



CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 18, 2005

ITEM NUMBER:

SUBJECT: USAGE OF PAULARINO PARK FOR "ACTIVE" RECREATIONAL PURPOSES

DATE: OCTOBER 6, 2005

FROM: PUBLIC SERVICES DEPARTMENT/ADMINISTRATIVE DIVISION
ADMINISTRATIVE SERVICES DEPARTMENT/ADMINISTRATIVE DIVISION

PRESENTATION BY: WILLIAM J. MORRIS, PUBLIC SERVICES DIRECTOR

FOR FURTHER INFORMATION CONTACT: WILLIAM J. MORRIS AT (714) 754-5343

RECOMMENDATION:

Staff requests direction regarding the use of Paularino Park for "active" recreational purposes.

BACKGROUND:

Certain parks within the City of Costa Mesa are of a minimum size and configuration that would allow for "active" recreation uses, such as baseball, soccer, football, etc. These sports may be played through organizations such as American Youth Soccer Organization (AYSO), Pop Warner, and Little League, or may be played on an informal basis by park patrons. In either event, the Costa Mesa Municipal Code (CMMC) Section 12-53 requires a permit from the City for groups of ten (10) or more. Smaller groups have the ability to play without a permit as open areas are available. Areas conducive to "active" recreational uses are normally marked with stripes and/or field lines to delineate the playing area.

The City also has a number of parks that may only be appropriate for more "passive" types of uses, such as picnicking, reading, playing "catch," Frisbee throwing, and small groups playing "pick-up" games. Some of these parks may provide small, open space areas for general recreation purposes, but are not marked or delineated with any field boundary lines. Several other parks in the City are either too small or are configured in such a way that open areas do not exist for any type of athletic endeavors.

At the request of Council Member Eric Bever, staff has been requested to review certain activities that are claimed to have occurred (or are occurring) at Paularino Park, and to determine that these types of activities are inappropriate within a park of that size and configuration. A letter has also been received from a member of the public concerning these uses at the park (Attachment 1).

ANALYSIS:

Paularino Park is located in a residential area at 1040 Paularino Avenue, just easterly of Fairview Road (Attachment 2). It is somewhat linear in nature (approximately 144 feet wide by 733 feet long), and connects Paularino Avenue on the south with Cheyenne Street on the north. The park is approximately 2.2 acres in size, and contains amenities such as a tot lot, swings, a picnic shelter, and a meandering walkway with benches near the tot lot. Approximately forty-four (44) trees are found on the site, ranging in size from 10 feet to 60 feet in height. Various pictures of the park are found in Attachment 3. A certain number of park regulations are currently posted at the site (Attachment 4).

As can be seen from the signs currently posted at the site, park patrons are reminded that the use of the park by any group of 10 or more requires a permit from the City (Title 12, Section 12-53). The signage does not indicate whether “active” recreational uses, such as a softball or football game, would or would not be allowed at the park.

Paularino Park does not currently have any ground markings or designations for field use, but does have several “open” areas that may be considered large enough for small groups to play a “pick-up” game of soccer or football. However, a five-foot to six-foot wide concrete pathway traverses through the open area. A tot lot is located at the southerly end of the “open” area, and a picnic shelter just to the east.

Title 12 of the CMMC governs the use of, and activities within, City parks. A copy of this title is attached for Council’s reference (Attachment 5). One section of this CMMC (Section 12-45) allows for restriction of “.....any games such as baseball, football, hockey, and the like in any park where such use has been prohibited by a sign posted at the entrance to the park as designated by the Administrative Services Department or the Public Services Department.” No such sign has been posted at Paularino Park.

Staff has found that over the years the general requirement for obtaining a park permit for groups of ten (10) or more has worked relatively well for parks large enough to accommodate group sports. In this way, City staff (and the Police Department in particular) has been able to regulate the usage of City parks, particularly in instances where a park may not be well suited for active recreational uses by the larger groups. Other small City parks may not be suited for any type of “active” uses, no matter how small the group, and, therefore, the CMMC allows for staff to post restrictions on the playing of games such as baseball, football, hockey, soccer, etc., (Title 12, Section 12-45(a)).

Certain areas of Paularino Park may be appropriate for small groups playing catch or kicking a ball around. It is certainly not well suited for groups of 10 or more playing active sports, and, therefore, staff would not issue a permit for this type of use. In all cases, the various park patrons must respect and not impose on each other as they use the facilities.

The Parks and Recreation Commission addressed recreational uses at Paularino Park at their July 23, 2003, meeting. A copy of the staff report for that meeting, as well as excerpts of the approved minutes, are attached for Council’s information (Attachments 6 and 7, respectively).

It should be noted that a member of the Parks and Recreation Commission has recently requested that staff provide a survey of existing City parks to provide an inventory of

“active” and “passive” areas. Staff believes the intent of this request is to determine if additional active recreational sports fields may be developed within the existing park system. This survey could also be used to implement further guidelines and regulations in “passive” areas Citywide. Staff will be providing this information to the Commission within the four-hour work guidelines.

ALTERNATIVES CONSIDERED:

If Council desires to provide regulations at **Paularino Park** to address the concerns raised in the recently received letter (Attachment 1), staff has developed the following alternatives that could be implemented individually or totally:

- In accordance with CMMC Title 12, Section 12-45(a), direct staff to post the park to prohibit any games such as baseball, football, hockey, soccer, etc.
- In order to provide greater protection for the existing turf at the park, direct staff to post the park to prohibit the use of shoes having cleats or spikes on the bottom (tennis shoes would be allowed).
- Direct staff to install physical improvements in the open areas of the park to enhance passive activities and to preclude or reduce the potential for “active” recreational uses. This may include the planting of trees, installation of concrete or rock features, installation of additional play equipment, installation of additional picnic tables and/or shelters, etc.
- Direct staff to install barriers such as fencing or curbing in the open areas of the park.
- Direct staff to conduct one or more community meetings to discuss usage of the park, and to gain input from the area residents who utilize the park.

FISCAL REVIEW:

At this time, staff has not developed cost estimates for the items listed under the “Alternatives Considered” section of this report. Additional funding would be required for any of these improvements to the park. However, no additional funding is needed for any signage change at Paularino Park.

LEGAL REVIEW:

The City Attorney has reviewed the letter of Attachment 1, and finds no exceptional legal issues related to Paularino Park. All items listed in the “Alternatives Considered” section of this report may be implemented under the current CMMC. It should be noted that any restriction or prohibition of “active” uses in any public park cannot be based on gender, ethnicity, or other factors that may target a particular group, and should not distinguish between activities conducted by adults and those conducted by children which have the same impact.

CONCLUSION:

The City has received a request from a Council Member to review certain uses that are reportedly occurring at Paularino Park, and that may be inappropriate for the size and nature of the park. Staff requests direction on this request if Council determines that additional regulations are warranted.

WILLIAM J. MORRIS
Public Services Director

STEVEN MANDOKI
Administrative Services Director

/ch

DISTRIBUTION: Parks and Recreation Commissioners
M. H. Millard
City Manager
City Attorney
Police Chief
Lieutenant Ron Smith
Recreation Manager
Maintenance Services Manager

ATTACHMENTS: 1 - [Letter from M. H. Millard Dated September 23, 2005](#)
2 - [Map of Paularino Park](#)
3 - [Pictures of Paularino Park](#)
4 - [Pictures of Current Regulatory Signs at Paularino Park](#)
5 - [Portions of Title 12 of the Costa Mesa Municipal Code](#)
6 - [Parks and Recreation Commission Staff Report on Recreational Uses at Paularino Park, dated July 23, 2003](#)
7 - [Excerpts of Minutes from July 23, 2003, Parks and Recreation Commission Meeting](#)