

## CITY OF NEWPORT BEACH

**Parks, Beaches & Recreation Commission**  
**Regular Meeting**  
**April 5, 2011 – 6pm**

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**Convened** 6:01pm

**ROLL CALL**

Present: Marie Marston, Chair  
 Tim Brown  
 Ron Cole  
 Kathy Hamilton

Absent: Tom Anderson  
 Phil Lugar

Staff: Laura Detweiler, Recreation & Senior Services Director  
 Mark Harmon, General Services Director  
 Sean Levin, Recreation Superintendent  
 Sonia Villalvazo, Department Asst

**DIRECTORS COMMENTS**

- Director Detweiler stated that the City received the Award of Excellence for Facility Design for the OASIS Project from CPRS and competed against facilities within the state and came out number one. She went on to remind the Commission that the City Youth Track Meet will be held at CdM High School on April 8. She also announced that the Summer Camp Brochure has been mailed to all Newport Beach residents and registration for the CdM 5k has begun and will be held on June 4. Director Detweiler noted that on April 7 the Ronald Reagan Ad Hoc Committee is getting together with the City Manager to discuss placement of the statue.
- Director Harmon stated that the beige beach containers are now being used citywide and staff has received many compliments on the containers, specifically that trash is not being blown around or carried off by the birds due to the lids.
- City Council Actions – None

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

**1. Minutes of the March 1, 2011 regular meeting.**

**Recommendation:** Waive reading of subject minutes, approve and order filed.

**2. Park & Operations Division Activity Report.**

**Recommendation:** Receive/file monthly Activity Report for activities and upcoming projects.

**3. Recreation & Senior Services Activity Report.**

**Recommendation:** Receive/file monthly Activity Report for activities and upcoming projects.

**4. Time Change for PB&R Commission Meetings.**

**Recommendation:** Approve PB&R Commission meeting time be changed from 7pm to 6pm based on direction received from Commissioners at the March 2011 meeting.

**5. Item pulled by staff.**

**6. Bench Donation.**

**Recommendation:** Approve bench donation of Michael Moffitt to be located at Peninsula Park

**7. Reforestation Request.**

**Recommendation:** Approve reforestation request from Harbor View Hills South Homeowners Association of one City Brazilian Pepper parkway tree from 3721 Inlet Isle Drive.

**Motion by Commissioner Brown** to accept items 1, 2, 3 4, 6 and 7 of the Consent Calendar. Motion carried by acclamation.

5. **Tree Donation** – Director Harmon noted that should the Commission approve this tree donation the plaque would read *In Recognition of Arthur C Wahlstedt Jr.* which is in compliance with Council Policy B-17 and not what the family requested: *In Honor of DAD Arthur C. Wahlstedt Jr.* Also a reminder that the Commission had approved about a year or so ago that no new trees be planted at Castaways Park but to be clear that this is a replacement tree.

**Motion by Commissioner Brown** to accept the donation of one California Sycamore by Julie Wahlstedt to be located at Castaways Park. Motion carried by acclamation.

### **NEW / CONTINUED BUSINESS**

8. **Tree Removal Request.** Director Harmon stated that staff received a request from Mr. & Mrs. Chambers property owners at 2407 Holly Lane to remove a ficus tree which has caused significant problems with the sewer system and the underground utilities for that property. The Chambers have also expressed concern that the roots of the ficus tree will cause significant to a new driveway and walkway and that the fruit from the tree may cause damage to the automobiles. He went on to say that the Chambers have filed a report with a claim to the City to have the tree removed because of damage. He noted that it is not real clear in reading their application that they have incurred in excess of \$5000 in damage or that they have a quote for that work. But to address the claim staff did hire an outside arborist to look at the tree and the potential for damage that it may have. Director Harmon reported that this has been the direction from the Commission in the past to hire an outside arborist for a third party to look at the tree. He reported that staff hired Mr. Jensen an arborist that the City has used before and that he made some significant findings regarding that tree and there are two that he would like to bring to the attention of the Commission. Director Harmon stated that the first was that Certified Arborist Jensen determined that the tree is not a healthy specimen of a ficus tree and that 70% of the tree roots have been removed to accommodate infrastructure improvements; curb and gutter and new driveway.. Director Harmon stated that the tree is very large and that 70% of the roots are a very significant reduction to the stability of the tree. He went on to say that Mr. Jensen in all fairness does go on to say that with a certain amount of care that possibly those roots could continue to grow and that the tree could become healthy again. Director Harmon reports that staff recommends that the Commission approve the removal of the tree based on Mr. Jensen's report.

Chair Marston noted that staff has two conflicting arborist determinations by one saying that the tree is healthy and the other stating that it is not healthy.

Director Harmon stated that this was correct as the staff arborist felt that there are aspects they do agree with Mr. Jensen regarding the color of the leaves and that the branches are not of the size that comparable trees in the area. He went on to say that staff feels that the tree can still be qualified as a healthy tree. He stated that there is no disagreement on the loss of roots for that tree and that is the concern that staff has.

Chair Marston stated that there are several trees on that street of the same type and appear to be the same size and wondered if this was the only one that has had problems.

Director Harmon stated that he does not have the records of the other trees on that street but that this tree has certainly caused issues with this property.

Commissioner Brown stated that it is safe to assume that the homeowner wants the tree removed.

Chair Marston stated that it looks to be their next door neighbor's tree.

Director Harmon stated that it appears to be right on the property line.

Commissioner Hamilton asked if there was a stability problem with the tree.

Director Harmon stated you just really never know with trees but a 70% root structure for a heavy tree with a large canopy which means its prone to the wind moving it around. Staff's concerned with the significant loss of roots.

Commissioner Garrett stated that his position in the past on these types of trees are clear and that there is no doubt that it is a beautiful tree and why anyone would want it removed; however it probably is in the wrong spot as many of our trees are and would support having the tree removed. He went on to say that his big concern is the safety issue and that if the roots continue to be cut because of the sewer intrusion then that tree will be weakened and if there is another big storm then this could become an issue and so would support removing it.

**Chair Marston opened the public discussion.**

James Devling of Holly Lane and two doors down from the tree stated that two years ago he appeared before the Commission requesting that the tree in front of his house be removed. He went on to say that he does not doubt that these roots are intruding on his neighbor's door as they are extremely invasive; he stated it is very emotional when you are having sewer backups. Mr. Devling stated that when he was here the Commission denied his request and he had a 15 year track record of problems with the tree. He noted that he worked with John Conway and a root barrier was placed and a sewer lateral and quite frankly the Commission's decision was correct. He stated that he was wrong and noted that he believes that the Commission is being misled from this report in that Mr. Conway has determined that the tree is a healthy tree and that if you look at the tree you would see that the tree is nowhere near the sewer lateral of the people requesting the removal and he is not debating that it is not effecting it but is not on top of it and it is immediately next to the driveway of the neighbor to the right at 2415 and that the address that the people are asking that the tree be removed is the next one over. He stated that they did not remove any big roots for the construction of the people that are requesting the removal and that it is way to the right of their house. He noted that they may have removed some small roots but if you look at these trees the roots are very big at the surface in that this is a long way away from their driveway as it is on the other side of the lot. Mr. Devling reiterated that the Commission is being misled and that the notice that the neighbors received stated that the meeting would be at 7pm so believes that the people that live in the house where the tree is in front were given the wrong time as well and stated that he is quite certain that they would not want the tree removed.

Chair Marston asked if he was talking about 2415 Holly Lane.

Mr. Devling stated that yes and that this tree did have some history about 15 years ago as the City put a root barrier in on the north west side immediately and replaced the driveway apron adjacent to the tree and does not believe that there have been any problems since then as far as he is aware and so believes that this 70 year old tree should not be removed without looking at or replacing the sewer lateral is just ridiculous.

**Chair Marston closed the public discussion.**

Chair Marston stated that she did go out to the property and had the same confusion because it appears that the next door neighbor is asking that it be removed with the driveway.

**Motion by Commissioner Brown** that the tree removal request from Mr. & Mrs. Chambers be tabled until the next month and re-notify the effected property owners. Motion carried by acclamation.

- 9. Newport Theatre Arts Center Digital Sign Request.** Superintendent Levin stated that staff had received a letter from Rae & Stan Cohen who have been running the theater on a volunteer basis since 1987 requesting that the existing illuminated marquee sign be changed to a digital sign with changeable copy. He went on to say that these types of signs are not allowed per the Municipal Code without City Council approval. He went on to say that staff is requesting that the PB&R Commission forward a request for the exemption to the City

Council for their approval. He noted that 145 residents within 500 feet of the theater were notified and no comments were received.

Discussion ensued regarding the type of light display.

Associate Planner Janet Brown discussed that the zoning code prohibits animated signs and some of the reasoning of prohibiting it is that it can cause distractions to motorists.

Director Detweiler confirmed that this would not be a scrolling sign but rather static and remain the same throughout the day.

Superintendent Levin stated that it would display the show name, the dates/times and the phone number for ticket information.

**Chair Marston opened the public discussion; hearing none the discussion was closed.**

**Motion by Commissioner Harrison** to forward the request an exemption of the provisions of Section 20.42.050 of the Newport Beach Municipal Code to the City Council to replace the existing illuminated marquee sign at the Newport Theatre Arts Center to a digital sign with changeable copy. Motion carried by acclamation.

**COMMITTEE REPORTS –**

Parks – Superintendent Levin stated that the Public Works Department received the confirmation letter from Coastal Commission regarding Sunset Ridge Park and will hear the issue within six months; and Marina Park has the State Lands issue pending and then that application should be deemed complete and a hearing date should be set with the Coastal Commission. He reminded the Commission that they can obtain up to date information on the City website under projects. Director Detweiler stated that the changes that have been made to the Marina Park project have provided more usable space for classes.

RSS – Nothing to report.

Budget – Nothing to report.

Community Service Award – Superintendent Levin stated that he has an application that he will forward to the Committee.

Youth Sports – *Nothing to report*

**AD- Hoc**

– Marina Park – Nothing to Report.

– Artificial Turf – Nothing to report.

– Reagan Statue Placement – Pending a recommendation from PBR.

**FUTURE AGENDA ITEMS**

- Discussion ensued regarding Blackball – Chair Marston asked staff to provide information to the Commission regarding blackball regulations on the beachfront.

**ADJOURNED @ 6:40pm**

Submitted by: \_\_\_\_\_  
Teri Craig, Admin Assistant