

ATTACHMENT 1

CITY OF COSTA MESA
P.O. BOX 1200
COSTA MESA, CALIFORNIA 92626
APPLICATION FOR APPEAL OR REHEARING CITY CLERK FEE: \$ _____

RECEIVED
CITY CLERK

Applicant Name Chris Sarris 05 MAR 28 AM 10:59

Address 1758 Centella Place Newport Beach, CA 92660

Phone 949-642-4454 Representing Also Region 97

Decision upon which appeal or rehearing is requested: (Give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) See Attached

Decision by: _____

Reason(s) for requesting appeal or rehearing:

see Attached

Date: _____ Signature: _____

For Office Use Only — Do Not Write Below This Line
SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

In response to the discussion, Commissioner Mark Harris made a motion to follow the staff's recommendation, and ban the use of temporary lights at fields around the City and District. **The motion failed 3-1.**

Chairman Byron de Arakal then made a motion to **ban the use of temporary lights only at Kaiser School. The motion passed 4-0.**

This appeal is brought by AYSO 97 on two grounds, both of which raise issues of the Due Process Clause of the Constitution:

1. Violation of the Temporary Portable Lighting Policy

By its express terms, the lighting policy adopted by the Commission in June 2004, requires the user groups to be given warnings before the permit is pulled. Since AYSO Region 97 was issued a permit for use of lights at Kaiser School it has received no warnings. In fact, as evident from the testimony of Chris Sarris, it has fielded no complaints regarding the use of lights from either residents or the Parks and Recreation Department.

The Commission's revocation of AYSO's permit at Kaiser School violates **Procedural Due Process** under the California Constitution which requires a fair process (e.g., notice and a hearing). Here, AYSO had received no notice of complaints regarding its use of the lights until the matter was placed on the Agenda by the Commission. Moreover, it was not afforded a hearing to specifically address the right which was taken away from it. Had AYSO known that the Commission was to specifically address concerns surrounding Kaiser, AYSO would have been prepared to address those concerns with its own evidence of policy compliance.

2. Failure to Provide Notice of Its Intent to Pull AYSO's Permit at Kaiser

Recall that the item on the Commission's agenda was to address the temporary lighting policy for the entire City and District, not just Kaiser School. AYSO prepared to address the only issue for which it was given notice. In fact, it apparently addressed the issue adequately because the Commission voted against a Motion to abandon the Temporary Portable Lighting Policy entirely.

A fair process under the Due Process Clause requires notice and a hearing. Here AYSO was not given adequate notice. Had it been provided notice it would have raised the following points:

- a. **No complaints or warnings were ever presented to it regarding its use of lights at Kaiser.**

b. **The lights do not present the nuisance testified to by the residents.** (In fact, Commissioner David Stiller acknowledged such at the March 23, 2005 meeting based on his inspection of the lights in use in the days before the hearing.)

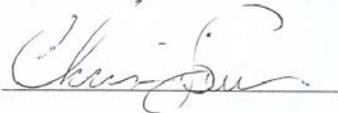
b. **Placement of lights on an alternate field (the track) at Kaiser could alleviate the residents concerns.**

c. **Discontinuing lights at Kaiser effectively eliminates the ability of many user groups to practice under the lights.** (The Commission believed that allowing Region 97 to utilize a field at The Farm would solve the problem but it has in fact created more problems. AYSO Region 120, who joins in this appeal, was never given notice of the Commission's March 23, 2005 Motion. It will present evidence on appeal that it cannot accommodate its league on the one lit field which the Commission has left it by its ruling. Before the ruling, AYSO 120 had a hard enough time accommodating its users on the two lit fields it had access to at The Farm.)

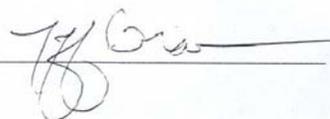
d. **There are not enough fields throughout the District, in both Newport Beach and Costa Mesa, especially due to Measure A, to accommodate all practices in daylight hours.**

e. **Many Costa Mesa residents support the use of lights at Kaiser School to assist the children that learn sound principles through involvement with AYSO soccer.**

In conclusion, AYSO Region 97 appeals the decision of the Parks and Recreation Commission on grounds that it violates Due Process. AYSO asks the Council to conduct a full and thorough hearing on the issues involved to assure that all solutions are discussed following proper notice.

Signed 

Date 3-27-05

Signed 

Date 3-27-05

ATHLETIC FIELD/FACILITY USE AND ALLOCATION POLICY
July 2004

Attachment A

TEMPORARY PORTABLE LIGHTING POLICY

PURPOSE

To specify guidelines for the request and City permitted use of temporary, portable sports field lights.

POLICY

All community based youth or adult sports groups who desire to request and are approved to use temporary, portable lights for sports fields will follow the procedures outlined below.

GENERAL POLICIES AND GUIDELINES

There are occasions throughout the year that may require a youth or adult sporting group to use temporary, portable lights to allow for practice or games. Outlined below are guidelines that specify the process for requesting temporary, portable lights for City and District sport fields and how it will reflect the established Good Neighbor Policy.

1. Non-profit community based youth sports groups may request temporary use of portable lights for use in a City park or on a Newport Mesa Unified School District school sports fields beyond normal daylight hours as set forth in the Field Allocation and Use Policy. Lights are to be turned off as soon as possible after the completion of the last game, but not to exceed 8:00 p.m. Requests may be made to extend this time up until 9:00 p.m. The request must be for a special need such as Daylight Savings Time change.
2. The organization must have prior written approval from the principal of each school site requested, noting the area the lights may be stored.
3. A request must be submitted in writing to the Recreation Manager two months prior to the requested use accompanied by a letter from the principal. The request must then be presented to the Parks and Recreation Commission for their review and approval.
4. If the request receives approval from the Parks and Recreation Commission, then the organization must provide a fact sheet giving details of the temporary light use including times and dates of use. The fact sheet will include home phone numbers and cell phone numbers of the on-site coaches, the organization's field representative and league president as well as City of Costa Mesa Field Ambassador's cell phone number and City of Costa Mesa Communications phone number so immediate contact can be obtained with the organization.
5. Provide appropriate insurance coverage stated in the Athletic Field Use and Allocation Policy.
6. All portable light units must be secured and locked in an approved location after each use.
7. The organization must distribute a fact sheet with organization phone numbers to homeowners within two blocks of the park or school site and conduct a public hearing a minimum of 30 days prior to proposed use. The flier must be delivered in person to each resident or weighted in some fashion to each resident's doorstep.
8. A separate flier will be distributed to organization participants stating all parking regulations must be followed and that no noisemakers are allowed.
9. Parking will be monitored by the organization. Participants/guests are requested to leave the area quietly. All participants should practice being good neighbors in our residential neighborhoods (refrain from honking, double parking, blocking driveways, etc). No amplification equipment will be allowed including, but not limited to public address systems, stereo equipment, stationary and portable components and bullhorns. No air horns are allowed at any time.
10. Failure to comply with the above requirements by user groups will result in one of the following:
 - First Offense: Verbal warning followed by written communication.
 - Second Offense: Loss of permit for temporary portable light use and strike issued.

CITY OF COSTA MESA
PARKS AND RECREATION COMMISSION

September 22, 2004

The Parks and Recreation Commission of the City of Costa Mesa met in regular session at 6:30 p.m., September 22, 2004, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Vice Chairman de Arakal, followed by the Pledge of Allegiance by Commissioner Fisler.

ROLL CALL:

Commissioners Present:
Byron de Arakal, Vice Chairman
Mirna Burciaga, Commissioner
James Fisler, Commissioner
Wendy Leece, Commissioner

Commissioners Absent:
Mark Harris, Chairman

Also Present:
William J. Morris, Public Services Director
Jana Ransom, Recreation Manager
Bruce Hartley, Maintenance Services Manager
Bart Mejia, Parks Project Manager
Ken Sipes, Recreation Coordinator

MINUTES

A motion was made by Commissioner Leece, seconded by Commissioner Burciaga, and carried 4 to 0, Chairman Harris absent, to approve the minutes of the July 28, 2004 meeting with one modification to page five, paragraph four; to add the sentence: "Commissioner Leece suggested that the requestor review the type and style of font that is being used for greater visibility by the public."

ORAL COMMUNICATIONS

Martin Millard of Costa Mesa addressed the Commission regarding the number of sports fields in the City. He questioned the accuracy/validity of the Field User Information forms that groups complete, especially the groups at Paularino Park. Additionally noting that at the Paularino field one specific group is packing the field with people from Santa Ana and using the field every Saturday plus one day a week for practices after school from now until after Christmas. He also stated his desire to investigate this matter and to view public records regarding the public parks.

Karl Hawley, 296 - 16th Place, Costa Mesa, with the Harbor Soaring Society, addressed the Commission requesting watering of the landing area at Fairview Park (Canyon Drive area). He stated that the gliders have been flying in that area for approximately 32 years. The Harbor Soaring Society holds contests there and many clubs do not

attend because the ground is very hard and rough on their planes. He also noted that some of the planes are worth over a thousand dollars. Additionally, Mr. Hawley requested that a certain area, which he pointed out to the Commission on a map of Fairview Park, be smoothed out for the electric airplanes to use as a runway so that they could swing out over the vernal pond area and not land and take off around any pedestrians as they are currently doing.

In response to questions from Commissioner Leece, Mr. Hartley stated that he will contact Mr. Hawley to go over some of the details. Mr. Hartley also stated that he will visit the area because the map that Mr. Hawley provided may not be to scale. Mr. Hartley indicated that if the request is found not to be consistent with the Fairview Park Master Plan, or if there are bigger issues it might be brought back to Commission. However, if Mr. Hawley's request is consistent with the Fairview Park Master Plan then it could be handled by staff at which point cost and feasibility issues will be addressed.

CONSENT CALENDAR

No Consent Calendar items.

PUBLIC HEARING

TEMPORARY PORTABLE LIGHT REQUESTS – FIELD USERS AT KAISER SCHOOL AND PARSONS-WALDORF SCHOOL

Ms. Ransom presented item and introduced Mr. Ken Sipes who provided the background information.

In response to questions from Vice Chairman de Arakal, Mr. Sipes informed the Commission that the Orange Coast United Soccer League, a Group 3 organization, has utilized lights at the Parsons-Waldorf School site for approximately two years.

In response to questions from Vice Chairman de Arakal regarding user groups, Ms. Ransom stated that residency verification is required when a Group 1 request is made. Priority status (Group 1) and waivers are not granted without verification of residency, which is done by the Recreation Division staff.

In response to questions from Commissioner Burciaga, Ms. Ransom stated that each Group 1 user must provide rosters and some other background information on an annual basis in order to prove residency.

In response to questions from Commissioner Fisler, Mr. Sipes stated that there are six fields with lights out of a total of 50 utility soccer fields, which are mainly used by Group 1 field users.

Vice Chairman de Arakal made notice of the City requirements for requesting portable lighting stating that requests must be made two months prior to the actual usage and both of these requests were made about one month prior. Vice Chairman de Arakal stated that procedures must be followed in order to avoid misperceptions.

Mr. Chris Sarris, AYSO Region 97, Newport Beach, addressed the Commission regarding his request to have portable lights at Kaiser Field. He stated that there are no lit fields on the east side of Costa Mesa and with 1,700 children in their program and with few fields available due to Measure A, the only way these teams can practice is to use portable lights. Last year they used the portable lights at Kaiser and were typically done by 7:00 or 7:30 p.m. They are requesting to use the lights until 8:00 p.m. to allow time to put away the lights and have the parents pick up their children.

Mr. Terry Colville, Orange Coast United Soccer League addressed the Commission regarding his request to have portable lights at Par-

sons-Waldorf School Field. He stated that they are a competitive youth soccer club for ages 8 to 18 that has been in this area for more than 20 years; noting that they are not in the Group 1 organization.

In response to questions from Commissioner Fislser, Mr. Colville stated that they are in the Coast Soccer League, which has over 300 teams spread throughout Southern California. However, there are approximately 12 teams in their club and while their home field is Estancia High School, they travel to other cities such as Huntington Beach, Palos Verdes and Torrance. He also stated that games are typically held on Saturday, with an occasional Sunday game and unlike practices, games are held during the day and do not require lights.

In response to questions from Commissioner Leece regarding the smell and noise of the generator and the glare of the lights that Mr. Sandefer wrote about in his e-mail, Mr. Colville stated that there is some glare, smell and noise, but not that much. He also stated that they have a hundred children practicing out there. Additionally, his personal phone number and that of the club's vice president, Dennis Brown, are given out to the neighbors and they are free to call them anytime there is a complaint or a problem.

Kathy Anderson, 2159 Tustin Avenue, Costa Mesa (a resident for over 54 years and a teacher for 30 years) addressed the Commission stating that an acre of her property was taken under eminent domain and at that time it was with the understanding that it was to be used as a school (Kaiser). Her concerns are the continuous screaming, the generator noise, the diesel smell and the lights reflecting in through the windows. Ms. Anderson also stated that there is no break, not even on Sundays; noting that the only break they receive is during the summer months.

In response to questions from Vice Chairman de Arakal, Mr. Sipes stated that Kaiser School does have a site specific plan and on Sundays, play starts at 9:30 a.m. and ends at 8:00 p.m.

Cheryl Carlson, 2116 Colina Vista Court, Costa Mesa, addressed the Commission stating that she was against having the lights at Kaiser because of issues like parking. She also stated that last year the lights appeared at Kaiser with no warning and the generator was running for hours every night. Lastly, they live with soccer seven days and five nights a week and that is not acceptable.

Casey Hagen, 2108 Colina Vista Court, Costa Mesa addressed the Commission stating that the lights were not the problem; going until 8:00 p.m., however, is the problem. If lights are approved, she would like conditions placed on them; such as ending at 7:00 p.m. and ensuring proper storage of gasoline and the generators. Ms. Hagen mentioned that last year there was gasoline stored next to the generator, which is a dangerous condition especially with the children (her child included) playing in the vicinity. Additionally, Ms. Hagen requested no soccer playing on Sundays. She requested that they have one day off from the 7:00 a.m. weekend practices, the noise, and the trash.

Bart Evans, 373 Ramona Way, Costa Mesa, addressed the Commission stating that he is familiar with the sounds of children playing on the playground and soccer fields because he lives adjacent to Newport Heights Elementary School. He also stated that due to Measure A the use of many fields has been lost. Additionally, he stated that he was for the lights and thought the hours, between 5:00 and 8:00 p.m., were reasonable; noting that the noise of children playing was not like the noises and expletives experience when people leave bars.

He also noted these children are between the ages of 8 and 10 and are supervised by responsible adult coaches.

Nora Etter, 1700 Star Light Circle, Newport Beach addressed the Commission stating that she has been coaching with AYSO for 11 years; since her sons were four years old. She also stated that she wanted to clear up some misconceptions regarding Mariners School and informed the Commission that since Measure A the school district no longer waters the fields, which decreases the playing area by half. Ms. Etter also stated that the group her son is in is the only one for his age that does not have try-outs (you sign up, you play) and that if you have a coach who is working, it is impossible to have an hour and a half practice with out the lights.

In response to questions from Vice Chairman de Arakal, Mr. Sarris stated that the lights are approximately fourteen feet high and when they are retracted, only the generator is visible. Mr. Sarris also stated that while their storage containers are tall enough to house the generator and lights, there is no room for them because of the container's width and the other equipment stored inside. Mr. Sarris informed the Commission that when they are out of fuel, they go buy it and fill up the generator. They do not store fuel.

Mr. Sarris informed the Commission that due to Measure A they lost five facilities (Woodland, Newport Heights, Ensign, Newport Harbor and Mariners), and there are sometimes two or three fields at each facility. Due to the loss of those facilities, they have begun to play on Sundays with play starting at 10:00 a.m. and ending by 3:30 or 4:00 p.m.

Lisa Bowler, 2525 Fairway Drive, Costa Mesa, board member of AYSO, addressed the Commission stating that she has a daughter that plays high school sports as well as APP AYSO; noting that high school sports end at 5:30 p.m. and soccer practices are from 6:00 to 7:30 p.m. Some lights are needed for safety purposes because it is completely dark by 7:30 when she picks up her daughter. She also stated that she grew up living next to an elementary school and knows there is some noise and inconvenience associated with living next to a school. However, they are here for the children and urged Commission to approve the use of lights until 8:00 p.m. and like someone said earlier, the children are not out there screaming and swearing like some people do when they leave a bar.

Barbara Guy, 2112 Colina Vista Court, a resident of Costa Mesa for 14 years, addressed the Commission stating that she does not believe that Kaiser can support the growth in soccer. She also stated that there are people at Kaiser during the weekend at 7:00 and 7:30 a.m. practicing and prepping the fields even though she is hearing that soccer does not start until 9:00 and 10:00 a.m. She stressed that the children are not the problem, it is the amount of soccer and the lights that shine into her bedroom when she is trying to sleep.

Jose Gutierrez, with Costa Mesa Soccer Club, stated to the Commission that he did not know how there could be people at Kaiser at 7:00 a.m. because his group has two strikes against them for starting to prepare the field five minutes before 9:00 a.m.

In response to questions from Commissioner Fisler, Ms. Ransom stated that when TeWinkle Park field was closed for renovations, the softball leagues were moved to Lion's Park (Davis Field), and Pop Warner was moved to the Farm Sports Complex due to some adjustments with AYSO 120 making some field time available for Pop Warner. Additionally noting that since the plans for TeWinkle Park Ballfields have changed, the groups have been moved back. Ms.

Ransom also stated that AYSO 97 is now utilizing Lion's Park (Davis Field) three nights a week, which gives them some lit field time.

In response to questions from Commissioner Leece, Ms. Ransom informed the Commission that the Newport Mesa Unified School District turns off the water during Measure A construction, so that even after the temporary buildings are removed the field conditions frequently are deteriorated and are not in playable condition as demonstrated at Back Bay Monte Vista School. Additionally, construction timelines are not necessarily set. In some cases construction does not begin on specified date and in turn might conclude either ahead of or behind schedule. Ms. Ransom also stated that as the fields become available, assuming they are in playable condition, every attempt is made to schedule teams on the site according to their site specific plans.

In response to questions from Commissioner Burciaga regarding turning one of the baseball fields at TeWinkle School into a parking lot, Ms. Ransom stated that staff will work with the groups that currently utilize the field (Costa Mesa National and AYSO 120) as to how to accommodate them.

In response to questions from Commissioner Leece regarding the availability of Newport Beach fields, Ms. Ransom stated that NMUSD is implementing a reservation system that will allow the City staff to look at the availability of any school site within the district; however, staff will only be able to reserve fields within Costa Mesa.

In response to questions from Commissioner Leece, Mr. Sarris stated that they have a meeting with the City of Newport Beach twice a year, where all field users submit their field requests; however, field allocations depend on the total number of Newport Beach residents. Therefore, they are not as impacted as Costa Mesa; however every single field is reserved. Additionally, Mr. Sarris suggested that a field allocation report be obtained from the Newport Beach staff.

In response to questions from Commissioner Fisler, Ms. Ransom explained how the policy is supposed to work noting that these are the first applications for temporary portable lights since the new policy was implemented on July 1st; stating that there is lag time in getting it all together. Additionally, the policy does not necessarily have to be complied with as is the case with a City Ordinance. However, the groups were instructed to disseminate the neighborhood flyers 30 days prior to the proposed use, which would have been August 26. If the notices were not disseminated until last week, then the proposed use should not be granted prior to mid October.

Vice Chairman de Arakal stated his displeasure with this situation, acknowledging that with new policies there is a learning curve. However, with all the misunderstandings regarding the Joint Use Agreement and the inability of high school coaches to understand it and its policies, not following the rules for whatever reason just exacerbates the problem. Additionally noting that the groups should not be completely penalized with respect to missing some of the new deadlines and also the people who live near Kaiser School and Parsons-Waldorf School Field should not be ignored. Therefore, permitted use should not be allowed to begin until October 15th and the lights should be pointed away from the residences.

Discussion ensued regarding the time the lights should be turned off, when the groups may start using the lights, the duration of the permit and getting the process right next time.

MOTION

Motion made by Vice Chairman de Arakal, seconded by Commissioner Leece, and carried 4-0, Commissioner Harris absent, to grant the request of AYSO Region 97 and Orange Coast Soccer with the following conditions: 1) that the permitted use not be allowed to begin until October 15, 2) that the use at Parsons-Waldorf School Field end at 9:00 p.m., use of Kaiser School field to end at 8:00 p.m., 3) that all lights at Kaiser School and Parsons-Waldorf School Fields be pointed away from residences, and 4) that the lights are secured as far away from residences and access to street as possible.

OLD BUSINESS

No Old Business items.

NEW BUSINESS

**CONSIDERATION OF
ACCEPTANCE OF DONATED
PLAY EQUIPMENT FOR
TEWINKLE PARK**

Mr. Morris made the presentation and introduced Mr. Doug Hansen and Mr. Dave Alkema of Angel's Charity to provide additional information.

Mr. Hansen stated that Angel's Charity was founded in June of 2003 and handed out some flyers from a previous fundraising event and future events. He also provided newspaper clippings regarding Angel's Charity from the Orange County Register and the Daily Pilot and some additional background information on the organization.

In response to questions from Vice Chairman de Arakal and Commissioner Fislser, Mr. Morris stated that Angel's Charity group will collect the required money through donations and then, with a permit from and agreement with the City, remove existing equipment and install proposed equipment in one continuous construction phase. Additionally, Angel's Charity would be responsible for carrying out the project from tear down to installation and by having the equipment donated. Mr. Morris also stated that if the group donated money, then the City would have to go through the Public Contracts Code, to design and construct, which would take time and money and there would be no assurances that the desired equipment could be installed due to the open bidding process.

Vice Chairman de Arakal stated that this is the type of public/private partnership he hopes the City will begin to explore more often, particularly with park projects like the one that has been proposed here tonight.

MOTION

Motion made by Vice Chairman de Arakal, seconded by Commissioner Fislser, and carried 4-0, Commissioner Harris absent, to accept the donation of playground equipment for TeWinkle Park by Angels Charity, with conditions of developing an agreement between donor and City to define roles, demolition/construction processes, etc.

**TREE REMOVAL REQUEST -
2371 COLGATE DRIVE**

Mr. Bruce Hartley made the presentation.

Mr. Eric Marovish, 2371 Colgate Drive, Costa Mesa addressed the Commission stating that the two trees are growing over the drive approach and lifting a portion of the sidewalk. He also stated that the tree roots have been grinded down on two sides and in talking to one

PARKS AND RECREATION COMMISSION
COUNCIL CHAMBERS, 77 FAIR DRIVE
MARCH 23, 2005
5:15 P.M. STUDY SESSION
6:30 P.M. MEETING

AGENDA

1. Call to Order . . . Chairman de Arakal
2. Pledge of Allegiance. . . Vice Chair Leece
3. Roll Call
4. Approval of the minutes of the February 23, 2005 meeting
5. Oral Communications
6. **Consent Calendar** - All matters listed under the Consent Calendar are considered to be routine and will be enacted in one motion in the form listed below. There will be no separate discussion of these items prior to the time the Commission votes on the motion, unless members of the Commission, staff, or the public request specific items to be removed from the Consent Calendar. These items will be discussed and voted upon immediately following Commission action on the remainder of the Consent Calendar.

Members of the public who wish to discuss Consent Calendar items should come forward to the microphone upon invitation by the Chairman, state their name, address, and item number.

STAFF RECOMMENDATION

- a. Proposed User Fee Increases Recommend approval of proposed fee increases
7. **Public Hearing**
No items
8. **Old Business:** STAFF RECOMMENDATION
 - a. Committee Appointments Select Representatives
 - b. Tree Removal Request - 452 East 18th Street Deny Request

9. **New Business:**

STAFF RECOMMENDATION

- | | |
|--|--|
| a. <u>Circle of Service Nominations for Robert M. Wilson</u> | Review application and recommend City Council approve the request |
| b. <u>Coastal Sage Scrub Off-Site Mitigation and Monitoring Plan for Fairview Park</u> | Confirm compliance with the Fairview Park Master Plan |
| c. <u>Annual Review of Athletic Field/Facility Use and Allocation Policy</u> | Receive and file |
| d. <u>Athletic Field Temporary Light Policy</u> | Prohibit use of temporary lights on school fields |
| e. <u>Skatepark Operational Plan</u> | Recommend approval to City Council |
| f. <u>Unauthorized Tree Trimming - 1781 C Newport</u> | Provide staff direction |
| g. <u>Consideration of a Joint Meeting with the Planning Commission</u> | Recommend a joint study session with the Planning Commission on April 4, 2005. |
| h. <u>Change of Date for Regularly Scheduled Parks and Recreation Commission Meeting Date for April 2005</u> | Convene April regular meeting to April 20, 2005 |
| i. <u>2004-2005 Citywide Parkway Maintenance Project</u> | Approve removal and replacement of three parkway trees to allow improvements. |

10. **Recreation Manager's Report**

11. **Maintenance Services Manager's Report**

12. **Park Projects Manager's Report**

13. **Commissioner's Comments**

14. **Adjournment**

Next regular Commission meeting is on April 27, 2005. However, the meeting date may be changed as a result of Item 9h above.



PARKS AND RECREATION COMMISSION AGENDA REPORT

MEETING DATE: MARCH 23, 2005

ITEM NUMBER: 9d

SUBJECT: ATHLETIC FIELD TEMPORARY LIGHT POLICY

DATE: MARCH 7, 2005

FROM: ADMINISTRATIVE SERVICES DEPARTMENT - RECREATION DIVISION

PRESENTATION BY: JANA M. RANSOM, RECREATION MANAGER

FOR FURTHER INFORMATION CONTACT: RUTH RAHEB, RECREATION SUPERVISOR
(714) 754-5653

RECOMMENDATION

Staff recommends that the Parks and Recreation Commission prohibit the use of temporary lights on school fields.

BACKGROUND

On May 26, 2004, the Parks and Recreation Commission adopted the Temporary Portable Lighting Policy (Attachment A) as an addition to the Athletic Field Use and Allocation Policy. Due to the limited number of fields with lights, this policy addresses those conditions under which youth sport groups can request and use temporary lights for practice or games.

During a public hearing held during the September 22, 2004 Parks and Recreation Commission meeting, Commissioners approved requests for Temporary Portable Lighting applications for use by AYSO 97 and Orange Coast United Soccer Club at Kaiser School and Parsons field from October 1, 2004 through March 31, 2005.

Following written requests from residents who lived by Kaiser School, during the October 27, 2004 meeting, the Parks and Recreation Commission requested that staff further revise the Temporary Portable Light Policy guidelines. Staff removed the Temporary Light Policy from the Field Use and Allocation Policy until a time when the Parks and Recreation Commission could revisit the item. Commissioners also directed staff to meet with homeowners and user groups to see if an amicable solution could be reached.

On February 1, 2005, staff met with resident representatives surrounding Kaiser School along with AYSO 97 President Chris Sarris. Residents expressed a variety of concerns including a recommendation for no temporary, portable lights or permanent lights at Kaiser School. Residents felt, first and foremost, that lights of any type were not desirable. They cited that the school was not designed for use after dark with limited parking and security lights. Currently, after school use at Kaiser School, other than youth sports, also includes Boys and Girls Club and a city-run playground program. With small parking lots and large numbers of children participating in a variety of after school activities, the surrounding neighborhood experiences a big impact after school when adults are returning home from work.

If the City decides to approve the use of temporary, portable lights, residents expressed the need to address safety and noise issues. The group strongly desired sound limitations and mufflers. Other recommendations included:

Limit temporary light use to primary sport season where everyone plays.

Limit use of lights to one field.

Rotate facilities where lights are permitted for use to reduce the impact on any one neighborhood.

Limit temporary light use so all sports do not request them (i.e., restrict to soccer use only).

Address safety issues, proper storage, moving, set-up and take down of equipment. (Residents have witnessed kids all over and on top of equipment when it was being moved and set up.)

ANALYSIS

Residents surrounding Kaiser School have expressed a strong desire for the Commission not to allow the use of temporary lights at a school that was not designed for night use. They have also raised concerns about the safety of the equipment and the levels of noise the temporary, portable lights produce. The lights were originally designed for night-time construction.

User groups either rent or purchased portable lights. Staff does not have experience with construction lighting to know if the equipment is safe or meets AQMD standards. Staff does not feel comfortable recommending the use of light equipment that the City does not own, control or maintain.

LEGAL REVIEW

CONCLUSION

Staff recommends that the Parks and Recreation Commission prohibit the use of temporary, portable lights on school fields.

RUTH A. RAHEB
Recreation Supervisor

JANA M. RANSOM
Recreation Manager

STEPHEN N. MANDOKI
Administrative Services Director

Attachment A. Temporary Portable Lighting Policy