



TOWN OF FAIRFAX

STAFF REPORT

February 17, 2021

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager

SUBJECT: Consider the creation of temporary skate/scooter park in the western portion of the Pavilion parking lot, provide direction to staff regarding the project, and direct staff to proceed, if appropriate

RECOMMENDATION

Consider the creation of temporary skate/scooter park in the western portion of the Pavilion parking lot, provide direction to staff regarding the project, and direct staff to proceed, if appropriate.

BACKGROUND

At its January 20th meeting, the Council discussed a residents' petition regarding the establishment of skate/scooter park. Specifically, the petition states: "The undersigned adult residents of the Town of Fairfax support the establishment of a skate/scooter park in Fairfax, and hereby ask the Town Council of Fairfax to approve the effort and dedicate town space for the park." During the meeting, the residents group asked the Council to identify a location for a temporary/pilot skate/scooter park. While the petition did not include such a request, the Council did discuss the concept and indicated it could be agendaized for consideration at a future meeting.

After taking public comment and discussing the matter, the Council: 1) directed staff to send the request to evaluate sites for a permanent skate/scooter park location to the Parks and Recreation Commission ("PARC") for analysis and recommendation and 2) assigned Vice Mayor Hellman and Councilmember Cutrano and to work with the petitioners to identify a temporary/pilot skate/scooter park location with the goal of bringing the matter back to the Council for consideration at its February 17th meeting.

Vice-Mayor Hellman and Councilmember Cutrano provided a status update of their progress at the Council's February 3rd meeting. They reported the resident petitioners preferred location is the western portion of the Pavilion/Bank Street parking lot, adjacent to the ballfield. This site is different from the potential site (i.e., basketball court area adjacent to tennis courts) mentioned at the January 20th Council meeting. Also, the location is now referred to as a "temporary" location as opposed to a "pilot" location.

DISCUSSION

Vice Mayor Hellman and Councilmember Cutrano have continued working with the petition representatives (Group) and staff to refine the temporary skate/scooter park plan. They are requesting that the Group be given up to 10 minutes to make a power point presentation (see attached) to the Council regarding their plan.

Below are bullet points summarizing the temporary skate/scooter park (Park) project to date. Staff is seeking direction from the Council on those items it may want to modify/revise such as the temporary operational period and/or Park rules and regulations. Please note this summary may differ on some issues from the Group's PowerPoint presentation.

- The location has slightly expanded to include the compost bin (see attached map). Access to the sand bin will remain. Staff intends to keep the sand bin filled with sand during the rainy season. Upon the end of the rainy season, we will remove the sand and replace with compost, as needed. There is ample room for residents to access the bin. The road to the Pavilion will remain open and must be remain open for emergency access.
- The resident group will be responsible for designing and constructing the elements. The Town will contract with the "master" contractor for the Group who is assuming responsibility for the project. The Group has indicated they will cover all the cost of construction. Attached are the latest design elements. The proposed fence between the Park and parking spaces is now a k-rail/jersey barrier with a wooden fence above. The location is open on the north and south ends. The design is subject to change, but will remain within the footprint of the temporary location.
- As the Park is temporary, Vice-Mayor Hellman and Councilmember Cutrano are suggesting a 12-month operational period. The Park would remain in place for 12 months from the effective date of the ordinance (approx. April 2021 to April 2022) to allow a skate/scooter park in a public parking lot. A 12-month operational period seems reasonable given the Group's initial capital investment for the temporary Park. The Council would evaluate the operations of the Park in month 6 and may want to schedule additional "check-ins" as needed. During these check-ins, the Council has the ability to discuss/consider an extension of the temporary operating period, if appropriate.
- The Town Council will need to adopt an ordinance to amend Town code to clearly allow for a skate/scooter park uses in a public parking lot, adopt the required State government code provision, and to adopt the rules and regulations for the Park. To provide flexibility for the Council to proceed, staff has placed on the agenda an ordinance (see item #) for consideration. The ordinance allows the Town to adopt via resolutions the use of the Pavilion Parking Lot for the Park and the rules and regulations for the Park. Should the Council introduce the ordinance this evening, the resolutions would be brought back to the Council for consideration along with the second reading of the ordinance.

Until the ordinance takes effect, no skateboarding will be allowed in the Pavilion parking lot. However, during this timeframe, the construction of the Park will occur.

- Attached are sample rules and regulations that staff will most likely recommend to Council at its next meeting. These sample rules and regulations are recommended by the Town's insurance provider. It should be noted that the Park will be unsupervised by the Town. However, there will be appropriate signage posted at the Park clearly stating

the rules and regulations as well as any other required signage under state law such as noticing the hazardous nature of the activity. Staff also intends to respond to complaints and regularly monitor the Park to enforce the posted rules and regulations as appropriate. Some of the key rules and regulations are:

- Allowed uses are non-electric/motorized skateboard, scooters, and in-line/roller skates. No other devices are allowed (e.g., bicycles).
 - Hours of operation: 9:00am to sunset.
 - Helmets and pads are required; users not complying will be subject to citation.
 - Any child under the age of 12 must be accompanied by an adult.
- There is no cost to add the Park to the Town's liability coverage. However, the Town's insurance provider is determining whether there is a nominal cost to add the Park to property coverage.

FISCAL IMPACT

n/a

ATTACHMENTS

- A. Group PowerPoint presentation
- B. Map
- C. Design elements
- D. Sample rules & regulations

Fairfax Skatepark Update

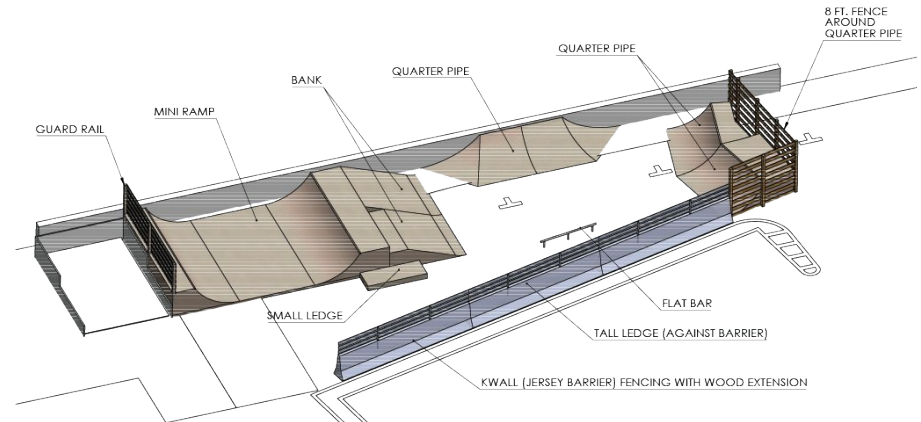
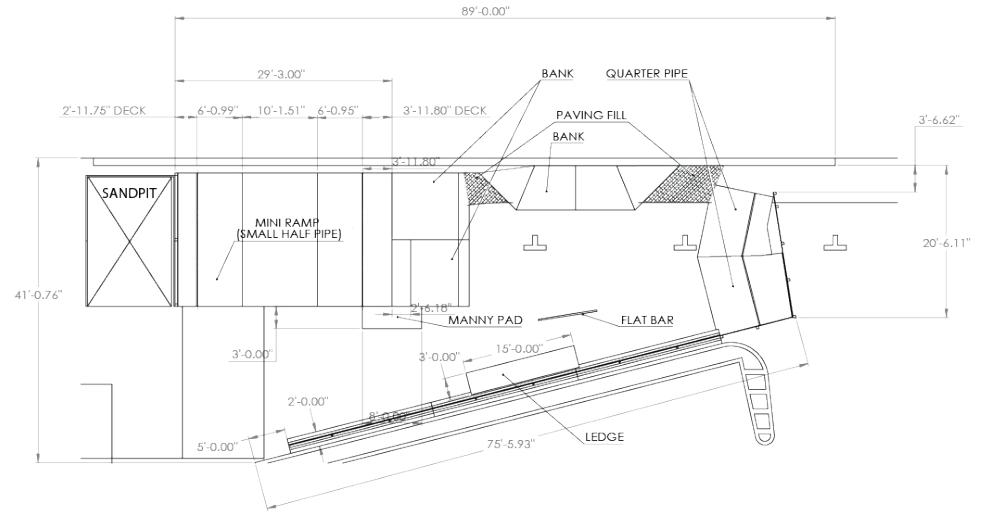
Presented by the
Skatepark 4 Fairfax Committee

February 17, 2021 Town Council Meeting

ATTACHMENT A

Where we are now.

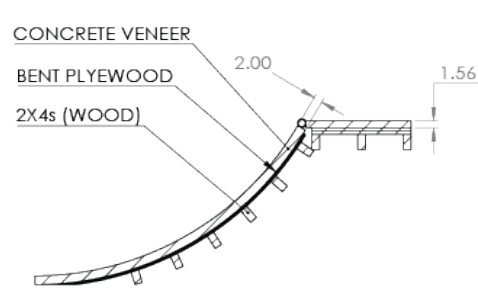
- Temporary skatepark design concept completed with youth involvement
- Suppliers and costs of materials identified
- Construction walk-thru with Public Works
- Multiple meetings with Town Manager aligning details and planning.
- Over \$12,000 raised not incl small business donor commitments.
 - On track to raise \$30,000 to cover all expenses
 - For more info on fundraising: https://www.gofundme.com/f/skatepark4fax?utm_campaign=p_cp+share-sheet&utm_medium=copy_link_all&utm_source=customer
- Construction crew ready to begin 3/1.



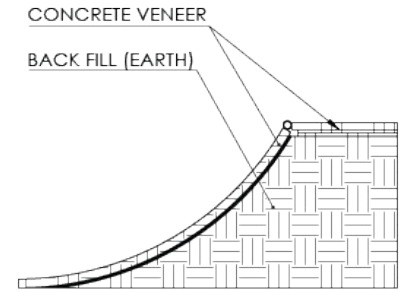


CONSTRUCTION METHODS

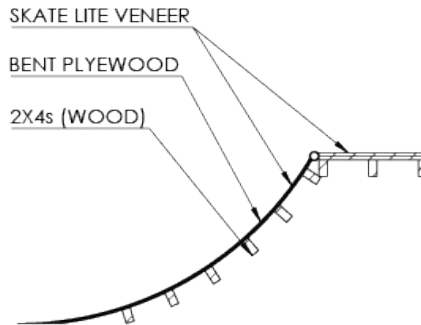
- Industry standard skatepark construction methods used throughout
- Obstacles will be made sturdy and weather resistant, yet removable
- Most features built entirely in wood, covered in weather resistant Skatelite. A few features will be finish coated in concrete for durability



A CONCRETE VENEER ON WOOD STRUCTURE

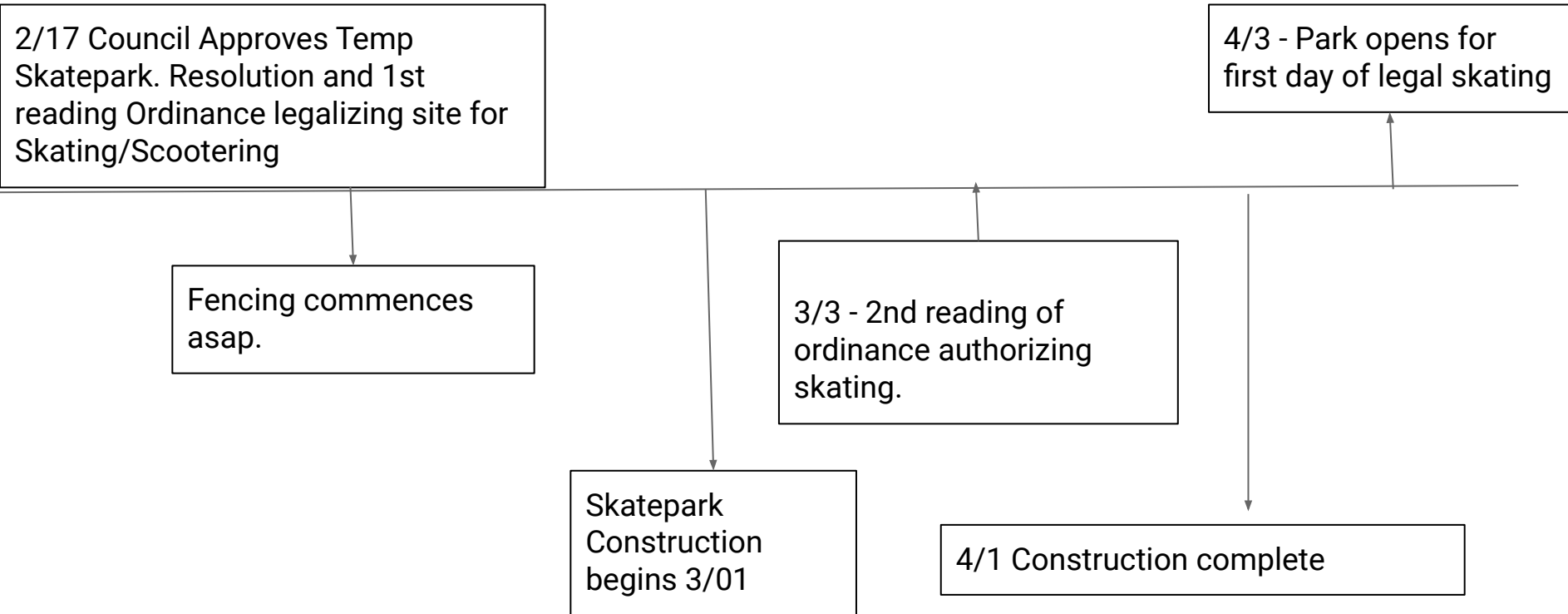


B CONCRETE VENEER ON BACKFILL



C SKATELITE VENEER ON WOOD STRUCTURE

Proposed Construction Timeline



The Opportunity

- Incredible community / team including small biz owners and semi pro skater contributing time, expertise, and resources.
- Quick construction time (one month)
- Low risk. (Temporary park, easily insured, low/zero funding required from town)
- Meets the need for a low maintenance, no cost to user, inclusive to all ages, genders, races and identities
- Kids need Covid-safe physical recreation, which is currently extremely limited in Fairfax
- Provides a positive alternative for teens instead of negative risk-taking behaviors
- Supports Fairfax is “Age friendly” by offering a space for kids and teens to recreate/ congregate, without harassment.
- Supports mental health, fosters community, and encourages diversity and resilience inclusivity*
- Establishes a skatepark in Fairfax. Once a permanent park is installed in the future it's DONE! No maintenance or upkeep (staff time etc) required.

*USC’s 2020 Annenberg School for Communication and Journalism “Beyond the Board” study.

FAQ

Q: How late is the park open?

A: The park is open from 9am-Sundown year round.

Q: How loud is a skatepark? I am concerned about noise.

A: The skatepark is about as noisy as a playground, and amplified music is not allowed. [Noise Study](#)

Q: How is this park being funded?

A: The park is funded entirely by supporters of the project, no tax dollars were directly spent on materials or labor cost.

Q: Where is the skatepark?

A: The park is in the Bank street parking lot against the concrete wall at the baseball field. It will occupy 3 parking spaces. The rest of the parking lot will not be used, and there will be sufficient fencing to protect the cars in the lot. (~5-8ft fencing)

Q: Who is building the skatepark?

A: A professional skatepark builder is committed to do the construction and final design. They'll be overseen and supported by our committee that includes local contractor Pete Gubbins and Will Hutchinson. This builder has worked on several other successful skateparks in Marin County (Bollinas, Marin City, Mill Valley).

Definition: Revere

to show devoted deferential honor to:
regard as worthy of great honor.

The Skatepark : A Monument To Honor Youth

- Our skatepark will exist to honor our children, our youth, our teenagers.
- Our skatepark will put our community leaders in step with youth, create opportunities for youth programming like summer camps, and a place for youth and adults to connect and share life experience.
- Our skatepark will be an epicenter of activity daily, increasing the well-being of all attendees, from town and afar.
- Our skatepark will be an opportunity for youth to honor our elders, who used democratic process to establish a safe place to skate for them.
- Our skatepark will be a dream come true, and be a living example of the undying human spirit. We always use challenges in life as an opportunity to to grow and thrive amid uncertain times and even through a global pandemic.

Needed Action for Tonight

1. **Action Item 1: Vote to Approve / Deny** building temporary skate park at Pavilion/Bank Street parking lot.
 - o This includes displacement of 3 parking spaces to be relocated if/when needed.
 - o Compost bin will be relocated or combined with sandlot alternating with seasons.

Additional Detail:

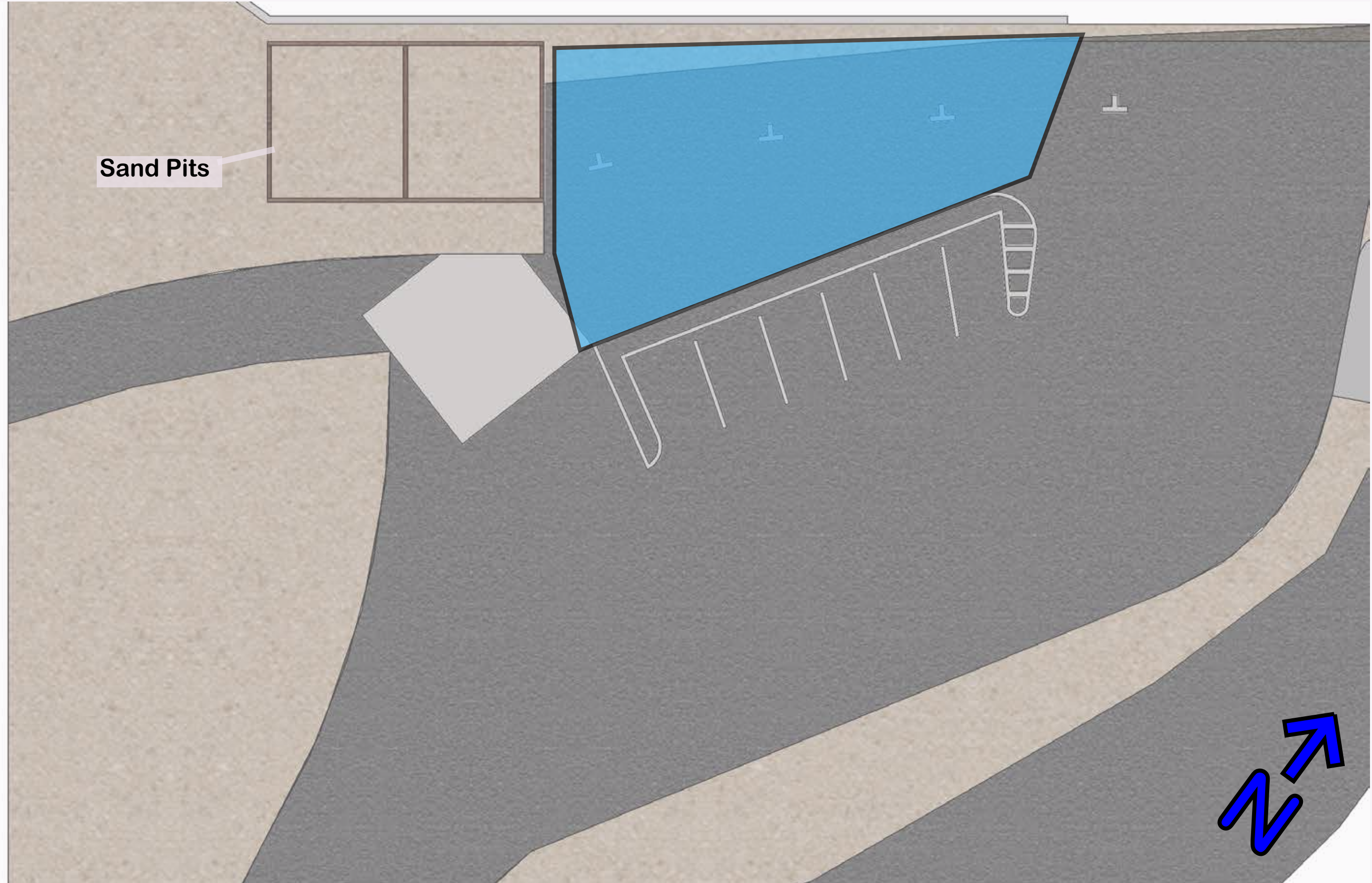
- a. Town will contract with Gubbins Building Company – local construction contractor who will indemnify Town, accept construction liability, serve as the build project lead and construct perimeter fence.
 - b. Skatepark construction and final design led by professional skatepark builder (and Marin native) Jeremy Tuffli
 - c. Build of skatepark features will begin March 1 with a target open date of April 3, weather permitting
 - d. Skatepark will have appropriate signage including safety protocols and hours of operation consistent with those of skateparks in neighboring towns, provided to Town staff.
 - e. Temporary skatepark permit will be for 12 months beginning April 3, to be reviewed at 6 and 12 months after opening and with extension opportunity of the permit after the initial 12-month period.
2. **Action item 2: Vote on a Resolution and Ordinance** legalizing skating in specified location (to include the location of the temporary skate park), requiring specific safety gear, and establishing skatepark hours of operations, for 1st and 2nd readings to occur February 17 and March 3, respectively, and to become effective April 3.
 3. **Action item 3: Refer to Parks & Rec Committee the task of identifying a permanent Skatepark location**, collaborating with w/ stakeholder group and Town Manager. (Target date for recommendation July 2021)

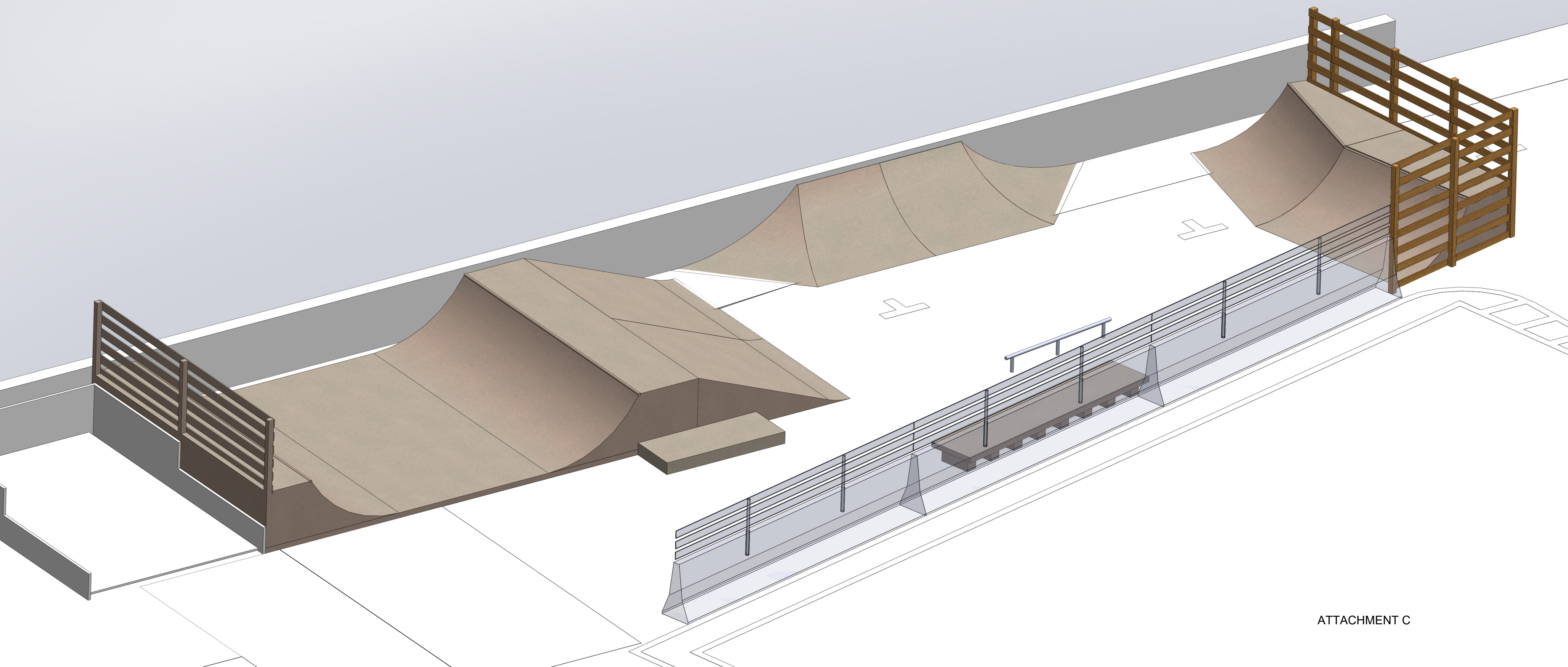
Thank you!

Thank you to...

- The Town Council, particularly the ad hoc subcommittee (Hellman & Cutrano), and Town Manager Garrett Toy, for guiding us and providing wisdom for all the processes we have been through
- All the stakeholders who have spent countless hours working on this incredible process.
- All community members who voiced their opinions, and helped us meet the needs of ALL.
- All the donors who have contributed resources to construct the skatepark.
- The children, for enduring difficult times and investing energy into their community!

Proposed space designation





Sample Skateboard Park Rules

1. All users are required to wear helmets, kneepads, and elbow pads. Users who do not comply will be subject to a citation under Ordinance (specify number).
2. Non-motorized /electric skateboards, scooters, inline-roller skates only. No bicycles, no motorized or other devices.
3. No tobacco, drugs, or alcohol on premises.
4. Park hours of operation: 9:00am to sunset.
5. Please keep noise to a minimum.
6. Keep food and drink off the skating surface.
7. No glass, stones, or similar items in or around the skating area.
8. Please put trash in designated trash receptacles.
9. No skateboarding when wet or rainy.
10. No loitering.
11. No trespassing.
12. No graffiti.
13. Additional obstacles or other materials (ramps, jumps) may not be brought into the park.
14. Do not use the facility if any hazardous condition arises. Report any damage and/or hazardous conditions to the Town
15. No amplified music or organized events allowed without prior written approval from the Town
16. Anyone under the age of 12 must be accompanied by a parent or guardian.
17. In case of emergency, call 911.

Warning: Skateboarding is a hazardous recreational activity. Use of this facility may result in death, paralysis, brain damage, broken bones, or other serious injury. Any use is at your own risk. The city does not assume any responsibility for injuries. (Government Code Section 831.7)