability to supersede conditions, ordinances, or laws pertaining to State Alcoholic Beverage Control (ABC) regulations or current City regulations regarding the current noise ordinances.

The following is a list of required information:

- Name of the Business (Private Residences are not included in this program);
- Address and Day of Event Contact Phone Number;
- Business License Number of the Business and any and all conditions of the City's business license. The Business shall have no restrictions on having entertainment to be able to participate in the program; and,
- Site map of the layout of the business, if the event is occurring inside a venue.. The map shall include the dimensions of the business, entrances/exits, and locations of any permanent structures within the business. If the event is outside a venue, a site map shall include the location of the entertainer in relation to the business and surrounding area.

All entertainment outside a business, on the sidewalk, in a City park, or on public rights-of-way is required to adhere to all Americans with Disabilities Act (ADA) requirements, which includes maintaining a four-foot pedestrian access on the sidewalk at all times. If the performer is not adhering to the accessibility requirements, if they are blocking an entrance, causing a crowd to assemble that is too large for a given location, or are deemed by City staff to be unsafe, they may be required to relocate or cease their performance. Due to the unique nature of entertainment, a walkthrough with City staff may be required for certain

locations. The business owner shall comply with any and all recommendations made by City staff to be able to participate in the pilot program.

The entertainment from this pilot program shall not interfere with already scheduled events, conventions, parties, sporting events, or classes conducted by the Convention Center or other City departments. Entertainers shall have permission from all private entities regarding conducting entertainment on private property.

This pilot program shall not be implemented under the following conditions:

- Events where alcohol is served on public property;
- Event locations serving alcohol where the business does not already have an existing ABC License attached to the physical business location – catering licenses will not be accepted;
- Events where there is a street closure;
- Events where City staffing will need to be assigned;
- Sales of products;
- Personal services (massages, hair styling, nail design, skin products, etc.);
- Mass-produced products or visual art with limited production or variation;
- Creation of handcrafts (objects made by hand or with the help of a device. Objects shall include, but are not limited to, jewelry, weaving/sewing, leather goods, beading, trinkets, or other products not likely to entertain or communicate, and often have a functional utility. Handcrafts do not include entertaining visual art.); and,
- Any product sales or service deemed by City staff to not include an entertainment component.

The pilot program does not grant permission to the participating businesses or entertainers to disturb the peace of the surrounding area or neighborhood. All businesses participating in the pilot program shall ensure the sound from the event is kept to a reasonable level. Police, Fire, Health, Special Events, and/or any City staff shall have the right to determine what the reasonable sound level is for that location. In the event a request to lower, change, or cease the amplified entertainment, the participating business is required to comply with the request to remain on the pilot program list. Obscene, vulgar, or otherwise offensive language shall not be permitted at any time.