



Information Item

Date: July 24, 2014

To: Mayor and City Council

From: Karen Ginsberg, Director, Community & Cultural Services Department

Subject: Update on the Commercial Fitness or Athletic Instruction, Classes or Camps Permit Program in Santa Monica Parks and at the Beach

Introduction

This information item updates the City Council regarding the implementation of Santa Monica Municipal Code Section 2441 that requires City authorization, in the form of a permit, to conduct commercial fitness or athletic instruction, classes or camps in parks and at the beach. The pilot year of this permit program began January, 2014. This report provides a mid-year review based on feedback from community members, trainers, clients, and City staff responsible for administration of the permit program, maintenance, and enforcement.

Background

For the past several years, community members as well as City class and camp instructors regularly complained about the proliferation of unregulated fitness training and camps in City parks and at the beach. The majority of complaints about this activity concerned the intensity of use at the north end of Palisades Park by trainers and their clients. During its [January 19, 2012](#) meeting, the Recreation and Parks Commission recommended that Council request that staff develop a regulatory system for use of the parks and beach by commercial fitness trainers. The Commission also suggested that staff research how other cities handle the issue of fitness classes in public open spaces. On [April 10, 2012](#), staff brought these community concerns to Council for direction. Council directed staff to return with options to address community concerns related to commercial fitness classes and use of large equipment in the parks and at the beach.

On [April 23, 2013](#), staff presented Council with options for addressing use of City parks and the beach for commercial fitness instruction, classes or camps. Council asked staff to return with refinements to the program including options for group training areas in Palisades Park with proposed time, place and group size restrictions. On [October 8, 2013](#), an ordinance amending Chapter 4.55 of the Municipal Code related to commercial fitness or athletic instruction, classes or camps in parks and at the beach, and a fee resolution establishing a permit fee and use charges was introduced. Council approved staff's recommendations as amended and adopted Resolution Number 10779 (CCS). At its [October 22, 2013](#) meeting, Council adopted [Ordinance 2441](#) (CCS) and the law became effective in January 2014.

Discussion

The purpose of the new *Commercial Fitness or Athletic Instruction, Classes or Camps Permit Program* is to create a greater balance of park and beach uses, protect park and beach amenities, reduce impacts on neighbors and park and beach users, ensure commercial instructors have a business license and proper insurance, and to have instructors compensate the City for commercial use of public property. Staff spent the months of December and January educating the public about the application process, permit requirements, rules and regulations as well as fees and use charges. This included installation of temporary signage at select parks (Attachment A), postcard distribution, email blasts to the interest lists, articles and press releases in the local newspapers, City websites and social media. Additionally, informational sessions were held with City staff from several departments/divisions including Police, Public Service Officers, (formerly Park Rangers), Code Enforcement Officers, Public Landscape Supervisors, Human Services and Community Recreation.

Applications for commercial fitness or athletic instruction, classes or camps permits were accepted beginning December 2, 2013 and processed as received, with the exception of applications for medium and large group permits for Palisades Park.

Applications for medium and large group permits for Palisades Park were accepted from December 2, 2013 – December 16, 2013 only. Pursuant to the regulations, no more than 20 permits were to be issued for Palisades Park. If more than 20 applications were received by the December 16th deadline, there would have been a random drawing of applicants to allocate permits. A drawing was not required because fewer than 20 applications were received.

Permits Issued: Through May 31, 2014 a total of 23 permits (covering 57 instructors) were issued for 2014 with the following breakdown of group size by location:

- Palisades Park (7 small – no more than 2 participants, 3 medium – no more than 10 participants, 2 large – no more than 15 participants)
- The Beach and other Approved Parks (2 small – no more than 2 participants, 6 medium – no more than 10 participants, 3 large – more than 10 participants, no permits were requested or issued for Reed Park)

Revenues collected for January through June 2014 total \$43,400 which includes an annual application fee and quarterly use charges.

Over the past few months, staff received several requests to re-open the application process for medium and large sized group permits for Palisades Park since the 20 permit limit had not been met. Therefore, starting June 1st and until the limit is met, staff began accepting applications for medium and large size group permits in Palisades Park with the permits being effective July 1, 2014 – December 31, 2014. By accepting additional applications and potentially increasing the number of medium and large size group permits, staff can better evaluate the 20 permit limitation during the one year pilot period. As of July 7, 2014 two existing permit holders modified their permits to add medium and large groups in Palisades Park with two additional approved instructors.

Therefore, as of mid-July 2014, a total of 23 permits (covering 59 instructors) have been issued.

Along with the permit, approved instructors are issued photo ID badges that must be worn when they are instructing as well as small portable signs (Attachment B) that must be displayed on site. The ID badges and portable signs make it easy for enforcement staff, Public Landscape staff, trainers and community members using the parks and/or beach, to identify approved instructors. A current list of approved instructors is posted on the City's web page at www.smgov.net/trainers.

Enforcement: Staff meets monthly with Police Department and Code Enforcement staff to evaluate and assess the permit program. The Police Department reports that between January and June they received 41 complaints regarding potential violations of the permit program such as attaching exercise equipment to park amenities and trees, athletic or fitness instruction without a permit, and excessive noise. Complaints received were as follows:

- January: 19 complaints
- February: 6 complaints
- March: 6 complaints
- April: 3 complaints
- May: 7 complaints
- June: 0 complaints

Complaints were received for issues at 10 parks (Palisades Park, Clover Park, Airport Park, Stewart Park, Marine Park, Hotchkiss Park, Goose Egg Park, Joslyn Park, Barnard Way Linear Park, Memorial Park) and several park medians. These complaints were responded to by either Police Department Public Service Officers and/or Code Enforcement Officers.

Code Enforcement reports that 23 cases were opened concerning potential fitness trainer violations between February and June 30, 2014. Of these:

- 3 resulted in the issuance of Administrative Citations
- 14 have been closed; and
- 6 remain open and are being monitored

In addition, Code Enforcement staff estimates that since February 2014 officers have made contact with over 150 individuals or groups in City parks and at the beach. In some situations, the contacted persons were in compliance with the law. In others, Code Enforcement Officers educated the contact regarding the permit program and/or warned or cited the person for a violation. Enforcement staff will continue to enforce the law through education, warnings, and citations when violations occur.

Park Maintenance: Public Landscape staff reports that they have worked closely with the permitted groups in Palisades Park to rotate locations to alleviate compaction of the turf. The approved instructors have been cooperative with City staff when asked to move or relocate due to maintenance activities taking place in the zones and/or complete closure of the zones due to repair or bad weather. Staff reports that even with rotating permitted groups within the zones, the four areas show signs of more wear/tear and compaction of the turf as opposed to non-zone areas in the park. This could be attributed to the fact that these zones have small, medium and/or large sized groups training on a regular daily basis throughout the week. In the areas north of Marguerita Avenue where commercial fitness instruction is not permitted, staff reports that there has been significant improvement in the condition of the turf.

Permit Program Feedback: In May 2014, staff issued a survey to approximately 250 contacts on Commercial Fitness or Athletic Instruction, Classes or Camps interest lists, which included neighborhood groups, commercial instructors and their clients, Santa Monica residents and other interested parties. The purpose of this survey was to obtain feedback regarding the new permit program. Thirteen questions were asked. Survey respondents were requested to make recommendations regarding specific aspects of the permit program if they believed the regulations in question were not appropriate or were in need of change. 104 people responded to the survey with key findings from the survey ratings and comments summarized below:

- Residency & Primary Interest
 - 88 respondents identified as Santa Monica residents
 - 70 indicated they were an Interested Community Member

- 21 stated they were a Client
- 10 were an Instructor
- 10 selected Other

- Group Size: 100 responses
 - 47% thought the size of the groups is appropriate
 - 44% thought the size of the groups should change
 - 44 comments were received regarding the size of groups, as follows:
 - 57% suggested more restrictions, i.e. over 2, or over 7 participants should be classified as a large group
 - 32% suggested less restrictions, i.e. small groups should be up to 4 or 5 participants

- Assignment of Parks: 101 responses
 - 36% believed the assignment of parks is appropriate
 - 50% believed a change is needed
 - 48 comments were received regarding assignment of parks
 - 23% suggested less restrictions, i.e. allow small groups in all parks
 - 71% suggested more restrictions (primarily in Palisades Park)

- 25lb Weight Limit: 94 responses
 - 55% believed the 25lb weight limit on exercise equipment is appropriate
 - 10% suggested less restrictions, i.e. no limit
 - 30% suggested more restrictions, i.e. limit to 5lb or 10lb or none

- Park Amenities: 94 responses
 - 69% respondents supported the current prohibition of using park amenities for exercise
 - 9% suggested more restrictions, i.e. no use of park or beach equipment under any circumstance
 - 18% suggested less restrictions, i.e. dips on benches

- Valid Days and Hours: 92 responses
 - 51% believed the permit hours and days are appropriate
 - 13% suggested less restrictions, i.e. permits valid Sundays in Palisades Park
 - 33% suggested more restrictions i.e. hours start later than 6am and end earlier than 9pm, permits not valid weekends and holidays

- Advertising: 95 responses
 - 75% believed that all advertising in the parks and at the beach should remain prohibited
 - 4% suggested more restrictions, i.e. City should not issue signs

- 17% suggested less restrictions, i.e. distribution of business cards or flyers and/or brochures
- Palisades Park Zones: 79 responses
 - 51% thought limiting medium and large groups to specific zones in Palisades Park is appropriate
 - 22% suggest less restrictions, i.e. move about freely with no zones
 - 15% believe more restrictions, i.e. limit groups to two zones
- Amount of Commercial Instruction in Palisades Park: 87 responses
 - 22% are satisfied with the level of training since implementation of the restrictions
 - 48% suggested more restrictions, i.e. want no training
 - 13% suggested less restrictions, i.e. rarely see trainers and would like to see more activity
- Enforcement: 90 responses
 - 33% believed the level of enforcement was satisfactory or excellent
 - 22% were disappointed, i.e. never see enforcement staff in parks
 - 44% did not know
- Balance of Uses: 87 responses
 - 36% believed the balance of uses was satisfactory or excellent
 - 39% were disappointed, i.e. want no training, want more training
 - 25% did not know
- Overall Satisfaction: 67 responses
 - 40% were satisfied or rated the permit program as excellent
 - 46% were disappointed
 - 14% did not know
 - 42 comments were received
 - 40% suggested more restrictions, especially for Palisades Park
 - 38% suggested less restrictions, especially regarding use charges

A total of 363 comments were received in response to the survey questions regarding program implementation. A compilation of the survey ratings is shown on a chart as Attachment C and the comments are categorized and available on the City's website at www.smgov.net/trainers.

Summary

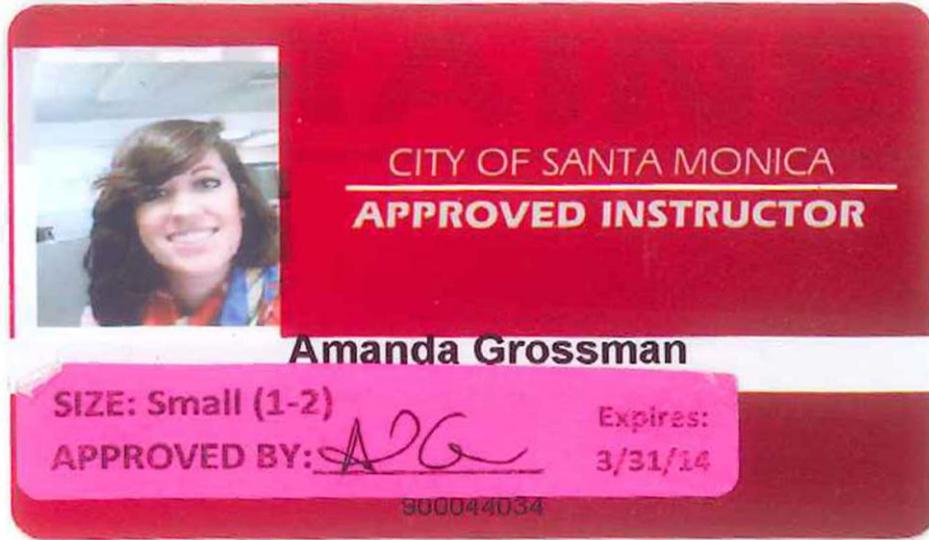
Since the law became effective in January 2014, staff has observed an overall reduction in the amount of commercial fitness or athletic instruction, classes or camps taking place in City parks and at the beach. Staff will continue to monitor and assess the permit program and report back to Council at the end of the one-year pilot period and propose changes if warranted. During the summer season, staff anticipates more commercial fitness or athletic instructors attempting to conduct classes in the parks and at the beach. Staff will continue active enforcement of the regulations through education, warnings and citations.

Prepared By: Wendy Pietrzak, Senior Administrative Analyst

ATTACHMENT A
Educational Sign



ATTACHMENT B
Instructor ID Badge/Sign



Example of Photo ID Badge



Example of Portable, 9.5" x 13.5", A-Frame Sign

ATTACHMENT C

Commercial Fitness or Athletic Instruction, Classes or Camps Community Survey Results May 14 – June 10, 2014

104 Respondents

(Note: Not all respondents answered every question)

#	Question	Answer	Response		Answer	Response		Answer	Response		Answer	Response	
			#	%		#	%		#	%		#	%
1	Are you a SM resident?	Yes	88	85.5	No	15	14.6	--		--	--	-	--
2	What is your primary interest in this issue?	Instructor	10	9.8	Client	21	20.6	Community Member	70	68.6	Other	10	9.8
3	The three group sizes are?	Appropriate	47	47	In Need of Change	44	44	Don't Know	9	9	--	-	--
4	Assignment of parks is?	Appropriate	36	35.6	In Need of Change	50	49.5	Don't Know	15	14.9	--	-	--
5	25lb weight on equipment limit is?	Appropriate	52	55.3	Too Restrictive	9	9.6	Too Lenient	28	29.8	Don't Know	5	5.3
6	Prohibiting use of amenities is?	Appropriate	65	69	Too Restrictive	17	18	Too Lenient	9	9.6	Don't Know	3	3.2
7	Hours and days that permits are valid are?	Appropriate	47	51	Too Restrictive	12	13	Too Lenient	30	32.6	Don't Know	3	3.3
8	Prohibiting all advertising in parks/beach is?	Appropriate	71	74.7	Too Restrictive	16	16.8	Too Lenient	4	4.2	Don't Know	4	4.2
9	Limiting med/lg groups in Palisades Park to 4 zones is?	Appropriate	40	50.6	Too Consolidated	17	21.5	Too Spread Out	12	15.2	Don't Know	10	12.7
10	Amount of instruction occurring in Palisades Park is?	Appropriate	19	21.8	Too Much	38	43.7	Too Little	11	12.6	Don't Know	19	21.8
11	Effectiveness of Enforcement is?	Excellent	9	10	Satisfactory	21	23.3	Disappointing	20	22.2	Don't Know	40	44.4
12	Effectiveness of ordinance in balancing uses is?	Excellent	10	11.5	Satisfactory	21	24.1	Disappointing	34	39.1	Don't Know	22	25.3
13	Overall level of satisfaction w/ permit program is?	Excellent	9	10.3	Satisfactory	26	29.9	Disappointing	40	46	Don't Know	12	13.8