

## PARKS, BEACHES AND RECREATION COMMISSION DECISIONS

The Commission shall, among other powers and duties, have the authority to make decisions on the following proposals relating to park and open space facilities and outdoor recreational activities:

- A. Any proposal to install new lighting facilities in any recreational area owned or controlled by the City of Newport Beach except low level lighting installed solely for the purposes of safety or security;
- B. Any proposal to establish new, or significantly modify, existing hours of operation of any recreation facility or the hours during which recreational activity is permitted on City property. For purposes of this subsection, any proposal to establish or extend the hours of operation or recreational usage after 10:00 p.m. Monday through Thursday, after 9:00 p.m. Friday through Sunday or before 7:00 a.m. on any day shall be subject to approval by the Commission. The provisions of this subsection shall not require the Commission to confirm or validate hours of operation in existence as of the effective date of this Council Policy. The time frames in this section do not include time allocated to clean recreational areas after activities are complete or continued lighting to facilitate clean-up;
- C. Any proposal to install new recreational equipment or facilities within 100 feet of the exterior boundary of any property zoned for residential use. The provisions of this subsection shall not apply to the replacement or repair of existing recreational equipment or lighting facilities;
- D. Any proposal to construct or improve recreational facilities or recreational areas that could reasonably be expected to significantly increase noise or traffic in any residential area. The provisions of this subsection shall not apply to the replacement, repair or enhancement of existing equipment or landscape, improvements designed and intended to improve public safety, or modifications to open space or recreational areas that do not significantly increase the area or facilities available for recreational activities.

### *Notice*

The Commission shall, prior to taking any action on any of the proposals described in Paragraphs A - D, provide written notice of the proposal to all owners of residentially zoned property within 150 feet of the property that is the subject of the proposal. The written notice shall specify the substance of the proposal and the date, time and location of the meeting at which the proposal is to be considered. In determining the ownership of property the City shall use the latest equalized assessment roll. The exterior

boundaries of each parcel shall be used in calculating the distance between the residential parcel and the property that is the subject of the proposal.

### *Appeal*

Any person shall have the right to appeal to the City Council any Commission decision on any of the proposals described in Paragraphs A - D. The appeal must be in writing and filed with the City Clerk within fourteen days after the date on which the Commission took action on the proposal. The appeal shall not be accepted unless accompanied by the fee established by Resolution of the City Council. The hearing on the appeal shall be scheduled within thirty (30) days after the appeal is filed with, and accepted by, the City Clerk. The City Council shall, in ruling on the appeal, consider the information, documents and testimony presented to the Commission and other relevant information known to the appellant when the matter was presented to the Commission.

### *Council Call-Up*

Any member of the City Council shall have the right to call up for review (call-up) any action or decision of the Commission on any of the proposals described in Paragraphs A - D. The hearing on the "call up" shall be conducted in accordance with the procedures for an appeal as specified in the Appeal section of this policy. The only reason for a City Council call-up shall be for the entire body to hear the matter.

### *History*

Adopted I-27 - 9-13-1999

Amended I-27 - 4-8- 2003 (changed to B-15)

Amended B-15 - 8-8-2017