



CITY OF HEALDSBURG CITY COUNCIL AGENDA STAFF REPORT

MEETING DATE: September 5, 2023

SUBJECT: Special Performance Policy for the Healdsburg Plaza

PREPARED BY: Matt Milde, Recreation Supervisor

STRATEGIC INITIATIVE(S):

Maintain and Improve Infrastructure and Facilities

Maintain and Enhance Public Health and Safety

RECOMMENDED ACTION(S):

Adopt a Resolution establishing a Special Performance Permit Policy for the Healdsburg Plaza.

COMMUNITY ENGAGEMENT/OUTREACH:

The increasing number of public performances in the Healdsburg Plaza has inadvertently led to instances where residents and visitors find it challenging to enjoy the serene beauty of the park due to frequent disruptions. The lack of a structured performance schedule has resulted in overlapping events, amplified noise complaints, and at times, public disputes. As a result, some park visitors have contacted Community Services to express dissatisfaction with the current situation, while others have come forward in support of performances in the Plaza.

BACKGROUND:

The Healdsburg Plaza has long been a cherished space for residents and visitors alike. Over the years, the park has become a popular venue for public performances, ranging from musical performances, singing, oration, etc. While these events have added vibrancy and cultural enrichment to the park, the growing frequency and spontaneity of performances have raised concerns among park-goers who seek a peaceful and tranquil environment. Performances of any size at the Plaza seek to and do draw crowds to their performance. This can create safety problems at the Plaza by impacting the ability of pedestrians to move safely on sidewalks and through cross walks and impeding the response time of safety personnel. It can also impact access to and egress from businesses at the Plaza. In addition, the nature and location of the Plaza makes it a uniquely popular choice for performances, requiring regulation to ensure that opportunities to perform at the Plaza are fairly distributed among performers.

Since the Plaza is a public space, it is subject to the protections afforded by the First and Fourteenth Amendments, as well as Article I, Section 2 of the California Constitution. The City

can regulate the use of the Plaza as a way to ensure the Plaza is not dominated by one individual or group, as well as in the interests of public safety and access to and from businesses at the plaza. The City can regulate of time, place, and manner of expression in public spaces in service of an important governmental interest, such as public safety and quiet enjoyment. Appropriate regulations should focus on considerations related to the time, location, and manner of expression, rather than the specific content or message conveyed by the performance. To address these concerns and maintain a harmonious balance between entertainment and tranquility, Community Services has developed a proposed Special Performance Permit program for the Healdsburg Plaza.

DISCUSSION/ANALYSIS:

Performances at the Plaza require coordination because of the Plaza's small, centralized location surrounded by businesses, making it a popular venue for performances which creates competing interests among performers. The Special Performance Permit for the Healdsburg Plaza is designed to provide opportunities for the increasing number of public performances in Healdsburg Plaza and provide minimal regulations narrowly tailored to ensuring performances occur safely, that performance opportunities at the Plaza are equitably distributed among those seeking to perform, and that performances do not interfere with the quiet enjoyment of nearby businesses, residences, and Plaza users. Moreover, this initiative seeks to strike a balance between supporting performances and preserving the Plaza's peaceful atmosphere for all to enjoy.

Program overview:

The program aims to provide performers from any discipline, including music, theater, dance, and more, with a structured method to schedule their performances in the Plaza. Under this program, the following criterion would apply:

- A Special Performance Permit is required for all performances in the Plaza.
- Performances in the Plaza may occur daily from 10:00 a.m. – 6:00 p.m.
- Performances are limited to the area directly underneath the Plaza gazebo.
- Special Performance Permits will be limited to:
 - One performance in the Plaza per day.
 - Up to one hour performance time with 15 minutes for setup and takedown.
 - One permit every seven days for each performer.

Program administration:

The aim of the permit application, review, and approval process is to effectively manage performance days and times while operating within existing staff capacity. This streamlined procedure is designed to minimize unnecessary delays, ensuring a seamless and prompt experience for artists and performers as they seek authorization to showcase their creativity and talents in the Plaza.

The process commences with the submission of a simplified permit application, conveniently accessible both online and through in-person visits to the Healdsburg Community Center. This simple one-page application will encompass essential performance details, including contact information, preferred scheduling, and an acknowledgment of program policies. Following this, the Community Services Office Assistant will review the request to ensure it aligns with the

program criteria and check for any scheduling conflicts before issuing the permit. There are no fees associated with this program, and proof of liability insurance would not be required.

Once approved, performers would receive a copy of their permit to carry with them during their performance. Additionally, a dedicated webpage on the City's website would be established and a schedule would be posted at the Plaza, enabling any community member to verify performance times.

Implementing this program aims to achieve the following:

- Ensuring a balanced and organized schedule of the Plaza between permitted performances and passive use.
- Managing the number of public performances in the Plaza, ensuring a structured and engaging experience for visitors.
- Fostering a vibrant arts and cultural scene within the community, particularly for emerging artists.
- Providing a platform for talent to showcase their skills and gain exposure.
- Enhancing the Plaza's appeal, attracting more visitors and promoting local businesses.
- Allowing for predictability when performances would occur to support users wishing to enjoy a tranquil park environment.

Other notable cities that have implemented similar programs include:

Santa Monica: <https://finance.smgov.net/doing-business/business-license/street-performer-permit>

New York City: <https://new.mta.info/agency/arts-design/music>

Following implementation of the Special Performance Permit Program staff would provide signage in the Plaza notifying users of the new permit is going into effect, launch the program on September 18, 2023, and continually monitor the program and make changes administratively or propose policy changes as needed.

The Healdsburg Parks and Recreation Commission unanimously voted to recommend the adoption of a Special Performance Permit Policy for the Healdsburg Plaza to the City Council.

ENVIRONMENTAL STEWARDSHIP:

Not applicable.

ALTERNATIVES:

- 1) Adopt the policy with changes.
- 2) Take no action. Use of the Plaza for impromptu public performances would remain unchanged.

FISCAL IMPACT:

There are no anticipated fiscal impacts associated with the Special Performance Permit Policy.

ENVIRONMENTAL ANALYSIS:

Authorizing a Special Performance Permit Policy in the City is not subject to the provisions of the California Environmental Quality Act (CEQA) because authorizing a Special Performance

Permit Policy is not a project, since it will not have a direct or reasonably foreseeable indirect impact on the environment. Even if adopting a Special Performance Permit Policy were to be considered a project, it would be exempt from CEQA pursuant to CEQA Guidelines Section 15304(e) because the performances constitute a temporary use of land having negligible or no permanent effects on the environment. Further, performances at the Plaza as provided for in the Policy are considered normal operations of existing facilities for public gatherings (CEQA Guidelines Section 15323). Performances at the Plaza have occurred with regularity for at least three years and future performances would not represent a change in the operation of the Plaza. Therefore, adoption of the Policy is exempt from CEQA.

ATTACHMENT(S):

Resolution

Special Performance Permit for the Healdsburg Plaza Policy

CITY OF HEALDSBURG

RESOLUTION NO. -2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HEALDSBURG ESTABLISHING A SPECIAL PERFORMANCE
PERMIT PROGRAM FOR THE HEALDSBURG PLAZA

WHEREAS, the Healdsburg Plaza (“Plaza”) has long been a cherished space for residents and visitors alike; and

WHEREAS, the City recognizes the importance of preserving a harmonious balance between entertainment and tranquility within the Plaza; and

WHEREAS, performances of any size at the Plaza seek to and do draw crowds to their performance. This can create safety problems at the Plaza by impacting the ability of pedestrians to move safely on sidewalks and through cross walks and impeding the response time of safety personnel. It can also impact access to and egress from businesses at the Plaza; and

WHEREAS, the nature and location of the Plaza make it a popular choice for performances, requiring regulation to ensure that opportunities to perform at the Plaza are fairly distributed among performers; and

WHEREAS, the City Council desires to establish a comprehensive and transparent policy framework to guide the planning, organization, and execution of special performances at the Plaza in a manner that ensures public safety, minimizes disruptions to residents and businesses, ensures freedom of expression and fairness to performers, and maximizes the benefits to the community.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Healdsburg:

1. Adopts the Special Performance Permit Program for the Healdsburg Plaza, attached hereto as Exhibit A; and
2. Finds that adopting a Special Performance Permit Policy in the City is not subject to the provisions of the California Environmental Quality Act (CEQA) because authorizing a Special Performance Permit Policy is not a project, since it will not have a direct or reasonably foreseeable indirect impact on the environment. Even if adopting a Special Performance Permit Policy were to be considered a project, it would be exempt from CEQA pursuant to CEQA Guidelines Section 15304(e) because the performances constitute a temporary use of land having negligible or no permanent effects on the environment. Further, performances at the Plaza as provided for in the Policy are considered normal operations of existing facilities for public gatherings (CEQA Guidelines Section 15323). Performances at the Plaza have occurred with regularity for at least three years and future performances would not represent a change in the operation of the Plaza. Therefore, adoption of the Policy is exempt from CEQA.

Resolution No. -2023

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PASSED, APPROVED AND ADOPTED, this 5th day of September, 2023 by the following:

AYES: Councilmembers: ()

NOES: Councilmembers: ()

ABSENT: Councilmembers: ()

ABSTAINING: Councilmembers: ()

SO ORDERED:

ATTEST:

Ariel Kelley, Mayor

Raina Allan, City Clerk

Attachment: Resolution (4144 : Special Performance Policy for the Healdsburg Plaza)

Special Performance Permit for the Healdsburg Plaza

1. Policy Statement

- 1.1. Located in the City of Healdsburg (“City”)’s downtown core, the Healdsburg Plaza (“Plaza”) is a hub for community members and tourists who enjoy its peaceful landscape. Home to many special events, the Plaza is often the center of organized community gatherings under the approval of a Special Event Permit.
- 1.2. Healdsburg Community Services receives periodic requests for smaller performances at the Plaza where the Special Event Permit process may be too cumbersome or expensive.
- 1.3. The City also recognizes that performances of any size at the Plaza seek to and do draw crowds to their performance. This can create safety problems at the Plaza by impacting the ability of pedestrians to move safely on sidewalks and through cross walks and impeding the response time of safety personnel. It can also impact access to and egress from businesses at the Plaza.
- 1.4. In addition, the nature and location of the Plaza make it a popular choice for performances, requiring regulation to ensure that opportunities to perform at the Plaza are fairly distributed among performers.
- 1.5. A “Special Performance Permit for the Healdsburg Plaza” (“Special Performance Permit”) would be available for performances that are less impactful on the Plaza and City staff resources than those requiring a Special Event Permit.
 - 1.5.1. This policy balances protecting public welfare and respecting the First Amendment rights of performers by imposing reasonable time, place and manner restrictions to the extent necessary to ensure the safety of performers, their audience, and the general public and to prevent unreasonable interference with residents’ enjoyment of peace and quiet in their homes or the ability of businesses to operate and conduct their business.
 - 1.5.2. This policy allows for enforcement actions in cases of repeated or severe violations while upholding the principles of fairness, due process, and freedom of speech.
- 1.6. A Special Performance Permit process for the Plaza would allow:
 - 1.6.1. Performers the opportunity to share their performance art in Healdsburg’s central public recreation area.

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- 1.6.2. Community Services to adequately ensure the enjoyment of the Plaza for all residents and visitors.
 - 1.6.3. The Plaza to be a communal space for those who enjoy both relaxation as well as live entertainment.
- 1.7. Healdsburg Community Services shall administer this Special Performance Permit program and no fees are associated with issuing these Special Performance Permits.

2. Definitions

- 2.1. “Performance” - A specific instance of a live presentation in the Plaza including, but not limited to recitation, acting, singing, dancing, or playing musical instruments.
- 2.2. “Performer” or “Performers” - An individual or group who engages in the act of entertaining or engaging an audience through various forms of expression. Additionally, those who perform in any one spot for an extended period of time and/or solicit donation before, during, or after a performance.

3. Program Guidelines

- 3.1. A Special Performance Permit is required for all performances in the Plaza, as defined herein.
- 3.2. No performances in the Plaza would be allowed when the Plaza is in use by either the City of Healdsburg or another permitted user.
- 3.3. Performances in the Plaza are limited to the hours between 10:00 a.m. – 6:00 p.m. with a permit.
- 3.4. Performers shall clearly display their Special Performance Permit while performing and shall allow inspection of the Special Performance Permit upon request.
- 3.5. Performances are limited to the area directly underneath the Plaza gazebo.
 - 3.5.1. Should the performance require additional space or an area that is uncovered, applicant shall include a supplemental letter requesting a waiver of this provision and detail why the proposed performance could not be conducted under the Plaza gazebo.
- 3.6. A Special Performance Permit will not be issued:
 - 3.6.1. For more than one performance in the Plaza per day.

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- 3.6.2. For performances greater than 1-hour with set-up/clean-up limited to not more than 15-minutes before and after performance.
 - 3.6.3. For performances that occur between the hours of 6:00 p.m. – 10:00 a.m.
 - 3.6.4. To any individual who has been issued a Special Performance Permit, or who has performed pursuant to a Special Performance Permit, within the past 7-days.
- 3.7. The Special Performance Permit holder may:
- 3.7.1. Display a jar for gratuities with a freestanding sign no larger than 8.5”x11”.
 - 3.7.2. Place freestanding signage under gazebo during performance.
 - 3.7.3. Utilize existing gazebo power outlets.
 - 3.7.4. Provide and use personally owned freestanding equipment.
 - 3.7.5. Record their performance for personal use.
 - 3.7.6. Utilize an amplifier as part of their performance so long as the sound level generated shall be inaudible at a distance of 100’ and does not disrupt local businesses.
- 3.8. Special Performance Permit holders may not:
- 3.8.1. Hang any banners, signage, or equipment directly from the Plaza gazebo.
 - 3.8.2. Adhere or affix anything to the ground, gazebo, or any other Plaza amenity.
 - 3.8.3. Leave any trash or debris behind after performance.
 - 3.8.4. Conduct activities that are not permitted by the Healdsburg Municipal Code.
 - 3.8.5. Park any vehicle or trailer on Plaza sidewalks or lawns.
 - 3.8.6. Reserve or otherwise prevent cars from parking in any parking space at the Plaza.
 - 3.8.7. Create any recording for commercial purposes without a Healdsburg Film Permit.
 - 3.8.8. Exclude the public from the general use of the Plaza.
 - 3.8.9. Engage in threatening, abusive, insulting or indecent language, or engage in any form of disorderly conduct or behavior, any of which language, conduct or behavior disturbs the peace and enjoyment of other persons in the immediate vicinity lawfully using facilities.
 - 3.8.10. Disturb the surrounding businesses or others’ enjoyment of the Plaza
- 3.9. The Special Performance Permit holder shall be responsible for the cost of all damage to City facilities resulting from the performance and shall be responsible for any

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repairs, litter removal, trash collection or other clean up necessitated by the performance.

4. Policy Enforcement:

- 4.1. This section outlines the enforcement measures for addressing violations and ensuring compliance with Special Performance Permit in the Plaza. This policy allows for non-permanent suspensions in cases of repeated violations. City staff shall have the right to revoke part or all of the Special Performance Permit immediately without notice if the applicant does not adhere to all City requirements outlined in this Policy and in the Municipal Code, or if any City facility or amenity is destroyed or damaged.
- 4.2. *Revocation of Special Performance Permit:*
 - 4.2.1. The Community Services Director may revoke the Special Performance Permit, in cases of multiple violations of the terms of the Special Performance Permit and this Policy over a period of time.
 - 4.2.2. The severity of the violation, including the potential danger to public safety, and the number of violations within a specific period will be considered when determining the length of revocation.
 - 4.2.3. Notwithstanding any of the other terms of this section, the revocation period shall not exceed six (6) months.
 - 4.2.4. During the revocation period, the applicant whose Special Performance Permit has been revoked may not reapply for a Special Performance Permit.
 - 4.2.5. The duration of the revocation period will be clearly communicated to the applicant in writing.
 - 4.2.6. After the revocation period, the applicant shall be eligible to reapply for a Special Performance Permit; however, City staff may require additional conditions be added to ensure adherence to this Policy.
- 4.3. *Compliance Monitoring and Documentation:*
 - 4.3.1. Community Services may conduct regular monitoring and inspection of performances to ensure compliance with the Special Performance Permit policy.
 - 4.3.2. Community Services staff will document all violations and actions taken, including revocations, suspensions, fines, and legal actions, for reference and transparency.
 - 4.3.3. Community Services staff will keep records of documented complaints from residents, business owners, park users or City staff to assist in

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documenting a pattern of violations and determining the duration of any revocation period.

4.4. *Appeal Process:*

4.4.1. An applicant who has had their Special Performance Permit revoked or faced other enforcement actions shall have the right to appeal the decision to the Community Services Director.

4.4.2. Applicant's Special Performance Permit will remain in revoked status during the appeal process.

5. Periodic Policy Review:

5.1. This Policy will be reviewed periodically to assess its effectiveness, relevance, and compliance with legal requirements.

5.2. Any necessary updates or modifications to the Policy will be made based on the review outcomes and changing circumstances.

6. Application:

6.1. Must be submitted at least two weeks in advance and no more than two months of requested performance date.

6.2. Community Services Staff shall process applications as they are processed and issue permits on a first-come, first-served basis.

6.3. Applications are accepted online or in person at the Healdsburg Community Center, 1557 Healdsburg Ave., Healdsburg, CA 95448.

7. Effective: Monday, September 18, 2023