

CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission

Regular Meeting

February 6, 2008 - 7pm

Convened 7:10pm

ROLL CALL

Present: Debra Allen
Tim Brown, Chair
Bill Garrett
Phillip Lugar

Excused: Marie Marston
Greg Ruzicka
Cristine Trapp

Staff: Mark Harmon, General Services Director
Dan Sereno, Parks & Tree Superintendent
Sean Levin, Recreation Superintendent
Teri Craig, Admin Asst

COMMUNITY SERVICE AWARD PRESENTATION TO GARY WRIGHT, AYSO 57

Chair Brown presented a Community Service Award plaque to Gary Wright for his work with AYSO 57 and his work on the light installation at Lincoln Field #3.

DIRECTOR COMMENTS

Superintendent Levin stated that public input was taken regarding Sunset Ridge Park on January 10 and that the next meeting was scheduled for February 11. He noted that Council would be discussing it at the April Study Session. Superintendent Levin reminded the Commission that the grand opening for Mariners was scheduled for March 1 at 10am which coincides with opening day for baseball.

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Minutes of the December 4, 2007 regular meeting.** Waive reading of subject minutes, approve and order filed.
2. **Park & Operations Division Activity Report.** Receive/file monthly Activity Report for activities and upcoming projects.
3. **Recreation & Senior Services Activity Report.** Receive/file monthly Activity Report for activities and upcoming projects.

Motion by Commissioner Allen to accept items 1 - 3 of the Consent Calendar. Motion carried by acclamation.

INFORMATION / DISCUSSION

4. **City Council Policy G-1 – Retention or Removal of City Trees –** City Attorney Clauson stated that she had been asked to write a memo clarifying City Council G-1; as follows (please note that after the Commission meeting additional modifications were made to the memo; the following is the revised memo):

CITY OF NEWPORT BEACH OFFICE OF THE CITY ATTORNEY

TO : Chair and Members of the Parks, Beaches & Recreation Commission

FROM: Robin L. Clauson, City Attorney

RE : Interpretation and Implementation of Reforestation Procedures in Council Policy G-1 (AMENDED)

DATE : January 30, 2008



This memo will provide my interpretation of the G-1 Policy with direction for future reforestation requests involving homeowner associations (“HOA’s”). It appears that as often happens over a period of years, practice takes over and one loses sight of the basic goals and purposes of the policy. Policy G-1 was adopted by the City Council as direction to staff and the Commission on how to maintain the City’s urban forest and provides findings and considerations for making decisions regarding removal or reforestation of City trees.

When interpreting the policy the Commission and staff should be mindful of the policy’s goal and purpose:

“Goal of Policy. To establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest within an inventory that the City can reasonably maintain in an healthy and non-hazardous condition. To require that in approving any tree removal or reforestation request, the PB&R Commission shall find that the tree removal request will not adversely impact the overall inventory, diversity and age of the City’s urban forest.”

“Purpose. The purpose of this policy is to establish definitive standards for the retention, removal, maintenance, reforestation, tree trimming standards and supplement trimming of City trees. City trees are an important part of the character and charm of the entire City and provide environmental benefits as well. Regular care, trimming, root, pruning, maintenance and program replacement are necessary to preserve this charm while at the same time protecting views consistence with Council Policy G-3 and preventing public and private property damage.”

The 2004 G-1 Policy revisions succeeded in clarifying the various processes for removing City trees and recognized the need to allow for reforestation of trees under certain circumstances. In areas with legally recognized HOAs it was the City Council’s intent to allow for reforestation of City trees of certain species that were not, or are no longer, a designated tree for the area and the natural spread or height of the tree caused an impact to blue water views that could not be improved without excessive municipal trimming.

The revisions also clarified procedures for removal and replacement of trees that were designated special trees, problem trees, trees that were diseased or created a hazardous condition; or trees that had grown to such an extent that the tree roots caused repeated hardscape or structural damage to both above and below ground improvements.

The City Council has not and may not legally delegate decision making authority to any private party or HOA. As a result, it should be clear that the Commission and staff are the only decision makers regarding the City trees unless the matter is appealed to the City Council. With this limitation in mind, Commissioner's Allen's recollection of the intent of G-1 is important as it relates to the City Council's desire to balance the interest of protecting the City's urban forest and the interest of residents in retaining their blue water views.

It is my advice to staff and to the Commission that for future reforestation requests, the Commission make their decisions based upon the following process:

1. Before processing a reforestation request from either a HOA or by petition, staff should confirm and/or be able to report to the Commission the following:
 - i. That the reason for the removal is authorized under G-1 and that the procedures outlined in the request have been followed.
 - ii. Any information related to history of damage cause by the tree; history of repairs or trimming; staff recommendations and the opinion of the Urban Forester, as may be applicable;
2. At the hearing the Commission should consider the following after any testimony is given:
 - i. The Commissioner's own observations, if any, of the site of the tree(s) to be replaced and the stated reasons for the reforestation; *
 - ii. All available information that the G-1 procedures were followed and the conditions for reforestation have been met, including staff analysis. *(Note the G-1 Policy requires that for Reforestation applications by HOAs there must be a resolution of the Board of Directors formally requesting the reforestation with a statement that all members of the community association having their residential views affected, have been officially notified and given an appropriate opportunity to respond before the Board voted on the request.)*
3. If the Commissioners find the procedures were followed and the conditions have been met to reforest the tree for one of the stated, authorized reasons, then the presumption will be that the application may be approved and should not be denied without evidence to rebut the presumption. In other words, opposition alone from others outside the HOA's community is not sufficient for the Commission to deny the application.

* ***when the reason for reforestation is a formal request for reforestation by an HOA based upon impact on the blue water views, the analysis should be limited to whether there is any view impact, not whether an established view impact is reasonable or unreasonable***

Hopefully this will be helpful to the Commission and to Staff for future reforestation requests. I will be available at the Commission meeting on February 6th to answer any questions.

(This memo included added footnote * discussed at meeting on February 6, 2008)

Discussion ensued regarding the absence of three of the commissioners. The City Attorney offered to review the memo with each commissioner.

ACTION

5. **Eastbluff Park** – Superintendent Levin stated that he had received a request from Newport Harbor Baseball Association and the Bat Ray's proposing to run electricity from the restroom facility. Newport Harbor Baseball Association submitted plans for the project which were routed to the Utilities Department for a preliminary review. The review resulted in no suggested changes to the plan. The Bat Ray's program and Newport Harbor Baseball Association propose to fund the project and will be responsible for obtaining all necessary permits and replacement of any landscaping that is damaged as a result of the project. The work should be completed by February/March if approved.

Discussion ensued regarding ownership of equipment and liability.

Motion by Commissioner Lugar to approve the request by Newport Harbor Baseball Association to install electricity for the batting cage. Motion carried by acclamation.

COMMITTEE REPORTS -

Parks - Nothing to report.

RSS - Nothing to report.

Budget - Superintendent Levin requested the committee meet at 5:30pm on March 4 to review the RSS budget.

AD - Hoc

–Youth Sports Liaison - Nothing to report

–Community Services Award - Nothing to report.

Other

–Santa Ana River Vision Plan- Nothing to report.

–1/1 Marine Memorial Committee- Commissioner Garrett stated that fundraising is ongoing and the memorial will be unveiled on Memorial Day at 1pm.

–MarinaPark - The subcommittee is scheduled to meet to discuss use in the Marina.

FUTURE AGENDA ITEMS

The following are new or ongoing items to be discussed:

- Fire pit discussion - safety; regulate what is burned
- Possible implementation of Parks & Rec Foundation.
- City Council Policy B-17 - Spring 2008
- Parking Signage at Back Bay View Park
- Dog Park
- Updates on Parks

ADJOURNED IN MEMORY OF VIRGINIA HERBERTS - 8:39pm

Submitted by: _____
Teri Craig, Admin Assistant