

# Bark Park to reopen beginning this Saturday June 13

The City of Costa Mesa will reopen the Bark Park, with new rules and guidelines in place, this Saturday June 13.

“I know that many residents and their furry friends are anxious to return to the Bark Park,” Mayor Katrina Foley said.

“As we reopen it’s critical that our guests follow the social and physical distancing guidelines as well as clean up after pets playing in the park so that we can stay open. I’m looking forward to seeing many dogs running free during my daily walk past the park.”

Amenities will not be open at the park to limit touch points, including seating areas and dog water bowls. The public is encouraged to bring their own chairs, water, and dog water bowls to hydrate pets.

Additionally, as part of practicing responsible pet ownership, the public is encouraged to bring their own dog waste bags to pick up after their pets.

New signs are posted with the following guidance:

- Use facility at your own risk.
- Practice physical distancing of six feet or more.
- No gathering.
- Benches within Bark Park will remain closed at this time.
- Facial coverings are required while visiting the Bark Park.
- Practice good hygiene and stay home if you are sick.
- Wash your hands after visiting the park.
- Avoid petting or touching dogs that are not yours.

The Bark Park will be open daily from 7:30 a.m. to 8:45 p.m., except Wednesdays when it is closed for regular maintenance.

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# **In another victory, Ninth Circuit affirms Costa Mesa's sober living home ordinances**

The City of Costa Mesa won another victory for its group home ordinances as the U.S. Court of Appeals for the Ninth Circuit affirmed the federal court decision in SoCal Recovery, LLC v. City of Costa Mesa.

“It is a good day for Costa Mesa when one of the highest courts in the land agrees that our efforts to create reasonable public safety rules to maintain quality of life for our neighborhoods is lawful and correct,” Mayor Katrina Foley said. “Another victory for all Costa Mesa residents, including those exploited by unscrupulous sober living home operators.”

In the trial court, an unlicensed sober living home operator and one of its residents asked the court to stop the City from enforcing its ordinances against unlicensed sober living homes in single- and multi- family residential zones within the City, claiming that the City's actions violated the Fair Housing Act. The trial court denied the injunction request.

Plaintiffs appealed to the Ninth Circuit. On appeal, plaintiffs argued that one of their unlicensed sober living homes should have been excused from the separation requirement in City Ordinance 14-13, which requires sober living homes to be located 650 feet away from other sober living homes and licensed drug or alcohol abuse treatment facilities.

A unanimous panel of judges rejected that argument and concluded that the trial court appropriately denied the plaintiffs' request for an injunction. The panel agreed with

the district court that the plaintiffs had not shown two of the four required factors for obtaining an injunction.

First, they had not established that the balance of public interest factors weighed in their favor; that is, the plaintiffs' interests did not outweigh "the interests of the City in enforcing its ordinances and of the residents of sober living homes and the public at large in preserving the benefits the City ordinances conferred."

The Ninth Circuit also concluded that the plaintiffs had failed to show a likelihood of success on the merits in their reasonable accommodation claim because they failed to follow the City's established procedures for requesting a reasonable accommodation.

Since the City obtained the jury verdict in the Yellowstone matter in December of 2018, the City prevailed against sober living home operators by obtaining summary judgment in four of seven additional cases.

In addition, the Court has tentatively granted summary judgment to the City and is preparing its final order in a fifth case. The City is attempting to recover fees and expenses in these actions through motions currently pending with the Court.

Plaintiffs have appealed the jury verdict, two of the summary judgments, and one denial of Plaintiffs' motion for preliminary injunction.

The other three appeals are still pending before the Ninth Circuit Court of Appeals.

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# **Costa Mesa Fire and Rescue crews to conduct training in Fairview Park to prep for wildland fire season**

Costa Mesa Fire & Rescue will conduct training exercises in and around Fairview Park June 9,10, and 11 in preparation for the upcoming wildland fire season. Exercises will occur between 8:30 a.m. – 5:30 p.m. near Canyon Drive and Pacific Avenue.

Costa Mesa Fire and Rescue wants to ensure that the community is aware of the upcoming training and asks residents/park visitors to be mindful of equipment and apparatus being utilized by fire personnel. These annual mandatory training exercises take place in Costa Mesa and countywide to help prepare the firefighters for vegetation fires within and outside of city limits.

Fire Chief Dan Stefano reminds residents of the dangers of wildfire season.

“While wildfires are a natural part of California’s landscape, the fire season in California and across the west is now year-round, which is why our firefighters must remain vigilant with wildland firefighting training,” Chief Stefano said.

There will be approximately 10 to 12 fire personnel present for the training and multiple pieces of fire department apparatus daily. Firefighters will train on a couple of trails in Fairview Park where there is dense vegetation and moderate terrain features. The training is conducted to promote safety, mitigation, terrain recognition, and area familiarization while focusing on the fundamentals of wildland firefighting.

The department is conducting training with full awareness and sensitivity of all environmental impacts and ensures this training will exclude any live burn training modules. The training is facilitated with the assistance of the Costa Mesa Parks and Community Services Department and Fairview Park Administrator Cynthia D'Agosta. Moreover, the training will also adhere to County and City requirements and recommendations in regards to COVID19 safety precautions.

California experienced the deadliest and most destructive wildfires in its history in 2017 and 2018. Fueled by drought, an unprecedented buildup of dry vegetation and extreme winds, the size and intensity of these wildfires caused the loss of more than 100 lives, destroyed thousands of homes, and exposed millions of people to unhealthy air.

For questions please contact Captain Joseph Noceti, Public Information Officer at (714) 754-5091.

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## **City gives approval for expanded park activities**

On Friday, June 5, the City of Costa Mesa approved greater use of some City parks to allow for expanded passive activities in addition to the current approved uses of walking, jogging and biking.

Individuals and members of the same household may relax, read, engage in other passive recreation, and picnic, subject to maintaining at least six feet of distance from others who are not members of the same household.

Areas that will remain closed to the public include

playgrounds, restrooms, picnic shelter areas, sports courts, and all amenities that have touch points. There can be no gathering, including team sports at this time.

Park visitors still need to adhere to the physical distancing of six feet or more from those not a member of their households, wear face coverings, and limit contact to people in the same household only.

Pet owners are encouraged to continue to be responsible and maintain dogs on a leash at all times, and waste bags should be carried to ensure that pet owners pick up after their pets.

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## **City receives \$2.7 million in business relief funds from County of Orange**

The City of Costa Mesa on Tuesday June 2 received approximately \$2.7 million from the County of Orange that will be earmarked to businesses operating within the city that have been financially affected by the coronavirus pandemic that forced the shutdown of the economy.

“We are grateful for the strong partnerships with our business community during this unprecedented pandemic,” Mayor Katrina Foley said. “Working together we will reopen safely so that customers return as the crisis looms on. Our small businesses need our help now more than ever. These funds will help them offset the costs of reopening and all the new safety equipment

and protocols. We remain confident that we will come back better than before and reStore Costa Mesa's vibrant economy."

The money the city will receive comes from \$75 million in funding the county received from the federal CARES act relief fund that is being distributed to the five districts in the county, with each district receiving \$15 million.

Second District Board Member and Board Chairwoman Michelle Steel committed to allocating \$15 million directly to the cities in her District and presented the money to Mayor Foley at the County Administration offices on June 2.

City Manager Lori Ann Farrell Harrison echoed Foley's remarks.

"We are grateful to the county for allocating these funds to our businesses," Farrell Harrison said. "Our Costa Mesa business community needs resources to recover and this money comes at a critical time as they prepare to reopen fully. Special thanks to Chairwoman Steel and County CEO Frank Kim for their leadership in helping businesses in Costa Mesa and the county get back on their feet."

Chairwoman Steel issued this statement.

"I trust that city governments have a better understanding of the needs of their local business community," said Chairwoman Steel. "For that reason, I will be allocating my share of the \$15 million directly to the cities in my district."

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# **Costa Mesa has issued a citywide curfew beginning tonight at 7 p.m until 5:30 a.m.**

The Costa Mesa City Manager Lori Ann Farrell Harrison has issued a curfew for today, Monday, June 1, 2020, that begin at 7:00 p.m. PST and end Tuesday, June 2, at 5:30 a.m. PST.

This order is in response to recent civil unrest in the region and bordering cities that could potentially affect the City of Costa Mesa. CMPD is aware of social media posts supporting vandalism and looting in the city.

“The City of Costa Mesa supports the public’s right to peaceably assemble and hold non-violent demonstrations outside the curfew hours. Vandalism, rioting, and looting; however, will not be tolerated and those engaging in criminal acts will be subject to arrest,” said Police Chief Bryan Glass.

During the curfew, all persons are prohibited from traveling on public streets, alleys, parks, or any public place. Traveling for purposes that include seeking emergency care, going to and from work, religious services, seeking or giving emergency care are exempt. All law enforcement, fire and medical personnel, as well as other personnel authorized by the CMPD and credentialed members of the armed services, are also exempt.

“We are aware of a flier that is circulating on social media regarding a protest being planned in Costa Mesa,” Mayor Katrina Foley said. “I have complete confidence that our Police Department will be ready as always to keep our residents and businesses safe as we maneuver through these troubling times.”



At the beginning of the 7:00 p.m. curfew, the following Costa Mesa streets will be closed until deemed safe to reopen:

- Sunflower Avenue will be closed between Bear and Bristol Streets
- Bear will be closed between Sunflower Avenue and Paularino Avenue
- Southbound Bristol Street between Sunflower Avenue and the 405 Freeway
- South Coast Drive between Bear Street and the 405 Freeway off ramp
- Plaza Drive at Sunflower Avenue

The CMPD is working closely with its law enforcement partners, is fully staffed to enforce the curfew, and actively patrolling the city to ensure the safety of the city and residents. CMPD asks that residents report suspicious activity to the non-emergency number, at (714) 754-5252.

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## **State declares hair salons, barbershops and places of worship can now open with restrictions**

The California Department of Public Health has announced that counties, including Orange County, that have met the criteria to reopen hair salons and barbershops can now do so with safety measures such as mandatory face coverings for stylists and clients.

Additionally, the health department announced the statewide reopening of places of worship for religious services with

strict guidelines.

According to the state, to reopen, salons and barbers must:

- Implement measures to ensure physical distancing of at least six feet between and among workers and customers, except when providing haircutting and other close contact services.
- Provide temperature and/or symptom screenings for all workers at the beginning of their shift and any vendors, contractors, or other workers entering the establishment.
- Encourage workers and customers who are sick or exhibiting symptoms of COVID-19 to stay home.
- Screen customers upon arrival and be prepared to cancel or reschedule customers who indicate they have any signs of illness.
- Require workers and customers to use face coverings during the entire haircutting and other close contact hair services.

Click [here](#) for the full guidance on barbershops and hair salons.

According to the state, to reopen for religious services and funerals, places of worship must:

- Establish and implement a COVID-19 prevention plan for every location, train staff on the plan, and regularly evaluate workplaces for compliance.
- Train employees and volunteers on COVID-19, including how to prevent it from spreading and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Implement cleaning and disinfecting protocols.
- Set physical distancing guidelines.
- Recommend that staff and guests wear cloth face coverings, and screen staff for temperature and symptoms

at the beginning of their shifts.

- Set parameters around or consider eliminating singing and group recitations. These activities dramatically increase the risk of COVID-19 transmission. For this reason, congregants engaging in singing, particularly in the choir, and group recitation should wear face coverings at all times and when possible, these activities should be conducted outside with greater than 6-foot distancing.

[Click here for the full guidance on places of worship.](#)

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## **State approves County's request to move to stage 2 to allow in-person dining and shopping with restrictions**

The County of Orange has been approved to reopen to Stage 2 of the state's resiliency roadmap. This approval means in-person dining and retail shopping, with restrictions, now have the state's greenlight in the City of Costa Mesa and all of Orange County.

[Click here to read the county's release.](#)

[Click here for the public health order from Dr. Quick at OC Health.](#)

"The news today from our Governor is encouraging. The last two months have been unprecedented, but all of our sacrifices and hard work truly paid off," Mayor Katrina Foley said. "I am

optimistic that together we can enter a new phase of reopening our local economy in a way that is safe and restores the vitality of our amazing local businesses.”

“Our reStore Costa Mesa initiative, a public private partnership with the Chamber of Commerce, Travel Costa Mesa, the South Coast Metro Alliance, and many other businesses, has been working for weeks to ensure Costa Mesa’s businesses are ready to reopen with safety in mind,” she continued. “I am grateful for the excellent partnership with our local business community and proud of their resilience. I would also like to thank Mayor Pro Tem, John Stephens, and Council Member Andrea Marr for leading the Council’s efforts to help reopen office workplaces and community services, respectively. We all share a collective commitment to safety as we move into this new stage of our economic recovery.”

The state’s approval for the county to go to the next phase of Stage 2 means that Costa Mesa’s multitude of restaurants and fine dining, as well as shopping centers such as South Coast Plaza, the Camp, the Lab and SoCo and hundreds of smaller retail establishments can offer, with restrictions, in-person experience to diners and shoppers in addition to curbside deliveries.

Additionally, the approval allows other businesses to also reopen including:

- Personal services, limited to: car washes, pet grooming, tanning facilities and landscape gardening
- Office-based businesses (telework remains strongly encouraged)
- Outdoor museums and open gallery spaces
- Schools

Other amenities like gyms, bars, gaming areas, barbers, hair and nail salons, professional sporting events, theme parks, movie theaters, and performing arts theaters are still not

permitted. Those businesses and establishments are addressed in Stage 3. The governor indicated he would provide guidance for churches to open this coming Monday May 25.

As businesses plan to reopen, they need to complete a detailed risk assessment and implement a site-specific protection plan to reduce the potential spread of COVID-19.

These plans include social distancing, sanitation, screening and prevention, minimizing physical contact during transactions and employee training.

The County of Orange Back2Business Initiative will provide up to 1,000 small businesses with free access to floor plan software to help them meet the latest social distancing requirements. For more information, [click here](#).

Our reStore Costa Mesa and Costa Mesa's BAC initiatives offer helpful information on preparing businesses for reopening and contain the guidelines for each industry's state approved guidelines and checklists for reopening. Guidelines from Federal regulatory agencies such as the Centers for Disease Control and Cal OSHA for reopening are included on the City's website as well. Click [www.costamesabac.com](http://www.costamesabac.com) to learn more.

For more information on the City of Costa Mesa's response to the COVID-19 pandemic, go to [www.costamesaca.gov/covid19](http://www.costamesaca.gov/covid19).

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# Memorial Day weekend is upon us

In anticipation of the Memorial Day weekend, local and state government leaders are urging the public to avoid large crowds and gatherings and take safe precautions during this COVID-19 pandemic.

Memorial Day is a day to honor those members of the military who paid the ultimate sacrifice, and many use this day to pay tribute to loved ones lost and spend time with family.

As a reminder, large gatherings are currently prohibited at Costa Mesa parks during this crisis, but we encourage the public to use the parks for such activities as walking, biking and jogging.

Further, the California State Parks is asking residents who are planning to head for the outdoors this Memorial Day weekend to heed this advice:

- **Plan Ahead** – Before leaving home, visit the webpage of your local destination to find out if it is open, if parking is available and to learn about the new visitor guidelines. [Click here for the latest guidance on Costa Mesa parks and businesses](#)
- **Stay Local** – Stay close to home. Do not take road trips to parks and beaches. Park parking lots in Costa Mesa remain closed
- **Stay Safer at Six Feet** – Always maintain a physical distance from others. Visitors are being asked to leave if there are too many people to allow for the required physical distance.
- **Keep it Moving** – Picnicking, lounging, or gatherings remain prohibited. Walk, jog, or bike through open parks to get outside and enjoy the warm weather.

- **Keep Clean** – Be prepared. Not all restrooms are open to the public. Bring soap/sanitizer and pick up all trash.
- **Keep Your Pets Leashed** – Obey leash laws and pick up after your pet. Avoid petting animals that aren't yours, and avoid letting people pet your animals.
- **Avoid Playgrounds** – In Costa Mesa, playgrounds remain closed, as do all amenities. Avoid frequently touched surfaces.
- **Obey signs** – Temporary signage with safety guidelines are posted at parks. Please adhere to the rules and help keep everyone safe.
- **Stay Home if You are Sick** – If you are not feeling well, stay home.

[Click here for more information.](#)

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## **Costa Mesa Tennis Center reopens with new guidelines**

The City of Costa Mesa Tennis Center will reopen effective May 19, 2020. The Tennis Center had been shuttered along with all City parks on March 24.

The Tennis Center, which has been managed by longtime Orange County tennis professional Hank Lloyd since 1999, will open with guidelines in place that strictly limit touch points, prohibit gatherings, and keep the pro shop closed.

“We are working diligently to ensure that the phased reopening of public spaces is compliant with the Governor’s orders and maintains the health and safety of our community,” said Acting Director of Parks and Community Services Yvette Aguilar.

The reopening of the Tennis Center comes after the city opened most City parks for passive use and reopened the Costa Mesa Golf Course with guidelines.

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## **Organizers announce cancellations of this year's Fish Fry and Concerts in the Park events**

Given the uncertainty over when large gatherings will be able to resume, the organizers of both the Concerts in the Park and the annual Fish Fry events, the Costa Mesa Foundation and Costa Mesa-Newport Harbor Lions Club respectively, have decided to cancel their community events this year.

The Costa Mesa Newport Harbor Lions Club board members decided to cancel their signature Fish Fry event, tentatively scheduled for Oct. 2 through Oct. 4.

"After much discussion, the Costa Mesa Newport Harbor Lions Club decided to cancel this year's Fish Fry in the wake of the COVID-19 pandemic and in an abundance of caution and to protect members of the public," said Lions Club President Phil Marsh. "This would have been our 73rd annual event and this was a very difficult decision. But we look forward to being back in 2021 when the Fish Fry will return to Lions Park."





The popular Concerts in the Park series typically takes place each Tuesday evening in July at Fairview Park. The free event is sponsored by the Costa Mesa Foundation and is supported by City staff. The series routinely draws between 2,500 to 3,000 people to each concert.

“The City of Costa Mesa and the Costa Mesa Foundation are heartbroken to announce that the Concerts in the Park has to be cancelled this year,” said Costa Mesa Foundation President Nichole Scott. “COVID 19 has shown to be extremely contagious and having concerts with very large crowds would endanger the public and this is something both the Costa Mesa Foundation and the City are trying to prevent. Be safe and we look forward to seeing you again at our 2021 concert series.”

Scott urged members of the community to visit the [costamesafoundation.org](http://costamesafoundation.org) website and support concert sponsors, who are also hurting financially during this crisis.

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# Select Fairview Park trails will be reopened to the public this weekend

The City of Costa Mesa will reopen several select Fairview Park trails beginning Saturday, May 9, as part of a phased-in opening that will allow active park goers access to certain sections of the city's most treasured open spaces that have been closed since mid-March.

Signage will be posted at Fairview Park for visitors to identify open and closed trails.

"Some of the hardest decisions we had to make as a City Council was to shut down parks and city facilities to stop the spread of COVID-19," Mayor Katrina Foley said. "But the result has been worth it as we have some of the lowest cases of the disease in the county and after opening most City parks and the golf course last week, I'm pleased to announce we can now open some Fairview Park trails to our residents who have been so patient during this time."

The park, like other City parks that are open, will be open for active use only, such as walking, running, and biking. No stopping or gatherings will be allowed and the public is required to maintain social distancing on the trails.

Fairview Park encompasses 208 acres, which is larger than all of the City's other park spaces combined. In addition, it is home to five different natural habitat environments and more than 30 special species in the open space areas. Most of these species fall under special protective environmental law and some areas protected by preservation agreements with the

City.

“The closure of Fairview Park created a significant change in the environment for the natural inhabitants – the flora and fauna,” said Fairview Park Administrator Cynthia D’Agosta. “You’ve seen the stories of Yosemite Park, Griffith Park, and even the beaches of Catalina, currently seeing species behavior not seen in decades. The Fairview Park environment has had little foot or bicycle traffic, noise, or dogs for weeks, demonstrating some of the same effects.”

The City is hopeful that the methodical, well-planned and organized reopening of this gem in the City will help ensure that the public is able to maintain access to the park and reap the mental, physical, and emotional benefits of being outdoors, while also protecting some of the special characteristics and unique resources of the park.

For a map of the open trails, please click on this link or visit the Fairview Park page on the City’s website at <https://www.costamesaca.gov/residents/fairview-park>.