



City of Long Beach

Working Together to Serve

Office of Robert Garcia
Council Member, First District
Memorandum

Date: March 2, 2010

To: Honorable Mayor and Members of the City Council

From: Councilmember Robert Garcia, First District *RG*
Councilmember Suja Lowenthal, Second District *SL*
Councilmember Patrick O'Donnell, Fourth District *PO*
Councilmember Dee Andrews, Sixth District *DA*

Subject: Entertainment Permits

Background:

Create Long Beach, A Cultural Plan Framework for Long Beach encourages the City to “develop programs to attract, retain, and sustain creative individuals and industries.” Among the means suggested by the plan framework to achieve this goal are tax incentives, zoning variances, and assistance in the use of vacant spaces for temporary performance space (goal 4-5).

The plan framework also encourages the City to review its permitting policies, “to make it easier for artists to perform in neighborhoods throughout the City” and to simplify the special events permitting process (goal 5-2).

Section 5.72 and subsections define and restrict activities regarded as “entertainment,” which includes any musical performance by more than two persons, or whenever amplified. This definition prevents art galleries, coffee shops, bookstores, and other businesses not primarily used for entertainment from presenting amplified or multi-instrumental musical performances, even if they do not charge an admission fee or sell alcoholic beverages, unless they are able and willing to pay a large fee and complete a cumbersome application process, either for an annual license or a special event permit. These venues, which in many cities may present such performances to stimulate business, usually either forgo such activities, or undertake them illegally, because they do not have the revenue to meet the entertainment licensing requirements. The result is that the arts, music, and cultural activities are stifled, rather than encouraged, by the City.

Removing or significantly relaxing the licensing requirements, both in terms of cost and time, for businesses that are not primarily entertainment venues, do not sell alcoholic beverages, admit all ages, and allow music only occasionally, not mainly for dancing, not at an excessively loud volume, and not beyond a certain hour, would be a tremendous boost to the arts and cultural scene in Long Beach, without significant cost to the city or its residents.

This issue was initially raised as part of a group of noise-related motions in December 2006 by Councilmember Lowenthal and discussed in the Environmental Committee multiple times over the following year. In those committee meetings, city staff recommended date-specific Entertainment Permits. However, the issue was not resolved and is better addressed as part of an arts initiative, as noise is only a minor aspect of this issue.

Recommendation:

Request the City Attorney work with Business Licensing to draft an ordinance within 60 days that provides exceptions to the entertainment licensing requirements, or creates an alternative process for entertainment permitting, for businesses that are not primarily entertainment venues, do not sell alcoholic beverages, admit all ages, and allow music only occasionally, not mainly for dancing, not at an excessively loud volume, and limited to certain hours, to be determined by City Council, so that it is easier for these businesses and venues to host performances.