

# CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission  
Regular Meeting  
June 2, 2009 - 7pm

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Convened 7:10pm

## ROLL CALL

Present: Tom Anderson  
Tim Brown, Vice Chair  
Kathy Hamilton  
Phillip Lugar  
Greg Ruzicka

Excused: Marie Marston

Staff: Mark Harmon, General Services Director  
Sean Levin, Recreation Superintendent  
Teri Craig, Admin Asst

## DIRECTORS COMMENTS

Director Detweiler stated that the CYC renovation project is nearing completion and looks beautiful and expect completion at end of next week when summer classes and camps will begin. She went on to say that the OASIS grading project would be completed this week and that the mapping of the floor plans will begin next week. The project is moving along on schedule. She noted that the 5k flier was at the dais for all Commissioners to continue training for the race this weekend.

Director Harmon stated that there was a very successful Memorial Day and that the lifeguards estimated that there were between 80,000-90,000 people there each day at the beach. Maintenance went smoothly at the beaches and hope that it continues throughout the summer.

Commissioner Lugar asked about the feedback from the bbq cards being sent out.

Director Detweiler stated that the cards were handed out during the weekend and in all honesty there was some frustration on behalf of those that they were given to. She noted that staff and parking lot staff began to educate the visitors. She noted that many abided by the rules but when you get that many people down there it becomes very difficult for one individual to enforce the rules. She stated that this will take some time.

Commissioner Hamilton stated that the cards came out very nice on the cards.

Vice Chair Brown thanked Director Harmon for his help with the light at 1/1 Marine Memorial at Castaways Park.

Director Harmon stated that while installing the light many people that live right around there say that that can only see the flag lit and that it looks wonderful.

Commissioner Hamilton stated that it looks majestic.

Director Detweiler stated that at the next Council meeting staff will be presenting a request for the Park Patrol funding for FY 2009/10.

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. **Minutes of the May 5, 2009 regular meeting.** Receive/file May 5, 2009 minutes
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.

**OLD/NEW BUSINESS**

4. **Request to Relocate China Cove Volleyball Court.** Superintendent Levin stated that staff had received a request from volleyball player Steve Vrebolavich to relocate the volleyball court at China Cove. He went on to remind the Commission that at the February 3, 2009 Commission meeting a discussion was held regarding the request from homeowner Harold Parker to remove the volleyball court at China Cove and a request from David Beauchamp to relocate the court. The Commission acted by creating an Ad Hoc Committee comprised of Commissioners Brown and Lugar to meet with volleyball representatives, staff and China Cove residents David Beauchamp and Harold Parker to see if a compromise could be reached. The Ad Hoc Committee met on February 11, March 12 and March 31 at China Cove. The result of the meetings was to relocate the court as shown.



Superintendent Levin stated that the request to the Commission is to consider approval of the request from Steve Vrebolavich to relocate the volleyball court; and amend the China Cove Volleyball Rules hours of prohibited use from 12 noon - 4pm to 11am - 3pm. Additionally direct staff to complete a development application to the Coastal Commission for their approval for installation of the volleyball court at China Cove.

Commissioner Brown stated that beyond the playing rules, other issues were discussed including lack of enforcement of the court rules which included daily removal of the net. He stated that this had not been taking place and that the volleyball players are now aware of and will ensure daily removal.

Superintendent Levin stated that the rules established in 1988 were not posted nor was there anyone to enforce the rules and therefore no one was aware of them. The Park Patrol program now exists and so the plan would be to post and enforce the rules.

Commissioner Brown went on to say that issues like parking will now be addressed as staff will request Parking Control to patrol the area more often. Conduct issues were discussed with the volleyball players who have agreed they will address them with other players. He stated that the residents will be notified of the Park Patrol phone numbers and that if these rules are violated that they should call and that a record would be kept for the Commission to review if issues persist.

Superintendent Levin stated that if the Commission would like a report back in six months after court is in place that it should become part of the motion.

Commissioner Lugar asked if the request to the Coastal Commission had been submitted.

Director Detweiler stated that staff has spoken with the Coastal Commission and they asked that when the Parks, Beaches & Recreation Commission as a body make a decision that the application be filed. She went on to say that once direction has been given the application will be forwarded and that it could take anywhere from 3 to 6 months to be processed.

Commissioner Garrett asked while this decision is being made is play going on?

Director Detweiler stated that currently, no court exists.

#### **Vice Chair Brown opened the public discussion**

Director Detweiler stated that any correspondence emails, or information from phone calls received were forwarded to the PB&R Commission and copies are on the dais.

Warren James stated that he lives about 150 feet away from where the court was originally. He went on to say how often he was startled from the shouting that goes on with the court. He understands that at prior meetings the Commission was concerned because of the lack of attendance from homeowners but noted that he was here tonight along with his neighbors. He stated that many people that use the beach are from Irvine, Costa Mesa and Santa Ana and were not part of the public notice and unable to express their concern about getting hit from a volleyball. Mr. James stated that what it boils down to is the aggressive volleyball and that these balls are 6/10 of a pound and when served can travel at a speed of up to 75 mph and even faster with a spike. He stated that he would not want to be hit on the head from that. Having a volleyball court on the tiny beach where a lot of kids are is wrong and why take up 40% of a valuable resource to allocate to a group of at one time 4 players occupying a big part of the beach is just ludicrous. Mr. James stated that his hope is that the Commission eliminates the court and if the court remains please include a rule that the lines be removed daily.

Julia Gold stated that she received her notice of further discussion on the China Cove volleyball court and that it was not a notice of an approval of a new plan but merely a discussion. She went on to say that as a 40 year resident and over 70 years old, she is deeply involved in the environment of the Cove. She noted that the suggested relocation will totally impede free access to the beach and will constitute a barrier. She went on to say as a disabled senior resident the suggested relocation is unacceptable and it violates accessibility requirements. This beach is too small to accommodate both the volleyball court and unimpeded use of the beach and there are ample courts and parking at other locations of which there is no parking at China Cove. Ms. Gold stated that this small public beach should not be a private club for a few and noted that she is in complete agreement with staff's original report of February 3 that the location and parking is unacceptable. She stated that the violence from the volleyball play is not safe for families. She stated that this new location is appalling and there is no access to the beach from the side of cove and violates the law regarding barriers

for ADA. She stated again that this new location violates every environmental policy that makes Newport Beach a lovely place to live.

Karen James stated that she had written a letter that the Commission received.

Curtis Elmore stated that he frequents the beach almost every day and has played there since the 70's and has a son that has been playing for many years. He stated that the court has a tradition and does not understand the severity of the game that these people are talking about. He stated that there are typically 8-10 players that bring their families and friends; so about 30 people are there. He stated that last Memorial Day weekend he noted that he had visited the beach everyday between 1:30 and 3:30pm and did a census. On Saturday, a sunny day with a temperature of 73 degrees, good visibility and 13 people were on the beach at the water's edge. He stated on Sunday there were 21 people on the beach and on Monday there were 32. He went on to say that never once did he see anybody using or sitting in the area of the proposed court or the old location. He stated that there is plenty of room for everyone to use the beach and believes it is an asset to the community and should be reinstalled.

Steve Vrbolavich stated that he filed the request to relocate the court and the players have tried to make every allowance for the residents with this compromise. He stated that some of the comments mentioned tonight actually allow for more access to the beach and that there is no possible way that a person would not be able to go down Cove Lane and access the beach. He stated that one of the issues agreed upon was that volleyball players would no longer drive their cars down Cove Lane to drop their stuff off and that they would go around and drop it off in another location and then everyone would park their car at the top. This was one of Harold James' issues. He clarified that when the net goes up and goes down the lines would be done at the same time. He also noted that there was concern about the noise and stated that the City went down there to measure the noise level and the results were that the noise was far under the City noise ordinance levels. He urged the Commission to approve the relocation of the court.

Art Kish stated that he believes that everyone should be able to get along and share the resources there at the beach. He stated that he has never witnessed a conflict or problem regarding displacing the people wanting to use the beach. He stated that he wishes he could hit a ball as hard as 75 mph and has never seen the ball hit anyone at the beach. He stated that there are residents that support the court. He went on to say that the volleyball players will respect the rules and urged the Commission to approve the relocation of the court.

Frank Ekert stated that he lives at China Cove and noted that he is not a volleyball player but one of the reasons for moving there was the spirit of the players and it has been sad to see it so quiet since the court has been removed. He noted that the beach is quiet and would be interesting to see a time lapse camera to see the actual use of the beach. He urged that the court be restored.

Gina Mess stated that volleyball is a great community sport and that the people that use it are families and that they are trying to coexist with the residents. He stated that the noise or lack of bathroom facilities is not merely a volleyball issue.

David Ronenberg stated that he opposes the volleyball court but should the Commission decide to restore the court he asked that the Commission reference Resolution 88-14 that states that volleyball courts will not be within 50 feet of a private property or sidewalk and even though the new location is 10 feet better than it was, that his house is most effected and that it would be 25 feet from his property.

Dave Beecham stated that the residents would not be here tonight if since 1988 the rules had been followed and noted that he is also guilty of infractions. He stated that for 20 years there was no enforcement and no compliance. He stated that he is skeptical of enforcement in the future. He stated that he is looking to the Commission for assurances that a zero tolerance be included in the rules and asked that play be cutoff at 5pm.

Commissioner Lugar asked about the problem of the lack of bathroom facilities.

Mr. Beecham stated that the beach does suffer because of the lack of facilities and that it is not just volleyball players.

Steve Roniger stated that a majority of people that use the beach are residents and that they themselves are guilty of public urination and illegal parking.

Superintendent Levin stated that there is Park Patrol and that they will be overseeing the rules. He also noted that the rules were not posted in the past.

**Vice Chair Brown closed the public discussion**

Vice Chair Brown stated that should the Coastal Commission approve the volleyball court that there would be a 6 month trial period and that staff would return to the PB&R Commission for an update.

Commissioner Garrett stated that he believes the beach is too small for a volleyball court and has concerns that the Park Patrol would be able to enforce the rules.

Vice Chair Brown stated that there is enforcement available and should problems occur that they can call the Park Patrol.

**Motion by Commissioner Ruzicka** to approve the request from Steve Vrebalovich to relocate the China Cove volleyball court; amend the China Cove Volleyball Rules hours of prohibited use from 12 noon - 4pm to 11am - 3pm; to direct staff to complete a development application to the Coastal Commission for their approval for installation of the volleyball court at China Cove and if approved by the Coastal Commission that staff return 6 months after the installation of the court and to provide a status report. Motion carried by the following vote:

Ayes: Anderson, Brown, Lugar, Ruzicka  
Noes: Garrett  
Abstain: Hamilton  
Absent: Marston

Vice Chair Brown stated that unless there was an objection that the Commission would consider the three Bench Donations together.

5. **Bench Donation.** Consider bench request of Jeanne Marcucci at Ensign View Park
6. **Bench Donation.** Consider bench donation request of Phil Rowe at Ensign View Park
7. **Bench Donation.** Consider bench donation request of Michael Ryan at Street End of Summit Street.

**Motion by Commissioner Ruzicka to approve:**

- Bench donation of Jeanne Marcucci for Ensign View Park
- Bench donation of Phil Rowe for Ensign View Park
- Bench donation of Michael Ryan for the Street End of Summit Street

Motion carried by acclamation.

**COMMITTEE REPORTS -**

Parks - Director Detweiler stated that the Park Development Committee would begin to meet again sometime in the fall.

RSS - Commissioner Hamilton reminded everyone about the CdM 5k.

AD- Hoc

–Youth Sports Liaison - Nothing to report

–Community Services Award - Nothing to Report.

–Budget- Director Detweiler reminded the Commission that the funding for additional part-time hours for Park Patrol would be discussed at the June 9, 2009 City Council meeting.

Other

–Marina Park - Nothing to report.

**FUTURE AGENDA ITEMS**

- Fire Ring Policy

ADJOURNED - 8:35pm

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

