



CITY OF SANTA BARBARA
PARK AND RECREATION COMMISSION REPORT

AGENDA DATE: July 22, 2009

TO: Park and Recreation Commission

FROM: Recreation Division, Parks and Recreation Department

SUBJECT: Six Month Report on New Commercial Activities Fee and Permit Policy for City Parks and Beaches

RECOMMENDATION: That the Commission receives a report on the implementation of the new Commercial Activities Fee and Permit Policy for City parks and beaches.

BACKGROUND:

In 2008, after receiving numerous complaints from park users about the influx of commercial activities in City parks and beaches, the Park and Recreation Commission approved a new policy developed by staff with input from business owners, to better regulate commercial activities and ensure that equitable access to the favored locations could be achieved. The policy included new park use limitations, a lottery permit system, and new permit fees, with waterfront locations charged at a higher fee level than non-waterfront locations. On January 1, 2009, the new policy went into effect. A copy of the policy is attached. As requested by the Commission, this report provides an overview for how the new policy has worked in the first six months of implementation.

DISCUSSION:

At the six month mark, staff is pleased to report that the new policy is going well. As of this time last year when complaints about unpermitted activities, primarily fitness “boot camp” programs, started surfacing, there were 5-6 commercial businesses that had obtained the proper park permit for their classes. A large number of businesses either didn’t know that park permits were required for their commercial activities or were choosing to “fly under the radar” and take their chances without a permit. Since the new policy has been in effect, 12 businesses have been permitted for their commercial activities in parks, double the number from last year. From a revenue perspective, Parks and Recreation received \$9,531 from commercial activities in FY 08 compared to \$16,548 in FY 09. This is a 74% increase in revenue.

Last July, Shoreline Park was the location of choice for permitted and unpermitted fitness “boot camp” classes. It was decided that a lottery system would be needed for the new commercial activities policy so all businesses could have equal access to favored locations such as Shoreline Park. So far this has turned out not to be an issue. Two lottery drawings have been held with only two businesses requesting use of Shoreline Park. Their first choices of time and day were easily granted. The other businesses have spread out to other parks and beaches such as Alameda Park, La Mesa Park, Mackenzie Park, Oak Park, West Beach East Beach and Leadbetter Beach. Staff believes that all the businesses are aware of their competition and are choosing not to schedule themselves head-to-head with their competitors.

In spite of the successes the new policy has experienced during the first six months, the two main challenges remaining are compliance by all groups and staff time required to ensure this compliance. When Park Monitors or Park Rangers approach what appears to be group fitness classes taking place, the common response is “we’re friends; we’re not conducting business in the park.” While it appears that activities of a commercial nature are taking place, staff are limited in their response and provide written copies of the commercial activities policy. The Facilities and Special Events Supervisor also monitors newspaper ads and websites to follow-up on groups that appear to be conducting business in City parks and beaches without a permit.

Investigative assistance also comes from the permitted businesses themselves, as a few have secretly reported on those operating without permits. Staff doesn’t see the non-compliance issue going away but with sustained and continuous effort to enforce the new policy, there are fewer unpermitted activities than existed a year ago.

SUMMARY:

Implementing a commercial activities policy has been successful in helping to manage unauthorized use of City parks, and to achieve a better balance between general park users and the commercial users. The new permit fee provides increased revenue for the department. In FY 10, \$16,961 in revenue has already been received from commercial activities already in the reservation system, with the total of \$34,420 projected for this fiscal year.

ATTACHMENT: Policy for Commercial Activities

SUBMITTED BY: Susan Jang Bardick, Facilities and Special Events Supervisor
Judith Cook McCaffrey, Recreation Programs Manager

APPROVED BY: Nancy L. Rapp, Parks and Recreation Director