

# City gives final OK to space restrictions for street acts

## Foes say buskers are 'dolphins, caught in the tuna net'

By **DAN WHITE**  
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It sounded simple: Decide where downtown street buskers can stand while plunking out tunes for quarters.

But in Santa Cruz, simple plans can get complicated, and the debate about

**SANTA CRUZ** space limits for street acts shows

no sign of abating. Several activists told the City Council on Tuesday night that buskers are innocent "dolphins, caught in the tuna net" of downtown behavior rules. But the City Council approved space limits Tuesday that will keep money-seeking buskers, and political tablers, 10 feet from various spots, including kiosks and building fronts, starting next month. They also will have to move spots after an hour.

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Current setbacks range from 4 to 10 feet.

Frank "Morgani" Lima, the costumed accordionist and a crowd favorite, said it's silly to push musicians 14 or even 10 feet from buildings because it directs sound into store fronts instead of crowds. Pulling out a picture of a 1930s-era Santa Cruz street act with a dancing dog, he said, "Can you imagine telling him to stop playing because he's 3 feet 4 inches from the wall ... and by the way, what about your dancing dog?"

**'Unreasonable noise — they use that one on you all the time.'**

FOLK SINGER PHIL FREE,  
SINGS ABOUT OVERTHROWING  
'THE POLICE STATE'

The three-hour session was subdued. Mayor Emily Reilly urged the crowd to "summon our best behavior." The only local color was Morgani's sparkling hat, a 10-foot pole held by protesters, and a few half-hearted kazoo solos at the meeting's end.

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"We do not have a blank check of time here," she said. "I wish people would get real and not have this apocalyptic view of the council declaring war on street musicians, which is simply not true."

The council agreed to look at "exemption zones" next month — or areas where musicians could play regardless of space rules.

Council members said they want police to enforce the rules "at their discretion" but not too tightly, so only disruptive or sidewalk-blocking acts feel the heat.

That's a shift from earlier this year when it urged cops to strictly enforce all existing downtown ordinances.

Council members insisted they are trying to be accommodating, and that musicians who aren't seeking money can play most anywhere.

The activists were not mollified, and some said musicians already deal with strict rules.

"Unreasonable noise — they use that one on you all the time," said protest folk singer Phil Free, who sings about overthrowing "the police state."

Almost all 30 speakers were against the rule changes. Angela Marie of the marimba band Kuzan-

ga urged the council to delay restrictions by a least six months, saying there is no data to justify them.

"Many performers are complaining of police harassment," she said. "This has a chilling effect on performances downtown. ... Performers are being driven away and are refusing to come back."

Keith Holtaway of the Downtown Association, the only merchant voice at the meeting, said many storekeepers like the one-hour rule because they feel "trapped" in stores. He said merchants, faced with troublesome street acts, have to "go out and talk to them, on a daily basis, over and over again, and it gets really tiring."

Council members have received about 100 e-mails opposing the rules. Councilman Ed Porter said most were identical, suggesting an orchestrated e-mail campaign. A handful supported the rules.

Council members responded angrily to audience members who likened the 10-foot rule to post-Sept. 11 civil liberty rollbacks and even the escalating situation in Iraq.

Another speaker, Tim Zorach, said the new rules "would be considered a class act by the Bush-Cheney-Ashcroft-Pentagon axis of suppression."

Councilman Mike Rotkin said the war analogies were ridiculous and offensive.

"Let's get some perspective," he said.

Tuesday's meeting addressed fallout from a set of downtown rules the council passed in July in reaction to complaints about sexual taunts and aggressive panhandling. The city expanded space restrictions on panhandlers to a uniform 14 feet, and banned begging after dark.

Council members insisted money-seeking street acts never were the intended target but that the city must regulate occasional conflicts.

"We're not going to make any group 100 percent happy," Reilly said.

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