

*City of Brisbane
City Council
Agenda Report*

To: Mayor and City Council
From: Stuart Schillinger, Deputy City Manager
Subject: New Skateboard Park Design Process
Date: December 16, 2013

Purpose:

Provide the Community with a concrete skateboard park geared towards beginner to intermediate skaters.

Recommendation:

Approve process for design development and potential construction of skate board park rehabilitation.

Background:

At FY 2013/14 budget hearings, City Council directed the Parks and Recreation Commission to put together a plan of action for the skateboard park, including information related to the current users of the park, park location, options to improve the park, best use of the current space, target user group for the park, and alternative funding solutions (see attached staff report to the Facilities Subcommittee).

On November 19, 2013, the Parks and Recreation Commission's Teen Services met with the City Council's Facility Committee. There were also a number of interested residents and skate park users in attendance. The skate park users spoke to the need for a smoother riding surface and for a half-pipe which did not have protruding nails and screws. They also spoke to the benefits such a facility provides younger children and pre-teens in Brisbane; including exercise, socialization, and safety.

A question has been raised regarding potential liability connected with skateboard parks. The City Attorney has responded to this request in the attached memo. Based on this information and the discussion which took place at the subcommittee meeting, staff, has walked through the facility and noted some areas which need attention. Dan Sorentino has been retained and has already done initial repairs. Additional requirements for maintenance are being reviewed by Public Works. Staff will also inspect the condition of the half-pipe at least every other month and more if necessary. Staff will direct Dan to carry out the needed repairs. This will minimize the liability the City is exposed to from the use of the facility. The City Attorney will be present at the meeting to discuss this issue further if needed.

Discussion:

The Facilities Subcommittee working with the Teen Services Subcommittee of the Parks and Recreation Commission recommends that a design-bid-build process be initiated. Staff has laid out a potential process (attached). The process starts tonight with the Council confirming the proposed process. Next the two subcommittees would review and recommend a Request for Proposal for the design of the project to City Council. Council would then approve the RFP which would be advertised and sent to qualified companies. The two subcommittees would review the proposals and recommend a design firm to City Council. Council would approve the design firm. The design firm would meet with the stakeholders and the joint committee to

develop a variety of designs based on different footprints for the park. It is anticipated that three different footprints would be conceptually designed (current footprint, current foot print pushing out the fence line to our property line and sidewalk, and shifting the basketball court towards Park Place and extending the skate park into the vacated portion of the existing basketball court). The joint subcommittee would choose a preferred conceptual design and develop a financing plan for the payment of the project. Council would then review the recommendation and select a conceptual design and financing plan. The design firm would complete the design process and prepare construction documents. The project would be bid out, the joint subcommittees would be informed of the results of the bid, and Council would award the bid. The project would then be built to the community specifications.

Fiscal Impact:

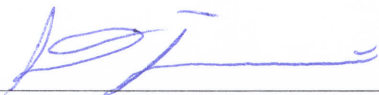
There is no financial impact at this time. The RFP will be brought back to the City Council for review and approval. It is not until the design firm is selected by the City Council that the Council will need to make a firm financial commitment. There is currently \$7,000 left over from the playground construction which could be used for this project. Additionally, the Parks and Recreation Commission recommended that some money set aside for Teen Services be used for this project.

Measure of Success:

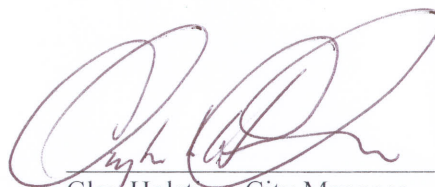
A rehabilitated skateboard park whose major elements are constructed of concrete, and which includes other elements consistent with the desires of the community and available financing.

Attachments:

Staff report to Facilities Subcommittee
Memo from City Attorney regarding skate park liability
Proposed process for skateboard rehabilitation project



Stuart Schillinger, Deputy City Manager



Clay Holstine, City Manager



CITY OF BRISBANE

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FACILITIES/WATER SEWER SUBCOMMITTEE

AGENDA

Tuesday, November 19, 2013, 4:00 pm

Main Conference Room, City Hall
50 Park Place, Brisbane, CA 94005

1. Discussion of Rehabilitating Current Skateboard Park Facility.



*City of Brisbane
Facilities Subcommittee
Agenda Report*

To: City Council Facility Subcommittee
From: Parks and Recreation Commission
Subject: New Skateboard Park Design Process
Date: November 19, 2013

Purpose:

Provide the Community with a concrete skateboard park geared towards beginner to intermediate skaters.

Recommendation:

Recommend to the City Council as a whole to allocate up to \$7,000 for the design of a concrete skateboard park located at the current site.

Background:

On February 9, 2011 the City Council Finance Subcommittee reviewed how the money left to Seton Medical Center for use by the City of Brisbane would be used. Three projects were brought up at that meeting: the Community Park Playground, a Middle School Healthy Lifestyle program, and the skateboard park refurbishment. The committee brought the three projects back to the City Council at their June 20, 2011 meeting. The Committee recommended the Community Park Playground have the highest priority followed by the skateboard park and the Middle School program if enough funding was available. There was not enough funding available for all three projects so the Council directed staff and the Parks and Recreation Commission to work on this to develop a more detailed plan.

The Parks and Recreation Commission worked with the Mothers of Brisbane and a playground designer to develop the new playground at the Community Park. This project was brought to the City Council for approval in June of 2012 and was completed in December of 2012. The Parks and Recreation Commission assigned the skateboard park as the second priority after the completion of the community park. The cost of the playground was greater than the funding available from the Frank and Mae Walsh donation and the KaBoom grant the City received. The Mothers of Brisbane raised the difference.

The Parks and Recreation Commission in June assigned the skate park as their top priority for park and recreation projects in the City. They recommended to close the teen center and use a portion of the savings for additional staff and programs at Lipman Middle School and the Brisbane Library and to use a portion for active activities for pre-teens and teens such as the skateboard park. The Commission also recommended using funds leftover from the building of the playground to pay for the design of the skateboard park. There is currently \$7,000 available from this source.

At the budget hearings for FY 2013/14 City Council directed the Parks and Recreation Commission to put together a plan of action for the skateboard park including information related to the current users of the park, park location, options to improve the park, best use of the current space, target user group for the park, and alternative funding solutions.

Discussion:

The Parks and Recreation Commission have worked with a group of citizens who are interested in the rehabilitation of the skateboard park to formulate the answers City Council requested. The group includes members of the Mothers of Brisbane, other adults whose children use the park, as well as the pre-teens and teens themselves.

The skateboard park is used by a variety of age groups currently. The park is geared for beginners to intermediate skaters. It is the Commission's recommendation that any rehabilitated skateboard park continue to be a beginner to intermediate park to allow all age groups to use it. This allows the widest range of our own residents to use the skateboard park. The park as it is currently configured allows beginners to have a safe location to learn the basics of skateboarding while providing enough of a challenge to allow more advanced skaters to improve their skills. The interactions of the two groups of skaters have been positive over the years allowing more advanced skaters to mentor newer ones.

The location of the skate park has been praised by a number of parents at various Parks and Recreation Commission meetings. Being right across from the Community Park it allows pre-teens and teens an opportunity to congregate on their own while their parents enjoy various events in the Community Park. It is also close enough to Lipman Middle School and the majority of residents so children can walk down to the park after school and during school vacations. The central location also ensures the users are highly visible in the community.

There are a few options for improving the skateboard park. The first is just creating a new surface. The park when built in 2006 used an asphalt surface. This surface has become rough and uneven over the years. Most skateboard park surfaces are concrete because the smoother surface provides for a better skating experience. The better the experience the longer the skaters will use the park and the less likely they will need to find other places to use like the Post Office parking lot. It is estimated a new surface would cost approximately \$50,000. A second option would be to replace the current elements with new concrete elements. This would add to the visual aesthetic of the park as well as the rideability and durability. The half pipe, which was donated by a member of the community, has had to be repaired three times since it has been put in place and the screws are once again coming out causing some issues for the skaters. The cost of this option would be about \$160,000.

The current space works well for the purpose. The only recommended change would be square off the park if possible. The design could include the possibility of future expansion beyond the original footprint, should that become an option.

The Mothers of Brisbane and other members of the community have begun the process of raising money for a rehabilitated skateboard park. The Zippy 5K race, the Bullet event, and the car show on San Francisco Avenue all raised money to go towards the skateboard park. Additionally, staff has received a matching grant from the Tony Hawk foundation for improvements.

The Parks and Recreation Commission recommends the City Council allocate up to \$7,000 to develop the design of a new concrete skateboard park. The design would be developed to allow for a phased in approach of the improvements. Therefore as money becomes available for the park it can continue to be improved. The process would be similar to the one used for the Community Park. Users of the park would work with a Parks and Recreation Commission subcommittee to develop the design. The design would be brought back to City Council for approval. The Commission would develop a financing plan for the approved park which would then go to City Council for approval. Then finally, the project (as approved by Council) would be constructed.

Fiscal Impact:

The City has \$7,000 available from savings from the construction of the Community Playground and fundraisers to pay for the design of a rehabilitated skateboard park. The Commission also recommended closing the Teen Center with the expectation that a portion of these savings could be used for active recreational activities such as a skateboard park.

Measure of Success:

A new, smoother, and longer lasting skateboard park is built which has an increased activity level at all ages.

REMAINDER OF PACKET SUBMITTED BY
MICHAEL BARNES

Submitted by
Michael Barnes
@ 6/24/13 Council Meeting

I am here tonight to answer the questions you raised on June 10th about a concrete skatepark. Hopefully this will persuade you to design the skatepark in this years budget with the \$7K that the Mothers of Brisbane raised from the community.

First the history:

In 2010 the city was asked to program the remaining \$50K in Seton's Brisbane account. The play structure had already been funded, and skaters stepped up and participated in the city's public process.

Based on technical information I received from skatepark designers, I calculated that \$50K would only be able to cover the existing skatepark with concrete, with maybe a ramp or two. My calculation was based on verified retail material costs and estimation of labor costs. The concrete slab was the answer to the question "How much skatepark can you get for \$50K?"

Once the city council chose to use all available funding on the play structure, the skaters did not vanish. The skaters continued their public involvement at Parks and Rec meetings, which led to the P&R Commission prioritizing the skatepark capital project. It was the city council subcommittee that prioritized Seton grant funding expenditure, this may be what the Mayor was thinking about. The P&R Commission has prioritized their potential capital projects with regard for importance. They are not responsible with identifying funding sources; that is the city council's job.

There were four main areas of confusion on the council regarding the skatepark:

- 1) No good reason has been supplied for the concrete skatepark
- 2) Cost
- 3) Safety
- 4) Lifespan

Reasons for a concrete skatepark. Brisbane skaters and their parents sent you 10 emails in 2011 that became part of the successful skatepark grant application. Skaters also testified before the city council and the R&R commission. It is disappointing to the skaters that you do not remember their testimony. To summarize:

- 1) The existing skatepark surface is very rough and dangerous
- 2) The half-pipe screws are backing out, and kids have been hurt by them
- 3) With a smoother surface, skaters would skate more often and for longer duration at the skatepark
- 4) With a smoother skatepark surface, skaters would not need to use the Post Office parking lot or Industrial Park locations
- 5) A skatepark motivates youth to exercise on their own, combating obesity
- 6) Skatepark is the de facto social center for preteens and teens, including non-skaters, where they practice social intercourse without adult supervision. To see this, observe the full skatepark during the upcoming Concerts in the Park
- 7) Preteens and teens can't drive themselves to recreation opportunities
- 8) 15-25% of all children skate (figure about 100 skaters in Brisbane)

- 9) The skatepark is a safe place for beginner-intermediate skaters to learn – parents from Daly City and San Francisco bring their children here to skate
- 10) The skatepark is also used by bmx riders, scooters, in-line skaters, tricycles and young children learning to ride bicycles
- 11) Improving the skatepark would encourage more use in all these groups, just as improvement of the play structure has, and as skaters have testified
- 12) Most skaters are injured skating outside of skateparks. A concrete skatepark would encourage more skating in a safer environment, and less skating where skaters get hurt
- 13) You are closing the Teen Center, you need to give those kids a replacement. Teen Center kids won't go to homework centers or school, they go to the skatepark, to Julies for junk food and to the Library

Skatepark costs.

From: Wormhoudt Incorporated [mailto:admin@skateparks.com]
Sent: Wednesday, April 24, 2013 3:18 PM
To: Barnes, Michael
Cc: admin@skateparks.com
Subject: RE: Brisbane Skatepark

Michael,

Thank you for the good information about the site and budget. I would hope that you can find away to do better than the pre-fabricated concrete ramps, but if not, I am sure the skaters will appreciate some level of improvements.

You should be able to build approximately 4K-5K square feet of skate park fork \$125K as long as there are not many related site improvements required. Also, as I had mentioned if you can get materials donated that should result in a significant off-set to your construction costs allowing you to build more. Foster City is a good example of a fun skate park in a small space.

Our cost to do two (2) workshops, prepare a three-dimensional concept design, video flythrough, cost and material estimate would be between \$6k and \$8K. If you are interested to discuss this further, let me know and we can fine tune a scope and fee.

I have attached a sample concept design (what the renderings would look like) and a link to the style video we would do here: [Lathrop Skate Park Video](#)

Please let me know if you have any questions.

Zachary Wormhoudt
Principal Landscape Architect

Wormhoudt Incorporated
849 Almar Avenue, Suite 280

Skatepark upkeep costs are small, mostly graffiti abatement.

Requiring the community to fund a significant portion of the skatepark is like asking the swimmers to come up with \$750K to build a swimming pool.

Please remember that Joel Diaz already donated ~\$6,000 worth of materials, and many in the community like Miguel Rios labored for weeks building the half-pipe. There are many thousands of dollars of community-donated time and materials already in the skatepark.

The staff estimation is responsible and in line with the cost of other skateparks

Safety:

Data from the consumer protection safety council:

Based on injuries per 100,000 participants, Basketball is 10x more dangerous than skateboarding. Baseball is over 5 times more dangerous than skateboarding, and soccer is 3 times more dangerous than skateboarding.

Irregular surfaces, such as we have in our skatepark, account for over half of skateboard falling injuries.

Liability – The State of California passed legislation protecting cities
SB 264

Page 1

Date of Hearing: June 14, 2011

ASSEMBLY COMMITTEE ON JUDICIARY
Mike Feuer, Chair

SB 264 (Correa) - As Amended: May 3, 2011

PROPOSED CONSENT (As Proposed to be Amended)

SENATE VOTE : 39-0

SUBJECT : recreational activities: skateboard parks

KEY ISSUE : SHOULD THE QUALIFIED IMMUNITY CURRENTLY GRANTED TO local public agencies who operate skateboard parks BE MADE PERMANENT?

FISCAL EFFECT : As currently in print this bill is keyed fiscal.

SYNOPSIS

This non-controversial bill seeks to make permanent the qualified immunity already provided to local public agencies that operate skateboard parks. Additionally, this bill would amend the reporting requirements for the local agencies, requiring them to file an annual report to both the Senate and Assembly Judiciary Committees directly rather than through the Judicial Council as currently is the law. The bill maintains the current requirements that skateboard parks require

riders to wear a helmet, knee pads and elbow pads in order to qualify for the immunity. The author notes that extending the qualification of skateboarding as a "hazardous recreational activity" is necessary for the ongoing operation of municipal skate parks. This classification offers strong liability protection for a sport that can be dangerous if performed irresponsibly. By limiting liability, the author hopes to maintain this form of recreation and exercise for California youth into the future.

This bill is supported by local government groups, insurance providers and outdoor recreation groups and has no known opposition.

SUMMARY : Makes permanent qualified immunity for skateboard park operators and amends the injury reporting requirements for local agencies that operate skateboard parks. Specifically, this bill :

1)Indefinitely extends the classification of skateboarding as a "hazardous recreational activity" past its current January 1, 2012 sunset date, thereby extending local agencies qualified immunity for injuries resulting from skateboarding at their park.

2)Amends the current reporting requirement (of injuries and lawsuits associated with skateboard parks) to mandate annual reports be provided to the Senate and Assembly Judiciary Committees directly and not via the Judicial Council.

3)Maintains the existing safety regulations requiring all skateboard parks to require riders to wear a helmet, knee pads and elbow pads.

EXISTING LAW :

1)Shields public entities and public employees from liability to any person participating in a hazardous recreational activity, including voluntary spectators who recognized the substantial risk of injury due to the activity. Public entities and public employees remain liable for injuries proximately caused by the negligent failure of the public entity or public employee to properly construct or maintain in good repair any structure, recreational equipment or machinery, or substantial work of improvement. (Government Code Section 831.7.)

2)Defines "hazardous recreational activity" as a recreational activity conducted on the property of a public entity that creates a substantial risk of injury to a participant or spectator. Sample hazardous recreational activities include hang gliding, kayaking, motorized vehicle racing, pistol and rifle shooting, rock climbing, racketeering, spelunking, sky diving, sport parachuting, and paragliding. (Government Code Section 831.7.)

3)Prohibits an operator of a skateboard park from permitting any person to ride a skateboard therein, unless that person is wearing a helmet, elbow pads, and knee pads. Facilities owned or operated by a local public agency, that are designed for recreational skateboard use and unsupervised, may comply with that requirement by: (1) adopting an

ordinance requiring anyone riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads; and (2) posting signs that inform skateboarders that they must wear those items and that failing to do so will subject them to a citation. (Health & Safety Code Section 115800.)

4) Defines skateboarding as a "hazardous recreational activity" if the person skateboarding is at least 12 years old, the skateboarding activity causing injury was a stunt, trick, or luge skateboarding, and the injury occurred on public property requiring a helmet, elbow pads, and knee pads. Existing law also mandates that no operator of a skateboard park permit a person to skateboard within that park, unless that person wears a helmet, elbow pads, and knee pads. (Health & Safety Code Section 115800.)

Lifespan of skateparks:

Derby skatepark in Santa Cruz is still in constant use after over 35 years. Palo Alto skatepark is still in constant use after 30 years. Alameda is over 20 years old, and crowded when school is out.

In summary, the \$7K you budget for a skatepark design will be the best \$7K you spend in this budget cycle. You have a community that has been asking for a concrete skatepark, the community has raised money and built part of the existing skatepark, the MOB supports a concrete skatepark, and as you close the Teen Center, having a community and skater-driven skatepark design effort will demonstrate that you still care about the teens and what they have been telling you. I hope you use the \$7K the MOB raised to fund a design effort for the skatepark.

Skatepark technical data:

From Architectural Graphic Standards
 American Institute of Architects, Smith Maran Architects
 11th Edition, 2007, Page 726

¾" aggregate concrete, the bigger the stronger, makes no difference to the finish. Hard trowel finish, no brooming.

Concrete should be \$100-125 per yard, 4000 psi

4-6" of base rock, compacted to 90%.

If truck access needed
 #4 rebar 18" OC both directions with 6" slab of 4000 psi concrete

Just skating (no truck load)
 6" x 6", 10 gauge welded wire mesh with 4" of 4000 psi concrete

Perimeter of flatwork are 12" deep with quick dowels to tie in to adjacent stairs, walls, banks or stairs. Dowels prevent vertical separation between the elements.

Control joints are sawcut 1/8" wide by 1 ½" deep approximately 10ft OC

Rebar must be 1.5" clear of concrete surface

4" Concrete Thickness x 5000 square feet = 61.7 cu yd x \$125 /cu yd = \$7713

Rebar spacing	#3 Rebar	#4 Rebar	Total Cost
Wire mesh			
24"			
18"			
12"			

5" Concrete Thickness x 5000 square feet = 77.2 cu yd x \$125 /cu yd = \$9650

Rebar spacing	#3 Rebar	#4 Rebar	Total Cost
Wire mesh			
24"			
18"			
12"			

6" Concrete Thickness x 5000 square feet = 92.6 cu yd x \$125 /cu yd = \$11575

Rebar spacing	#3 Rebar	#4 Rebar	Total Cost
Wire mesh			
24"			
18"			
12"		Wormhoudt	

Skatepark dimensions:

77' x 56' minus 10' 8" x 13' 6" at southwest corner. Assumes southeast corner, under Eucalyptus trees, is used for skatepark

Approximate area: 4168 square feet

Volume of concrete for 6" slab: 2084 cubic feet, or 77.2 cubic yards

Tree removal:

\$3000

Base:

4" - 6" compacted to 90% (virgin, Central Concrete)

Lyngso class 2 base, \$22/ton = 1.35 tons/yd (22*1.35*77yards = \$2287)

Forms:

\$1000 (wild guess)

Rebar:

#4 every 12" in both directions, 1 1/2" clear of surfaces

1/2" x 20' = \$5.77 (Home Depot on-line price)

3 x 20' = 56' (2' overlaps)

78 x 3 x \$5.77 = \$1350

\$1350 x 2 (second axis) = \$2700 Estimate \$3000 (+11%)

Concrete:

0.5 water/cement ratio

3/4 " aggregate, 4000 psi, hard trowel finish (no brooming, per Wormhoudt)

77.2 cubic yards at \$125/yd (high end of range) = \$9650 est \$10700 (+11%)

No curing accelerators

Min 520 lbs/yd

Max 2" slump

6% ± 1.5% air

1% slope to drains

Central Concrete - \$116 ± \$6/yd

\$3000	Tree removal
\$2300	Base (virgin)
\$1000	Forms
\$3000	Rebar
\$10700	Concrete
\$1500	Pumper
\$21500	Total Materials for 6" slab x 2 for labor = \$43,000

The childhood obesity rate has tripled since 1980. Obese children are more likely to be obese adults and suffer serious health problems that, according to the Centers for Disease Control (CDC), cost \$117 billion in year 2000.

The cause of obesity is too few calories expended for the amount of calories consumed. To avoid obesity, many children can reduce their caloric intake, or expend calories through increased exercise, or both.

School-based educational programs for healthy eating need a school health coordinator, a high-quality course of study in health education, a quality school meals program and strong nutrition policy.

In spite of all the nutritional information served to our youth, the U. S. Department of Health and Human Services finds that children are not eating breakfast as often as in the past, and are getting 32% of their calories away from home compared to 20% of calories away from home in 1977. When children eat on their own they consume soft drinks, French fries and the larger portion sizes now served in fast food restaurants.

A program that provides regular exercise for Brisbane youth could mitigate the ill effects of a high-calorie diet, and reduce the number of obese Brisbane children.

How do we get more exercise for our children? The schools already play a role in educating kids on the benefits of exercise, and provide exercise during the school day. But for the part of their lives spent out of school, we should consider what motivates youth to exercise on their own, then enable them to do so.

Factors that youth associate positively with exercise include confidence in their abilities and competence in the activity. The benefits they get from exercise include excitement, having fun, learning and improving skills.

Physical activity among young people is positively correlated with having access to convenient play spaces. Since these members of the community don't drive, the opportunity to exercise must be close to home. Finally, interpersonal factors positively associated with physical activity among young people include peers' or friends' support for, and participation in, physical activity.

Skateboarding is a physically demanding exercise in which 15-25% of all children voluntarily participate. Brisbane's skatepark is its real teen center. The skatepark provides a place children can get to without driving, and is an exciting, fun physical activity in a social environment where they support each other's efforts. Skaters are always building competence and confidence by learning and improving their skills. These are the reasons that the skatepark is popular.

Unfortunately, the current skatepark surface is a barrier to advancing skills. Perceived barriers to physical activity is negatively associated with physical activity among adolescents, and reduces the time children and young adults will spend skating.

By using Seton Medical Foundation money to resurface the skate park with concrete, and including concrete skatepark features, you will increase the exercise Brisbane youth get. This will result in a healthier Brisbane population, which is the object of the Seton Medical Foundation Brisbane fund.

Health Topics

Childhood Obesity

Childhood obesity has more than tripled in the past 30 years. The prevalence of obesity among children aged 6 to 11 years increased from 6.5% in 1980 to 19.6% in 2008. The prevalence of obesity among adolescents aged 12 to 19 years increased from 5.0% to 18.1%.^{1,2}

Obesity is the result of caloric imbalance (too few calories expended for the amount of calories consumed) and is mediated by genetic, behavioral, and environmental factors.^{3,4} Childhood obesity has both immediate and long-term health impacts:

Obese youth are more likely to have risk factors for cardiovascular disease, such as high cholesterol or high blood pressure. In a population-based sample of 5- to 17-year-olds, 70% of obese youth had at least one risk factor for cardiovascular disease.⁵

Children and adolescents who are obese are at greater risk for bone and joint problems, sleep apnea, and social and psychological problems such as stigmatization and poor self-esteem.^{3,6}

Obese youth are more likely than youth of normal weight to become overweight or obese adults, and therefore more at risk for associated adult health problems, including heart disease, type 2 diabetes, stroke, several types of cancer, and osteoarthritis.⁶

Healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases.³

2005 Dietary Guidelines for Americans. The Guidelines provide authoritative advice for people two years and older about how good dietary habits can promote health and reduce risk for major chronic diseases. They serve as the basis for Federal food and nutrition education programs.

2008 Physical Activity Guidelines for Americans. The U.S. Department of Health and Human Services (HHS) has issued the 2008 Physical Activity Guidelines for Americans. These guidelines, the first to be issued by the federal government, present science-based recommendations to help persons aged 6 years or older improve their health through physical activity.

Health Topics

Childhood Obesity - References

1. Ogden CL, Carroll MD, Curtin LR, Lamb MM, Flegal KM. Prevalence of high body mass index in US children and adolescents, 2007–2008. *JAMA* 2010;303(3):242–9.
2. National Center for Health Statistics. Health, United States, 2004 with Chartbook on Trends in the Health of Americans [pdf 3.8M]. Hyattsville, MD; 2004.
3. Daniels SR, Arnett DK, Eckel RH, et al. Overweight in children and adolescents: pathophysiology, consequences, prevention, and treatment. *Circulation*. 2005;111;1999–2002.
4. U.S. Department of Health and Human Services. The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity. Rockville, MD: Public Health Service, Office of the Surgeon General; 2001.
5. Freedman DS, Zuguo M, Srinivasan SR, Berenson GS, Dietz WH. Cardiovascular risk factors and excess adiposity among overweight children and adolescents: the Bogalusa Heart Study. *Journal of Pediatrics* 2007;150(1):12–17.
6. U.S. Surgeon General. Overweight and Obesity: Health Consequences. Rockville: MD; 2001.

Benefits of Regular Physical Activity

Helps build and maintain healthy bones and muscles.¹

Helps reduce the risk of developing obesity and chronic diseases such as diabetes and cardiovascular disease.¹

Reduces feelings of depression and anxiety and promotes psychological well-being.¹

Overweight and obesity, influenced by physical inactivity and poor diet, are significantly associated with an increased risk of diabetes, high blood pressure, high cholesterol, asthma, arthritis, and poor health status.²

Physical inactivity increases the risk of dying prematurely, dying of heart disease, and developing diabetes, colon cancer, and high blood pressure.¹

Children and adolescents who are overweight are more likely to be overweight or obese as adults;⁴ one study showed that children who became obese by age 8 were more severely obese as adults.⁵

References

1. U.S. Department of Health and Human Services. *Physical activity guidelines advisory committee report*. Washington, DC: U.S. Department of Health and Human Services, 2008.
2. Mokdad AH, Ford ES, Bowman BA, et al. Prevalence of obesity, diabetes, and obesity-related health risk factors, 2001. *Journal of the American Medical Association* 2003;289(1):76-79.
3. Ogden CL, Carroll MD, Flegal KM. High Body Mass Index for Age Among US Children and Adolescents, 2003-2006. *JAMA*. 2008;299(20):2401-2405.
4. Ferraro KF, Thorpe RJ Jr, Wilkinson JA. The life course of severe obesity: Does childhood overweight matter? *Journal of Gerontology* 2003;58B(2):S110-S119.
5. Freedman DS, Khan LK, Dietz WH, Srinivasan SR, Berenson GS. Relationship of childhood obesity to coronary heart disease risk factors in adulthood: the Bogalusa Study. *Pediatrics* 2001;108(3):712-718.
6. CDC. Physical activity levels among children aged 9–13 years—United States, 2002. *Morbidity and Mortality Weekly Report* August 22, 2003; 52 (SS-33): 785-788.

MMWR Volume 46, Number RR-6

FACTORS INFLUENCING PHYSICAL ACTIVITY

Individual factors positively associated with physical activity among young people include confidence in one's ability to engage in exercise (i.e., self-efficacy) (133,135, 136), perceptions of physical or sport competence (137-141), having positive attitudes toward physical education (133,138), and enjoying physical activity (142,143).

Perceiving benefits from engaging in physical activity or being involved in sports is positively associated with increased physical activity among young people (133,137, 138). These perceived benefits include excitement and having fun; learning and improving skills; staying in shape; improving appearance; and increasing strength, endurance, and flexibility (132,137,144-147).

Conversely, perceiving barriers to physical activity, particularly lack of time, is negatively associated with physical activity among adolescents (133,137,148).

Interpersonal and environmental factors positively associated with physical activity among young people include peers' or friends' support for and participation in physical activity (133,142,154). Among older children and adolescents, physical activity is positively associated with that of siblings (155,156), and research generally reveals a positive relationship between the physical activity level of parents and that of their children, particularly adolescents (133,135,141,142,154,156-163). Parental support for physical activity is correlated with active lifestyles among adolescents (133,141, 154,157). Physical activity among young people is also positively correlated with having access to convenient play spaces (133,160), sports equipment (142,157), and transportation to sports or fitness programs (158).

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Skateboarding Safety Statistics

Consumer Protection Safety Council

NEISS (National Electronic Injury Surveillance System - a division of the Consumer Protection Safety Council) injury statistics for 1998 show the following sports ranked by number of reported injuries per 100,000 participants.

- Basketball - 223.5
- Baseball - 115.7
- Soccer - 62.0
- Skateboarding - 20.2

C.P.S.C Fact Sheet

- 1/3 of all injuries occur in a beginning skater's first week of skateboarding.
- Irregular riding surfaces account for over half of all skateboard injuries.

Skatepark Association of the United States (SPAUSA)

- Cites U.S. Consumer Safety Commission study indicating irregular riding surfaces account for 50% of all skateboarding injuries.

Canadian Amateur Skateboarding Association

- Skateboarding tied for last, at 5%, on a list of Typical Top 10 Canadian Sports Injuries.
- Only 5% of skateboard injuries take place at skateparks.
- 300 kids per week treated for skateboard injuries in North America, most of which are relatively minor.

National Safety Council Fact Sheet Library

- According to the U.S. Consumer Product Safety Commission (CPSC), more than 15,600 persons need hospital emergency room treatment each year for injuries related to skateboarding.
- Irregular riding surfaces account for more than half of the skateboarding injuries caused by falls.
- Wrist injury is the number one injury, usually a sprain or a fracture.
- Skateboarders who have been skating for less than a week suffered one-third of the injuries.
- When experienced riders suffered injuries, it was usually from falls that were caused by rocks and other irregularities in the riding surface.

Skateboard-associated injuries: participation-based estimates and injury characteristics.

Kyle SB, Nance ML, Rutherford GW Jr, Winston FK.

Source

Epidemiology and Health Statistics, Consumer Product Safety Commission, Bethesda, Maryland, USA.

Abstract BACKGROUND:

Skateboarding is a popular recreational activity but has attendant associated risks. To place this risk in perspective, participation-based rates of injury were determined and compared with those of other selected sports. Skateboard-associated injuries were evaluated over time to determine participation-based trends in injury prevalence.

METHODS:

Rates of skateboard-associated injury were studied for the 12-year period 1987 to 1998 for participants aged 7 years or older. The National Electronic Injury Surveillance System provided injury estimates for skateboarding and the selected additional sporting activities. The National Sporting Goods Association annual survey of nationally representative households provided participation estimates. A participation-based rate of injury was calculated from these data sets for the selected sports for the year 1998.

RESULTS:

The 1998 rate of emergency department-treated skateboard-associated injuries-8.9 injuries per 1,000 participants (95% confidence interval [CI], 6.2, 11.6)-was twice as high as in-line skating (3.9 [95% CI, 3.1, 4.8]) and half as high as basketball (21.2 [95% CI, 18.3, 24.1]). The rate of skateboard-associated injuries declined from 1987 to 1993 but is again increasing: the 1998 rate was twice that of 1993 (4.5 [95% CI, 1.6, 7.4] and 8.9 [95% CI, 6.2, 11.6], respectively). Increases occurred primarily among adolescent and young adult skateboarders. The most frequent injuries in 1998 were ankle strain/sprain and wrist fracture: 1.2 (95% CI, 0.8, 1.6) and 0.6 (95% CI, 0.4, 0.8) per 1,000, respectively. Skateboard-associated injuries requiring hospitalization occurred in 2.9% and were 11.4 (95% CI, 7.5, 17.5) times more likely to have occurred as a result of a crash with a motor vehicle than injuries in those patients not hospitalized.

CONCLUSION:

This study is the first to relate skateboarding and other sport injuries to participation exposures. We found that skateboarding is a comparatively safe sport; however, increased rates of injury are occurring in adolescent and young adult skateboarders. The most common injuries are musculoskeletal; the more serious injuries resulting in hospitalization typically involve a crash with a motor vehicle. This new methodology that uses participation-based injury rates might contribute to more effective injury control initiatives.

PMID:

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[PubMed - indexed for MEDLINE]

Notable Skateparks in Portfolio

Vendor	Contact	Phone	City	Website	SSF and 2000 others
American Ramp Co.	Alex Vestal	417 949-2024	Joplin, MO	www.americanrampcompany.com/	Design&Build: Lake Cunningham build, Berrics 2.0, build Tony Hawk res
California Skateparks	Chelsea Bosley	909 949-1601	Upland, CA	Http://californiaskateparks.com/	Potrero del Sol, Portland - Holly Farm, Pier Park, Glenhaven
Dreamland	Mark Scott	503 577-9277	Lincoln City, OR	http://dreamlandskateparks2.wordpress.com/	Design&Build: Battleground, WA, St Helena, CA
Grindline*		206 932-6414	Seattle, WA	www.grindline.com/	Design&Build: Rob Dyrdek skate plazas, SF Soma
New Line	Trevor Morgan	604 530-1114	Langley, BC, Can.	http://www.newlineskateparks.com/	Design&Build: Cayman Is Black Pearl, Berkeley, design Tony Hawk res
Site Design Group	Brian Moore	877 734-7275	Carlsbad, CA	http://sitedesigngroup.com/	Design&Build: Guantanamo Bay, The Dalles, Felt Creek SC, 41'x57'
Spohn Ranch	Vince Onel	626 330-5803	Los Angeles, CA	www.spohnranch.com/	Design: Pacifica, Foster City, Lake Cunningham
Wormhoudt	Zach Wormhoudt	831 426-8424	Santa Cruz, CA	www.skateparks.com/	

*Elisa Primm contacted

Vendor	Concept Plan Cost	Site Analysis	Public Design Forums	3D rendering	2D Top View	3D video flythrough	Const Cost Estimate	List of Materials &		
								Quant Req	Const Docs	Other
American Ramp Company	2,500-5000	X	1	X	X	X	X	X	15,000	Green Skate
California Skateparks										
Dreamland										
Grindline										
New Line	6,000	X	1	X						
Site Design Group	8,800	X								
Spohn Ranch	3,500	X	1	X	X		X			
Wormhoudt	6-8,000	X	2	X	X	X	X			

Site Analysis - walk site

All firms asked if the following data is available:

- geotechnical
- survey
- utilities
- right-of-way
- site photos (GIS)
- site use history

City of Brisbane
Facilities Subcommittee
Agenda Report

To: City Council Facility Subcommittee
From: Stuart Schillinger, Deputy City Manager
Subject: Information from City Attorney regarding Skateboard Park Liability
Date: November 19, 2013

Background:

A Council Member sent a question to the City regarding the liability surrounding the skateboard park. The City Attorney sent the attached information to all of the Council Members. This was followed up with another question by a Council Member and the Attorney's comments are also attached.



Renne Sloan Holtzman Sakai

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Memorandum

PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

To: Brisbane City Council

From: David Kahn, City Attorney *DEK*

Date: November 7, 2013

Re: Skateboard Park Law

I. Local Law

The Brisbane Municipal Code provides that “[e]very person riding a skateboard at a skateboard park owned and operated by the city shall wear a helmet, elbow pads, and knee pads at all times while riding his or her skateboard.” (Section 8.48.010.) The Code also requires the City to post signs at its skateboard parks notifying users of the safety equipment requirements and that they will be cited and/or ejected from the facility if they fail to comply. (Section 8.48.020.) Under the Code, any person who violates the safety equipment requirements is guilty of an infraction and subject to fines of up to \$20. (Section 8.48.030A.) The Code also empowers the City to temporarily expel from the skateboard park people who fail to wear the required safety equipment. (Section 8.48.030B.)

II. State Law

a. Health and Safety Code Section 115800

Health and Safety Code section 115800 provides that a skateboard park operator may not permit any person to ride a skateboard therein, unless that person is wearing a helmet, elbow pads, and knee pads. (Health & Saf. Code § 115800(a).) With respect to skateboard parks that are owned or operated by cities and counties and *not* supervised on a regular basis, this requirement may be satisfied by the public agency’s: (1) adoption of a local ordinance requiring any person riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads and (2) posting of signs at the facility providing notice of these requirements and that any person failing to comply with the requirements will be subject to citation under the ordinance. (Health & Saf. Code § 115800(b).)

Health and Safety Code section 115800(d)(1) provides that skateboarding at any public skateboard park “shall be deemed a hazardous recreational activity within the meaning of



Renne Sloan Holtzman Sakai

Memo to: Brisbane City Council
Skateboard Park Law
November 7, 2013
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Section 831.7 of the Government Code” – such designation affording qualified immunity to the public entity (see discussion below) – provided that: (1) the person skateboarding is 12 or older, (2) the skateboarding activity that caused the injury was “stunt, trick, or luge skateboarding;” and (3) the skateboard park is on public property and the public entity fulfills the requirements of Health and Safety Code section 115800 subdivision (a) *or* (b), i.e. it does not permit persons to ride skateboards in the facility without a helmet, elbow pads and knee pads *or* adopts an ordinance to that effect and posts appropriate signs. (*See* discussion above.)

Finally, under this statute, public agencies are required to maintain: (1) a record of all known or reported injuries incurred by a skateboarder in a public skateboard park or facility and (2) a record of all claims, paid and not paid, including any lawsuits and their results, arising from those incidents that were filed against the public agency. No later than January 30 of each year, public agencies must file copies of the records of such claims and lawsuits with the Assembly Committee on Judiciary and the Senate Committee on Judiciary. (Health & Saf. Code § 115800(d)(4).¹

b. Government Code Section 831.7

Government Code section 831.7 states that public entities and their employees are not liable to any person who participates in a “hazardous recreational activity.” (Gov. Code § 831.7(a).) As noted above, Health and Safety Code section 115800(d)(1) provides that skateboarding at a public skateboard park is a hazardous recreational activity for purposes of Government Code section 831.7, provided that that the person skateboarding is 12 or older and the other required conditions are met.

It is important to note that the immunity provided by Government Code section 831.7 is qualified, *not* absolute. Liability still exists, for instance, where (1) the public entity fails “to guard or warn of a known dangerous condition or of another hazardous recreational activity known to the public entity or employee that is not reasonably assumed by the participant as inherently a part of the hazardous recreational activity out of which the damage or injury arose;” (2) permission to participate in the activity was granted for a fee; (3) the injury was caused by “the negligent failure of the public entity or public employee to properly construct or maintain in good repair” the facility in question; (4) “the public entity or employee recklessly or with gross negligence promoted the participation in or observance of a hazardous recreational activity;” or (5) the injury was caused by an act of gross negligence by the public entity or employee. (Gov. Code § 831.7(c)(1)(A)-(E).)

¹ According to the Judicial Council, between 2002 and 2010, 792 injuries were reported at skateboard parks by 34 public agencies. The most common injuries were facial lacerations, with arm, head and ankle injuries also being prevalent. None of the reported injuries resulted in claims being filed against the local agency operating the park. (Assem. Com. on Appropriations, analysis of Sen. Bill No. 264 (2011-2012 Reg. Sess.), p. 2.)



Renne Sloan Holtzman Sakai

Public Law Group

Memo to: Brisbane City Council

Skateboard Park Law

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III. Questions

a. Enforcement of Safety Equipment Requirement

As noted above, municipalities are not required to supervise city-owned skateboard parks. (*See* Health & Saf. Code § 115800(b).) Anecdotal information suggests that while some public agencies do supervise their skateboard parks in part as a way of enforcing the safety equipment requirements, a fair number choose not to, some for fear that having City staff posted at the facility could actually undermine the qualified immunity otherwise afforded the public entity, i.e. that negligence by a City employee stationed at the facility might open the door to liability. We have heard anecdotally that other entities have opted for the periodic “sweep” approach to enforcement, whereby police officers or park rangers stop by unannounced and issue citations to those who are not in compliance with the safety equipment rules.

b. Maintenance Obligations

As noted above, while a city enjoys a certain degree of immunity relative to the skateboarding activities occurring in its skateboard parks, it must nevertheless take reasonable steps to maintain the skateboard park in “good repair” and to ensure that no “dangerous condition(s)” not inherent in the risk of skateboarding exist in such facilities. We believe that an argument could be made, for instance, that a public agency could be liable for an injury to a skateboarder in a City skateboard park caused by sharp protruding hardware on the theories that the public entity negligently failed to properly maintain the facility and/or that such a condition is a dangerous condition because it is not a risk inherent in skateboarding.

Schillinger, Stuart

From: David Kahn <dkahn@publiclawgroup.com>
Sent: Friday, November 08, 2013 11:16 AM
To: Miller, Ray
Cc: O'Connell, Terry; Holstine, Clay; Schillinger, Stuart; Conway, Clarke; Lentz Cliff-on-sbcglobal; Ivan Delventhal
Subject: RE: skate park memo

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

Ray- good questions. Answers are:

The skateboard park qualified immunity discussed in the memo applies only where the skateboarder is 12 or older and the other conditions are met. (Note: the skateboard park immunity provisions originally applied to skateboarders 14 and older; in 2006, the law was amended to reduce the age limit to 12 or older in order to increase the amount of protection local agencies have from liability at public skateboard parks.) That said, depending on the factual circumstances, the City could raise as defenses assumption of the risk, comparative fault, etc., in cases of injury in a city skateboard park to a skateboarder under 12.

A (nonmotorized) scooter is not the same as a skateboard and is not included in the list of "hazardous recreational activities" contained in Gov. Code section 831.7, the qualified immunity provision. (Note: an effort by the Legislature in 2006 to amend the law to provide that the use of scooters is a hazardous recreational activity failed.) This means, in effect, that a public entity would likely not be able to invoke qualified immunity against a claim of injury incurred by a scooter rider using a city skateboard park. Again, however, depending on the factual circumstances, the City could argue that the scooter rider assumed the risk and/or negligently caused/contributed to his/her own injury.

A possible idea would be to post the skateboard park for "Must Be 12 Years Or Older and For Skateboards Only", although there may be political fallout if currently used by those under 12 and scooter riders.

David

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From: Miller, Ray [<mailto:raymiller@ci.brisbane.ca.us>]
Sent: Wednesday, November 06, 2013 10:06 PM
To: David Kahn
Cc: O'Connell, Terry; Holstine, Clay; Schillinger, Stuart; Conway, Clarke; Lentz Cliff-on-sbcglobal
Subject: Re: skate park memo

Thank you. So what's the immunity situation for kids under 12? Is a scooter considered the same as a skate board? Ray

Sent from my iPad

On Nov 6, 2013, at 6:07 PM, "David Kahn" <dkahn@publiclawgroup.com> wrote:

Terry- Attached is a memo, as you requested, on the City's immunities and obligations under state and local law for the use and operation of its skate park. As this issue is of general interest to the Council, I am copying the rest of the Council so everyone can have the same information.

I hope this is useful and answers your questions.

David

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<2013-11-07 (2853-002)(memo)(DEK IOD)(City Council) Skateboard Parks.pdf>

