



# City of Palo Alto

## City Council Staff Report

(ID # 2558)

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**Report Type: Consent Calendar**

**Meeting Date: 5/7/2012**

**Summary Title: Revision to Community Center Rules**

**Title: Approval of Revisions to Regulations of the City of Palo Alto Regarding Prohibited Conduct at or in Community Centers, Theaters, Interpretive Buildings and the Art Center**

**From: City Manager**

**Lead Department: Community Services**

### **Executive Summary**

Since 1998, the Community Services Department has used Council-adopted rules of conduct for the City's community centers, theatres, museums and nature centers in order to establish standards of appropriate behavior and use of facilities by the public. These established rules have also helped to ensure that visitors are kept safe and are treated consistently and fairly when attending classes, performances or public functions.

Three recent public concerns at the Lucie Stern Community Center, Cubberley Community Center and the Mitchell Park Community Center (under construction) have called attention to either language in sections of the existing rules that is vague or difficult for staff and the public to interpret; standards for the storage of personal belongings on City property that are absent from the rules; or standards for smoking near civic buildings that need to be modified to meet LEED building standards.

These Community Center rules were last updated in 2006. Staff strives to review and update these rules as necessary to keep them relevant to facility uses and community needs.

### **Recommendation**

Staff and the Parks and Recreation Commission recommend that Council adopt the attached revisions to the Rules and Regulations regarding prohibited conduct at or in community centers, theaters, interpretive buildings and art center

(Attachment A).

## **Background**

An interdepartmental Building Regulations Committee composed of representatives of the Community Services Department and City Manager's Office was created by the City Manager in August 1997. The charge of this committee was to develop rules of decorum and regulations for the safe and effective use of City facilities by the public. These regulations were deemed necessary as facilities were at times being used by some members of the public in ways that interfered with the mission and function of City programs and services, resulting in complaints from the public at large. A set of well-defined and enforceable regulations has greatly helped City staff respond to patron complaints and work with facility visitors to encourage appropriate conduct in all City facilities.

On July 27, 1998, the City Council amended Palo Alto Municipal Code Section 2.08.050 to enable the City Manager to prescribe and enforce regulations for the entry into, or use by members of the public, of any City real property, building, park, or other facility.

On September 4, 1998, regulations were adopted governing the appropriate use of community center facilities, which includes the Art Center, Community Theatre, interpretive centers (Baylands, Arastradero Preserve, and Foothills Park), Junior Museum & Zoo, community centers (Cubberley, Mitchell, and Stern) and the Children's Theatre. Staff committed to the City Council that we would keep these rules and regulations current and relevant to customer use patterns as well as responsive to emerging recreational and visitor needs. The rules were subsequently revised May 1, 2006 to add new sections.

In the past year staff has encountered problems with a few disruptive visitors that have prompted us to again update the Community Center rules. One visitor has repeatedly caused disturbances by loudly protesting in front of the Community Theatre during productions of the Palo Alto Players and has unduly interfered with patrons entering the theatre. A second problem has arisen with the continue stashing of shopping carts full of personal items in the Stern and Cubberley hallways by transient persons. Both of these incidents have called our attention to either inadequate definitions in the current rules, or inadequate provisions in the rules to address misuse of public places.

These rules have been carefully reviewed by Community Services management staff, representatives of TheatreWorks, West Bay Opera and Palo Alto Players, the City Attorney's Office, and by advocates for the homeless, to ensure that the rules are fair, enforceable and reasonable.

On April 24, 2012, staff presented the proposed rules to the Parks and Recreation Commission, with edits from the Rules & Regulations Subcommittee of the Commission. The Commission reviewed the suggested changes and voted 6 to 0 (Commissioner Ashlund absent) to recommend the adoption of the rules by the City Council. The Commission's changes are high-lighted in red underscored text in the attached copy. The original suggestions for amended language are high-lighted in yellow.

## **Discussion**

Staff has made changes to the Community Center Rules and Regulations in order to keep them relevant and reflective of City policies, including changes to reflect the current organizational structure of Community Services Department. Attachment A contains the rules and regulations with the changes and additions highlighted in red (Commission amendments) and yellow (original staff recommendations).

The most significant changes to the rules include more clear definitions of "threatening, loud and raucous, intimidating language or conduct" around community center visitors or patrons; limitations on the storage of personal property in and around community centers; and the increase of the distance that smokers must stand beyond community center entrances.

Section 1: The Parks and Recreation Commission Subcommittee recommended adding the phrase "including courtyards, doorways and walkways" to be consistent with new staff-recommended language in Section 14 that helps make it clear that the rules affect both the interior of the buildings as well as public access and entry ways.

Section 6: The Subcommittee recommends adding "kitchens" to restrooms as restricted areas for members of the public to bathe or to wash or dry personal laundry. This recommendation is intended to ensure the sanitation of food preparation and storage areas.

Section 7: As in Section 1, the Subcommittee recommends adding the phrase “including courtyards, doorways and walkways” to be consistent with new staff-recommended language in Section 14 that helps make it clear that the rules affect both the interior of the buildings as well as public access and entry ways. Staff has added the phrase “*significantly interfere* with the use of the facilities by patrons” or visitors in order to distinguish the behavior from what would be typical behavior for the particular activity. For example, the noise during a public lecture would be less loud than during a typical martial arts training class. The City Attorney’s Office has recommended that in order to take action, staff must verify that the disturbing behavior is “significantly” different than the behavior of other program participants or visitors.

Section 8: The Subcommittee recommends adding the phrase “including courtyards, doorways and walkways” to be consistent with new staff-recommended language in Section 14 that helps make it clear that the rules affect both the interior of the buildings as well as public access and entry ways.

Section 14: Staff recommends adding the phrase “courtyards, doorways and walkways” to help make it clear that the rules affect both the interior of the buildings as well as public access and entry ways.

Section 17: Staff recommends that the distance from doorways that visitors are prohibited to smoke be increased from twenty feet to twenty-five feet in order that new LEED-certified buildings (such as the new Mitchell Park Community Center) are in compliance with LEED standards of at least twenty-five feet.

Section 18: This is a new section that restricts the placement or parking of personal belongings around community centers to no period longer than thirty minutes. Exceptions are made for the storage of materials in classrooms and student-assigned lockers. This rule is intended to discourage the storage of large amounts of personal belongings at community centers by patrons or visitors. This rule will help staff and facility users to control the frequency with which people store shopping carts in hallways, corridors and courtyards. The Subcommittee recommends adding the phrase “including courtyards, doorways and walkways” to be consistent with new staff-recommended language in Section 14 that helps make it clear that the rules affect both the interior of the buildings as well as public access and entry ways.

## **Timeline, Resource Impact**

There is no resource impact associated with the adoption of the revised Community Center Rules and Regulations.

Once approved by the City Council, the amended rules will be posted on the City's web site for easy public reference; copies will be distributed to staff for training and implementation; and the rules will go into effect within thirty days.

### **Policy Implications**

These revisions to the existing administrative Community Center Regulations are consistent with City policy to define and enforce certain standards of behavior in City facilities in order to ensure appropriate use and enjoyment of these facilities for the public at large.

### **Environmental Review**

These changes in the Community Center Regulations are not a project as defined by the California Environmental Quality Act (CEQA) and are not subject to CEQA requirements.

### **Attachments:**

- Attachment A -Updated Community Center Rules and Regulations - with high-lights (DOC)

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Department Head: Greg Betts, Director, Community Services

City Manager Approval:

  
James Keene, City Manager

## **REGULATION OF THE CITY OF PALO ALTO REGARDING PROHIBITED CONDUCT AT OR IN COMMUNITY CENTERS, THEATERS, INTERPRETIVE BUILDINGS AND ART CENTER**

As authorized by Palo Alto Municipal Code section 2.08.050, the following regulation is adopted, to be effective fifteen days following submission to Council made the date stated below.

In order to preserve and provide public access to City of Palo Alto recreation, art, science, theater and cultural services provided at City community centers, theaters, interpretive buildings, and Art Center, the following conduct which interferes with those services is prohibited and may be grounds for removal from and denial of access to City community and art centers, theaters and interpretive centers. Violation of these regulations will not be considered a violation of municipal law subject to criminal penalties, although the conduct may independently be punishable as a crime under federal or state law.

Community centers, theaters, interpretive centers, and Art Center (individually, a “covered facility” and collectively, “covered facilities”) are defined to include all buildings and premises of the Lucie Stern Community Center, Children's Theatre, Community Theatre, Junior Museum & Zoo, Mitchell Park Community Center and Field House, Art Center, Peers Park Field House, Lucy Evans Baylands Nature Interpretive Center, Pearson Arastradero Preserve Gateway Center and Foothills Park Interpretive Center. “Covered facilities” also include those public buildings of the Cubberley Community Center except those rooms which are governed by the terms of individual lease agreements for exclusive use.

A “special event” function is defined as any class, lecture, program, theatre production, or a special-use event specifically permitted by the Director of Community Services (“Director”) that is produced, sponsored, co-sponsored, or permitted by the City of Palo Alto. Persons attending special event functions are included as persons “specifically authorized by City Staff.”

1. No person other than authorized City staff or other persons specifically authorized by City staff shall enter or remain in the covered facilities, including courtyards, doorways and walkways, after posted closing hours.
2. No person shall enter areas of the covered facilities posted or noticed for use by “City staff only” other than authorized City staff or other persons specifically authorized by City staff.
3. No person shall obstruct any covered facilities entrances or exits, aisles or program areas in any manner which impedes public access, the free passage of any other person, or presents a physical safety hazard. This restriction shall not apply to City staff or contractors utilizing building entrances, exits, or aisles for maintenance or repair or for loading or unloading of materials.
4. No person shall bring a bicycle, tricycle or similar wheeled conveyance into the public areas of the covered facilities or leave such devices at the entrances or exits of the buildings in a manner which impedes or restricts public access, the free passage of any other person, or presents a physical safety hazard, or in any way physically damages a facility or premises. This restriction shall not apply to persons utilizing wheelchairs or similar medically-required devices within the covered facilities. Covered facilities’ patrons may use children's strollers or similar conveyances when necessary to transport young children into and within the buildings provided they are used in a manner or location that does not impede or restrict public access, the free passage of any person, present a physical safety hazard, or in any way physically damage a facility or premises. City staff may, however, store such conveyances in accordance with department procedures.
5. No person shall bring any animal into the covered facilities other than service animals assisting individuals with disabilities or animals under the control of a police officer, animal handler authorized by City staff or performer authorized by City staff to attend a special event conducted in the covered facilities.
6. No person shall use covered facilities restrooms or kitchens (excluding shower rooms or locker rooms expressly provided for this purpose) for bathing (except for washing of hands and face), or washing or drying of clothes or

utensils unless to assist City staff or authorized by City staff. No person shall use covered facilities restrooms or public areas for meal or food preparation unless to assist City staff or authorized by City staff.

7. No person shall engage in running, skateboarding, roller skating or otherwise use coasting devices in covered ~~facilities~~ facilities, including in courtyards, doorways or walkways. No person shall engage in loud and raucous conduct on covered facilities premises ~~sufficiently close to covered facilities~~ "buildings so as to significantly interfere with the use of the facilities by patrons, visitors or City staff. Noise from participants in special events may be exempted.
8. No person shall engage in threatening, loud and raucous, intimidating language or conduct directed at patrons, visitors or City staff on covered facilities premises, including in courtyards, doorways or walkways, -in any manner which significantly interferes with the use of facilities by other patrons, visitors or City staff.
9. No person shall enter into or remain within covered facilities emitting offensive odors (including bodily odors, perfumes, etc.) which unreasonably interfere with the use of covered facilities' services by other patrons, visitors or City staff.
10. No person shall move, alter or rearrange covered facilities furniture or equipment, including altering the configuration or settings of computer equipment or programs, for their personal use (other than for medically required purposes) without the authorization of covered facilities staff.
11. No person shall eat food or drink liquids (except water in enclosed containers or medically required food or beverage) in areas of the covered facilities that have posted "no food allowed," other than at special events. Food or beverage of any type, with the exception of water in a covered container, is strictly prohibited in theatre auditoriums and Art Center exhibition galleries. Use of food and beverage in meeting rooms and other rented areas within covered facilities will be regulated by the specific terms of the facility use agreement.
12. No person shall solicit or exchange funds or donations from patrons, visitors, or staff within the "covered facilities" other than through posting of solicitation information on areas specifically provided and posted for that purpose by City staff. Support organizations working on behalf of covered facilities or City staff who have been specifically designated and authorized by the Director may conduct charitable solicitations in locations and at times and in a manner authorized by City staff. Covered facility renters may conduct fund raising events, solicit funds or disseminate information in locations and at times and in a manner regulated by the specific terms of each facility and the facility use agreement. This regulation shall not apply to Cubberley Community Center tenants.
13. No person shall sell, offer to sell, exchange money for products or services, or display for the purpose of sale any commercial product, service, or device within the covered facilities or upon those premises other than through posting of information on areas specifically provided and posted for that purpose by City staff, or at events authorized by a facility use agreement or City staff. Support organizations working on behalf of covered facilities which have been specifically designated and authorized by the Director of Community Services may conduct commercial transactions supporting City purposes in locations and at times and in a manner authorized by City staff. Covered facility renters may conduct commercial transactions or offer products for sale in locations and at times and in a manner regulated by the specific terms of each facility and the facility use agreement. This regulation shall not apply to Cubberley Community Center tenants.
14. No person shall camp on covered facilities premises including in courtyards, doorways or walkways, unless that person is a part of a registered class or summer camp or specifically designated and authorized by the Director of Community Services as part of a special event. Camping means the use of any portion of covered facilities' premises for living accommodation purposes.
15. Anyone who repeatedly occupies covered facilities and premises while sleeping in excess of thirty minutes after being requested not to do so will be considered to intend to use the covered facility for sleeping purposes. No person

other than a child under the age of four years shall use covered facilities primarily for sleeping purposes as this may unreasonably interfere with the use of covered facility services by other patrons or City staff.

16. No person shall use sound, light generating, or amplifying devices within covered facilities and premises in any manner which interferes with the conduct of City business or with any in-progress meeting or special event except in those instances where sound, light generating, or amplifying devices are used by City staff or authorized by City staff in order to conduct City business.
17. No person shall smoke within **twenty five feet (25 feet)** of any entrance or door of any City community center, theatre, art center, museum, interpretive center or other covered facility.
18. **Anyone who repeatedly places personal belongings in or around covered facilities, including in courtyards, doorways or walkways, in excess of thirty minutes after being requested not to do so will be considered to intend to use the covered facility for storage purposes. No person shall use covered facilities primarily for storage purposes, unless that person has been assigned a locker, closet or storage unit by City staff as part of participating in a registered class or program.**
19. No person shall use electrical, phone, data communication or cable receptacles in covered facilities for private use, unless that person is using the receptacle to power a phone, laptop, tablet or device of similar nature or that person has prior staff permission and is complying with the terms of a special use permit granted by the Community Services Department.

adopted 9/4/1998  
revised 5/1/2006  
revised x/x/2012

## **COMMUNITY CENTER RULE ENFORCEMENT AND APPEALS**

### **Applicable to Regulations of the City of Palo Alto Regarding Prohibited Conduct in Community, Theatres, Interpretive Buildings, and Art Center (Covered Facilities)**

In order to be fair and equitable in the application of City community building regulations and to provide a written record of the enforcement of these regulations, the following procedures will be applied by Community Services staff. Staff will at all times endeavor to correct inappropriate customer behavior in a polite, respectful, and problem-solving manner.

### **Cause to Expel Persons from Community Centers, Theatres, Interpretive Buildings, and Art Center (Covered Facilities) and Not Allow Their Return the Same Day**

Prior to beginning the following procedure, the visitor/customer should be invited to speak privately with the staff member or supervisor. Staff should explain the importance of building regulations and how violation of the regulations affects other visitors or programs. The visitor should understand that continued or repeated violation of the rules may result in suspension of visitor privileges, including being asked to leave the building or premises.

1. Inform the person that despite past warnings, violation of one or more regulations has occurred again, and the person must leave the building or premises. The expulsion does not limit the person from entering other Community Services facilities.
2. Reiterate to the visitor/customer that their cooperation is important. If the person feels the expulsion is unfair or unreasonable, suggest the intervention of a supervisor to hear his or her objection to the staff action. The supervisor will consider the visitors appeal and then decide appropriate action. The supervisor's decision will be final.
3. If a supervisor is not available at the facility where the violation of the regulations has occurred, a Community Services management employee from another facility may hear the person's objection to the staff action, and then decide appropriate action. Although face to face discussions are preferred, if necessary, a supervisor from another facility may consider the appeal by phone.
4. The final action of each incident, together with the visitor/customer's objections, must be reported on an 'Incident Report Form' and be reviewed by either the Division Manager of Arts and Science, Recreation, or Open Space. Parks and Golf.

### **Repeated violations by the same individual**

1. If a person repeatedly violates any one or more regulations, and has been warned and requested to leave the building or premises within the past ninety days, it may be necessary to suspend that person from that particular facility for longer than one day. If this is the case, the person will be informed of the length of the suspension, which would depend on the number of times staff has had to ask the person to leave the facility in the past 90 days. The expulsion does not limit the person from entering other Community Services facilities.
2. The second expulsion from a facility within ninety days will be for three days. The third expulsion from the same facility will result in a seven day suspension. The fourth expulsion from the same facility will result in a fourteen day suspension, as well as other possible remedies to the conflict.
3. As with any situation involving expulsion from a covered facility, if the person feels the expulsion is unfair or unreasonable, suggest the intervention of a supervisor to hear his or her objection to the staff action. The person should request this hearing at the time the suspension decision is made. The supervisor will consider the visitors appeal and then decide appropriate action. The supervisor's decision is final.

4. If for some reason additional information about an incident needs to be gathered before a decision to suspend is made, in all cases staff will make a final decision within two days of the decision to suspend.
5. If a supervisor is not available in the facility where the violation of the regulations has occurred, the matter will be appealed to either Division Manager of Arts and Science, Recreation and Golf, or Open Space and Parks. The Director's decision will be final.
6. Each final action taken must be reported on an 'Incident Report Form' and reviewed by either the Division Manager of Arts and Science, Recreation and Golf, or Open Space and Parks.
7. A copy of written records shall be maintained in the Community Services Administration offices at the Lucie Stem Community Center.

7/27/1998

Revised May 1, 2006