



PARKS AND RECREATION COMMISSION AGENDA REPORT

ATTACHMENT 6

MEETING DATE: July 23, 2003

ITEM NUMBER: 9b

SUBJECT: RECREATIONAL USAGE AT PAULARINO PARK
DATE: JULY 15, 2003
FROM: STEVEN E. HAYMAN, ADMINISTRATIVE SERVICES DIRECTOR
WILLIAM J. MORRIS, PUBLIC SERVICES DIRECTOR
PRESENTATION BY: STEVE HAYMAN
FOR FURTHER INFORMATION CONTACT: STEVE HAYMAN, 714/754-5288

RECOMMENDATION

Receive and file

BACKGROUND

At your meeting of May 28, 2003 an informational item on this subject was presented to you. That effort arose out of comments received by a Costa Mesa resident who has periodically shared his concerns about active use of Paularino Park. Additionally, Commissioner Leece had requested that the subject be placed on the agenda for Commission consideration. Due to time constraints, staff was able to prepare the informational memorandum but not place the item on the agenda. At the above referenced meeting, Commissioner Leece reaffirmed her desire to have the Commission hold a public discussion. As another Commissioner wished to be present for this discussion, it was agreed that the July 23, 2003 meeting would be the time and place for such a discussion.

DISCUSSION

The purpose of this report is to present to the Commission all the information at hand related to park use issues identified and presented by Mr. Martin Millard, a resident of the area. In Attachment A, you will find an e-mail exchange between Mr. Millard and me relative to my bringing this matter to the Commission, as well as, a detailed explanation of Mr. Millard's perspective. I have also attached several documents which hopefully will give you sufficient background of this issue, and answer some, if not all, of the questions by Mr. Millard relative to use of Paularino Park.

I emphasize park use because Mr. Millard addresses issues related to the Police Department, which are not a part of the issue being presented to this Commission.

Essentially Staff is asking the Commission to review and consider the appropriate use for this particular park. Allegations have been made that current use of the park is unsafe, unsanitary, and disruptive to park users and neighbors, as well as, causing damage to the trees and turf. I have asked for commentary on these allegations from the Maintenance Services Division, as well as, from both the Police and Fire Departments. Attached you will find responses from Bruce Hartley (Attachment B) and Sergeants Hicks and Schennum (Attachment C) addressing these issues.

ANALYSIS

What staff found does not support the allegations made by Mr. Millard. The park has not been found to be damaged, and there is no significant record related to calls for service from either the Police Department or the Fire Department regarding any accidents, injuries, or anything else relative to park uses. In terms of sanitation, staff has observed and discovered animal waste.

At this time, staff is interested in exploring with the Commission the ramifications of posting this particular park with Section 12-45(a) of the Costa Mesa Municipal Code (noted in Attachment B). Staff is of the opinion that posting this section of the code would eliminate all active recreational use. Staff agrees that this is indeed a small neighborhood park that is not designed for field games. However, posting it with Municipal Code 12-45(a) would prohibit even the simplest of family outdoor activities, such as playing catch, and throwing a football, or a Frisbee.

Whether or not it is the intent of Mr. Millard to eliminate small groups of soccer players from practicing their skills, staff feels that it is virtually impossible to differentiate between individuals practicing a sport, as opposed to holding a "regular" game. Therefore, we as staff, simply want to point out that if this section of the code is posted, this park will be reduced to leisure time use for picnics, reading or just quite enjoyment of nature.

A related section of the code discusses the issues of use of the park by 10 or more people. There has been a misconception that this section required a permit for 10 or more to participant in a sporting activity. The code actually requires that 10 or more need a permit for exclusive use of a park or park element. This section is as follows:

Sec. 12-53. Permits.

- (a) Any lodge, society, social organization, group, sports league or team, social club or other organization of persons having ten (10) or more members or attendees desiring to use any area of any public park, square, avenue, grounds or recreation facility for a parade, picnic, game or other purpose and where such use will exclude or interfere with use by other members of the public from such area shall obtain a permit from the administrative services director or his designee not less than three (3) business days or more than one (1) year prior to such use. The administrative services director and other personnel of the department may take all reasonable measures to apportion the use of any park, square, avenue, grounds and other recreational facilities fairly among individuals and groups desiring to use them. A permit fee may be charged to offset costs. Such fees shall be established by resolution of the city council.
- (b) The administrative services director shall issue permits for the exclusive use of any public facility described in subsection (a) during certain times unless one of the following grounds is found to exist:
 - (1) The proposed use of a specified facility for a certain time is in conflict with a previously issued permit for the same facility.
 - (2) The proposed use will have a significant adverse impact on or present an imminent threat of damage or injury to the facility or the public health, safety, and welfare.
 - (3) The proposed use violated the provisions of this article or any other federal, state, county or city statute, ordinance or regulation.



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