

To: Recreation and Parks Commission
From: City Staff
Subject: Staff Recommendations on Refinement of Permit and Regulatory System for City Parks and the Beach for Commercial Fitness Instruction, Classes or Camps for Commission Discussion and Recommendations

INTRODUCTION

Staff recommends that the Commission review and comment upon refinements to the proposed permit and regulatory system to address the use of City parks and the beach for non-City sponsored fitness instruction by private instructors presented to City Council on April 23, 2013.

BACKGROUND

At the [April 23, 2013](#) meeting, City Council reviewed and commented on the proposed regulatory system to address the use of City parks and the beach for commercial fitness instruction, classes or camps. Council directed staff to come back with an Ordinance and Resolution to create a new regulatory structure, permit system, application fee and use charges. In addition, Council directed staff to study and prepare a report making recommendations on the following:

1. For use of Palisades Park by groups, identify several areas for group training with limits on time, place and group size
2. Equipment restriction of 25 lbs. in Palisades Park
3. Restrict use of equipment over 25 lbs. in all parks except Clover Park and one or two other Parks
4. Place restrictions on amplification and use of bullhorns in all Parks
5. Allow for no training in Goose Egg Park as well as Ashland Park
6. Address enforcement and education
7. Permit application to include rules, as well as a Code of Conduct

DISCUSSION

Staff has studied options for addressing Council requests and possible refinements to the proposed permit and regulatory system, and proposes the following:

1. Palisades Park

Group Training Areas

Four “zones” for group training, one south of the California Incline and three north of the Incline have been identified (see Attachment A). Locations are:

- Zone #1: Palisades Avenue north to Alta.
- Zone #2: Montana Avenue north to Palisades Avenue
- Zone #3: Immediately north of Idaho
- Zone #4: Wilshire north to the public restroom

In identifying these areas, staff considered: openness and depth of area; adequate size so that the group could be moved around on occasion to provide respite for the turf; adequate size so that maintenance staff could formally close off areas for repair and respite of turf and allow for groups to move to adjacent space; proximity to neighbors; soil configuration; drainage and slope; park amenities; and current use patterns.

Group Size

Groups in Palisades Park may have more than 2, but no more than 15 participants at any one time.

Allocation

It is proposed that group permit applications be accepted annually during a fixed application period. Further it is proposed that a limit of twenty permits be issued. A lottery or allocation system may need to be established to award permits if more than twenty applications are received. Zone #1 to #4 may be occupied on a first-come-first-served basis to permittees. Two groups would be able to occupy a “Zone” at any one time and staff would be able to relocate groups as necessary to allow for maintenance or other activities to occur.

Permit Fee for Palisades Park Groups

Staff recommends a higher permit fee for permits that include group activity in Palisades Park to cover additional staff time needed to issue the permits and is recommending that the fee be set at \$150.00 annually subject to the Consumer Price Index (CPI) increases each July 1st.

Hours

No commercial fitness instruction, classes or camps may occur in Palisades Park before 6am or after 11pm.

Palisades Park Equipment Restrictions

Equipment in Palisades Park may not exceed 25 lbs.

2. All Parks - Heavy Equipment Restrictions

Fitness equipment used in any City Parks may not exceed 25 lbs. with the exception of Clover Park, Airport Park and Reed Park where no restrictions on equipment weight would apply. There will be no restriction on the weight of equipment used on the Beach.

3. All Parks - Amplification and Use of Bullhorns Restrictions

Permit holders must adhere to the current General Park rule I. (p) which states that: "permit holders shall not utilize amplified sound, unless authorized by the Department" (see Attachment B). It is proposed that the permit application would clearly state that this includes bullhorns and whistles.

4. No Training in Certain Parks

Goose Egg Park, Ashland Park, Beach Park 4, and Chess Park have been added to the list of City Parks where no training may occur (see Attachment C for final list).

5. Enforcement and Education

Staff will work closely with enforcement personnel including Park Rangers and Code Compliance Officers to familiarize them with the new permit and regulatory system. Staff will require that authorized trainers wear and/or display a City-provided badge and/or display card, at all times when they are training. Concurrent with implementation, temporary signs will be placed in key locations to alert trainers and their clients of the permit requirements. We will also promote the rules through electronic and print materials.

6. Permit Application with Rules and Code of Conduct

A list of Permit Rules and a mandatory Code of Conduct will be included on the permit (see Attachment C).

Staff evaluated the possibility of requiring that all group classes in Palisades Park be offered only through the City's Community Classes program so that the City could have greater control over which groups were selected and where and when classes are offered. The trainers have expressed that their business model allows for flexibility in pricing options, including package deals, as well as variations in class times, which doesn't lend itself to the structure of the Community Classes program.

Outdoor Fitness Coalition

Staff met with representatives from the Santa Monica Outdoor Fitness Coalition to review the direction given by the City Council, outline the proposed recommendations contained in this report, and seek feedback. Coalition members advocated for setting the maximum class size at 30 participants in order to accommodate periodic special classes such as family days and free class offerings while acknowledging that on average they felt that a maximum size of 20 participants would work. Based on their observation of the number of group classes currently conducted in Palisades Park, they did not believe that limits would need to be placed on the number of group permits issued per year for Palisades Park. They welcome new rules and a shared Code of Conduct. Additionally they asked that group classes in Palisades Park continue to be

allowed when the park opens at 5am indicating that at least one Coalition member conducts classes at 5:30am and would be impacted by a later start time.

Staff feels that a group size limit of 15 is appropriate given the possibility of two groups occupying each Zone at any one time. Additionally during the testimony provided to Council in April 2013 some Coalition members indicated that their average class size was less than 15 participants. Additionally, staff believes that a 6am start time would help to mitigate concerns that adjacent neighbors have expressed about noise from trainers and their clients as early 5am. Making the hours for group activity in Palisades Park match the hours for all other parks (6am to 11pm), seems reasonable.

RECOMMENDATION

Staff has incorporated recommended refinements to the permit and regulatory system (see Attachment C).

NEXT STEPS

Staff anticipates returning to the City Council in August 2013 with analysis and responses to Council directives, input from this Commission, and an Ordinance and Resolution to create a new regulatory structure, permit system, application fee and use charges. Should Council adopt the Ordinance, code changes would take effect 30 days following a second reading.

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Attachments:

- A. Palisades Park Group Training Zones
- B. Relevant Existing Santa Monica Municipal Codes and Official Rules for Use of Parks and the Beach
- C. Permit and Regulatory Framework Use of City Parks and the Beach for Commercial Fitness Instruction, Classes or Camps

Attachment A
Palisades Park Group Training Zones



Group training location #1. Palisades Avenue north to Alta; grass areas, not paths



Group training location #2. Montana Avenue north of Palisades Avenue; grass area, not pathways



IDAHO

Group training location #3. North of Idaho; west of DG pathway; grass areas, not path



CALIFORNIA AVENUE

WILSHIRE BLVD.

Group Training Location #4. Wilshire north to public restroom; grass area between asphalt walkway and path

Attachment B

Relevant *Existing* Santa Monica Municipal Codes and Official Rules for Use of Parks and the Beach

The following current Rules and Codes may be relevant to consider:

- No person shall leave food or property in a Park or the Beach (SMMC 4.55.070)
- Litter must be place in receptacles (SMMC 7.48.020)
- Advertisements, signs or handbills may not be posted in a Park or on a street tree or pole (SMMC 4.08.480)
- Obstructing or blocking Park or Beach paths, sidewalks, entrances, or access ways is prohibited (SMMC 4.55.050)
- No person shall interfere with, or hinder any City employee in maintenance or repair of any Park, Park facility, Beach area or Beach facility (SMMC 4.55.090)
- No person shall enter, remain or be present in a Park when the Park is closed (SMMC 4.55.120)

Parks are closed from 11PM to 6AM

Palisades Park is closed from 12AM (Midnight) to 5AM

Chess Park is closed between sunset and sunrise

- No person shall attach or keep attached any wire, rope, swing or any other object to any public tree (SMMC 7.40.140, c)
- No person shall use a Park area, court or field when said area is posted as closed (Official Rules, General Park, b)
- All permit holders must display a copy of their permit when asked by authorized City personnel (Official Rules, General Park, o)
- Permit holders shall not utilize amplified sound, unless authorized by the Department (Official Rules, General Park, p)
- No person shall use a Beach area when said area is posted as closed (Official Rules, General Beach, b)

Attachment C

Permit and Regulatory Framework for Use of City Parks and the Beach for Commercial Fitness Instruction, Classes or Camps

Ordinance

City Council will be presented with an Ordinance amending Section 4.55 of the Santa Monica Municipal Code which will add:

- a definition of “Compensation”
- a Code Section making it unlawful for any person to provide fitness instruction, classes or camps for compensation in City parks or Santa Monica State Beach without City authorization (authorization to be given through a permit system) and listing parks where no commercial activity will be permitted
- a Code Section addressing group training in Palisades Park; and
- a Code Section prohibiting heavy equipment in Parks, except for Airport, Clover or Reed Parks

Resolution

City Council will be presented with a Resolution which will establish fees for:

- Annual Private/Semi-Private and Group/Camps permit fee of \$100
- Annual permit fee for group instruction/camps in Palisades Park of \$150 (if an allocation or lottery system is needed)
- Annual permit for Beach Youth Camps of \$150 (due to RFP process)
- Permit fees are subject to the Consumer Price Index (CPI) increases each July 1st.
- Use Charge of 10% of gross receipts payable within 15 days of the end of each quarter.

Permit Requirements for Instructor Permit (Private/Semi-Private and Group/Camps)

- Application form
- City Business License and Police Permit
- Release of liability form
- Proof of insurance naming City as an additional insured at City-standard limits

- Private/Semi-Private Instructor Permits are for instruction of classes of no more than 2 participants.
- Group/Camp Instructor Permits are for instruction of more than 2 participants and include commercial youth instruction, classes and camps in parks and on the beach.
- Palisades Park Private/Semi-Private and Group/Camp instruction is limited to the hours between 6am and 11pm.
- Palisades Park Private/Semi-Private and Group/Camp instruction may only occur in Zone #1 to #4 on a first-come-first-served basis. Two groups may occupy a “Zone” at a time, unless relocated by City staff.
- An event permit is required for classes exceeding 150 (includes participants and instructors).
- Permit locations:

PARK	GROUP/CAMP (more than 2)	PRIVATE/SEMI- PRIVATE (1-1 and 1-2)	NO FITNESS INSTRUCTION ALLOWED
Airport Park	X	X	
Ashland Park			X
Barnard Linear Way		X	
Beach Green	X	X	
Beach Park #1	X	X	
Beach Park #4			X
Chess Park			X
Clover Park	X	X	
Crescent Bay Park		X	
Douglas Park	X	X	
Euclid Park			X
Goose Egg Park			X
Hotchkiss Park	X	X	
Joslyn Park			X
Ken Genser Square			X
Marine Park	X	X	
Memorial Park		X	
Muscle Beach Park			X

Ocean View Park	X	X	
Ozone Park			X
Pacific Street Park			X
Palisades Park		X	
Park Drive Park			X
Reed Park	X	X	
Schader Park			X
South Beach Park	X	X	
Stewart Street Park	X	X	
Tongva Park		X	
Virginia Avenue Park	X	X	

Permit Rules and Code of Conduct

Permit holders must agree to and abide by Permit Rules and Code of Conduct. Failure to comply with these, or Official Rules for Use of Park and the Beach or the Santa Monica Municipal Code, may result in permit being revoked.

- Permit holders must display a City-issued name badge or display card, printed with photograph and name, at all times while conducting training, classes or camps.
- All activities shall occur only in the area designed for use under this permit unless otherwise directed by the City staff to address safety or maintenance concerns.
- Permit holders must be at least (200 feet) away from all City-sponsored classes and/or camps.
- Amplification is not permitted. Portable boom boxes are not permitted. Bull horns and whistles may not be used.
- No advertising or signage, including, cards, brochures, flyers, signs, or banners, may be placed or distributed in the park or on the beach. Advertising or sponsorship recognition is not allowed,
- Code of Conduct
 - Permit holders shall be respectful of park users and will not ask park users to move.
 - Permit holders shall be respectful of park and beach maintenance staff.

- Permit holders shall be respectful and cooperative with other instructors.
- Other relevant Official Rules and Municipal Codes (see selection below) will be included on the permit to ensure that all permit holders are fully informed.

New Rules for Park and the Beach

Under the authority of the Director of Community and Cultural Services, the following new rules will be added to the Official Rules for Use of Parks and the Beach. Rules apply to all Park or Beach users.

- Amenities may not be used for exercise activity except on existing City installed exercise equipment located on the par course at Clover Park. These include light poles, pergolas, picnic tables, benches, railings, chain link fencing, freestanding signs, bike racks, and barbeque grills
- Adults may not exercise on playground equipment.
- Exercise equipment weighing over (25) pounds, is prohibited in Parks with the exception of Airport, Clover and Reed Parks.
- A list of parks where no commercial fitness instruction, classes or camps may be conducted, where private and semi-private (1-1 and 1-2) instruction, classes or camps and where group (more than 2) instruction, classes or camps may occur will be included in the Official Rules.