



City of Long Beach

Office of Robert Garcia
Councilmember, First District

Date: March 2, 2010

To: Honorable Mayor and Members of the City Council

From: Councilmember Robert Garcia, First District *RG*
Councilmember Gary DeLong, Third District *GD*
Councilmember Dee Andrews, Sixth District *DA*
Vice Mayor Val Lerch, Ninth District *Val*

Subject: Street Performance Permits

Background:

Long Beach municipal code section 14.04.070, "Sidewalk entertainment permits," regulates such activities as follows:

No person shall perform, conduct or engage in any entertainment activity for compensation on a public sidewalk without a sidewalk entertainment permit issued by the recreation commission. No sidewalk entertainment permit shall be issued for a period of longer than one year, and any such permit may be revoked or suspended at any time by the recreation commission or its designated representative. Permits may be issued by the recreation commission for sidewalk entertainment activities only within the area bounded by the south side of Sixth Street on the north, the east side of Long Beach Boulevard on the east, the south side of Ocean Boulevard on the south and the west side of Pine Avenue on the west.

This ordinance, however, has not resulted in a single permit being issued, and Parks and Recreation staff report no process for issuing them. Further, the limiting of such permits to the central downtown area is unnecessarily restrictive, as several other areas of the City – North Long Beach, Bixby Knolls, "Retro Row" on East Fourth Street, the East Village Arts District – might be appropriate venues for certain street performers.

Cities known for tourism, such as Santa Monica and Los Angeles, have sometimes enacted permitting processes by which performers, limited in number, can obtain annual permits at a reasonable fee to perform in designated areas, at designated times. However, one such ordinance – in Seattle – has been ruled an unconstitutional restriction on free speech, and there is a strong likelihood Long Beach's ordinance would not hold up if challenged in court.

Because the law is unclear on this issue, and because our ordinance has been essentially unused, and in an effort to encourage, rather than discourage, artistic expression, section 14.04.070 should be struck from the Long Beach municipal code. Only when clear guidance from Federal courts becomes available should the City attempt to craft a new ordinance.

Recommendation:

Request the City Attorney remove LBMC section 14.04.070, restricting street performance for compensation to permitted performers.