STAFF REPORT

Meeting Date: October 18, 2016

To: Honorable Mayor and City Council

From: Nancy Hunt-Coffey, Director of Community Services

Teri Angel, Recreation Services Manager

Subject: Recommendation by Recreation and Parks Commission and City Council Liaisons to Allow Private Training in Select City Parks

Attachments:

1. Draft Permit Requirements and Rules
2. Draft Permit Application
3. Private Trainer Photos

INTRODUCTION

The Recreation and Parks Commission has been in discussion regarding the issue of private trainers in the parks. Staff presented ongoing issues with the increased numbers of personal trainers utilizing park space to conduct for personal profit one-on-one or small group exercise/conditioning or sport training. The issues included the financial effect such use has on current City authorized contractual vendors, the use of fitness equipment, improper use of park amenities, the safety concerns and liability to the City for those utilizing the private training services, as well as the safety of other park patrons.

DISCUSSION

The Private Trainer topic was first brought to the Commission on November, 19, 2009. In 2015, staff reports or discussion were presented at the June 1, August 25, October 27, and November 24 Commission meetings. Liaison Meetings with Commissioners Friedman and Bilak were held on June 29, 2015, and February 16 and April 12, 2016. Examples of what other neighboring cities regulations that have been implemented to address the issue were also shared.

Public discussion on the topic of personal training was held at the November 24, 2015 Commission meeting with representatives from the City of Santa Monica also in attendance to speak about their private training permit program and ordinance. After the public discussion and presentation, the Commission approved to allow personal trainers to conduct such business in select City Parks and provided direction on a permit application, insurance, fees, location, training criteria, etc., that became the groundwork for creating the draft rules and permit application. At a September 1, 2016 Meeting, Recreation and Parks City Council Liaisons Mirisch and Gold approved of the concept and information presented.

The following areas of compliance were established and Private Trainers would be required to:

a) Complete an application and pay an annual permit fee.
b) Obtain a Beverly Hills Business License.
c) Provide insurance and list the City of Beverly Hills additionally insured.
d) Issued permit would need to be worn or in view.
e) Allow a citation with a fee be issued to any trainer(s) without proper permit.

Staff and Commission also agreed:

1.) Limit the number of personal trainer permits issued.
2.) Roxbury, La Cienega, and Coldwater Parks are the only designated Parks.
3) Amongst aforementioned Parks, a specific area(s) will be designated for the training.
4) Training limited to up to two people.
5) A list of permissible equipment for training is developed.
6) Training of adults and youth is permissible.
7) Exercise and fitness instruction, as well as specified youth sports training would be permissible.
8) Develop an ordinance to permit such use.

FISCAL IMPACT

Staff estimates 7-15 private trainers may have the interest to pay the approximate $500 fee generating $3,500-$7,500 in annual revenue, in addition to any code violation fees from unauthorized trainers. The Community Services Department Registration Office will process the applications and Park Rangers on regularly scheduled park patrol will be tasked with monitoring and enforcement requiring no significant expenses except permit badge and sign issuance supplies which are covered by revenue.

RECOMMENDATION

Staff seeks City Council input on private trainers in the parks and the proposed recommendations of the Recreation and Parks Commission and Liaisons to allow such business in select parks.

Nancy Hunt-Coffey
Approved By

Attachment 1

CITY OF BEVERLY HILLS
PROFESSIONAL AND COMMERCIAL INSTRUCTION PERMIT REQUIREMENTS AND RULES

Permit Requirements

Applicant must provide documentation of the following prior to Permit execution:

- ☐ Completed and signed application form, including "Defense, Indemnity, and Hold Harmless Agreement".
- ☐ Proof of insurance as stated under Instructor Insurance Requirements. "Additional Insured Endorsement Form must be provided.
- ☐ Workers' Compensation Coverage Exemption Form, if applicable
- ☐ Copy of current City of Beverly Hills Business License
- ☐ Payment of required permit fee.

A City authorized permit is required to conduct fitness, athletic or recreational instruction or dog training, for compensation in parks pursuant to Ordinance _____.

Permit Rules

1. Definitions:
   - Individual /Small Group: Not more than two (2) participants excluding instructor(s) and one (1) dog per instructor.
   - Approved Instructor: An instructor, approved by the City that works as an employee or contractor, under the supervision and responsibility of the Permittee.

2. Individual/Small Group fitness, athletic, or recreational instruction or dog training, may be conducted in the following parks:

   - La Cienega Park
   - Roxbury Park
   - Coldwater Canyon Park (Monday thru Friday only)

3. No professional or commercial instruction may occur in the following parks and facilities: Arnaz Mini Park, Crescent Drive Mini Park, Hamel Mini Park, Maltz Mini Park, Oakhurst Mini Park, Reeves Mini Park, Rexford Mini Park, or Beverly Canon Gardens, Beverly Gardens Park, Greystone Park, La Cienega Tennis Center, Will Rogers Memorial Park or Beverly Hills Community Dog Park.

4. Permits are issued on a calendar year basis. (January 1 – December 31)

5. A maximum of 3 Approved Instructors are allowed per permit, in addition to the Permittee.

6. Permits issued shall become invalid if the permittee fails to:
   - pay all applicable City fees and charges;
   - maintain a current and valid general liability insurance as required by the City;
   - execute a required Indemnity and Hold Harmless Agreement; and
   - maintain a current and valid City of Beverly Hills Business License
   - abide by permit and park rules.

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7. Permittees and/or Approved Instructors must visibly wear a City-issued badge and display issued free standing sign at all times while conducting professional or commercial fitness, athletic or recreational instruction or dog training and have the City issued Permit available for immediate inspection by City staff upon request.*(Permits and City-issued badges and signs are non-transferable.)*

8. Permittees must stay within a restricted amount of space as designated by the City permit and cannot use any equipment that would extend their area such as but not limited to, long ropes, cones or obstacle courses, agility ladders, etc.

9. Permittees and/or Approved Instructors shall follow City staff instructions in siting or relocating commercial fitness or athletic instruction in order to avoid damage to City facilities or turf areas, and to avoid interference with maintenance activities and closures including but not limited to closures related to inclement weather

10. Permittees, Approved Instructors and participants shall not store or place fitness equipment or personal belongings within 10 feet of any tree trunk.

11. Permittees and/or Approved Instructors must site professional or commercial instruction, classes or camps at least 200 feet away from all City operated or sanctioned activities such as American Youth Soccer Organization, Little League, and Adult Sports League Programs.

12. Permittees and/or Approved Instructors shall not use amplification equipment, boom boxes, bull horns or whistles.

13. Permittees and Approved Instructors shall not conduct professional or commercial instruction, in any City park between 9pm and 6am.

14. Permittees and/or Approved Instructors shall not require park users to relocate to accommodate instruction except as permitted.

15. Permittees and/or Approved Instructors shall relocate to accommodate City permitted activities, including City approved Community Events and City approved Filming.

16. No Permittee or Approved Instructor shall display, place or distribute, or cause the display, placement or distribution of, any commercial advertising or signage, including but not limited to cards, flyers, brochures, signs or banners, in any City park, park facility, or park parking lots.

17. Park equipment and installations, including but not limited to light poles, drinking fountains, public art, bleachers, picnic tables, benches, railings, fencing, signs, bike racks, and barbeque grills, playground equipment, steps, or stairs, trees, bushes, and foliage shall not be used for exercise activity.

18. Permittees and and/or approved instructors and clients shall under no circumstances use outdoor exercise equipment, exercise machines, or the exercise equipment area to conduct instruction.

19. Pursuant to Ordinance, no person shall place any equipment or object used for fitness or athletic activity weighing more than twenty-five pounds within any City park without prior authorization by the Director.

20. A City-issued field permit, consistent with the City's field permitting guidelines, is required for use of a field.

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21. A court reservation permit is required for use of basketball, volleyball or greens for instruction.

22. No person shall store athletic, sports or other equipment within any park nor left unattended.

23. Permittees and Approved Instructors shall at all times be respectful of park users, city staff, other instructors and their clients, residents and businesses.

24. City will issue permits on a first-come, first- serve basis and reserves the right to limit the number of permits issued.

Conditions for Issuance of the Permit and Procedure for Suspension or Revocation will be-pursuant to Ordinance No. _____ of the BHMC.

Destruction, removal or injury to any park facility or park foliage may require restitution in an amount necessary to reimburse the Department for investigative costs and for the value of the item or material destroyed, defaced, removed or damaged as well as labor required to replant or restore the area, item or material affected.

The City may revoke, suspend or deny the issuance of a permit if the permittee or applicant has violated applicable Federal, State, or City laws, or rules or regulations.

I have read the permit requirements and rules and will abide by them, as will any approved instructor under my responsibility.

Name _____ Signature_____ Date_____

Staff initial: _____

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Attachment 2

PROFESSIONAL OR COMMERCIAL INSTRUCTION PERMIT APPLICATION

City of Beverly Hills
Community Services Department, Recreation Division
455 N. Rexford Drive, Room 260, Beverly Hills, CA 90210
Phone: 310.285.6850 Fax: 310.274.9571

Submission Dates:
*Applications will be accepted beginning January 3, 2017 and will be valid upon issuance until December 31, 2017 (calendar year). Permit valid only as assigned at Roxbury Park, La Cienega Park, or Coldwater Canyon Park. Instruction at any other park facility is **not** permitted.*
Permit will be issued and valid for Individual/Small Group instruction (no more than 2 students excluding instructor for any session).

PERMIT FEE: Payment of a permit fee is required prior to issuance of an annual permit. Fee is $250 per calendar year. Fees are not pro-rated or refundable.

APPLICANT INFORMATION

Business Name: _____ Contact Person: _____

Type of Instruction _____ Youth (5-17 years) _____ Adults (18+ years) _____

Address: _____ City & Zip code: _____

Phone/Cell: _____ Email address: _____

Website Address: _____

Location of Instruction *Designate one park ONLY*

_____***Roxbury Park***
471 S. Roxbury Drive
Beverly Hills, CA 90212
Monday – Sunday, 6am-dusk

_____***La Cienega Park***
8400 Gregory Way
Beverly Hills, CA 90211
Monday – Sunday, 6am-dusk

_____***Coldwater Canyon Park***
1100 N. Beverly Drive
Beverly Hills, CA 90210
Monday – Friday 6am - dusk

Estimated average number of hours per month you intend to conduct business: _____

Type of equipment to be used: _____

List Instructors for this business (maximum of 3 plus permittee)

1. _____ 2._____ 3. _____

Completed applications are to be submitted to the address below: (Monday–Friday, 9am – 4pm)
City of Beverly Hills
455 N. Rexford Drive, Room 260
Beverly Hills, CA 90210

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I, representing the Permittee, certify the information on this application is correct and that I have read and agree to abide by the Professional and Commercial Instruction Permit Rules and Requirements and all other conditions as outlined in Ordinance #_____

_____ _____
Signature Date

_____ _____
Print name Title

For Office Use Only:
APPPLICATION RECEIVED BY _____ DATE:_____

- Proof of Insurance: Expiration Date _____
- Additionally Insured Endorsement: Expiration Date _____
- Workers' Compensation Coverage Exemption Form, if applicable
- Defense, Indemnity and Hold Harmless Agreement
- Beverly Hills Business License: Business Name _____
- Permit Fee: Amount: $_____ Check_____ Credit Card _____ Date_____

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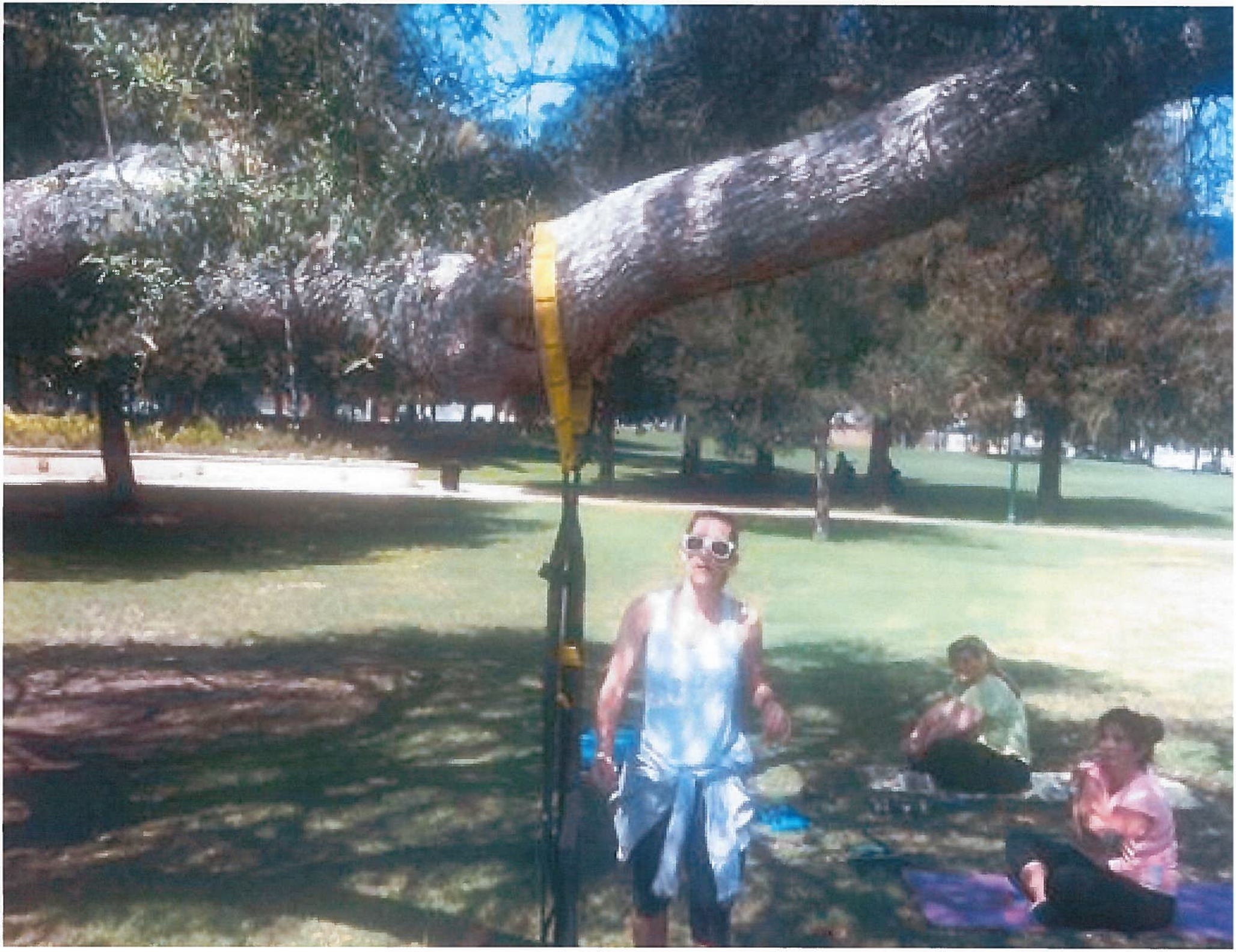
Attachment 3