



CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 16, 2008

ITEM NUMBER: VIII-3

SUBJECT: DESIGNATION OF PARKS AND PARK AREAS FOR PASSIVE OR ACTIVE USE

DATE: SEPTEMBER 11, 2008

**FROM: PUBLIC SERVICES DEPARTMENT
POLICE DEPARTMENT**

**PRESENTATION BY: PETER NAGHAVI, PUBLIC SERVICES DIRECTOR
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RECOMMENDATION:

Review the recommendation from the Parks and Recreation Commission regarding the designation of individual City parks as “passive” or “active” use and direct staff accordingly.

BACKGROUND:

Over the past few years, the City has received periodic complaints from residents as to types of uses they believed inappropriate for certain parks. This typically was a result of the use of neighborhood parks for team sporting activities, which generated complaints and safety concerns in some neighborhoods. Additionally, the need for turf renovation and extra park maintenance arose in certain parks due to active sports activities occurring in parks not suited for such use and that have no designated sports fields and/or courts.

In response to these concerns and as part of the decision-making process regarding Paularino Park, members of the City Council (Council) as well as the Parks and Recreation Commission (Commission) requested that staff develop a system of park designations for active versus passive parks. Discussion at both the Council and Commission level on this subject continued over an extended period of time. Attachment 1 includes a chronology of the meetings and discussions on this subject.

During the past year, the Commission, at the request of the residents of the neighborhood surrounding Paularino Park and with Council direction, initiated a trial program of installing trees, boulders and signs designating the park as a passive neighborhood park. The use designation and the impact of the physical barriers were reviewed by Commission in April 2008, and found to be effective. At that meeting, the Commission recommended that three definitions be used for designating parks and park areas: Passive, Active and Mixed Use.

Following the continuance of this item at the Commission meeting of June 25, 2008, staff reviewed the definitions and implementation issues with Allan Roeder, City Manager; Stephen

Mandoki, Administrative Services Director; Christopher Shawkey, Chief of Police; Ivy Tsai, City Attorney's Office and Jana Ransom, Recreation Manager. The consensus of the group was to eliminate the 'Mixed Use Park' definition and apply only the 'Active' or 'Passive' park definitions. The group suggested that the Parks and Recreation Commission apply only two designations: "Active" for those parks with formally designated and permitted fields and "Passive" for all others.

Staff recommended the following definition changes to the Commission. Subsequent to Commission action, staff suggests further refinements, as follows:

For Passive Use Parks:

- Change the phrase ..."small groups..." to "...groups of 9 or fewer..." to be consistent with current Municipal Code.
- Change the phrase "competitive team sports are [not] allowed at any time" in the last sentence of the definition to "team sports activities are limited to areas specifically designated such as basketball and volleyball courts."
- No cleats permitted

For Active Use Parks:

- Add to the definition "Athletic Fields may be used by groups of 10 or more by permit only".

The following definitions are presented with the recommended additions:

Passive Use Parks:

- A park or area within a park is designated as passive use for activities that are engaged in by individuals or groups of nine or fewer, not dependent on a delineated area designed for specific activities. Passive parks have no designated sports fields. No cleated shoes are permitted. Team sports activities are limited to areas specifically designated such as basketball and volleyball courts.

Active Use Parks:

- Active parks or park areas are characterized by formally designated athletic fields. The use of shoes with cleats is permitted on designated athletic fields.

ANALYSIS:

Following the review of the Paularino Park improvements, and prior to establishing a use designation for any additional parks or park areas, the Commission conducted three study sessions to tour all City parks. The final tour was conducted on June 7, 2008.

During the park tours the Commissioners voiced some concerns regarding how to educate park patrons as to which areas of a park were appropriate for various activities, if the park was designated as a 'mixed use' park. They discussed several potential strategies that could be implemented to inform park patrons how the park or a particular area of a park was designated so that those in the park would know what types of recreational activities are appropriate and to allow for inappropriate activities to be identified and acted upon by City staff or Park Rangers. Signs stating "*No cleated shoes allowed in passive use parks*" would be an example of one of the potential methods to regulate team sporting activities and the issues they create. Commissioners commented that certain areas within parks could be designated for specific

activities only, such as model airplane flying, kite flying, demonstration gardens, etc., to provide a measure of separation between the general public and those involved in that activity, which may require a fairly large, or unobstructed area.

Based upon the input from the public and the Commissioners during the park tours, staff recommended to the Parks and Recreation Commission, and Commission, concurred 5-0, regarding the following designations for individual City parks as shown in the Table 1.0.

Table 1.0

Park	Passive	Active	Comments
Balearic		X	Soccer Fields
Brentwood	X		Subject to change with new Master Plan
Canyon	X		
Civic Center	X		
Del Mesa	X		
Estancia	X		Historical site
Fairview	X		Some areas of Fairview Park have been designated as protected habitats with limited access. These areas are shown in the Fairview Park Master Plan.
The Farm		X	
Gisler	X		
Harper	X		
Heller	X		
Ketchum Libolt	X		
Lindbergh	X		Soccer fields; cleats prohibited by water district
Lions	X		Luke Davis Field
Marina View	X		
Mesa Verde	X		
Moon	X		
Paularino	X		
Pinkley	X		
Shalimar	X		
Shiffer	X		
Smallwood	X		Small ballfield
Suburbia	X		
Tanager	X		
TeWinkle	X		Active use areas in park: ballfields, skate park
Vista	X		
W. Jordan	X		
Wakeham	X		
Wilson	X		
Wimbledon	X		

Signage will be an important element in making park patrons aware of restrictions, as well as making enforcement possible. For parks or park areas designated as 'Passive Use Parks', staff recommends utilizing the signage adopted for Paularino Park (Attachment 2) with additional wording to inform patrons that cleated shoes are not allowed. Municipal Code 12.17, "Rules to be Obeyed" and 12.18, "Signs and Notices to be Obeyed" will be enforced. The penalty for disobeying these sections (or any other section pertaining to park use) is disorderly conduct and ejection from the park.

For parks designated as 'Active Use Parks', staff recommends specific signage for Athletic Fields indicating that groups of ten (10) or more participants must have a permit. A listing of parks and amenities is attached to this report for reference (Attachment 3).

FISCAL REVIEW:

There are two sets of costs associated with implementation of the passive versus active parks designation. One cost involves signage and possible structure changes to parks (installation of boulders, planting of trees, etc.) while the second set of costs involve enforcement.

There is the fixed cost of creating regulatory and advisory signs for all City parks except Paularino Park which has already been designated a Passive Park. Staff has not prepared a detailed cost estimate for a comprehensive signage program at this time. However, a very preliminary estimate of the cost for signage has been identified at approximately \$10,000. In addition, the City Council may choose to implement a variety of "structural changes" to certain parks designated as passive similar to what was done at Paularino Park with boulders and tree plantings. This is not a viable alternative for all parks designated as passive parks but may be an option for the smallest of the neighborhood parks. For example – Wakeham Park is 9.9 acres with a 5 acre open turf area and is recommended as a passive park. It is physically possible, but not reasonable, to place boulders and plant trees in the entirety of the 5 acre open space to preclude its being used for active sports. In contrast, Moon Park is 1.2 acres with .9 acres of open grass area which readily could be changed with trees and boulders. A much more detailed analysis is required before a determination can be made as to which parks can be structurally modified and the cost for those modifications.

The second set of costs involve enforcement by the Park Rangers of the Police Department. Attachment 4 provides an overview of the City's existing Park Ranger Program including duties & responsibilities, patrol schedules and current deployment. The Park Rangers are backed up by area Police Patrol and other resources, as warranted. While the current deployment of Park Rangers is believed to be sufficient to enforce the passive versus active park designation, there is no conclusive way to know this until the program is in place and the Department gains some experience with its enforcement. The concerns related to active team sports is not prevalent in every City park and therefore does not justify increased patrol for every City park. The most likely scenario is that some additional overtime will be needed upon inception to deal with a limited number of locations. No cost estimate has been established at this time because of the highly speculative nature of potential additional enforcement.

Finally, none of the costs associated with signage, structural changes to various parks or increased park patrol are included in the current, adopted budget.

LEGAL REVIEW:

The current Municipal Code allows for enforcement of posted rules and restrictions, as noted above. If the Council desires the code to contain a specific provision in the Municipal Code precluding team play or "active" sports in parks or areas of parks designated as "passive," then an amendment to the Code would be necessary.

ALTERNATIVES CONSIDERED:

Beyond the City Council's option to take no action, staff has identified at least two alternatives that merit consideration.

1. Designation by Neighborhood Request

Because not every neighborhood has the same issues regarding park use, this alternative would establish a process whereby designation of neighborhood parks as active or passive could be accomplished by petition. Not unlike the City's existing procedures for requesting resident permit parking restrictions or installation of speed humps or other traffic control measures, this alternative would provide the same option for park designations. As envisioned by staff, the ability to petition for an active or passive designation would be limited to neighborhood parks and not community parks or designated athletic facilities.

If this option is to be pursued, staff would recommend it be assigned to the Parks & Recreation Commission to recommend to City Council an appropriate procedure including the establishment of thresholds required for petitions and the procedure to be followed in processing petitions.

2. Time of Use Designation for Active Park Use

This option is patterned after similar provisions used in other communities where active uses are allowed but only in designated parks and specified times of the day. In Coastal Orange County, perhaps the best well known are the restrictions in place at area beaches that regulate hours and locations in which surfing is permitted. In much the same fashion, this option would provide for active use in designated parks during specific hours of the day and/or days of the week. The intent of this option is to provide areas in neighborhood parks where active uses are allowed but not scheduled nor reserved by permit. Using the example noted in the Fiscal Review section of this report, Wakeham Park with its 5 acres of turf area might be designated for active use during specified hours while Moon Park may simply be too small for designation of any area of the park for active use. Using data from the City's adopted Master Plan of Parks and Recreation (Exhibit 2.2-1), there are at least 10 neighborhood parks that contain open grass areas of 2 acres or more that may be candidates for such designation.

It is recommended that if this option is to be pursued, that the Parks & Recreation Commission be tasked to make recommendations to the City Council as to parks for designation, hours of active use and other such requirements as may be needed.

CONCLUSION:

The improvements made at Paularino Park have encouraged activities that are more passive and have generated neighborhood support for those types of changes. However, those changes may not be appropriate for every park in Costa Mesa. Accordingly, staff is recommending that the City Council review the recommendation from the Parks and Recreation Commission regarding the designation of individual City parks as "passive" or "active" use and direct the Parks & Recreation Commission and staff accordingly.

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ATTACHMENTS

1. [Chronology of Meetings & Discussions](#)
2. [Paularino Park Sign](#)
3. [Listing of Parks & Amenities](#)
4. [Overview of Park Ranger Program](#)