



## Legislation Details (With Text)

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### TITLE:

CONSIDERATION OF PROPOSALS FOR THE USE OF THE FLYING FIELD AT FAIRVIEW PARK

**DEPARTMENT:** Parks and Community Services Department

**PRESENTED BY:** Jason Minter

**CONTACT INFORMATION:** (714) 754 - 5009

### RECOMMENDATION:

Staff seeks City Council direction regarding the following three options as to the status of the flying field at Fairview Park and policy direction on implementation of one or more of the options for the disposition of the activity of model aircraft flying at Fairview Park.

Through an extensive process that began in 2019, staff, community based interest groups, the Fairview Park Steering Committee (FVP SC) and the Parks, Arts and Community Services Commission (PACS), have developed three options for City Council consideration:

1. Open the flying field on the west-side of the park, with development of modifications to operating procedures and corresponding program implementation materials that are intended to mitigate impacts to the parks environment (Attachment 1), or
2. Evaluate the feasibility of a longer-term proposal to relocate the flying field to an east-side park location as a new component of the FVP Master Plan Update process (Attachment 2);
3. Consider permanent closure of the west side flying field to avoid potential environmental violations, facilitate restoration of the vernal pool watersheds, and promote utilization of other

existing flying fields outside of Costa Mesa (Attachment 3).

## **BACKGROUND:**

In June of 2019, Council directed staff to conduct an analysis of the compatibility of the flying field with other park uses. Since that direction, both staff and members of the community met multiple times, participated in group discussions, conducted research and have taken field visits in an effort to find the best solution to complicated and evolving set of conditions surrounding the park's natural environment and the hobby of model aircraft flying (Attachment 4). These original discussions are summarized in the "Flying Field Compatibility Report" produced by staff in March of 2020. These deliberations also included meetings with the Fairview Park Steering Committee and the Parks, Arts and Community Services Commission, respectively.

Since March 2020, the park and flying field were closed under COVID 19 guidelines, suspending all meetings surrounding the issue and causing the HSS/City agreement to expire. These circumstances have resulted in the flying field remaining closed, with environmental conditions at the park flourishing in new ways that will be described later in the report.

Between April and June of 2021, the same community groups began deliberating on the fly field subject once again, resulting in the three options presented. In late August, staff invited a core group of key members representing each group to share in a conversation, targeting consensus for moving forward on the options for City Council consideration.

The chart below indicates the current position of each organization on the three options, after the August 31, 2021, meeting:

	Option 1: Open west field with modifications	Option 2: Evaluate relocating the field to the east side of park	Option 3: Close the west field
<b>STAKEHOLDERS:</b>			
Harbor Soaring Society	X	X	
Fairview Park Alliance			X
FVP Steering Committee		X	X
Orange County Model Engineers		X	X
Sea and Sage Audubon Society	X	X	
Parks, Arts and Community Services Commission	X	X	

Although model aircraft flying has been an ongoing use at Fairview Park in various forms since the 1960's, the framework surrounding the use has changed considerably over this time period. There have been technological advancements in the hobby for both remote control airplanes and drones, significant increases in both the population of the City and the public's interest in outdoor nature activities, and changing environmental conditions including increased habitat restoration at the park. Specifically, two important changes began to occur in and around 2005 contributing to the current discussion of the compatibility of the flying field at Fairview Park:

1. In 1997, two federally listed species of endangered fairy shrimp were identified within the

vernal pools of the park, resulting in these areas being listed as protected habitat. Also, the City began receiving private mitigation and grant funds for restoration of these and other habitats within the park. These projects have been successful, attracting other protected and endangered species to Fairview Park. Habitat restoration is continuing today, with more planned for the future. Council and the community have made commitments to the enhancement and protection of Fairview Park's natural open spaces and habitats through the acceptance of restoration grants and mitigation projects over the last 10 years.

2. During this same time, the hobby of aircraft flying evolved from gliders to remote control planes, with drones now gaining popularity. In 2007, to accommodate the changes in the hobby, the City and Harbor Soaring Society installed the current runway on the west side, initiated the permitting system for flyers, and approved the first agreement between the City and Harbor Soaring Society to manage the flying field. Enforcement has been limited.

### **ANALYSIS:**

Fairview Park is the City's largest park encompassing 208 acres of diverse cultural and natural resource areas unlike any other park in this region. The park is located on land of two nationally recognized Native American Cultural sites, and is rich in bio-diversity, offering five different habitat types which are home to numerous rare and protected plant and animal species. There are currently 3 known endangered species of birds, 2 endangered fairy shrimp, and over 30 plants that are considered rare or of special concern at Fairview Park. The City's nature park is well-known as one of the best birding spots in Orange County with a population of over 140 species of birds having recently been documented.

In addition to safeguarding these specific endangered and protected species at the park through the Endangered Species Act, the City is responsible for adhering to the federal Migratory Bird Act as well as other State and local habitat and wildlife protections. Staff maintains regular communications with both the State and Federal Departments of Fish and Wildlife Services on all matters, but in particular has had exchanges of information regarding the flying field and its potential impact on the vernal pools and avian species that inhabit Fairview Park. The United States Fish and Wildlife Service (US FWS) has informed the City that if it continues to permit remote control flying at the park on the west-side, it is being done under the condition of potentially violating a "take" of an endangered species (Attachment 3c).

Interference with the natural environment remains one of the most difficult points of discussion when considering the compatibility of the flying field at Fairview Park. In particular, impacts to the avian population is a hard resolve for two primary reasons:

1. The science on the topic of flying aircraft interference with birds is not conclusive;
2. The park had never been without flyers until the closure in March 2020. The closure created a unique scenario where, for the first time since the 1960's, birds could be counted and observed without having to compete with flyers for airspace and without the noise disturbances of the planes.

In July of 2020, Sea and Sage Audubon bird experts began a volunteer program to provide a consistent study of the avian habits at FVP. Sea and Sage have now provided more than twelve

months of bird counts and observations to staff, documenting bird activity without the fly field activities present. (Attachment 6). This information could be used for comparative analysis, should there be a decision to reopen the fly field with modifications.

Additionally, the area surrounding the flying field is within the watershed of the Fairview Park vernal pool complex (the area that drains to the pools). The watershed hydrology has been affected by both the grading of the flying field and by fill soils placed on the site from other sources. Although the City is pursuing individual vernal pool restoration, the continued use of the flying field in its current location prevents restoration of the entire vernal pool complex and surrounding watershed area to the optimum level of restoration.

Staff have been contacted by representatives that are seeking mitigation areas for additional vernal pool restoration. Fairview Park's vernal pool complex is an ideal location for future restoration projects, and is one of the best locations in both Orange and LA Counties. These organizations are interested in sponsoring restoration efforts that may provide funding for both restoration and maintenance, and could provide much needed resources for Fairview Park.

From 2007 to 2020 the Parks and Community Services Department issued flying permits for the flying field at Fairview Park. The flying permit requirements are set forth in the Costa Mesa Municipal Code, section 12-61 seq. and Ordinance No. 07-01. These rules include the payment of fees, parameters for use of the fly field, insurance requirements, and applicable Academy of Model Aeronautics (AMA) Safety Code for flyers to follow. It is important to note that while small drones are allowed in the area of the fly field only, all stakeholder groups are in concurrence that this is not preferable given the potential wildlife impacts; hence, a modification to the existing policy should be made to exclude drones. The City is also exploring a Citywide drone regulation policy that will be brought forward in the future that clarifies permissible drone use in areas throughout the City.

The City has maintained an Agreement with the Harbor Soaring Society to manage the fly field, however, permits are issued to both HSS members and non-HSS public members. The number of users affected by closure of the flying field would be approximately 20 Costa Mesa residents and 90 non-residents, for a total of 110 permitted users based on pre-pandemic totals.

The following flying fields are available within a 20 to 30-minute drive in the surrounding area:

- Mile Square Park, Fountain Valley; 6 miles away
  - A flying field has just been approved within the new OC Parks Master Plan and is slated to be open within the next 2-3 years.
- El Dorado Park, Long Beach; 20 miles away
- Santiago Canyon/Irvine Lake; 20 miles away
- Kite Hill, Laguna Niguel; 20 miles away
- Trabuco Canyon Flying Field; 30 miles away

The timeline for reopening the flying field with modifications or relocating the fly field is likely to be at least 12 months out, given the administrative efforts involved in developing a formal modified program that is restricted during nesting season (February to September). In addition, conducting an environmental feasibility study to relocate the fly field to the east side of the park will take anywhere between 12 to 36 months. Both of these options would require funding to implement, which would be assessed, as required.

## **ALTERNATIVES:**

The City Council could direct staff to keep the fly field closed permanently, and not explore modifications or relocation options. The supporting arguments to this alternative include the following:

- Decreasing the potential of a violation of state and federal environmental regulatory rules. (US Fish and Wildlife Services has notified the City of a potential violation involving special species).
- The potential to fully restore the vernal pool watershed complex and hydrology of the area immediately surrounding and including the current flying field. This would be in line with the 2019 City Council goal to “Improve, expand, and add to our open space via a Recreation Open Space Plan, along with enhancing restoration activities at our nature parks (including Fairview Park’s restoration plan and Canyon Park)”.
- There are several other locations within Orange County that permit the flying of model aircraft (see above)
- The percentage of Costa Mesa residents permitted to use the Flying Field has decreased over the last 5 years, as well as all permits issued
- The overall hobby membership numbers have declined locally, nationally and at the international level (per the Aeronautic Model Association)

## **FISCAL REVIEW:**

The specific costs of these options have not yet been determined and are subject to review based on the direction from City Council. Should the flying field be reopened, staff would return with a revised agreement that includes flying field rules, the budget impacts of enforcement related to having the flying field open, and recommended fees for permit holders. This would include a budget for staffing the flying field during operational hours.

If the direction is to explore the East side of Fairview Park, staff will include that in the Fairview Park Master Plan discussion that will be released in the coming months. This will likely be a two-step process that first evaluates the feasibility of flying and the environmental suitability on the east side, estimated to take 12-18 months at a rough cost of \$80,000-\$100,000. If it’s determined to be feasible, then the planning and design process would be folded into the Fairview Park Master Plan Update over the next 24 months. Any changes to the infrastructure at FVP would require a ballot measure per Measure AA.

If the City Council were to vote to close the flying field, there would be nominal costs to remove signage, the kiosk, and flying field infrastructure. Watershed restoration costs could be included in future Vernal Pool restoration proposals.

## **LEGAL REVIEW:**

The City Attorney has reviewed and approved this report.

**CITY COUNCIL GOALS AND PRIORITIES:**

This project works towards toward achieving the following City Council Goals and Objectives:

- Goal: Maintain and Enhance the City's Infrastructure, Facilities, Equipment and Technology.
- Objective: Update City Council on increasing park access.

**CONCLUSION:**

Staff seeks City Council direction regarding the following three options as to the status of the flying field at Fairview Park and policy direction on implementation of one or more of the options for the disposition of the activity of model aircraft flying at Fairview Park.

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