

REPORT OF GENERAL MANAGER

NO. 05-44

DATE February 2, 2005

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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: REVISION OF VENICE BEACH BOARDWALK PUBLIC EXPRESSION PERMIT RULES

K. Chan \_\_\_\_\_  
\*J. Combs \_\_\_\_\_  
H. Fujita \_\_\_\_\_

J. Kolb \_\_\_\_\_  
F. Mok \_\_\_\_\_  
G. Stigile \_\_\_\_\_  
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General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board approve the revised Venice Beach Boardwalk Public Expression Permit Program Rules attached to this report.

SUMMARY:

On October 1, 2003, the Board of Recreation and Park Commissioners approved Report No. 03-313, the Public Expression Participant Permit Program at the Venice Beach Boardwalk. This permit program establishes the policies and procedures for those individuals who wish to conduct public expression activities at the Venice Boardwalk.

Following the adoption of the Board Report, a working group met to begin planning the implementation of the public expression program. This group consisted of representatives from the City Attorney, LAPD, Council District 11, and the Department. Revisions to the program rules were approved by the Board on April 7, 2004 (Report No. 04-96). Those changes included renaming the title to make it easier for the public to identify the program's purpose, incorporation of Los Angeles Municipal Code section 42.15, and technical changes to the program regulations regarding the one-time processing fee of \$25 and permit revocation process.

A community meeting was held on January 12, 2005, where public comments indicated the need for further review. Staff continued to collaborate with the working group and additional revisions to the rules were recommended. Attached for Board approval is the revised Venice Beach Boardwalk Public Expression Permit Program Rules, which include the following changes: the location of the

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monthly lottery; the manner in which the lottery will be conducted (in two segments, one for performers and one for general expression); the procedure for post lottery assignment of unassigned spaces; clarification of the language prohibiting enclosure of assigned spaces on more than two sides; increase in height limit for umbrella and shade structures; and a change in the number of members and make up of the Administrative Violation Appeal Board.

Report prepared by Vicki Israel and Kevin Regan.

*City of Los Angeles Department of Recreation and Parks*  
**VENICE BEACH RECREATION CENTER**  
(Revised – 1/27/05)

**VENICE BEACH BOARDWALK PUBLIC EXPRESSION  
PERMIT PROGRAM RULES**

**A Tradition of Public Expression on the Venice Beach Boardwalk:**

The Boardwalk at Venice Beach is world-famous for its free performances and public expression activities. This tradition of performance and free speech is maintained under the Municipal Code of the City of Los Angeles (Section 42.15, copy attached), which prohibits commercial vending on the Boardwalk, but protects free speech activities. Improvements completed to the Boardwalk and Windward Plaza in 2001 have made the Venice Beach area even more popular with visitors than before, and the number of persons wishing to perform, show their art, or otherwise exercise their right to public expression also has expanded, creating problems in noise and congestion on the Boardwalk. The City of Los Angeles, Department of Recreation and Parks, has adopted a permit program to organize this activity. The Department and the Venice Beach Recreation Center would like to express our appreciation for your cooperation in keeping Venice Beach a safe, well-maintained and enjoyable area.

**Public Expression Participant Permit Program:**

The Board of Recreation and Park Commissioners has established policies and procedures for participants who wish to conduct Public Expression activities on the west side of the Venice Boardwalk in the City of Los Angeles. Those individuals who are asking for money or soliciting donations in relation to their public expression activities must have a permit. Under these policies, the Department will issue a permit to persons who wish to conduct Public Expression activities on the west side of the Venice Boardwalk and assign space under a monthly lottery system. To conduct Public Expression activities in the spaces on the west side of the Boardwalk, you must have a valid permit.

**Applying for a Permit:**

To apply for a permit, please complete an application form. Application forms are available from the Venice Beach Recreation Center, 1800 Ocean Front Walk. You may come to the office to obtain a form or you may request and receive one by mail. ~~Be sure to check YES or NO on the form if you will be performing so that you are in a lottery for a space sized for performance activity.~~ After filling out the form, return it in person, to the Venice Beach Recreation Center office, along with a one-time processing fee of \$25.00. The one-time processing fee pays for a photo identification card, which is your permit. The permit has no expiration date and is non-refundable. It is a lifetime permit unless revoked or lost, but to get a new or replacement permit, you must reapply and pay the fee again. Permits are only for individuals. ~~not groups of individuals. Permit cards for persons who have indicated in the application that they will be performing will be marked accordingly.~~

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### **Public Expression Spaces on the Boardwalk:**

The Department has drawn a plan of spaces on the west side of the Venice Beach Boardwalk which can be assigned to Public Expression Permit holders. A total of 154 spaces are marked and numbered on the Boardwalk. One Hundred Eighteen (118) spaces, 10' wide by 8' deep in size, are for general expression. An additional 36 spaces, 20' wide by 8' deep, are for performance use only. Only marked and numbered spaces may be assigned for Public Expression activities. Assignments are made through a lottery.

### **The Lottery:**

A lottery will be held on a monthly basis to determine specific space assignments on the west side of the Boardwalk.

The lottery, under the supervision of the Venice Beach Recreation Center staff, will be held on the last Saturday of the month at 8:30 a.m. in front of the Venice Beach Recreation Center at Westminster Senior Center, 1234 Pacific Avenue Venice, CA. 90291. Persons needing special accommodation due to disability should bring their documentation for discussion with the Lottery staff no later than 8:00 a.m. the day of the Lottery.

~~To enter the Lottery, participants will put their ID cards in a hopper between 8:15 and 8:30 a.m. At 8:30 a.m., the Lottery Committee staff will announce "Last Call for Lottery," at that time, the ID cards will be drawn, one at a time, by a staff member. As each card is drawn, the participants will receive the next identified numbered space on the Boardwalk, as shown on the Boardwalk Plan. Person's who have indicated they are performers, will receive a space designated for performance, also in number order as shown on the Boardwalk Plan. Permit cards will be handed back with a space assignment slip or sticker. A roster of assigned spaces for the coming month will be available at the Venice Beach Recreation Center Office and the Los Angeles Police Department Substation.~~

The Lottery will be conducted in two parts—one for the 36 performance spaces, and one for the other 118 spaces available for general expression. Persons who will be performing will put their ID cards in the "performance space" hopper and all others desiring a space will put their ID cards in the "general use space" hopper between 8:15 and 8:30 a.m. At 8:30 a.m., the Lottery Committee staff will announce "Last Call for Lottery". At that time, the ID cards will be drawn, one at a time, by a staff member. As each card is drawn, the person whose card is drawn will choose an identified numbered space on the Boardwalk (as shown on the Boardwalk Plan) which has not yet been selected for the following month. Persons who will be performing will choose a space designated for general use. Permit cards will be handed back with a space assignment slip or sticker. A roster of assigned spaces for the coming month will be available at the Venice Beach Recreation Center Office and the Los Angeles Police Department Substation.

~~The space assigned in a Lottery, will be in effect from the first day to the last day of the subsequent month (e.g., Lottery held the last Saturday of October will assign spaces for November 1 through November 30). After the total number of spaces available have been assigned, persons still left in the Lottery will be without a space for that month but will have another chance in the next month's Lottery.~~

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## Venice Beach Boardwalk Public Expression

Permit Program Rules – Revised 1/27/05

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Space assignments will be in effect from the first day to the last day of the subsequent month (e.g., Lottery held the last Saturday of October will assign spaces for November 1 through November 30). After the total number of spaces available for “performance” or “general use” has been assigned, persons not selected in the Lottery will not be assigned for a space for that month, but will have another chance in the next month’s Lottery.

After completion of any monthly Lottery, if any performance or general use spaces remain unassigned for the subsequent month, any permit holder may request assignment of an unassigned space from the Venice Beach Recreation Center staff for the remainder of the month preceding the next monthly Lottery, on a first come, first served basis. The rules applicable to post-Lottery assigned spaces shall in all other respects be the same as the rules applicable to spaces assigned by the Lottery.

### Lottery Rules:

1. You must be physically present at the time of the drawing.
2. You may not select a space and give it to or trade it with any other person, including members of your own family.
3. You may not sell or offer an exchange with any other person.
4. You may not buy a space from a permit holder for money or barter.

### Boardwalk Regulations:

All Public Expression Permit Holders must comply with applicable laws and ordinances in their use of assigned spaces under this program. The Board of Commissioners has also adopted these regulations for permitted use of assigned spaces on the Boardwalk.

1. Receiving payment or accepting any donation in connection with activities prohibited by Section 42.15, is a violation of these rules.
2. Assigned spaces cannot be occupied before 9 a.m. and must be vacated by dusk.
3. Assigned spaces must be kept clean and litter, debris, or any marking must be removed from the assigned space by dusk.
4. Gasoline-fueled generators are not allowed. Electric cords may not be connected outside the assigned space or to any City power source.
- ~~5. Structures cannot have more than two sides.~~
- ~~6. Structures, fixtures, furniture, tents, canopies or displays of any kind cannot be higher than four feet.~~
5. Assigned spaces cannot be enclosed on more than 2 sides.
6. Structures, fixtures, furniture, tents or displays of any kind cannot extend higher than 4 feet above the ground, except an umbrella or sun shade.
7. Persons must comply with regulation of noise levels as established by the applicable sections of the Los Angeles Municipal Code (L.A.M.C.)
8. The free movement of pedestrian or emergency vehicles cannot be blocked or obstructed. Parking or unloading in red zones is not permitted.
9. Permit holders must display a photo identification card at all times when in the assigned space.

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10. Permit holders can only set up in the space assigned to him or her, by Lottery, for a given month, and must keep all set-up within the space as outlined by marks on the Boardwalk. No items may be placed on the grass, beach or parking lots.
11. Permit holders may not move public furniture, equipment, or fixtures (examples are benches and trash cans) and may not attach anything to public property.
12. Permit holders may not interfere with any City staff person, including Recreation and Parks Department or Los Angeles Police Department personnel doing his or her job, including inspecting your display or issuing a notice of violation of the permit rules.
13. Permit holders may not verbally abuse or threaten a street artist, staff member, other departmental personnel, a store merchant, or any member of the public, or distract listeners by blocking views or using offensive or threatening language.
14. Falsifying or reproducing permit cards is grounds for immediate revocation of permission.

Permit holders who do not comply with City laws or the Public Expression Program Rules are subject to revocation of their permit.

**Permit Revocation:**

If a permit holder violates the rules of the Public Expression Participant Permit Program, he or she will receive notices and be subject to reimbursement of costs, probation, suspension of the permit, or revocation of the permit.

1. The first violation of the rules will result in a written notice being issued to the permit holder. This notice will require compliance and payment of any costs for necessary repairs or cleanup, if that is the nature of the infraction. The permit holder may also be asked to leave at the time of notice. An assigned space cannot be reoccupied by a permit holder until any charges for clean up or damage repair are paid.
2. The second violation of the rules will result in a written notice, which will require payment of any costs, and suspension of use of the assigned space for the remainder of the month, and suspension of Lottery privileges for the next month if there is less than 15 days left in the month.
3. The third violation of the rules, or third violation of Section 42.15 or any combination thereof, will result in revocation of the permit.
4. If a single offense constitutes both a violation of a program rule and a violation of Section 42.15, it shall be considered one offense for purposes of permit revocation.

Department staff will notify the Los Angeles Police Department of permit holders who are suspended for any period, or who have had his or her permit card revoked. If LAPD issues a criminal citation to a permit holder while in a permitted space, a copy of that citation will be given to Department staff and treated as an administrative violation under the three-step enforcement plan.

At each step, a permit holder may appeal an administrative violation. The Recreation and Parks District Supervisor will consider and reply to any appeals. That is the final appeal for first or second offenses. On a third offense, consisting of program rule violations, Municipal Code Section 42.15 violations, or a combination of both, the permit holder may appeal. A revocation appeal will be heard and considered by a ~~three~~ **five**-person board consisting of: ~~a representative of the Park Advisory Board; a community member at-large appointed by the Council Office; and,~~

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~~the General Manager of the Department or the General Manager's designee.~~ a representative of the Park Advisory Board designated by the Board of Recreation and Parks Commissioners; a community member appointed by the Council Office; a member of the Venice Neighborhood Council appointed by the Neighborhood Council; the Senior Lead Officer for the Pacific Division of the Los Angeles Police Department; and, the General Manager of the Department of Recreation and Parks or the General Manager's designee. The decision of this board will be final and will constitute exhaustion of administrative remedies pursuant to California Code of Civil Procedure 1094.5.

A permit holder who has had his or her permit finally revoked for the Venice Boardwalk can re-apply in one calendar year from the revocation date.

**Please Sign a Copy for our Records**

Thank you for your compliance with the rules. For questions or concerns, please call us at (310) 399-2775.

I have read the above rules and Los Angeles Municipal Code Section 42.15 (a copy is attached hereto), and agree to abide by all rules and laws governing the Public Expression Participant Permit Program at Venice Boardwalk. I understand that any violation of these rules or laws may cause my permit to be suspended or revoked.

(Signature of Applicant/Permittee) \_\_\_\_\_

Date \_\_\_\_\_

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