



Legislation Text

File #: 13-1043, **Version:** 1

Recommendation to authorize City Manager to execute a new Fitness Provider Permit with Elizabeth and Samuel Santos, individuals doing business as Elite Bodies in Motion, for the provision and operation of outdoor fitness classes and personal training on the beach, on either side of Junipero Avenue, for a term of three years. (Districts 2,3)

On September 18, 2013, Elizabeth and Samuel Santos, individuals doing business as Elite Bodies in Motion (Elite Bodies), submitted a completed Fitness Provider Application to the Department of Parks, Recreation and Marine (PRM) requesting the use of the beach, on either side of Junipero Avenue, for the provision and operation of outdoor fitness classes and personal training.

Elite Bodies classes will initially consist of morning classes on Saturday and Sunday, and afternoon/evening classes on Tuesday, Wednesday, and Thursday of each week. Elite Bodies will locate and operate on the beach, on either side of Junipero Avenue; however, it shall not operate in a way that impedes foot traffic or otherwise disrupts the use of the beach by other beach users. Elite Bodies will be responsible for ensuring that any items brought and used pursuant to its permitted use are removed promptly at the conclusion of each class.

This proposal is consistent with other PRM permits for this type of use, and helps address the growing demand for outdoor fitness within City of Long Beach (City) parks and beaches.

The proposed Fitness Provider Permit contains the following major provisions:

- Term: December 4, 2013 through December 3, 2016, with no renewal options.

Permitted Use: The provision and operation of outdoor fitness classes and personal training on City beaches during posted use hours, while adhering to noise and impact abatement conditions consistent with the Long Beach Municipal Code, and/or as directed by the City Manager or his designee.

- Permit Areas: The beach, on either side Junipero Avenue. Elite Bodies may request use of additional City parks and/or beach sites. Each additional site shall be subject to review and prior approval, and will be at the discretion of the City Manager or his designee.
- Permit Fee: Elite Bodies shall pay PRM an annual permit fee of \$350 for the use of the beach, or three percent of gross receipts, whichever is greater. Additional approved sites shall increase the annual permit fee by \$350 per site, per year, or three percent of gross receipts, whichever is greater.
- Insurance/Program Liability: Elite Bodies shall provide proof of insurance coverage and a copy of its participant liability waiver, as defined and/or accepted to sufficiency by the City's Risk

Manager, on an annual basis or upon policy renewal and/or change.

This matter was reviewed by Deputy City Attorney Gary J. Anderson on November 6, 2013, and by Budget Management Officer Victoria Bell on November 7, 2013.

City Council action is requested on December 3, 2013, in order to enable the execution of the Fitness Provider Permit with Elite Bodies in Motion.

Annual revenue in the amount of \$350, or three percent of gross receipts, whichever is greater, from the use of the beach, will accrue to the Tidelands Operations Fund (TF 401) in the Parks, Recreation and Marine Department (PR). If additional sites are approved by the City Manager or his designee, annual revenue will increase by \$350 per site, per year, or three percent of gross receipts, whichever is greater. There is no impact to jobs associated with the recommended action

Approve recommendation.

GEORGE CHAPJIAN
DIRECTOR OF PARKS, RECREATION AND MARINE

APPROVED:

PATRICK H. WEST
CITY MANAGER