



STUDY SESSION

Agenda Item # 1

AGENDA REPORT SUMMARY

Meeting Date: June 22, 2021

Subject: Amend Park Ordinance for Commercial Activity

Prepared by: Trevor Marsden, Management Analyst Fellow

Approved by: Jaime Chew, Recreation Manager

Attachment(s):

None

Initiated by:

City Staff

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

In accordance with CEQA Guidelines Section 15378(b)(5), this review is not a project because it is an administrative activity that will not impact the environment.

Policy Question(s) for Council Consideration:

- Does Council support amendments to the Park Ordinance to include an optional process for commercial activity?

Summary:

- There is currently no ordinance, policy, or process to approve commercial activities in Los Altos parks.
- Before the COVID-19 Pandemic, community members, for profit organizations and businesses have utilized Los Altos parks to host commercial activities such as camps and classes.
- During the COVID-19 Pandemic, commercial usage of Los Altos parks has dramatically increased and impacted day-to-day use as well as maintenance.
- Staff recommends coordinating fair and safe access through an approval process that includes licensing, insurance, and balanced scheduling between the general public and commercial use
- Staff is seeking direction and support from Council on how to proceed with amendments to the Park Ordinance to facilitate the management of commercial activity in Los Altos parks.

Staff Recommendation:

Provide direction and support proposed amendments to the Park Ordinance to facilitate management of commercial activity in Los Altos parks.

Purpose

Seek Council direction and support to amend the Park Ordinance to facilitate management of commercial activity in Los Altos parks.

Background

The access to Los Altos City parks has minimal restrictions limiting commercial activity. Examples of commercial activity include for profit recreation-based camps or classes. While the City noted prior commercial park use, there has been a significant increase since the COVID-19 Pandemic by community members, organizations and businesses. The City currently does not have the mechanism to regulate commercial activities in the Park Ordinance.

By managing commercial park activities, the City can regulate park access in a safe and fair manor, balancing use between the general public and commercial use. This includes reducing the city's liability and maintenance impacts to the parks, including the provision of a business license.

Discussion/Analysis

The Park Ordinance amendment will provide a permit application process for commercial activities in Los Altos parks. The ordinance leaves the details of the process up to the City Manager or assigned designee to design and implement. This will allow for flexibility should conditions change in the future. Upon approval, the permit application process will be implemented immediately. Special events will not be affected by the new park permit requirements and will continue to fall under the Special Event Permit process through the Police Department. This prevents any first amendment violations that may arise from the restriction of special events.

Next Steps

Provide direction and determine support from Council on the proposed amendments to the Park Ordinance. Staff will present its first hearing at a future regular Council meeting.

ORDINANCE NO. 2021-___

AN ordinance of the City Council of the City of Los Altos AUTHORIZING THE REGULATION
OF COMMERCIAL or other private use of CITY PARKS

WHEREAS, the California Constitution, Article XI, Section 7, confers on the City the power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, section 9.24.030 of the Los Altos Municipal Code prohibits unpermitted commercial use of city parks; and

WHEREAS, the Los Altos Municipal Code does not currently provide a procedure for obtaining a permit for commercial or other private use of city park facilities; and

WHEREAS, the regulation of commercial and other private use of city parks is necessary to preserve the health, safety, or welfare of the general public; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. FINDINGS. The City Council finds that the foregoing recitals are true and correct.

SECTION 2. AMENDMENT OF CODE. Section 9.24.040 is added to the Los Altos Municipal Code, as follows:

9.24.040 – Permits for use of city parks.

- A. The city manager or designee may issue permits for commercial use of city parks. Such use shall be in accordance with rules and regulations established by the city manager or designee, which shall be effective when posted on the city’s website. A permittee shall obtain a business license pursuant to title 4 of this code.
- B. The city manager or designee may issue permits for reservation of city park facilities. Such use shall be in accordance with rules and regulations established by the city manager or designee, which shall be effective when posted on the city’s website.
- C. Applications for permits described in this section shall be submitted on forms and in accordance with procedures established by the city manager or designee. An application shall be accompanied by the payment of a fee set forth by council resolution. A permit may include conditions of approval unique to the nature of the proposed use, as determined by the city manager or designee. A condition of approval of every permit granted pursuant to this section shall be the permittee’s agreement to hold harmless, indemnify, and defend the city and its elected and appointed officials, employees, agents, and volunteers from and against any and all claims, liabilities, damages, or expenses of every kind or nature arising from the permittee’s use of city facilities. The permittee shall also obtain insurance in types and amounts determined by the city’s risk manager, and the city and its elected and appointed officials, employees, agents, and volunteers shall be named as additional insureds under any such policy of insurance.
- D. This section does not apply to use of city parks for special events, which shall be allowed only as

described in chapter 9.25 of this code.

SECTION 3. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2021 and was thereafter, at a regular meeting held on _____, 2021 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Neysa Fligor, MAYOR

Attest:

Andrea Chelemengos, CITY CLERK