

CITY OF HEALDSBURG

RESOLUTION NO. 116-2023

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.

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

AYES: Councilmembers: (4) Edwards, Hagele, Herrod and Mayor Kelley

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (1) Mitchell

ABSTAINING: Councilmembers: (0) None

SO ORDERED:

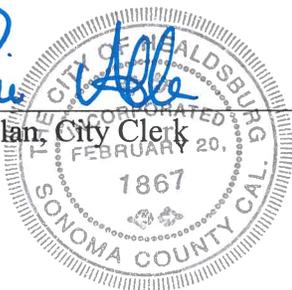
ATTEST:


Ariel Kelley, Mayor


Raina Allan, City Clerk

I, RAINA ALLAN, City Clerk of the City of Healdsburg, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 116-2023 adopted by the City Council of the City of Healdsburg on the 5th day of September, 2023.


Raina Allan, City Clerk



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.

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.

Special Performance Permit for the Healdsburg Plaza Policy

- 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

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

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