



# Information Item

Date: March 26, 2013

To: Mayor and City Council

From: Karen Ginsberg, Director, Community and Cultural Services

Subject: Update on Winter Displays and Activities in Palisades Park and Other Locations

## Introduction

This Information Item provides a summary of attended winter displays and activities that took place in Palisades Park as well as on the Third Street Promenade this past holiday season. It also provides a summary of unattended winter displays that were erected on private property. Although unattended displays were prohibited in Palisades Park, community members found alternative opportunities to display nativity scenes and Menorahs, and celebrate the holidays through activities such as live nativities, caroling, tree lighting ceremonies, and Menorah lighting events.

## Background

On June 26, 2012 City Council amended Municipal Code section 4.55.060 to eliminate the exception that allowed for unattended winter displays in Palisades Park. The history leading up to this Council action is set forth in the [June 12, 2012](#) staff report. City Council encouraged community members to consider private property for unattended displays. In addition, the public was informed that attended displays could still be erected in Palisades Park and other public spaces.

## Discussion

With the elimination of private unattended displays in Palisades Park and at the recommendation of City Council, community members found alternative avenues for religious and other displays during the past holiday season. Additionally, community

members held events and activities in celebration of the holidays. The following summary provides a description of various activities that took place in Santa Monica between the months of November, 2012 and January, 2013. Certain of these activities are described in greater detail in the attached newspaper articles. (Attachments A & B)

### Third Street Promenade

Downtown Santa Monica, Inc. and Santa Monica Chabad obtained City Community Event Permits for four events held in the 1300 block of the Third Street Promenade. (Attachment C) Per the Community Events Administrative Instruction, any activity or event involving 75 or more persons on the Santa Monica Third Street Promenade requires a Community Event Permit. As required under these Event Permits, the organizer attended the display throughout the entire event and removed all displays at the conclusion of each event.

- Holiday parade and tree lighting ceremony (November 17, 2012)
- Holiday crafts and gift wrapping event (November 23, 2012)
- Menorah lighting ceremony and activities (December 8, 2012)
- Chabad Menorah lighting ceremony and activities (December 8, 2012)

Santa Monica Chabad displayed a menorah (attended) on other nights of Chanukah, but did not trigger the event permit requirements.



December 8<sup>th</sup> Menorah Lighting Ceremony at Third Street Promenade

## Palisades Park

Several events took place during the holiday season in Palisades Park and were organized by Trinity Church of Santa Monica, the Christian Defense Coalition and Chabad of Santa Monica. Attendance at these events was estimated to be less than 150 participants and therefore did not require a Community Event Permit. The participants occupied the space on a first-come, first-serve basis. Similar to the events on the Third Street Promenade, these organizers were required to attend their display at all times and remove their display at the end of each event day. No displays were left in Palisades Park unattended. The activities and displays that took place in the Palisades Park included:

- Trinity Church of Santa Monica: caroling, live nativity scenes, refreshments including coffee and hot chocolate (December 3 – 23, 2012; evening hours)
- Christian Defense Coalition: live nativity scenes (December 8, 2012, evening hours)
- Chabad of Santa Monica: Menorah display (December 8 – 18, 2012, day and evening hours)



Menorah at SM Blvd. and Ocean Avenue

## Private Property

The Nativity Display Organization erected 14 scenes at the Watt Companies property located at 26<sup>th</sup> and Ocean Park Blvd – south side of street. The unattended displays were erected in early December 2012 and remained on site until early January 2013.

The public was able to view the displays from the public sidewalk as well as their cars while driving on Ocean Park Blvd. Staff did not observe any impacts to the sidewalk or traffic flow on Ocean Park Blvd. due to the nativity displays.





Various photos relating to the nativity displays located on private property at Watt Company property.

Menorah displays were also erected on private property during December, 2012 at the following locations:

- Watt Company property 26<sup>th</sup> Street and Ocean Park Blvd. (south side of street)
- 20<sup>th</sup> Street and Virginia Avenue (east side of street)
- 11<sup>th</sup> Street and Ocean Park Blvd. (south side of street)
- Olympic and Cloverfield Blvd. (north side of street)



Menorahs on private property

## Summary

Following the City Council decision to eliminate unattended winter displays in Palisades Park, many members of the public voiced their concern that by not allowing unattended displays in Palisades Park the community would not be able to view the nativity scenes which had been a holiday tradition for many years. As reported in this summary, unattended displays were installed on private property and attended displays and activities occurred on public property, including in Palisades Park and on the Third Street Promenade. When contacted, staff worked closely with the various organizations to ensure that applicable laws were followed, rules and regulations were explained, and City authorization was provided when required. As staff previously informed City Council, the amount of time expended by CCS staff administering the application and

approval process for unattended Winter Displays in Palisades Park in 2011 was approximately 245 hours over the course of several months, not including work undertaken by other departments. Since the elimination of this program, this administrative burden has been greatly reduced. CCS staff estimates that it spent approximately 80 hours answering questions and providing information regarding the City's current regulations and in processing community event permits for winter holiday events. Staff anticipates this reduced work load to further diminish over time as the community becomes more familiar with the change in law.

**Prepared by:** Wendy Pietrzak, Acting Community Use Administrator  
Kathy LePrevost, Community Recreation Manager

**Attachments:** A. Christian Post Article  
B. Santa Monica Mirror Article  
C. Community Event Permits for events on 3<sup>rd</sup> Street Promenade

ATTACHMENT A

# THE CHRISTIAN POST

## Santa Monica's 60-Year-Old Nativity Scenes Tradition Moves to Private Property



By Alex Murashko, Christian Post Reporter

December 4, 2012|10:36 am

Read more at <http://www.christianpost.com/news/santa-monicas-60-year-old-nativity-scenes-tradition-moves-to-private-property-86014/#jLrhB4qk42Kv6Jp2.99>

A man jogs past a display showing the nativity scene along Ocean Avenue at Palisades Park in Santa Monica, California December 12, 2011. Due to a city lottery system to fairly allocate available spots in the park for displays, atheists have been able to claim display spaces usually used for the nativity scene to display different items, according to local media.

Despite having to relocate to private property after losing a legal battle, the 60th annual display of the Santa Monica Nativity Scenes will be available for viewing beginning this Sunday at the Southern [California](#) beach-side city.

"The community [Christmas](#) tradition will return to full strength this year with 14 scenes featuring life-size figures depicting events surrounding Christ's birth," said organizers.

"We are deeply grateful for the use of this new site to allow all of Santa Monica's distinctive Christmas Story to continue spreading the message of joy, hope, and [peace](#) found in the Christ child's birth to residents and visitors," said Nativity Scenes Committee Chairman Hunter Jameson.

The long-standing tradition of a Nativity scene displayed at the Santa Monica's Palisades Park ended after a federal judge ruled recently that the city can ban such displays. A controversy over the display erupted last Christmas season when an atheist group "manipulated" the city's lottery system for spaces, according to a Nativity Scenes committee,

resulting in only three booths for the Christian group that normally uses 14 booths for the various Nativity-related scenes.

A request from the committee to erect the large displays was denied primarily on the grounds that the city's administration was overburdened with the permit process for the displays, according to William Becker, the group's lawyer.

Jameson noted that visiting the display has become a cherished tradition for multiple generations of families. The opening ceremony at the new location will feature seasonal songs and the recital of the Christmas story.

Individuals, churches and businesses help sponsor the scenes through the [nonprofit](#) Santa Monica Nativity Scenes Committee.

The Nativity Scenes began in 1953 in Palisades Park and made their home there until the Santa Monica City Council banned them from the park this year. The ban sought to quell controversy that erupted after a small group of atheists used new rules and a city-mandated lottery to win most of the available display space last year in the park. The atheists erected some anti-religious displays and left most of their space empty.

Jameson said that Nativity Scenes organizers would appeal the dismissal to the Ninth U.S. Circuit Court under counsel William J. Becker, Jr.

"We will continue to fight for [free speech](#) and the free exercise of religion as we continue to seek restoration of the Nativity Scenes to its historic home in Palisades Park," Jameson said.

Meanwhile, a national coalition of Christian groups plans to hold a "Live Nativity Display" on Saturday, Dec. 8. The Live Nativity Display campaign is being led by the Christian Defense Coalition and Faith and Action, which are both based in Washington, D.C., along with local Southern California Christians and [pastors](#).

"Sadly, we are seeing an erosion of expressions of faith in the public square," said the Rev. Patrick J. Mahoney, director of the Christian Defense Coalition. "This is especially true during the Christmas season. We must be constantly reminded that the Constitution promises freedom 'of' religion not freedom 'from' religion."

Read more at <http://www.christianpost.com/news/santa-monicas-60-year-old-nativity-scenes-tradition-moves-to-private-property-86014/#jLRhB4qk42Kv6Jp2.99>

# SANTA MONICA Mirror

## Churches Hold Interactive Holiday Displays Near Santa Monica Pier Entrance

FRIDAY, 14 DEC 2012, 1:43:00 AM  
BRENTON GAREN



Courtesy Photos

The interactive holiday events are allowed as the ban to Nativity scenes at Palisades Park only applies to unattended displays.

With the unattended Nativity scenes now on display through the first week of January on private property on the 2700 block of Ocean Park Boulevard, a number of attended displays are being held nightly from 7 p.m. to 9 p.m. through Dec. 23 near the entrance to the Santa Monica Pier.

Primo DeJesus and Randy Bresnik, members of the Trinity Church of Santa Monica, are behind the idea of the interactive holiday events as the much-hyped Nativity scenes ban only applies to unattended displays.

DeJesus said a wide range of churches representing various religions and races had signed on to participate with one or two churches taking part each night.

We wanted to get all of the churches represented to use it as a meet and greet, DeJesus said. **It's** important to get themselves into the public and put some Christmas cheer out there. •

He said coffee, hot chocolate, tea, and cookies would be offered for free each night.

He said each church was allowed to come up with their own two-hour display whether it be Christmas carols, concerts, or simply handing out literature about their church and answering questions.

I realize some of the churches are used to engaging with the community, he said. The churches are playing a larger role in **people's** lives. People lives cannot be truly balanced unless **there's** a spiritual component.

This Sunday night, leading Pastor Rick Warren from Saddleback Ranch in the Orange County is expected to bring 1000 people from his church for a flash mob at 7 p.m. Warren was invited by Metro Calvary Chapel at 1420 Yale Street in Santa Monica.

DeJesus said the first event of the attended holiday displays kicked off Dec. 3 with an olive branch ceremony, and DeJesus said the activities are meant to put any feelings of disappointment with the city banning decision into the past.

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## ATTACHMENT C

# EVENT PERMIT

Event Name: <u>Downtown Santa Monica Holiday Craft &amp; Gift Wrap</u>		<u>PERMIT # 12-1123</u>
Event Date/Time: <b>Friday, 11/23/12; 12 noon – 3 p.m.</b>		
Set up: <b>10 a.m.</b>	Strike: <b>3 p.m. – 4 p.m.</b>	
Event Location: <b>1200 Block Third Street Promenade</b>		
Applicant: [REDACTED]	Phone: [REDACTED]	
Organization: <b>Downtown Santa Monica, Inc.</b>		
Address: <b>1351 Third Street Promenade, Santa Monica, CA 90401</b>		
<b>RESPONSIBLE PERSON ON EVENT DAY:</b> [REDACTED]		

### EVENT REQUIREMENT/CONDITIONS:

- Permittee shall comply with the Community Events Ordinance and all of the conditions of this permit.
- Only the activities approved by the Community Events Committee are permitted.
- Activities must not violate the conditions of this permit or conflict with the provisions of any state or city code.
- Failure to obtain or violations of a Community Event Permit may be subject to administrative citation or administrative penalty.
- Permittee shall be responsible for ALL City departmental service charges incurred in connection with or due to the permittee's activities under this permit including but not limited to: resource recovery/recycling services, clean-up/damage fees, insurance and other City services and permits as detailed below.
- Permittee is responsible for having a copy of this Event Permit at the event and available for display upon the demand of any City official.
- If City property is destroyed or damaged by reason of permittee's use, event, or activity and the damage or destruction is directly attributable to the permittee, the permittee will reimburse the City for the actual replacement or repair cost of the destroyed or damaged property.
- Should you encounter any problems during your event, please contact the Santa Monica Police Department at (310) 458-8491.
- All fixtures and temporary structures must be set up to allow pedestrian and a 12-foot emergency clearance at all times.
- Site plan approved by FIRE.
- Clean-up recycle plan approved by RESOURCE RECOVERY & RECYCLING.
- The use of non-recyclable plastic food and polystyrene/Styrofoam containers is prohibited. This includes no. 6 in the recycling logo.
- Event area must be completely cleaned and all litter removed immediately following the close of the event.
- A portable sound system is permitted for background holiday music from 12 p.m. – 3 p.m.
- General liability insurance in the amount of \$1M naming the City of Santa Monica as additional insured.

- Executed Defense, Indemnity and Hold Harmless Agreement.

Kathy LePrevost

Date: November 12, 2012

Community Events Committee

# EVENT PERMIT

Event Name: <u>Downtown Santa Monica Menorah Lighting</u>		PERMIT # <u>12-1208C</u>
Event Date/Time: <b>Saturday, December 8, 2012; 4 p.m. – 6 p.m.</b>		
Set up: <b>3 p.m.</b>	Strike: <b>6:30 p.m.</b>	
Event Location: <b>Third Street Promenade – 1300 Block</b>		
Applicant: <b>[REDACTED]</b>	Phone: <b>[REDACTED]</b>	
Organization: <b>Downtown Santa Monica Inc.</b>		
Address: <b>1351 Third Street Promenade, Santa Monica, CA 90404</b>		
RESPONSIBLE PERSON ON EVENT DAY: <b>[REDACTED]</b>		

## EVENT REQUIREMENT/CONDITIONS:

- Permittee shall comply with the Community Events Ordinance and all of the conditions of this permit.
- Only the activities approved by the Community Events Committee are permitted.
- Activities must not violate the conditions of this permit or conflict with the provisions of any state or city code.
- Failure to obtain or violations of a Community Event Permit may be subject to administrative citation or administrative penalty.
- Permittee shall be responsible for ALL City departmental service charges incurred in connection with or due to the permittee's activities under this permit including but not limited to: Open flame permits, metered parking spaces, clean-up/damage fees and other City services and permits as detailed below.
- Permittee is responsible for having a copy of this Event Permit at the event and available for display upon the demand of any City official.
- If City property is destroyed or damaged by reason of permittee's use, event, or activity and the damage or destruction is directly attributable to the permittee, the permittee will reimburse the City for the actual replacement or repair cost of the destroyed or damaged property.
- Should you encounter any problems during your event, please contact the Santa Monica Police Department at (310) 458-8491.
- Site plan approved by Downtown Santa Monica, Inc.
- All fixtures and temporary structures must be set up to allow pedestrian and a 12-foot emergency clearance at all times.
- Event area must be completely cleaned and all litter removed immediately following the close of the event.
- Amplified sound is permitted from 4 p.m. to 6 p.m. Continuation of amplified sound beyond this time may result in the event being closed down.
- Neighbor notification
- Executed Defense, Indemnity and Hold Harmless Agreement.

Wendy Pietrzak

Date December 6, 2012

Community Events Committee

# EVENT PERMIT

Event Name: <u>Downtown Santa Monica Tree Lighting Procession</u>	PERMIT # <u>12-1117</u>
Event Date/Time: <b>Saturday, November 17, 2012; 5 p.m. – 6 p.m.</b>	
Set up: <b>Beginning 3 p.m.</b>	Strike: <b>by 7 p.m.</b>
Event Location: <b>Third Street Promenade – All three blocks</b>	
Applicant: <span style="background-color: black; color: black;">[REDACTED]</span>	Phone: <span style="background-color: black; color: black;">[REDACTED]</span>
Organization: <b>Downtown Santa Monica, Inc.</b>	
Address: <b>1351 Third Street Promenade, Suite 201, Santa Monica, CA 90401</b>	
<b>RESPONSIBLE PERSON ON EVENT DAY:</b> <span style="background-color: black; color: black;">[REDACTED]</span>	

**EVENT REQUIREMENT/CONDITIONS:**

- Permittee shall comply with the Community Events Ordinance and all of the conditions of this permit.
- Only the activities approved by the Community Events Committee are permitted.
- Activities must not violate the conditions of this permit or conflict with the provisions of any state or city code.
- Permittee shall be responsible for ALL City departmental service charges incurred in connection with or due to the permittee's activities under this permit including but not limited to: police for traffic control, tent/canopy permits, fire safety officers, building permits, transportation management plan review, metered parking spaces, business licenses, resource recovery/recycling services, insurance and other City services and permits as detailed below.
- Permittee is responsible for having a copy of this Event Permit at the event and available for display upon the demand of any City official.
- If City property is destroyed or damaged by reason of permittee's use, event, or activity and the damage or destruction is directly attributable to the permittee, the permittee will reimburse the City for the actual replacement or repair cost of the destroyed or damaged property.
- Should you encounter any problems during your event, please contact the Santa Monica Police Department at (310) 458-8491.
- All fixtures and temporary structures must be set up to allow pedestrian and a 12-foot emergency clearance at all times.
- Arrangements made for a fire truck to be used in the procession with Fire Department.
- Fire extinguishers are required near any generator.
- Two (2) Mounted Santa Monica Police Officers hired.
- Two (2) on-duty Downtown Service Officers for traffic management.
- Transportation Management Plan approved by Planning & Community Development.
- Santa will ride in a horse and carriage down the promenade to Santa Monica Place.
- Organizer must pick up after the horse.
- Clean-up recycle plan approved by Resource, Recover and Recycling.
- Event area must be completely cleaned and all litter removed immediately following the close of the event.

- ❑ Santa Monica Business License for all service/supply providers.
- ❑ Amplified sound is permitted from 5 p.m. to 6 p.m. Continuation of amplified sound beyond this time may result in the event being closed down.
- ❑ Neighbor notification mailed to residents along the parade route.
- ❑ General liability insurance in the amount of \$1M naming the City of Santa Monica as additional insured.
- ❑ Executed Defense, Indemnity and Hold Harmless Agreement.

Wendy Pietrzak

Date November 15, 2012

Community Events Committee

# EVENT PERMIT

Event Name: <u>Grand Chanukah Celebration</u>		PERMIT # <u>12-1208B</u>
Event Date/Time: <b>Saturday, December 8, 2012; 8 p.m. – 10:30 p.m.</b>		
Set up: <b>6:30 p.m.</b>	Strike: <b>11 p.m.</b>	
Event Location: <b>Third Street Promenade – 1300 Block</b>		
Applicant: <span style="background-color: black; color: black;">[REDACTED]</span>	Phone: <span style="background-color: black; color: black;">[REDACTED]</span>	
Organization: <b>Chabad on 17th</b>		
Address: <b>1428 17<sup>th</sup> Street, Santa Monica, CA 90404</b>		
<b>RESPONSIBLE PERSON ON EVENT DAY:</b> <span style="background-color: black; color: black;">[REDACTED]</span>		

## EVENT REQUIREMENT/CONDITIONS:

- Permittee shall comply with the Community Events Ordinance and all of the conditions of this permit.
- Only the activities approved by the Community Events Committee are permitted.
- Activities must not violate the conditions of this permit or conflict with the provisions of any state or city code.
- Failure to obtain or violations of a Community Event Permit may be subject to administrative citation or administrative penalty.
- Permittee shall be responsible for ALL City departmental service charges incurred in connection with or due to the permittee's activities under this permit including but not limited to: Open flame permits, metered parking spaces, clean-up/damage fees and other City services and permits as detailed below.
- Permittee is responsible for having a copy of this Event Permit at the event and available for display upon the demand of any City official.
- If City property is destroyed or damaged by reason of permittee's use, event, or activity and the damage or destruction is directly attributable to the permittee, the permittee will reimburse the City for the actual replacement or repair cost of the destroyed or damaged property.
- Should you encounter any problems during your event, please contact the Santa Monica Police Department at (310) 458-8491.
- Site plan approved by Downtown Santa Monica, Inc.
- All fixtures and temporary structures must be set up to allow pedestrian and a 12-foot emergency clearance at all times.
- Open Flame Permit from FIRE. Fire extinguishers are required near open flame.
- Event area must be completely cleaned and all litter removed immediately following the close of the event.
- Amplified sound is permitted from 8 p.m. to 10 p.m. Continuation of amplified sound beyond this time may result in the event being closed down.
- Neighbor notification.
- Executed Defense, Indemnity and Hold Harmless Agreement.

Wendy Pietrzak

Date: December 5, 2012

Community Events Committee