

City of Newport Beach
Parks, Beaches & Recreation Commission
Tuesday, June 1, 2010 - 7pm – City Council Chambers

AGENDA

ORDER AND ROLL CALL

DIRECTOR'S COMMENTS

- Director Detweiler
- Director Harmon
- City Council Actions

PUBLIC COMMENTS

Members of the public are invited to comment on non-agenda items of public interest. Speakers are limited to three minutes.

NOTICE TO THE PUBLIC

All matters listed under **Consent Calendar 1-3** are considered by the Commission to be routine and will all be enacted by one motion in the form listed below. The Commission Members have received detailed staff reports on each of the items recommending approval and there will be no separate discussion of these items prior to the time the Commission votes on the motion unless members of the Commission, staff, or the public request a specific item to be discussed and/or removed from the Consent Calendar for separate action. The City provides a yellow sign-in card for those wishing to address the Commission to assist in the preparation of the minutes. If you do fill out the card please place it in the box at the table.

CONSENT CALENDAR

1. Minutes of the May 4, 2010 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.

CURRENT /NEW BUSINESS

4. Ordinance Change Amending Section 7.04.030 of Title 7 of The Newport Municipal Code Pertaining To Dogs

Recommendation: Consider forwarding a recommendation to City Council to Amend Section 7.04.0 of Title 7 of the Municipal Code pertaining to Dogs on the Beach

5. Proposed City Tree Removals on Heliotrope Avenue

Recommendation: Consider request to remove six City trees on Heliotrope Avenue by City staff.

COMMITTEE REPORTS –

- | | |
|---|--|
| • Park Development – Brown, Lugar, Marston | • Youth Sports Liaison – Ruzicka |
| • Recreation/Senior Activities – Lugar, Anderson, Hamilton | • Ad Hoc |
| • Budget – Garrett, Brown, Lugar | -- China Cove Volleyball Court– Brown, Lugar |
| • Community Service Award – Garrett, Hamilton, Ruzicka | -- Marina Park – Garrett |

FUTURE AGENDA ITEMS – Matters which Commissioners may wish to place on a future agenda or raise for discussion.

- Storm Report
- G-1 Policy Review
- Pirates Cove Lighting

ADJOURNED

Parks, Beaches & Recreation Commission
Regular Meeting
May 4, 2010 – 7pm

Convened 7:04pm

ROLL CALL

Present: Tim Brown, Chair
Tom Anderson
Kathy Hamilton
Phillip Lugar
Marie Marston

Absent: Greg Ruzicka

Staff: Mark Harmon, General Services Director
Laura Detweiler, Recreation & Senior Services Director
Teri Craig, Admin Asst

Chair Brown announced that he had gone to the CPRS District 10 Award Dinner and noted that the Commission should be extremely proud of the Recreation & Senior Services Department as they received several awards and that Director Detweiler had been surprised to receive the Coveted Leadership Award. He also noted the City Manager Dave Kiff and Mayor Curry and his wife had been there as well to see her receive the award.

Director Detweiler commented that she had been surprised to receive the award and noted that she was very lucky to work in the City of Newport Beach along with such wonderful staff. She noted that she was honored to lead this professional group of people.

DIRECTORS COMMENTS

- Director Detweiler stated that OASIS project was moving along; irrigation would be going in and that the facility should be at a point within the month that it can be locked down. She reported that staff should be moving sometime in August with a soft opening of the facility in September and that the tentative dedication day is scheduled for October 9 from 2-5pm. Director Detweiler stated that the furniture contract will go before Council on June 8. She announced that the Coastline College Senior Emeritus Program would no longer be free due to budget cuts but hoped to keep the program up and running at a low cost.

Director Detweiler stated that at the annual track meet the City hosted 400 children at the CdM High School and noted that many parents had commented on how well run it was. She thanked her youth sports staff for a job well done.

Director Detweiler stated that staff and in particular Recreation Coordinator Skahan has done a great job in bringing the City facilities up to a good level through project improvements. Recently, the theater and West Newport Community Center had been painted with Carol Beek next on the list for improvements.

Director Detweiler announced that the Commission will receive an invitation to the Civic Center & Park Groundbreaking on May 11 at 11am.

- Director Harmon stated that as a follow-up on the fire pits that he had contacted the Risk Manager regarding claims. He announced that the City has on record one claim in 1991 of a 3 year old burned feet incident in which a summary judgment was given on the basis that the parent should not have let the child play around the pit.
Director Harmon noted that he consulted Public Works Director regarding lighting of Pirates Cove who stated anything done at that location ~~would~~ may require approval from the Coastal Commission.

Discussion ensued regarding fire pits and Pirates Cove.

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Minutes of April 6, 2010 regular meeting.** Commissioner Anderson asked that the minutes reflect that that he had made the motion to approve item 9.
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.*
4. **Tree Donation.** *Approve tree donation of Recreation & Senior Services Department to be located at Grant Howald Park at CYC.*

Motion by Commissioner Anderson to accept Consent Calendar items 2-4 and item 1 as amended. Motion carried by acclamation.

5. **Corona del Mar State Beach Enforcement** – Director Detweiler stated that staff had met with Police, Park Patrol and Lifeguards regarding parking control and enforcement issues at the beach. She stated that Park Patrol hours have been increased and that it was a good meeting opening up the lines of communication and that progress is being made. She noted that Park Patrol would be at beach 4 days a week beginning Memorial Day; time and days will change as necessary. She went on to say that the cards have been effective in educating folks as they come onto the beach regarding barbecues and tent structures.

Director Detweiler introduced Police Lt. Morton to the Commission.

Lt. Morton stated that his job is the Patrol Watch Commander and has been in that job since June 2009. Lt Morton is working nights and noted that he is happy to announce that crime is down 20% in CdM due to proactive enforcement. He stated that Andy Querry deserves credit for her work with the Neighborhood Watch program. He reported that this past year his officers issued 844 citations – 444 for staying on the beach after closing; 200 for barbecues and approximately 200 for drinking on the beach. He stated that they have a great working relationship with Park Patrol and appreciate their help and support. He reported that he can actually see the beach from his desk which makes it easier to send patrols out when needed. Lt. Morton stated that he was able to secure funding for increased police foot patrol on Memorial Day and hopefully for Labor Day as well. He went on to say that parking fees will increase soon and that should also deter some problem users as well.

Commissioner Hamilton stated that she and her neighbors have noticed a change – tents and barbecues are better as they can actually breathe now. She stated that there is an absence of patrol though from about 7pm until the beach closes. She also suggested that the Police Officers actually use a bull horn to get visitors off the beach after it closes or begin ticketing.

Lt Morton stated that residents might have an issue with a bull horn and it could cause visitors on the beach to start running towards their cars and in the dark which could cause some accidents. He stated that his marching orders to his officers are to get them off the beach at 10pm but reminded the Commission that this also depends on call load. He stated that his officers are doing their best.

Discussion ensued regarding Segways and dogs on the beach.

Chair Brown opened the public discussion; seeing none the public discussion was closed.

Chair Brown thanked Lt Morton for his insight and support especially as we move towards the summer.

CURRENT / NEW ITEMS

6. **Change of City Street Tree Designation.** Director Harmon stated over a period of time, several City trees have been removed on Heliotrope Avenue (200-300 blocks), due to storm related incidents, insect infestations and disease. Staff proposes that the PB&R Commission forward a request to the City Council to change the street tree designation for Heliotrope Avenue from a Japanese Black Pine to either all or one of the following tree species

- Kentia Palm tree
- Hong Kong Orchid tree
- New Zealand Christmas tree

He stated that these trees should help mitigate any future insect and disease problems and perform well in this location. He noted that the trees are suitable for a 3 feet growth space tree well. He said that as trees are removed or reforested that this will provide the homeowner a choice of one of these species once City Council has amended change of Council Policy G-6.

Chair Brown opened the public discussion

Frank Vranancar stated that over the last 15 years the City has systematically removed trees but not always replacing them – he stated that the street is bare and that trees are needed and wanted on the block. He stated that he was concerned about using the New Zealand Christmas tree because and it could have view issues in the future.

Pat Vranancar stated that many trees on the block were planted in the 1920's and that there is a variety of tree species on the block.

Tracy Baltera reported that a 101 year old Majestic Monterey was removed because the City decided that a curb needed to be replaced. She stated that when she moved to her home 20 years ago that one of the reasons they selected their home was because of all the trees and that trees provide oxygen; now most of the trees are gone. She went on to say that the Kentia Palm tree is ugly and suggested that a pine tree be substituted for the palm tree.

Mark Lynam stated that there really is no uniformity on the street and that he has concerns that these species will have to be thinned because of view issues in the future – specifically the palm. He asked if the ficus trees would remain.

Chair Brown closed the public discussion

Director Harmon stated that trees will not be removed just because of the species and that they have to be removed in accordance with G-1. He stated that only diseased trees will be removed and that they are trying to put more trees in the neighborhood. He went on to say that he has heard from members of Council and homeowners that it would be helpful to have a choice instead of just one designated tree per street. He stated that the Hong Kong Orchid and New Zealand tree would get as high as 20 feet and the Palm, 40 feet.

Discussion ensued regarding view and choice issues.

Motion by Commissioner Lugar to forward their recommendation to City Council that the designated street tree for the 200-300 block of Heliotrope be changed from the Japanese Black Pine to the Kentia Palm tree, Hong Kong Orchid tree and the New Zealand Christmas tree. Motion carried by acclamation.

7. **Reforestation Request.** Director Harmon stated staff received a request for reforestation of two Brazilian Pepper trees from Sandra Ayres at 2800 Cliff Drive. He went on to say that this request is from an individual property owner not residing within a legally established community association. The G-1 states that a property owner may submit a request with a petition signed by a minimum of 60% of property owners within the area defined for reforestation. He stated that the property owner's area included a total of **20** property owners and required **12** signatures in favor of the reforestation request of

which **13** were obtained. He went on to say that the property owner has complied with the requirements of G-1, and will assume the full cost of the removal and replacement of the City trees. He went on to say that these trees are showing signs of disease and like the ficus are simply ~~to~~ the wrong species for that environment.

Discussion ensued regarding species and types of trees.

Chair Brown opened the public discussion; seeing none the public discussion was closed.

Motion by Commissioner Marston to approve the request from Sandra Ayres at 2800 Cliff Drive of the reforestation of two Brazilian Pepper trees to the designated Strawberry tree. Motion carried by acclamation.

COMMITTEE REPORTS –

Parks – Nothing to report.

RSS – Nothing to report.

Budget– Nothing to report

Community Service Award – Nothing to report.

AD- Hoc

–Youth Sports Liaison – Nothing to report.

–Marina Park – Commissioner Garrett stated that he had gone a meeting last month and reported that there is an element within the City that want the trailers moved now and grass be planted until the full project is realized which he some opposition with. He stated that he will continue to attend meetings and will update the Commission as new information develops.

Director Detweiler reminded the Commission that the Marina Park EIR will be on the City Council agenda on May 11.

Commissioner Lugar asked if the access road to Sunset Ridge had been approved. Director Detweiler stated that City Council had approved that issue.

FUTURE AGENDA ITEMS

The following is a compilation of future agenda items discussed tonight and in the past:

- Review of G-1 Policy
- Pirates Cove Lighting – Commissioner asked Director Harmon to come up with a list of steps that will need to be taken to move forward on this issue.

ADJOURNED @ 8:39pm

Submitted by: _____
Teri Craig, Admin Assistant



General Services Department

PB&R Commission Agenda

Item No. _____

June 1, 2010

TO: Parks, Beaches and Recreation Commission

FROM: Parks and Trees Maintenance Superintendent and Operations Support Superintendent

SUBJECT: *May Parks, Trees, and Operations Division Activity Report*

Parks Maintenance Division Activities

1. Parks Maintenance Division staff continues working with the Public Works Department on numerous projects in the planning and construction phases.

Projects currently underway:

- Oasis Senior Center
- River Avenue Pedestrian Coastal Access Improvements
- Corona del Mar State Beach/Breakers Drive Landscape Corona del Mar State Beach/Breakers Drive Landscape
- Eastbluff and Bonita Creek Reclaimed Water Retrofit
- Westcliff Drive and Avocado Medians
- Parking Lot Pay Stations
- West Newport Park Landscape Improvements

Projects that are in the planning phases:

- Sunset Ridge Park
 - Marina Park
 - City Hall
 - China Cove Slope Stabilization
 - Bristol Street North Landscape
 - Avon Tree Planting
 - Jamboree Road Widening
2. Phase I at Irvine Terrace Park was recently completed and irrigation upgrades are currently underway. The new retrofit improved the overall irrigation coverage, thus saving our valuable water resources, while maintaining a lush appearance.

The Parks Maintenance Division staff will begin over-seeding and renovations this summer without impacting park visitors who frequent the sidewalks and adjacent turf areas.



3. The soccer field renovation project was recently completed for the upcoming soccer season at Bonita Canyon Sports Park, Mid-Park. Through joint cooperation and funding from the Newport Mesa Soccer Club, the Parks Maintenance Division coordinated the project, which included the following work: patching with sod, leveling with sand and organic mix, and over-seeding. The field is scheduled to re-open in July.



Trees Division Activities

During the month of April, 803 trees were trimmed, no trees removed, 20 trees planted and crews responded to 8 emergency tree calls.

The City's tree services contractor, pruned trees within the Newport Coast and Eastbluff areas, as part of the City's overall grid trimming schedule. Additionally, the annual pruning of selected Eucalyptus and Ficus trees is currently taking place throughout the City.

The attached Tree Activity Report summarizes requests and field activities performed during the past months.

Beach Maintenance Activities

1. Staff members and local business owners have noticed the recent show of Mother Nature's strength and power in the sand erosion process along the local shorelines. Even though some erosion is expected during the winter months, last week's surf and high tide events eroded a large amount of sand away from the beach between the Newport Pier and Dory Fleet. The pictures show a historical view of the Dory

Fleet with sand flush to the level of the ramp and the current condition, with a four- to five-foot drop from the ramp to the level of the beach.

Before



Current



Department staff is working closely with the Public Works Department on implementing an emergency repair plan in order to import sand to build up the area.

2. The Storm Drain Maintenance Crew is in the process of reinstalling 435 inlet guards in front of catch basins throughout the city before Memorial Day. The inlet guards have proven to be one of the best structural improvements in the City's effort to keep trash and other debris from entering into our harbor and ocean waters. The program, which was implemented eight years ago, is used in areas of high profile pedestrian traffic, such as Balboa Island, Balboa Boulevard, and portions of Coast Highway.



3. The oceanfront sidewalks and retaining walls along Newport Peninsula are being cleared of mounded wind-blown sand. This maintenance program prevents wind-blown sand from inundating the oceanfront properties, sidewalks, and street-ends during the periods of high winds. The pictured front-end loader is utilized in order to complete the project in a timely manner. Crews also utilize hand tools and pay special attention to ensure that no native plants or sand dunes are disturbed.



Homeowners requiring wind-blown sand removal are responsible for filling out and signing a "WAIVER OF CLAIMS FOR DAMAGES" form, which is available on the General Services website or by calling (949) 644-3055.

4. Storm Drain Division staff has picked up the temporary pumps and hard line piping, since the rainy season is over. The pumps are used when rains and high tides occur simultaneously, and are stationed at the usual trouble spots 38th Street/Lake, and 30th Street/ Lafayette. Additionally, sixteen mobile Centrifugal pumps are shuttled by field crews in the low lying areas of Balboa Island and Newport Peninsula during rain events in order to help reduce street flooding. The pumps have been serviced and stored in preparation for next year. This winter season resulted in 14.25 inches of rain being captured in the City Corporation Yard Rain Gauge.
5. General Services Department staff will be working approximately 400 scheduled overtime shifts during the busy summer season. Staff performs additional clean-up efforts in the following areas: street sweeping, restroom sanitizing, beach grooming, emptying trash receptacles, litter picking, shoveling fire rings or steam cleaning piers in the early morning hours or operating and monitoring the City's extensive tidal valve during the evening hours. Even though these activities are never seen by the public, they are essential in keeping the City safe, clean, presentable and aesthetically pleasing for area residents and visitors. The Division becomes a seven day a week operation in order to meet the demands of the active summer season.
6. The Beach Maintenance Division's early morning maintenance activities will continue on weekends through Labor Day, at which time will be scaled back as needed. Additionally, high tides series that necessitate tidal valve operation and monitoring will be switched back to the early morning hours beginning in October.
7. Supplemental contract cleaning of beach area restrooms commenced on Memorial Day weekend and will continue through mid September.

See attached General Services Department, Activities Report for April 2010.

Submitted by:



Dan P. Sereno
Parks and Trees Maintenance Superintendent



Jim Auger
Operations Support Superintendent

Attachments: (A) Tree Activity Report 2009-2010
(B) General Services Department, April 2010 Activities Reports



General Services Department

Parks and Trees Division
 Reforestation and Tree Removal Activity Report
 Fiscal Year 2009-2010

	July	August	September	October	November	December	January	February	March	April	May	June	Total
Tree Removals	2	7	11	7	9	4	17	0	29	0			86
Emergency Tree Removals	0	0	0	0	0	0	3	0	0	0			3
Claim Related Tree Removals	0	0	0	0	0	0	0	0	0	0			0
Reforestation Tree Removals	0	0	0	2	0	3	0	0	1	0			6
Problem Tree Removals	0	0	0	0	2	1	0	0	0	0			3
Total Removals													98
Trees Planted	13	8	4	16	6	10	0	15	9	20			101
Reforestation Requests	0	0	0	0	0	2	0	0	0	1			3
Reforestation Approved	0	0	1	0	0	2	0	0	0	1			4
Removal Requests	0	0	0	0	0	0	0	0	0	0			0

October reforestation removals - 2 trees approved September 1, 2009 within the HVHS HOA area
 December Reforestation removals - 3 trees approved December 4, 2009 within the HVHS & Broadmoor area.
 March Reforestation removals - 1 tree approved December 4, 2009 at 424 Dahlia Avenue



General Services Department

Parks and Trees Division Fiscal Year 2009-2010

Claim Removals

Month	# Trees	Location(s)
July-09	0	
August-09	0	
September-09	0	
October-09	0	
November-09	0	
December-09	0	
January-10	0	
February-10	0	
March-10	0	
April-10	0	

Problem Tree Removals

Month	# Trees	Location(s)
July-09	0	
August-09	0	
September-09	0	
October-09	0	
November-09	2	2801 Carob Street / 901 Citrus Place
December-09	1	1701 Port Margate Place
January-10	0	
February-10	0	
March-10	0	
April-10	0	

General Services Department Activities Report - April 2010	This Month	This Month Last Year	Total To Date	TTD Last Year
Asphalt/Concrete				
Street Patching (Tons of Blacktop)	491	238	2,704	3,318
Sidewalk Repaired (sq. ft.)	5,504	4,461	42,190	40,844
Curb & Gutter Replacement (lin. ft.)	140	461	2,328	3,881
Sweeping, Beach Cleaning, Demo Materials (tons)	339	335	4,008	3,760
Asphalt/Concrete Recycled (tons)	532	220	3,216	4,116
Signs & Traffic Markings				
Signs Made	184	2,325	5,470	14,021
Signs Installed	236	199	1,938	2,090
Decals	67	1,367	2,508	2,538
Special Purpose Signs/Banners Made	296	71	525	482
Street Striping (lin. ft.) Added/Replaced	2,556	542	21,224	221,041
Pavement Markings (including reflective)	33	13	414	803
Parking Stalls	94	1	232	390
Curb Painting (lin. ft.)	3,908	775	71,468	26,844
Thermoplastic (lin. ft.)	0	120	14	10,420
Sign Posts Installed	23	39	229	274
Graffiti				
Graffiti Incidents Removed by Staff	28	7	149	157
Graffiti Incidents Removed by Contractor	305	96	1,204	816
Refuse Collection				
Residential (tons)	2,763	2,689	28,224	29,481
Liquid HazMat Incidents	22	7	194	63
E-Waste Incidents	19	9	189	156
U-Waste Incidents	10	4	111	46
Recyclables (tons)	1,155	1,114	11,909	12,717
Trees				
Trimmed by Staff	13	90	818	1,216
Trimmed by Contractor	803	572	8,825	7,192
Removed	0	9	96	139
Planted	20	0	101	147
Roots Pruned by Contractor	7	0	40	103
Roots Pruned by Staff	16	17	122	200
Automotive				
Repairs	295	277	2,805	2,661
Preventive Maintenance Completed	78	53	726	714
PM Labor Hours	152	122	1,596	1,585
Beach Maintenance				
Beach Area Refuse (tons)	87	86	1,024	973
Beach Debris (tons)	44	64	1,708	1,285
Sweeping/Storm Drain				
Gutter Miles Swept	4,482	4,935	43,422	43,649
Sweeping Debris (cubic yards)	532	478	5,198	4,971
Storm Drain Debris (cubic yards)	59	54	741	874

Recreation Services Monthly Activities Report

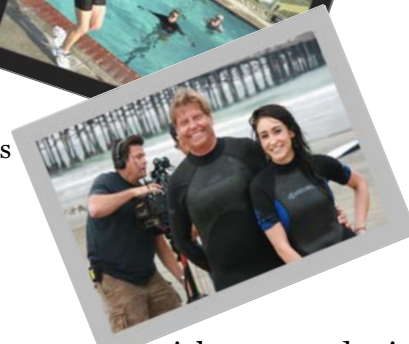
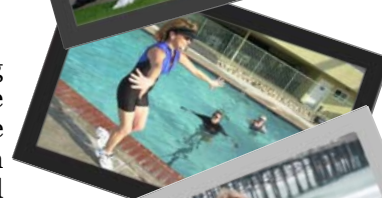
To: Parks, Beaches & Recreation Commission
From: Sean Levin, Recreation Superintendent
Re: Recreation Division Monthly Activities Report

PREPARING CONTRACTORS FOR A SUCCESSFUL SUMMER

Over 50 contract class instructors attended the Annual Instructor Appreciation Dinner & Meeting at the Newport Coast Community Center on May 12. The meeting provided instructors with the opportunity to meet with City Staff, gain valuable tips and tools to help their programs succeed in Newport Beach, learn about ongoing projects and review City policies and procedures.

This year, four contractors were recognized for their outstanding service years providing classes in Newport Beach,

- **Terie Hanson** has been teaching *infant, toddler, and preschool classes* for **26 years** at the Carroll Beek Community Center. She is now teaching children of parents who once took her class 20 years ago.
- **Robert Conrad** has been providing *acting lessons* and preparing students for their *on-screen roles* in featured plays he produces in Newport Beach for **29 years**.
- **Sally Stanton** began teaching Disco Dance Fitness Classes in 1978. Over the past **32 years**, her classes have evolved with the generational trends and she now teaches Aquacize and Dance Fitness Classes at the Community Youth Center. Sally's classes are a favorite amongst Corona del Mar residents, as seen with the retention of the participants. Several of the participants have enjoyed the social aspects and reaped the benefits for over 20 years.
- With **37 years** of service in Newport Beach, **Scott Morlan** has made a name for himself at the Newport Beach Pier as the *Original Surf Camp in Newport Beach*. Scott began teaching surf lessons in 1973, only seven years after the release of the Endless Summer, one of the most influential surf movies. As the surfing craze increased in popularity and the competition amongst surf camps increased, Scott formed a company dubbed "Endless Fun Surf." Scott's passion for surfing, the love of the ocean, and his zest for teaching continue and participants enjoy his laid-back mentality.



NCCC WEEKEND RENTALS

Staff at the Newport Coast Community Center had a full weekend with several special events and private rentals. On May 15, NCCC hosted three events: a non-profit meeting, a swing concert put on by the OASIS Senior Center, and a wedding, in addition to regularly scheduled classes. The estimated attendance was 400 people for the three events on Saturday. Sunday included a large private rental that took place with 150 people in attendance.

NEWPORT BEACH STRIKES GOLD IN TRACK & FIELD

The 44th Annual Frank E. Anderson Memorial Newport-Balboa Rotary Club and City of Newport Beach Track and Field Meet of Champions was held on April 16 at Corona del Mar High School. Over 420 youth ages 7 through 15 participated in the annual event.

An incredible 105 of those 420 participants were also award winners at the Southern California (SCMAF) Orange County Track championships held May 2 at Laguna Hills High School.

The Newport-Balboa Rotary Club celebrated these outstanding individual achievements of 20 of the participants at their recent meeting on May 2. The award winners and their families were treated to dinner and received special medals from Newport's Sister City of Okazaki, Japan at the banquet.

The Rotary Club has sponsored the City's Youth Track Meet since 1982, currently donating \$2,500 to each year to help with the cost of t-shirts and awards. In addition, the club provides approximately 25 volunteers to help run the meet.



Eastbluff Elementary Receiving the Spirit Cup Trophy



New Record Holders for 2010

SUMMER CAMP REGISTRATION SHOWS NO SIGN OF A SLUMP ECONOMY

With nearly two months remaining in the school year, over 2100 participants have enrolled in Newport Beach summer camps. Residents have been taking advantage of the early bird registration discounts with camp revenue 15% higher than it was last year at this time. Staff credits the marketing efforts, including the Summer Special Brochure, campnewport.com, Camp Newport Expo featured at the Spirit Run, and the booth at the OC Marathon Kids Expo for the spike in camp revenue.

NEWPORT BEACH FIRE DEPARTMENT VISITS PRE-SCHOOL 101!

The Fire Department made special visits to Pre-School 101 the week of April 26. Jen Schulz educated the children on safety and what to do in the event of an emergency such as a fire. The children learned a lot from her presentation. The children also got a surprise visit from the firemen in the big Fire truck. The firemen gave them a tour of their big red truck and explained their special equipment and clothing to keep them safe from flames and smoke. A BIG THANK YOU to the Fire Department!



AQUATICS

- ✚ **Aquatics Training Academy** - Saturday, May 1 was the first day of the Newport Beach Aquatics Training Academy. The trainings take place at the Corona del Mar High School. Recreation Supervisor Adam Leu and Community Services Coordinator Jen Priest from the City of Irvine taught the 10 trainees first aid, CPR, proper AED use, swim lesson instruction, and lifesaving techniques. The remainder of the training academy took place on Saturdays and Sundays throughout the month of May in preparation for the busy summer season.

- ✚ **Spring Swim Lessons Kick Off!** - Spring swim lessons began May 1 as well and were completely full! Lessons for ages 3 years and up were provided by qualified City aquatics staff, and will continue to run for three additional Saturdays at the Corona del Mar High School. These private swim lessons offer one-on-one instruction with aquatics staff in water entry, floating, freestyle swimming, butterfly kick, and a variety of swimming strokes based on individual levels.

NEWPORT COAST COMMUNITY CENTER HOSTS ECO-FAB

The Inside the Outdoors Foundation utilized the Newport Coast Community Center on May 1 to host an eco-friendly fashion show, environmental awards presentation, and a gourmet dinner for over 200 guests.

BUFFALO HILLS PARK

As part of ongoing playground maintenance, staff replaced hand rails, teeter totter parts, swing beams, swing hardware and seats at Buffalo Hills Park. This has given this 13 year old playground a new life and a new life expectancy for years to come saving the City in long term replacement costs.

FACILITY RENTALS

During the period of April 16 –May 15, 2010 there were:

- 20 Picnic/Park Area Rentals
- 19 Room Rentals
- 20 Field Rentals
- 20 Gym Rentals

Park Patrol

Requested calls are assigned visits by staff or schedule or phone requests. Customer Contacts are the number of times they stopped and spoke to customers other than requested calls. Due to the timing of the meeting, these monthly summaries will be two months behind (i.e. in June you will receive April summary)

During the month of **April** Park Patrol had the following number of contacts:

1. Requested Calls
 - 90 with Youth Sports Groups
 - 91 Field related issues/checks
 - 9 Park/Picnic/reservation issues/checks
 - 107 Community Center issues/checks
 - 77 Playground checks
 - 16 other
 - 2 Pre-event checks
 - 1 Post-event checks

2. **Public Contacts**
 - 30 education
 - 3 alcohol
 - 57 dog related

Written Warnings Issued- 0
Citations Issued- 0

SPECIAL EVENT PERMITS

As of May 15, 2010, there were 93 Special Event Permits processed and issued for the year. Those events of note for this period were:

Newport Beach Film Festival – Newport Beach Theaters – 4/22-29 – Attendance 2500
March for Babies – Fashion Island – 4/25 – Attendance 5000
OC Marathon – Fashion Island – 5/2 – Attendance 10,000
Volcom Surf Contest – 54th Street – 5/13-16 – Attendance 1000
Field of Honor – Castaways Park 5/13-16 – Attendance 1000

Senior Services

Monthly Activities Report


To: Parks, Beaches & Recreation Commission
 From: Celeste Jardine-Haug, Senior Services Manager
 Re: Senior Services Division Monthly Activities Report

OASIS SENIOR CENTER HAPPENINGS

- + **OASIS Casino Night** - The Friends of OASIS held their annual Casino Night on April 25 and it was a great success raising approximately \$7,000. A good time was had by all and many guests went home winners. The community whole heartedly supported this fundraising event by donating over 100 raffle items. This year's Casino Night was held at the Newport Coast Community Center, a fabulous venue; but everyone is looking forward to attending the event next year at the new OASIS.

- + **The New OASIS** - OASIS staff is busy ironing out all the details involved with moving into a new building. Many sample pieces of furniture have been delivered for the seniors to test. Staff has been visiting furniture showrooms; and testing many makes and models to find the perfect make, match and color for the new Center. All this and continuing to keep classes running for the senior has made this a very busy spring with an even busier summer to come!

<u>Upcoming Events</u>	<u>Date</u>	<u>Time</u>	<u>Responsible Staff</u>	<u>Phone</u>	<u>Location</u>
Friends General Meeting	5/7	10am	Celeste Jardine-Haug	644-3247	NCCC
Smokey Joe's Cafe	5/28-6/27	8pm	NTAC	631-0288	Newport Theatre Arts Center
Friends General Meeting	6/4	10am	Celeste Jardine-Haug	644-3247	NCCC
CdM 5K	6/5	7am	Janet Cates	644-3154	Ocean Boulevard



"Your First Choice for Connecting People, Play & Programs"

April 2010 - OASIS UTILIZATION REPORT

PARTICIPANTS ATTENDING **7,932 CUSTOMERS**

RECREATIONAL CLASSES **1,791 CUSTOMERS**

PERSONALIZED SERVICES PROVIDED **2,321 CUSTOMERS**

Includes:

Blood Pressure	41	Information/Referral	1280
Counseling-persons	40	Legal Assistance	4
Eldercare	0	Senior Assessment(hrs)	35
Employment	20	Telephone Reassurance	284
HICAP	7	Visual Screening	3
Housing counseling	32	Transportation Info	500
		Taxes	75

SENIORS RECEIVING TRANSPORTATION SERVICES **1,351 RIDERS**

Care-A-Van/Shuttle

CUSTOMERS RECEIVING NOON MEALS AT THE CENTER* **1,935 CUSTOMERS**

*includes meals on wheels

VOLUNTEER HRS. OF SERVICES PROVIDED AT THE CENTER **625.00 HOURS**

Includes:	Kitchen & Home Delivered Meals	(*equiv. to 9 full-time employees)
Front Office	Travel Office	
Gift Shop	Library	
Instructors	President	
Treasurer	Vice President	
Bookkeeper	Taxes	

PARTICIPANTS IN FRIENDS OF OASIS TRAVEL/ SAILING CLUB **255 CUSTOMERS**

<u>Day Trips</u>		<u>Sailing Club- Sailors</u>	
Madame Tussauds	20	OASIS III	76
Harrah's Casino	57	OASIS IV	64
Bungalow Heaven	38		
<u>Long Trips</u>			

SPECIAL EVENTS/SCREENINGS/LECTURES **279 PERSONS**

Big Band Seminar	70
Trail Trekkies	19
OASIS Golfers	134
Computer Friends	35
UCI Lecture	21



Recreation & Senior Services Department

To: Parks, Beaches & Recreation Commission

From: Matthew Lohr, Recreation Manager
Steve Koudelka, Police Lieutenant

Re: **CONSIDERATION OF AN ORDINANCE CHANGE AMENDING SECTION 7.04.030 OF TITLE 7 OF THE NEWPORT MUNICIPAL CODE PERTAINING TO DOGS**

RECOMMENDATION

PB&R Commission consider recommending that the City Council amend Section 7.04.030 of Title 7 of the Newport Beach Municipal Code to change the hours dogs are **not** allowed on the beach from:

9:00am to 5:00pm
to
10:00am to 4:30pm

BACKGROUND

Prior to 1989 the City of Newport Beach Municipal section 7.04.030 prohibited animals on public beaches during summer months (roughly June through September) between the hours of 9:00am to 5:00pm. In 1989 the ordinance was amended to prohibit animals on public beaches every day of the year between the hours of 9:00am to 5:00pm. Sufficient confusion on the public's part as to when animals were allowed and not allowed on the beaches prompted staff and the sitting City Council to amend the ordinance.

DISCUSSION

Upon request from a small group of residents, Recreation and Senior Services met with staff from the Fire Department Beach Lifeguards, Police Department Animal Control and local dog owners to discuss changing the hours that dogs are allowed on the beach. These residents requested additional time that dogs could be on the beach to all day between the months of September and May. Of additional concern for this group are the winter months of November and December where the days are shorter and minimal daylight allows for dog walking under the current ordinance. When staff discussed changing the times as requested, the following issues were presented by Fire and Police Departments regarding changing the ordinance.

In reviewing this issue it was insightful to interview City Police Animal Control Officers. All concurred that the reason this ordinance was amended in 1989 was due to the many citizens that had been ticketed on the beach in violation of this ordinance. The Animal Control Officers stated that most citizens found to be in violation had a misunderstanding about the ordinance that centered around the months that animals were and were not allowed on public beaches. Staff and City Council sought to clarify the ordinance by simplifying it to read: "No animals allowed on public beaches any day of the year between the hours of 9:00am to 5:00pm." The ordinance was revised to reflect this clarification and has stood since 1989.

**CONSIDERATION OF AN ORDINANCE CHANGE AMENDING SECTION 7.04.030 OF TITLE 7 OF THE
NEWPORT MUNICIPAL CODE PERTAINING TO DOGS**

Page 2

One would be correct in assuming that our winter climate is not often uncharacteristically warm, but there are more than a few weeks each winter in which this area is under the affect of a Santa Ana condition or another weather system that pushes the temperatures into the 80's on a winter day. Public beach populations swell and as the ordinance allowed animals on the beach during the day in the winter, conflicts between the animals and beachgoers would arise. Fights between animals also occurred. Beachgoer complaints of animal urination and defecation were common and more hours had to be spent by officers in patrol of the beaches during winter time warmer weather.

A review of the Police Department's Animal Control enforcement activities for the year 2009 revealed that animal beach violations account for 48% of all animal control citations for that year. Specifically, violations addressing animals off leash and on the beach account for 26.5% of cite activity, while animals on beach during prohibited hours made up for 21.2% of all citations by this unit. These statistics are important due to the fact that they occurred under the City's post 1989 ordinance which is more restrictive in nature. An increase in hours that dogs are permitted on the beach would place greater demands on enforcement staff to manage the activity and minimize violations for the enjoyment of beachgoers.

To provide City Staff and Council with comparison data, several Orange County coastal communities were contacted to ascertain how their ordinances treat this issue. A synopsis of that data follows.

Cities prohibiting animals on public beaches year round:

- Dana Point
- San Clemente
- Seal Beach
- Huntington Beach

Cities allowing dogs on beaches year round under certain conditions:

- Laguna Beach - Animals not allowed on beaches between the hours of 8:00am to 6:00pm from June 15 to September 16. Animals must be leashed at all times. Animals not allowed in play equipment areas on beaches at any time.

Throughout the years certain environmental concerns have surfaced over this issue, not the least of which relates to the amount of animal waste that is deposited upon and into the sand of public beaches. A portion of this waste can be monitored in the form of pet owners picking up after their pets. However, as one can imagine, any liquid waste is unrecoverable and resides in the sand until diluted by the environment.

One other environmental concern is that of the Snowy Plover bird that has as its habitat salt water sand environments and the effects animal intrusion might have on that species' habits. As our ordinance is concerned, however, the habits of this bird might be disturbed anytime animals are allowed on the beaches. It is of no consequence as to time of year or time of day that animals are allowed on the beaches for this to occur. It is noteworthy, however, that the Snowy Plover lays its eggs in early May. Our prior ordinance would have allowed animals on the beaches during this month.

Understanding that the winter months of November and December provide for very little daylight for dog walking on the beach, staff collectively agreed that adding an hour in the morning and a half hour in the afternoon would provide for greater access with daylight and not be cause for great concern with beach crowds gathering at this time. Consistency with the schedule for when dogs are permitted on the beach is and remains of utmost importance for enforcement purposes and the basis of staff's recommendation.

PUBLIC NOTICE

Staff sent out an E-Select Alert to residents regarding the proposed change in hours and was posted on the City's website (this needs to be confirmed as to all the ways we can get the word out legally without having to do a mailing.

- Attachments:
- A. Ordinance No. 96-29
 - B. Copy of E-Select Alert
 - C. City Council Study Session Report dated February 28, 2006

F:\Users\RSS\Shared\Recreation Division DOCUMENTS & FORMS\PB&R reports/dogs on the beach staff report

Attachment A**Chapter 7.04
DOGS***

Sections:

- 7.04.010 Definitions.
- 7.04.020 Leash Required.
- 7.04.025 Prohibited on School Grounds.
- 7.04.030 Animals Prohibited on Public Beaches.
- 7.04.050 Dogs Prohibited.
- 7.04.055 Penalty.
- 7.04.060 License Required—Fees—Terms.
- 7.04.061 Unauthorized Removal of Tag.
- 7.04.070 Vaccinations.
- 7.04.080 Improper License Tagging.
- 7.04.100 Biting Dog—Report—Custody and Control.

* Impounding—See Chapter 7.16.

7.04.010 Definitions.

For the purpose of this chapter, certain words and phrases are defined and certain provisions shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended.

Dog. The term "dog" shall mean and include any canine. (Ord. 2008-12 § 2, 2008: 1949 Code §§ 4100, 4101, 4102)

7.04.020 Leash Required.

No person having the care, charge or control of any dog shall cause or allow, either wilfully or through failure to exercise due care or control, such dog to be present upon any beach, street, alley, or public place, or upon any private property or premises other than his or her own without written consent of the owner or lessee of such land unless such dog is securely restrained by a substantial leash or chain not exceeding six feet in length and controlled by a person competent to restrain such dog. This section shall not be construed as allowing dogs on leashes in the areas from which dogs are prohibited as designated by Sections 7.04.025, 7.04.030, and 7.04.050. (Ord. 89-8 § 1, 1989: Ord. 1230 § 1, 1967: Ord. 796 (part), 1956: 1949 Code § 4107)

7.04.025 Prohibited on School Grounds.

No person having the care, charge or control of any dog shall cause or allow, either wilfully or through failure to exercise due care or control, such dog to be present on or in any public school property other than when specifically invited by the school administration.

The prohibitions contained in this section shall not be applicable to any guide dog while being used by a blind person provided that the dog is on leash, carries clearly visible identification, and the person in charge has an official identification card issued for such purposes. (Ord. 89-8 § 2, 1989)

7.04.030 Animals Prohibited on Public Beaches.

- A. No person having the care, custody, charge or control of any animal shall permit or allow that animal to be on any ocean front beach or ocean front sidewalk or on any bay front beach between the hours nine a.m. to five p.m.
- B. No person having the care, custody, charge or control of any animal shall permit or allow that animal to be on any ocean front beach, ocean front sidewalk, bay front beach or bay front sidewalk unless that person has, in his or her possession, an implement or device capable of removing any feces deposited by the animal.
- C. The provisions of this section shall not be applicable to:
1. Any animal enrolled and participating in obedience classes offered by the Community Services Department of the City or in any show for which the City has issued a special event permit;
 2. Any guide dog while being used by a blind person or any dog being trained to be a guide dog for the blind pursuant to a recognized program of training provided the dog is on a leash and the person in charge has an official identification card issued for such purposes;
 3. Any blind person. (Ord. 96-29 § 1, 1996; Ord. 95-41 § 1, 1995; Ord. 89-8 § 3, 1989; Ord. 1410 § 1, 1971; Ord. 1386 § 1, 1971; Ord. 796 (part), 1956; Ord. 662: 1949 Code § 4107.1)

7.04.050 Dogs Prohibited.

- A. No person shall permit or allow any dog on any public pier or dock.
- B. No person shall permit or allow any dog in the Balboa Island Park, which is a public park located on the west side of Agate Avenue between Park and the alley north of South Bayfront on Balboa Island.
- C. No person shall permit or allow any dog to enter or remain on the playground, basketball courts, or fenced in grass areas immediately surrounding the basketball courts and playground at the 38th Street Park, which is a public park located at Balboa Blvd. at 38th Street, Newport Beach.
- D. The provisions of this section shall not apply to any blind person using a guide dog provided the dog is on a leash. (Ord. 2001-9 § 1, 2001: 1949 Code § 4109) (Ord. No. 2009-3, § 1, 1-27-2009)

7.04.055 Penalty.

It shall be unlawful for any person to violate or fail to comply with the provisions of Sections 7.04.020, 7.04.030, or 7.04.050 of this Code. Any person violating or failing to comply with any of the provisions of said sections shall be guilty of an infraction.

Any person convicted of violating or failing to comply with any of the provisions of said sections shall be punishable by the fines as is specified in the currently adopted Uniform Infraction Bail Schedule used by the Orange County Municipal Courts. (Ord. 89-8 § 5, 1989; Ord. 88-9 § 1, 1988; Ord. 1659 § 1, 1976)

7.04.060 License Required—Fees—Terms.

Every person who keeps a dog older than four months for more than thirty (30) days in the City shall obtain a dog license. The duration of this license shall be the greater of six months or the remaining term of the dog's rabies inoculation, up to the maximum of three years.

The fee for the dog license shall be established by resolution of the City Council. License fees are delinquent thirty (30) days after the due date and shall be subject to the payment of a late charge established by resolution of the City Council.

With each license, the City shall provide a tag with an imprinted number which shall be worn by the dog when in public. This tag number shall reference the file kept by animal control on each dog which includes:

1. A description of the dog;
2. Owner's name, address, and telephone number;
3. Duration of license; and
4. Duration of rabies inoculation. (Ord. 87-29 § 1, 1987; Ord. 1720 § 1, 1977; Ord. 1638 § 1, 1975; Ord. 1346 § 1, 1970; Ord. 1260 § 1, 1968; Ord. 1188 § 1, 1966; Ord. 868 (part), 1958; 1949 Code § 4110)

7.04.061 Unauthorized Removal of Tag.

No unauthorized person shall remove from any dog any collar or harness or other device to which is attached a license tag for the current year or remove such license tag from any dog. (Ord. 1188 § 2, 1966)

7.04.070 Vaccinations.

A. Defined. The term "vaccination" shall mean the inoculation of a dog with a vaccine approved by the Orange County Health Department.

B. Required. Every person who owns or harbors any dog shall have such dog vaccinated against rabies on or prior to the date such dog reaches four months of age and thereafter at intervals of not greater than two years. A dog may not be licensed prior to vaccination.

C. Veterinarian's Certificate. Every duly licensed veterinarian after vaccinating any dog shall sign a certificate in triplicate containing the following information:

1. The name and address of the owner or harborer of the vaccinated dog.
2. The kind and serial number of vaccine used and the date of vaccination.
3. The year, number of dog license tag, and name of City where issued; or, in the event that the dog has not previously been licensed, a notation to that effect.
4. The breed, age, color, and sex of the vaccinated dog.

Such veterinarian shall immediately present the original certificate to the owner or harborer of the dog, shall deliver the duplicate copy of the certificate of the Orange County Health

Department, and shall retain the triplicate copy thereof.

D. **Display of Certificate.** No person who owns or harbors any dog shall fail or refuse to exhibit the certificate required by this section upon demand of any person charged with its enforcement.

E. **Importation.** Every person who brings a dog into the City, which has not been vaccinated with the approved vaccine as herein prescribed within twelve (12) months prior to the importation, shall have such dog vaccinated within seven days from and after its arrival in the City. A certificate of vaccination issued by a duly licensed veterinarian from any other jurisdiction for a specific dog establishing vaccination with an approved vaccine may be accepted by the City as evidence of vaccination, providing it be within the interval prescribed by this section.

F. **Stolen or Counterfeit Certificate.** No person shall make use of or have in his possession or under his control a stolen, counterfeit, or forged vaccination certificate or license tag.

G. **Duties of Health Department.** In furtherance of the program of the City for vaccination of dogs against rabies, the Orange County Health Department is authorized to:

1. Approve of such vaccine or vaccines as it may find suitable for such use, promulgate its findings and approval, and file a statement of such findings and approval in the office of the City Finance Department as a public record.
2. Change such findings and approval when as a result of experience, research, practice or tests it finds that a new or different vaccine or vaccines are suitable for such use, and file a statement of such findings and approval in the office of the City Finance Department as a public record.
3. Prescribe the form of certificate to be used by duly licensed veterinarians under the provisions hereof and to distribute such form of certificate to duly licensed veterinarians practicing in this City upon request.

H. **Exception.** The vaccination requirement above shall not apply to a dog where a certificate has been issued by a duly licensed veterinarian doing business in the County of Orange setting forth that the giving of the inoculation would endanger the life of the dog. In such an event, the dog shall be confined at all times within the premises of the owner or within a motor vehicle owned by or under the supervision of the owner of such dog. (Ord. 1188 § 3; October 10, 1966: prior 1949 Code § 4110.5 added by Ord. 868; December 22, 1958)

7.04.080 Improper License Tagging.

No person shall attach any current license tag to any dog, which tag was not issued to the dog, or shall remove a tag from any dog the property of another, or shall counterfeit or imitate a dog tag, or attach a counterfeit or imitation tag to any dog. (1949 Code § 4111)

7.04.100 Biting Dog—Report—Custody and Control.

Upon receiving a report from any person who has been bitten by a dog, or from any person who has witnessed such occurrence, or has witnessed a dog who has bitten another dog, a Newport Beach Animal Control Officer shall notify the owner, possessor or custodian of the biting dog, in writing. If the Animal Control Officer believes the dog may be potentially

dangerous to the community, he/she may require the owner to keep such dog at all times on the property or premises where such owner, possessor or custodian resides, or on the property or premises of any person to whom the custody of such dog may be given, and to securely hold the dog or cause the dog to be securely held by a leash or other device or means, so as to prevent the dog from wandering, straying or getting beyond the control of its custodian.

If the possessor or custodian of such dog cannot provide the Chief of Police with proof of current rabies vaccination or when, in the opinion of the Public Health Officer, the situation warrants it, such dog shall be impounded at the City's animal shelter and the expense shall be borne by the owner, possessor or custodian of such dog, pending a petition pursuant to California Food and Agricultural Code Section 31601 et seq. to have the dog declared potentially dangerous or vicious. (Ord. 97-19 § 1, 1997: Ord. 1833 § 1, 1980: Ord. 1721 § 1, 1977: Ord. 1685 § 1, 1976: Ord. 1437 § 1, 1972: 1949 Code § 4116)

This page of the Newport Beach Municipal Code is current through Ordinance 2010-6, passed April 13, 2010.

Disclaimer: The City Clerk's Office has the official version of the Newport Beach Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.newportbeachca.gov/>
City Telephone: (949) 644-3005
Code Publishing Company

Attachment B

PUBLIC NOTICE

On Tuesday, June 1, 2010, at 7:00 p.m., in the City Council Chambers (Building A) at 3300 Newport Boulevard, the Newport Beach Parks, Beaches & Recreation Commission will discuss/consider recommending to the City Council that Section 7.04.030 of Title 7 of the Newport Beach Municipal Code be amended to change the hours that dogs are not allowed on the beach from:

9am to 5pm

to

10am to 4:30pm

If you have any questions, please contact Matthew Lohr, Recreation Manager at (949)644-3164 or mlohr@newportbeachca.gov

Attachment C

**CITY OF NEWPORT BEACH
CITY COUNCIL STAFF REPORT**

February 28, 2006

#553

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: Jim Kaminsky, Lieutenant, Traffic Services Division
SUBJECT: **Animals Prohibited on Public Beaches**

BACKGROUND:

Prior to 1989 the City of Newport Beach Municipal code section (7.04.030) prohibited animals on public beaches during the summer months (roughly June through September) during the hours of 9:00 a.m. to 5:00 p.m. In 1989 the ordinance was revised to prohibit animals on public beaches every day of the year between the hours of 9:00 a.m. to 5:00 p.m. Sufficient confusion on the public's part as to when animals were allowed and not allowed on the beaches prompted staff and the sitting council to revise the ordinance.

DISCUSSION:

In reviewing this issue for Council study it was insightful to interview City Police Animal Control Officers, some of them in their positions since 1977. All concur that the reason this ordinance was revised was due to the many citizens they had contacted on the beach in violation of this ordinance. They stated that most citizens found to be in violation had a misunderstanding about the ordinance that centered around the months that animals were and were not allowed on public beaches. Staff and City Council sought to clarify the ordinance by simplifying it to read, in essence, "No animals allowed on public beaches **any day of the year** between the hours of 9:00 a.m. to 5:00 p. m." (emphasis added). The ordinance was revised to reflect this clarification and has stood ever since.

Prior to the revision of the ordinance the Police Department Animal Control Officers and regular Officers as well experienced problems with this law during the winter months when the weather, on occasion, would turn uncharacteristically warm for that time of year. Public beach populations would swell and as the ordinance allowed animals on the beach during the day in the winter, conflicts between the animals and beachgoers would arise. Fights between animals also occurred.

Beachgoer complaints of animal urination and defecation were common and more hours had to be spent by officers in patrol of the beaches during winter time warmer weather.

One would be correct in assuming that our winter climate is not often uncharacteristically warm, but there are more than a few weeks each winter in which this area is under the affect of a Santa Ana condition or another weather system that pushes our temperatures into the 80's on a winter day. This occurred just two weeks ago and, as expected, our beach and visitor population increased well above what it usually is on a normal winter day. If the previous ordinance had still been in existence, animals would have been allowed on the beaches during daytime hours and the issues cited above may have played out once again.

A review a the Police Department's Animal Control enforcement activities for the year 2005 revealed that animal beach violations account for 46.2% of all animal control citations for that year.¹ Specifically, violations addressing animals off leash and on the beach account for 23.3% of cite activity, while animals on beach during prohibited hours made up for 19.9% of all citations by this unit. These statistics are important due to the fact that they occurred under the City's post 1989 ordinance which is more restrictive in nature.

To provide City Staff and Council with comparison data, several Orange County coastal communities were contacted to ascertain how their ordinances treat this issue. A synopsis of that data follows.

Cities prohibiting animals on public beaches year round:

Dana Point
San Clemente
Seal Beach
Huntington Beach²

Cities allowing dogs on beaches year round under certain conditions:

Laguna Beach – Animals not allowed on beaches between the hours of 8:00 a.m. and 6:00 p.m. from June 1st to September 16th. Animals must

¹ Violations include ordinances as they relate to animals on public beaches.

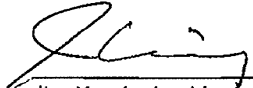
² Animals currently run free on a portion of Huntington City Beach, but there is no statutory exception to the leash ordinance that allows this.

be leashed at all times. Animals not allowed in play equipment areas on beaches at any time.

Throughout the years certain environmental concerns have surfaced over this issue not the least of which relates to the amount of animal waste that is deposited upon and into the sand of public beaches. A portion of this waste can be monitored in the form of pet owners picking up after their pets. However, as one can imagine, any liquid waste is unrecoverable and resides in the sand until diluted by the environment.

One other environmental concern is that of the Snowy Plover bird that has as its habitat salt water sand environments and the effects animal intrusion might have on that species' habits. As our ordinance is concerned, however, the habits of this bird might be disturbed anytime animals are allowed on the beaches. It is of no consequence as to time of year or time of day that animals are allowed on the beaches for this to occur. It is noteworthy, however, that the Snowy Plover lays its eggs in early May. Our prior ordinance would have allowed animals on the beaches during this month during the day.

Prepared by:



Jim Kaminsky, Lieutenant

Attachment: Ordinance No. 96-29 as provided by City Clerk's Office

ORDINANCE NO. 96-29

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWPORT BEACH AMENDING SECTION 7.04.030(A),
PERTAINING TO ANIMALS PROHIBITED ON PUBLIC
BEACHES.

The City Council of the City of Newport Beach does hereby ordain that certain
Newport Beach Municipal Code sections are amended to read, in full, as follows:

SECTION 1: Section 7.04.030A of Newport Beach Municipal Code is hereby
amended to read as follows:

7.04.030 Animals Prohibited on Public Beaches.

A. No person having the care, custody, charge or control of any animal shall
permit or allow that animal to be on any ocean front beach or ocean front sidewalk or on
any bay front beach or bay front sidewalk between the hours 9:00 a.m. to 5:00 p.m.

SECTION 2: The Mayor shall sign and the City Clerk shall attest to the passage
of this ordinance. The City Clerk shall cause the same to be published once in the official
newspaper of the City, and it shall be effective thirty (30) days after its adoption.

SECTION 3: This ordinance was introduced at a regular meeting of the City
Council of the City of Newport Beach, held on the 12th day of August, 1996, and
adopted on the 26th day of August, 1996, by the following vote, to wit:

AYES, COUNCILMEMBERS O'Neil, Edwards,

Debay, Glover, Watt, Hedges

NOES, COUNCILMEMBERS _____

None

ABSENT COUNCILMEMBERS _____

Cox

MAYOR [Signature]

ATTEST:

[Signature]
CITY CLERK



F:\cat\debbie\ordlnan\proanima.doc
8-1-96

habitat in the harbor and the importance of doing so.

Manager Rossmiller stated that there is another form of dredging done in the harbor and he displayed a map showing seven locations around Balboa Island where sand will be pushed up onto the beaches. He stated that the City tries to use existing sand sources when replenishing areas whenever possible. Lastly, Manager Rossmiller displayed information on how the council members and the general public can assist the City with its goals, which includes writing letters of support for continued funding for the City's dredging projects to Senator Feinstein and the Energy and Water Appropriations Committee.

At the request of Council Member Selich, Manager Rossmiller displayed an aerial photo and pointed out the locations in the harbor that are private waterways and not the responsibility of the City to dredge. He noted that these dredges, if above certain quantities, require individual permits, but that lower quantity dredges can utilize the regional general permit process. Manager Rossmiller also provided the status of the City's new dock standards and noted that the Harbor Area Management Plan (HAMP) grant was received from the State Department of Water Resources.

In response to Council Member Curry's question, Manager Rossmiller explained how a disruption in funding can affect the dredging schedule. At the request of Council Member Nichols, Manager Rossmiller explained how dredged sediment and sand has been reused in the past. In response to Mayor Pro Tem Rosansky's question, Manager Rossmiller provided examples of other cities that have owned their own dredging equipment and described some of the disadvantages to a municipality owning its own equipment.

3. **DOGS ON THE BEACH. [100-2006]**

Lieutenant Kaminsky provided a brief summary of his staff report. Using a PowerPoint presentation, he displayed an aerial photo of "Dog Beach" in the City of Huntington Beach, and showed the signs that are posted there and at other beaches in Huntington Beach. He also displayed photos and showed a short video to demonstrate some of the problems associated with dogs on beaches.

Lieutenant Kaminsky briefly discussed the environmental concerns associated with dogs on beaches, as provided in his staff report. He stated that Laguna Beach is the only city of those surveyed that allows dogs on the beaches year round. He explained that the City of Newport Beach previously had a similar ordinance and that Laguna Beach is experiencing some of the same problems that Newport Beach experienced.

Mayor Pro Tem Rosansky confirmed with Lieutenant Kaminsky that the Police Department is not recommending a change to the City's current ordinance.

Council Members Ridgeway and Curry spoke in support of the current regulations.

John Cunningham reported that the Board of Directors of the Balboa Island Improvement Association recently conducted an unanimous vote to request that the City prohibit dogs from Balboa Island beaches at all hours. He stated that a letter would be sent to the City Council formalizing this request.

CITY OF NEWPORT BEACH
CITY ATTORNEY'S OFFICE

May 28, 2002
Agenda Item 3

TO : MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: DANIEL K. OHL, DEPUTY CITY ATTORNEY
RE : MODIFICATION TO SECTION 7.04.020 – DOGS
ON BEACH/OCEAN



BACKGROUND:

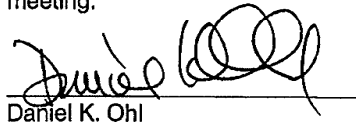
On March 5, 2002, Phillip and Lynne Butterfield contested two leash violation citations in Harbor Justice Center. Their contention was their dog was dragging his leash on the wet sand and into and out of the water. As a result, he was not on a "beach" as stated in the section 7.04.020 of the municipal code. They also contested that their dog was in the "ocean." Their argument is that the "ocean" is not stated in section 7.04.020.

Judge Strople concluded that the Butterfield's dog was on the part of the beach where the tide ebbs and flows and found the Butterfield's guilty. Judge Strople also stated section 7.04.020 does not specifically mention the "ocean" and there were many gray areas and no precedents. The Butterfields have now filed an appeal to Judge Strople's decision.

Therefore, we are proposing modifications to Chapter 7.04 which requires dogs to be restrained by a substantial leash or chain when present upon any beach, street, alley, or public place without written consent of the owner or lessee of such land. The suggested modifications includes a park, the ocean or bay waters within the City limits or any other public place. The dog must also be restrained by a substantial leash or chain not exceeding six feet in length and physically restrained by a person.

RECOMMENDATION:

Approve first reading and pass to a second reading at the City's next regularly scheduled meeting.


Daniel K. Ohl

da

ORDINANCE NO. 2002-____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWPORT BEACH AMENDING SECTION 7.04.020, OF
TITLE 7 OF THE NEWPORT BEACH MUNICIPAL CODE,
PERTAINING TO DOGS IN THE BEACH**

The City Council of the City of Newport Beach does hereby ordain as follows:

SECTION 1: Section 7.04.020 of Chapter 7.04 is amended to read as follows:

Section 7.04.020 Leash Required.

No person having the care, charge or control of any dog shall cause or allow, either willfully or through failure to exercise due care or control, such dog to be present upon any public property, including, but not limited to, any beach, street, alley, park or the ocean or bay waters within the City limits or any other public place, or upon any private property or premises other than his or her own without written consent of the owner or lessee of such land unless such dog is securely restrained by a substantial leash or chain not exceeding six feet in length and physically restrained and controlled by a person competent to restrain such dog. This section shall not be construed as allowing dogs on leashes in the areas from which dogs are prohibited as designated by Sections 7.04.025, 7.04.030, and 7.04.050.

SECTION 2: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published once in the official newspaper of the City, and it shall be effective thirty (30) days after its adoption.

SECTION 4: This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach, held on the ____ day of _____, 2002, and adopted on the ____ day of _____, 2002, by the following vote, to wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT COUNCILMEMBERS _____

MAYOR _____

ATTEST:

CITY CLERK



General Services Department

PB&R Commission Agenda

Item No. _____

June 1, 2010

TO: Parks, Beaches and Recreation Commission
FROM: General Services Director
SUBJECT: *Proposed City Tree Removals on Heliotrope Avenue*

Recommendation

Staff recommends that the Parks, Beaches and Recreation Commission consider for approval the removal of six City trees that are posing a potential liability.

Discussion

In March 2010, the General Services Department staff hired Dan Jensen, Consulting Arborist with R. Dan Jensen and Associates, Incorporated, to assess the condition of six City trees at 418, 437, 439 and 440 Heliotrope Avenue, Corona Del Mar. Upon inspection, the trees were found to be planted in inappropriate sized parkways. All subject trees experienced significant root damage due to hardscape repairs and as a result have begun to decline in health. Additionally, two trees were found with aggressive roots, root flair and trunks too large for the existing tree wells. Lastly, majority of the tree's roots will continue to grow out of the space provided. The trees are creating a substantial liability to the City and should be removed.

The City's Urban Forester and Parks and Trees Superintendent inspected the subject trees and concur with arborist recommendation to remove the six City trees.

Staff has attached a Tree Inspection Reports, Arborist Reports, Tree Inventory Details, and photographs related to the request.

Council Member Nancy Gardner has received a copy of this report and a notice of the Commission meeting. Adjacent property owners were also notified of the Commission meeting.

Submitted by:

A handwritten signature in black ink, appearing to read "Mark Harmon".

Mark Harmon

- Attachments:
- (A) Tree Inspection Report
 - (B) Arborist Reports
 - (C) City Tree Inventory Details
 - (D) Existing City Tree's Pictures
 - (E) City of Newport Beach Street Tree Designation List
 - (F) Replacement Trees, Pictures and Tree Descriptions
 - (G) Map



TREE INSPECTION REPORT

Name: Parks and Trees Division
General Services Department

Request: The City's Urban Forester is requesting the removal of six City trees that are posing a potential liability. See attached arborist reports.

Tree Locations:

○ **418 Heliotrope Avenue / Front-1**

Pinus halepensis – Aleppo Pine

Work History: Sidewalk, curb and gutter repair- 2000

Arborist Recommendation: Remove subject tree. It is in major stress and not healing properly. Much sap is present. Aleppo Pines are not the appropriate street tree for 4 foot parkways. The roots are too aggressive, root flair too big and trunk too large for the area. The subject tree has experienced significant root damage due to hardscape repairs and as a result has begun to decline in health.

○ **437 Heliotrope Avenue / Front – 1**

Casuarina cunninghamiana – River She-Oak

No work history recorded within the last ten years

Arborist Recommendation: Remove subject tree. River She-Oaks are not the appropriate street tree for 4 foot parkways. The subject tree has experienced significant root damage due to hardscape repairs and as a result has begun to decline in health. The tree's real problem is the tree roots will continue to grow out of the parkway space provided and the upper canopy of the tree may break at anytime. During this short period of time the tree continues to provide a substantial liability to the City.

○ **439 Heliotrope Avenue / Front-1**

Casuarina cunninghamiana – River She-Oak

No work history recorded within the last ten years

Arborist Recommendation: Remove subject tree. River She-Oaks are not the appropriate street tree for 4 foot parkways. The subject tree has experienced significant root damage due to hardscape repairs and as a result has begun to decline in health. More hardscape repairs are inevitable. The tree's real problem is the tree roots will grow out of the space provided and the upper canopy of the tree may break at any time. During this short period of time the tree continues to provide a substantial liability to the City.

○ **440 Heliotrope Avenue / Front -1, 2, 3**

Pinus brutia – Calabrian Pine

No work history recorded within the last ten years

Arborist Recommendation: Remove the three subject trees. Calabrian Pines are not the appropriate street for 4 foot parkways. The roots are too aggressive, canopy too large, root flair too big and trunk too large for the area. The tree will continue to grow out of the parkway space provided. As the trees have been topped and branches reduced the trees are not candidates for transplanting as a tree.

Designated Street Trees: Proposed tree species

Metrosideros excelsus – New Zealand Christmas Tree

Howea forsteriana – Kentia Palm

Bauhinia blakeana – Hong Kong Orchid

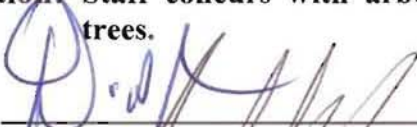
Estimated Tree Value: \$18,450.00 / 6 City trees

Damage: N/A

Parkway: Concrete Brick Turf (X) Other

Inspected by:  _____ **Date:** May 13, 2010
John Conway, Urban Forester

Recommendation: Staff concurs with arborist recommendation to remove subject trees.

Reviewed by:  _____ **Date:** May 13, 2010
Dan P. Sereno, Parks and Trees Superintendent

Reviewed by:  _____ **Date:** 5/18/10
Mark Harmon, General Services Director

R. DAN JENSEN & ASSOCIATES, INC.
18011 CLEARWATER CIRCLE
HUNTINGTON BEACH, CA 92648
714-841-2905

CLIENT: City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92658
John Conway, Urban Forester

PROJECT SITE: 418 Heliotrope Avenue
Newport Beach, CA

REPORT SUBJECT: Evaluation of street tree at 418 Heliotrope Avenue

DATE OF SITE VISIT: March 10, 2010

REPORT DATE: March 19, 2010

DEFINITION OF ASSIGNMENT

1. State the current condition of tree: decay, injury, disease, insect infestation, etc.
2. If the tree is currently viable and any mitigating measures possible to retain tree.
3. If the tree is viable in current site with expected growth, expected hardscape repairs and possible property development that could affect and minimize the root zone.
4. If tree removal is the only solution to assure public safety and potential tree failure.

SITE OBSERVATIONS

- Subject tree is a mature tree identified as *Pinus halepensis*, "Aleppo Pine"
- Trunk has a 28" diameter at standard height.
- The estimated height of the tree is approximately 40'
- The tree is growing in a 4' wide irrigated parkway adjacent pedestrian traffic and parked cars.
- The soil in the parkway is moist and the turf has good color.
- There are old wounds to its surface roots. Sap is oozing from unknown damage from the trunk.
- The trunk flare is growing on the curb and sidewalk. The tree is leaning towards the North/East.

- The tree has old wounds that have been oozing for quite some time. Pruning cuts from February 2008 are still oozing. It is not healing properly. The tree looks to have been recently pruned.
- **The tree is in major stress** and has outgrown its environment.
- The curb, gutter and asphalt areas of the street have been replaced. Extensive root damage would be expected due to this work. The sidewalk has been ground level in response to tree root growth.

ANALYSIS & DISCUSSION

Typically, Aleppo Pines are moderately fast growing evergreen trees that can reach a mature height of 30 – 60 feet with a canopy spread of 20 – 40 feet. They develop a large trunk flare that can reach a diameter up to 48 inches or more with an expansive root system to support their massive canopy. They develop multiple stems usually between 6-12 feet above grade. The subject tree displays the symptoms of old root damage that probably occurred as a result of street repairs that appear to have been done within the past several years. This has resulted in the deterioration of the trees surface roots and perhaps anchorage roots and has led to decay in the trunk flare.

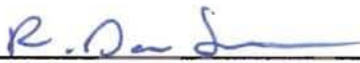
When the roots of healthy trees are damaged from excavation (*as in the manner that took place at this site*), some species have the ability to compartmentalize the wounds or the damaged tissue. However, when root branches die and the wounds are not compartmentalized, infections or decay then spread into connecting roots and eventually up into the trunk. Usually no damage may be seen from the root pruning. The only sign of damage is usually sap appearing out of a normal looking trunk or root flair. Cracks may develop above the dead roots or, perhaps, between two dead roots. This can be seen at the base of the tree and on the top of the roots at the surface of the soil. At this point of the tree's life, it is actually too late to remedy the situation and management of the tree now consists of yearly hazard evaluation, damage control and/or tree removal.

Aleppo Pine trees with root damage are subject to infestation by many root rots. Root rot pathogens are common throughout California, and cause the decline of affected plants, usually during the warmer season. It is a soil-borne fungus that attacks the roots of susceptible plants. Because the damaged roots are unable to take up enough water to maintain the plant in warm weather, the leaves wilt and the plant dies. The signs of severe root rot are sap oozing from a healthy looking trunk, sudden die back of small or main leaders, sudden death of the entire tree or even sudden collapse of the entire tree.

CONCLUSION & RECOMMENDATION

Recommendation is to remove the subject tree. It is in major stress and not healing properly. Much sap is present. Aleppo Pines are not the appropriate street tree for 4 foot parkways. The roots are too aggressive, root flair too big and trunk too large for the area. A natural growth habit of the Aleppo Pine is a leaning trunk. It is common for the tree trunk to lean into the street or sidewalk when planted in a 4 foot parkway. The subject tree has experienced significant root damage due to hardscape repairs and as a result has begun to decline in health. It will continue to grow out of the parkway space provided.

Respectfully submitted,



R. Dan Jensen

Certified Arborist WE-1093A

Show/Hide Map Print Report

Inventory Detail

Dist: 12
 Address: 418 HELIOTROPE AV
 Fictitious: No
 Location: Front-1
 On Address: 418 HELIOTROPE AV
 Species: *Pinus halepensis*, ALEPPO PINE
 DBH/Height: 25-30 / 45-60
 Parkway Size: 4
 Utility Overhead: No
 Sidewalk Damage: No
 Recommended Maintenance: Grid Trim
 Estimated Value \$9,830

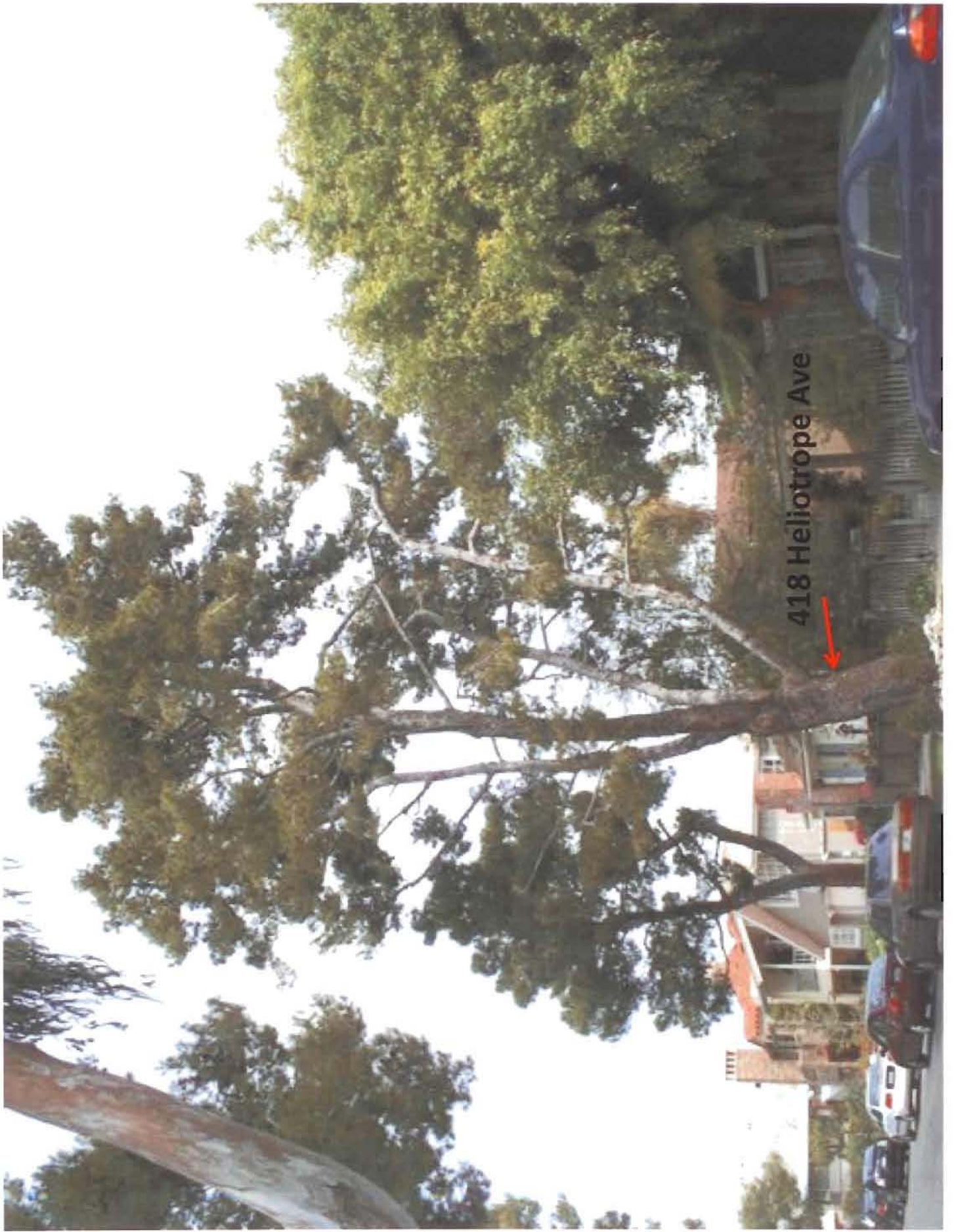
WCA Work History

Date	Work Type	Amount	Job#
2/6/2008	Grid Pruning	\$39.00	11060
1/17/2006	Service Request Pruning	\$39.00	8474
2/22/2001	Grid Trimming	\$39.00	3581
10/6/1999	Grid Trimming	\$39.00	2866

Other Work History

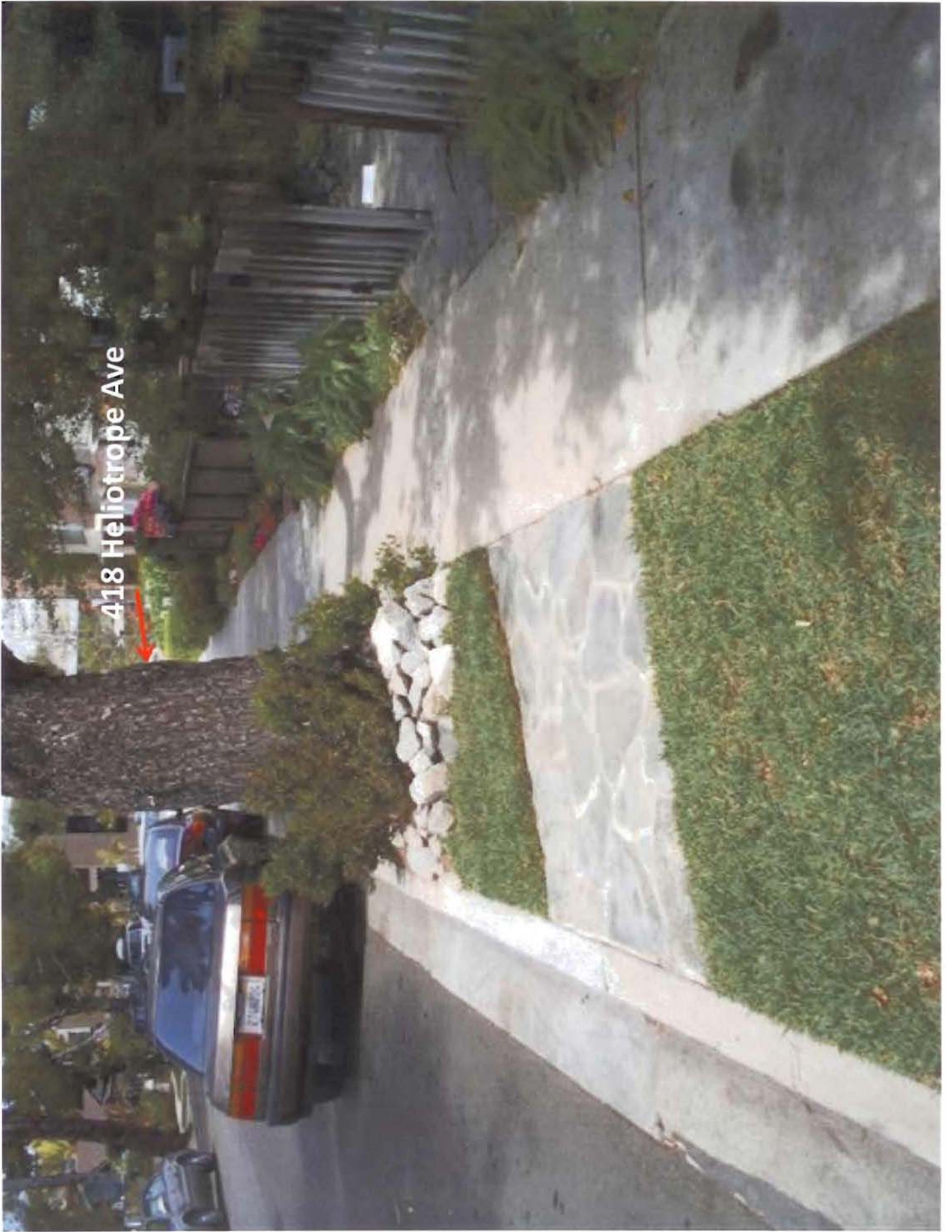
Date Work Type Crew Acct# Min





418 Heliotrope Ave

418 Heliotrope Ave



R. DAN JENSEN & ASSOCIATES, INC.
18011 CLEARWATER CIRCLE
HUNTINGTON BEACH, CA 92648
714-841-2905

CLIENT: City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92658
John Conway, Urban Forester

PROJECT SITE: 437 Heliotrope Avenue
Newport Beach, CA

REPORT SUBJECT: Evaluation of street tree at 437 Heliotrope Avenue

DATE OF SITE VISIT: March 5, 2010

REPORT DATE: March 19, 2010

DEFINITION OF ASSIGNMENT

1. Show the current condition of tree: decay, injury, disease, insect infestation, etc.
2. If the tree is currently viable and any mitigating measures possible to retain tree.
3. If the tree is viable in current site with expected growth, expected hardscape repairs and possible property development that could affect and minimize the root zone.
4. If tree removal is the only solution to assure public safety and potential tree failure.

SITE OBSERVATIONS

- Subject tree is a mature tree identified as *Casuarina cunninghamiana*, "River She-Oak"
- Trunk has a 14" diameter at standard height.
- The estimated height of the tree is approximately 40'
- The tree is growing in a 4' wide irrigated parkway adjacent pedestrian traffic and parked cars.
- The soil in the parkway is moist and the turf has good color.
- There are old wounds to its surface roots. There is extensive Sap Sucker damage to the trunk, main leaders and branches.
- The trunk flare is covered with turf and has signs of damage from line trimmers.
- The tree has old limb removal wounds that have been oozing for several months.
- The tree is in weak condition and has not produced a significant amount of shoot growth for the current year. The tree has been topped in the past. There are weak branch attachments at the sites of

topping the tree. There are weak branch attachments due to included bark. Sucker growth is forming on the trunk.

- Sidewalk, curb and gutter have been replaced and the curb and sidewalk are lifting due to tree roots. The asphalt areas of the roadway have been excavated and replaced in the recent past. Extensive root damage would be expected due to this work.

ANALYSIS & DISCUSSION

Typically, River She-Oaks are moderately fast growing evergreen trees that can reach a mature height of 60 – 70 feet with a canopy spread of 20 – 40 feet. They develop a large trunk flare that can reach a diameter up to 48 inches or more with an expansive root system to support their massive canopy.

The subject tree displays the symptoms of old root damage that probably occurred as a result of street and sidewalk repairs that appear to have been done within the past several years. This has resulted in the deterioration of the trees surface roots and perhaps anchorage roots and has led to decay in the trunk flare.

When the roots of healthy trees are damaged from excavation (*as in the manner that took place at this site*), some species have the ability to compartmentalize the wounds or the damaged tissue. However, when root branches die and the wounds are not compartmentalized, infections or decay then spread into connecting roots and eventually up into the trunk. Usually no damage may be seen from the root pruning. The only sign of damage is usually sap appearing out of a normal looking trunk or root flair. Cracks may develop above the dead roots or, perhaps, between two dead roots. This can be seen at the base of the tree and on the top of the roots at the surface of the soil. At this point of the tree's life, it is actually too late to remedy the situation and management of the tree now consists of yearly hazard evaluation, damage control and/or tree removal.

River She-Oak trees with root damage are subject to infestation by many root rots. Root rot pathogens are common throughout California, and cause the decline of affected plants, usually during the warmer season. It is a soil-borne fungus that attacks the roots of susceptible plants. Because the damaged roots are unable to take up enough water to maintain the plant in warm weather, the leaves wilt and the plant dies. The signs of severe root rot are sap oozing from a healthy looking trunk, sudden die back of small or main leaders, sudden death of the entire tree or even sudden collapse of the entire tree.

The subject tree also has included bark among its scaffold branches. This is a bark that forms as two stems that are consistent in size grow together with the bark remaining imbedded in between the two individual stems. They appear to be held together by a solid bond but look like two separate stems competing for space as they expand in girth. Over time as the individual stems increase in girth, the

weaker of the two leaders is eventually pushed away by the larger heavier part causing the weaker side to fall. In some cases both limbs will fall.

CONCLUSION & RECOMMENDATION

River She-Oaks are not the appropriate street tree for 4 foot parkways. The subject tree has experienced significant root damage due to hardscape repairs and as a result has begun to decline in health. The tree roots will continue to grow out of the parkway space provided. More hardscape repairs are inevitable. A more serious problem is the tree has been topped in the past. The new branch attachments at the topping sites do not have the same strength as normal attachments. The tree has included bark at several branch attachments. **The tree should be removed** or yearly inspections made by a qualified Certified Arborist. The yearly inspections should provide notice of changes to the adjacent hardscape, structural problems increasing with the canopy and additional liabilities caused by the trees further growth. The tree, if kept, should be placed on an annual pruning cycle. The upper canopy of the tree should be inspected yearly by a qualified Certified Tree Worker. The worker should inspect the upper canopy of the tree for structural defects such as included bark and weak branch attachments. If defects are found they should be corrected or the tree should be removed immediately. The owners should note that the yearly inspections will only prolong the life of the tree for a short period of time. The trees real problem is the tree roots will grow out of the space provided and the upper canopy of the tree may break at any time. During this short period of time the tree continues to provide a substantial liability to the city.

Respectfully submitted,



R. Dan Jensen

Certified Arborist WE-1093A

Show/Hide Map Print Report

Inventory Detail

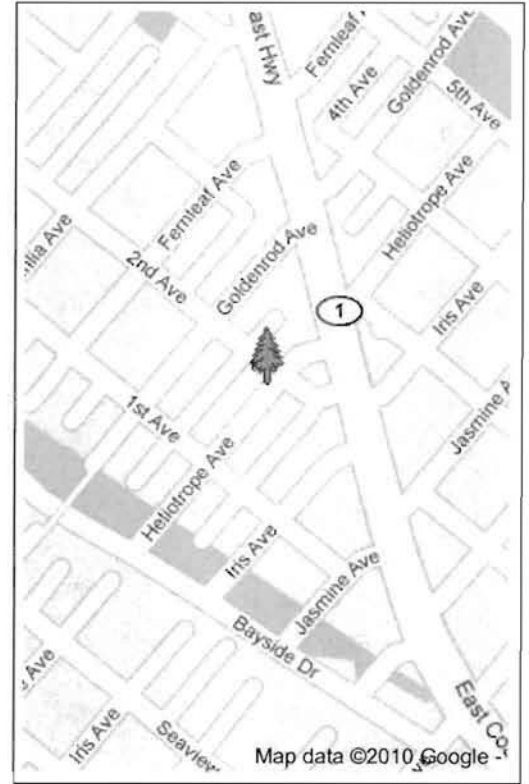
Dist: 12
 Address: 437 HELIOTROPE AV
 Fictitious: No
 Location: Front-1
 On Address: 437 HELIOTROPE AV
 Species: *Casuarina cunninghamiana*, RIVER SHE-OAK
 DBH/Height: 13-18 / 30-45
 Parkway Size: 4
 Utility Overhead: No
 Sidewalk Damage: No
 Recommended Maintenance: Grid Trim
 Estimated Value \$3,260

WCA Work History

Date	Work Type	Amount	Job#
2/5/2008	Grid Pruning	\$39.00	11060
1/18/2006	Service Request Pruning	\$39.00	8474
10/5/1999	Grid Trimming	\$39.00	2866

Other Work History

Date	Work Type	Crew	Acct#	Min
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R. DAN JENSEN & ASSOCIATES, INC.
18011 CLEARWATER CIRCLE
HUNTINGTON BEACH, CA 92648
714-841-2905

CLIENT: City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92658
John Conway, Urban Forester

PROJECT SITE: 439 Heliotrope Avenue
Newport Beach, CA

REPORT SUBJECT: Evaluation of street tree at 439 Heliotrope Avenue

DATE OF SITE VISIT: March 5, 2010

REPORT DATE: March 19, 2010

DEFINITION OF ASSIGNMENT

1. Show the current condition of trees: decay, injury, disease, insect infestation, etc.
2. If the tree is currently viable and any mitigating measures possible to retain tree.
3. If the tree is viable in current site with expected growth, expected hardscape repairs and possible property development that could affect and minimize the root zone.
4. If tree removal is the only solution to assure public safety and potential tree failure.

SITE OBSERVATIONS

- Subject tree is a mature tree identified as *Casuarina cunninghamiana*, "River She-Oak"
- Trunk has a 13" diameter at standard height.
- The estimated height of the tree is approximately 40'
- The tree is growing in a 4' wide irrigated parkway adjacent pedestrian traffic and parked cars.
- The soil in the parkway is moist and the turf has good color.
- There are old wounds to its surface roots. Sap Sucker damage is located on the main trunk, leaders and branches of the tree.
- The trunk flare is covered with turf and has signs of damage from line trimmers.
- The tree has sucker growth on the trunk, been topped in the past and has included bark.

- The sidewalk, curb and gutter have recently been replaced. The asphalt areas of the street have been excavated and replaced in the recent past. Extensive root damage would be expected due to this work.
- **The tree is in severe decline.**

ANALYSIS & DISCUSSION

Typically, River She-Oaks are moderately fast growing evergreen trees that can reach a mature height of 30 – 60 feet with a canopy spread of 20 – 40 feet. They develop a large trunk flare that can reach a diameter up to 48 inches or more with an expansive root system to support their massive canopy. They develop multiple stems usually between 6-12 feet above grade.

The subject tree displays the symptoms of old root damage that probably occurred as a result of street repairs that appear to have been done within the past several years. This has resulted in the deterioration of the trees surface roots and perhaps anchorage roots and has led to decay in the trunk flare.

When the roots of healthy trees are damaged from excavation (*as in the manner that took place at this site*), some species have the ability to compartmentalize the wounds or the damaged tissue. However, when root branches die and the wounds are not compartmentalized, infections or decay then spread into connecting roots and eventually up into the trunk. Usually no damage may be seen from the root pruning. The only sign of damage is usually sap appearing out of a normal looking trunk or root flair. Cracks may develop above the dead roots or, perhaps, between two dead roots. This can be seen at the base of the tree and on the top of the roots at the surface of the soil. At this point of the tree's life, it is actually too late to remedy the situation and management of the tree now consists of yearly hazard evaluation, damage control and/or tree removal.

River She-Oak trees with root damage are subject to infestation by many root rots. Root rot pathogens are common throughout California, and cause the decline of affected plants, usually during the warmer season. It is a soil-borne fungus that attacks the roots of susceptible plants. Because the damaged roots are unable to take up enough water to maintain the plant in warm weather, the leaves wilt and the plant dies. The signs of severe root rot are sap oozing from a healthy looking trunk, sudden die back of small or main leaders, sudden death of the entire tree or even sudden collapse of the entire tree.

The subject tree also has included bark among its scaffold branches. This is a bark that forms as two stems that are consistent in size grow together with the bark remaining imbedded in between the two individual stems. They appear to be held together by a solid bond but look like two separate stems competing for space as they expand in girth. Over time as the individual stems increase in girth, the

weaker of the two leaders is eventually pushed away by the larger heavier part causing the weaker side to fall. In some cases both limbs will fall.

CONCLUSION & RECOMMENDATION

River She-Oaks are not the appropriate street tree for 4 foot parkways. The subject tree has experienced significant root damage due to hardscape repairs and as a result has begun to decline in health. The tree roots will continue to grow out of the parkway space provided. More hardscape repairs are inevitable. A more serious problem is the tree has been topped in the past. The new branch attachments at the topping sites do not have the same strength as normal attachments. The tree has included bark at several branch attachments. **The subject tree is in severe decline and should be removed** or yearly inspections made by a qualified Certified Arborist. The yearly inspections should provide notice of changes to the adjacent hardscape, structural problems increasing with the canopy and additional liabilities caused by the trees further growth. The tree, if kept, should be placed on an annual pruning cycle. The upper canopy of the tree should be inspected yearly by a qualified Certified Tree Worker. The worker should inspect the upper canopy of the tree for structural defects such as included bark and weak branch attachments. If defects are found they should be corrected or the tree should be removed immediately. The owners should note that the yearly inspections will only prolong the life of the tree for a short period of time. The trees real problem is the tree roots will grow out of the space provided and the upper canopy of the tree may break at any time. During this short period of time the tree continues to provide a substantial liability to the city.

Respectfully submitted,



R. Dan Jensen

Certified Arborist WE-1093A

Inventory Detail

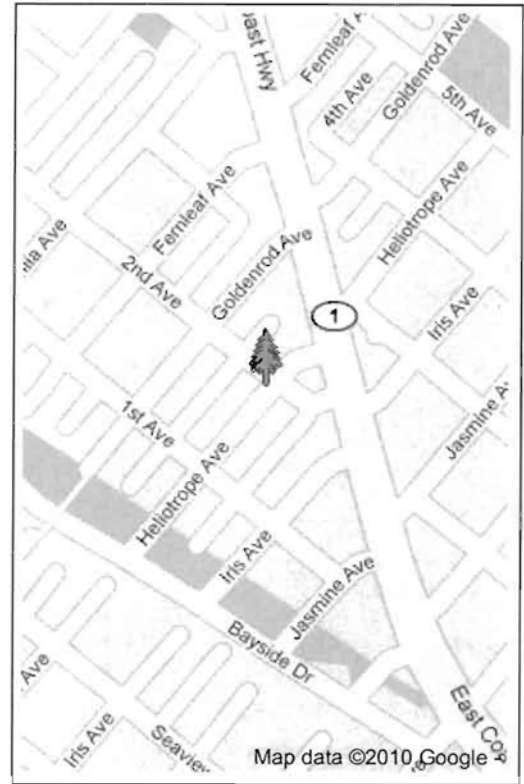
Dist: 12
 Address: 439 HELIOTROPE AV
 Fictitious: No
 Location: Front-1
 On Address: 439 HELIOTROPE AV
 Species: *Casuarina cunninghamiana*, RIVER SHE-OAK
 DBH/Height: 13-18 / 30-45
 Parkway Size: 4
 Utility Overhead: No
 Sidewalk Damage: No
 Recommended Maintenance: Grid Trim
 Estimated Value \$3,260

WCA Work History

Date	Work Type	Amount	Job#
2/5/2008	Grid Pruning	\$39.00	11060
1/18/2006	Service Request Pruning	\$39.00	8474
2/8/2001	Grid Trimming	\$39.00	3581
10/5/1999	Grid Trimming	\$39.00	2866

Other Work History

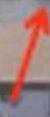
Date	Work Type	Crew	Acct#	Min
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437 Heliotrope Ave



439 Heliotrope Ave





437 Heliotrope Ave

439 Heliotrope Ave



439 Heliotrope Ave

R. DAN JENSEN & ASSOCIATES, INC.
18011 CLEARWATER CIRCLE
HUNTINGTON BEACH, CA 92648
714-841-2905

CLIENT: City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92658
John Conway, Urban Forester

PROJECT SITE: 440 Heliotrope Avenue
Newport Beach, CA

REPORT SUBJECT: Evaluation of street trees at 440 Heliotrope Avenue

DATE OF SITE VISIT: March 12, 2010

REPORT DATE: March 19, 2010

DEFINITION OF ASSIGNMENT

1. Current condition of trees: decay, injury, disease, insect infestation, etc.
2. If the tree is currently viable and any mitigating measures possible to retain tree.
3. If the tree is viable in current site with expected growth, expected hardscape repairs and possible property development that could affect and minimize the root zone.
4. If tree removal is the only solution to assure public safety and potential tree failure.

SITE OBSERVATIONS

- Subject 3 trees are identified as small immature *Pinus brutia*, “Calabrian Pine”
- Trunks have 3-4 ” diameter at standard height
- The estimated height of the trees is approximately 5-6’
- The trees are each growing in a 5.5 foot by 4 foot wide tree well. They are planted in front of a restaurant. Distance between trees is approximately 10 feet.
- The tree wells are planted with a mixture of weeds and ornamental plants. The soil is very wet.
- Tree at Front #1 has been topped and branch ends cut off as in a Bonsai style trimming. Tree will not retain normal growth pattern.
- Tree at Front #2 has been topped and branch ends cut off as in a Bonsai style trimming. Tree will not retain normal growth pattern.
- Tree at Front #3 is dead.

ANALYSIS & DISCUSSION

Typically, Calabrian Pines are fast growing evergreen trees that can reach a mature height of 30 – 80 feet with a canopy spread of 15 – 25 feet. They develop a large trunk flare that can reach a diameter up to 48 inches or more with an expansive root system to support their massive canopy. They develop multiple stems usually between 6-12 feet above grade. The trees are a specimen not suited to the planting area.

CONCLUSION & RECOMMENDATION

Calabrian Pines are not the appropriate street tree for 4 foot parkways. The roots are too aggressive, canopy too large, root flair too big and trunk too large for the area. The tree will continue to grow out of the parkway space provided. **The trees should be removed.** As the trees have been topped and branches reduced the trees are not candidates for transplanting as a tree.

Respectfully submitted,



R. Dan Jensen

Certified Arborist WE-1093A

Show/Hide Map Print Report

Inventory Detail

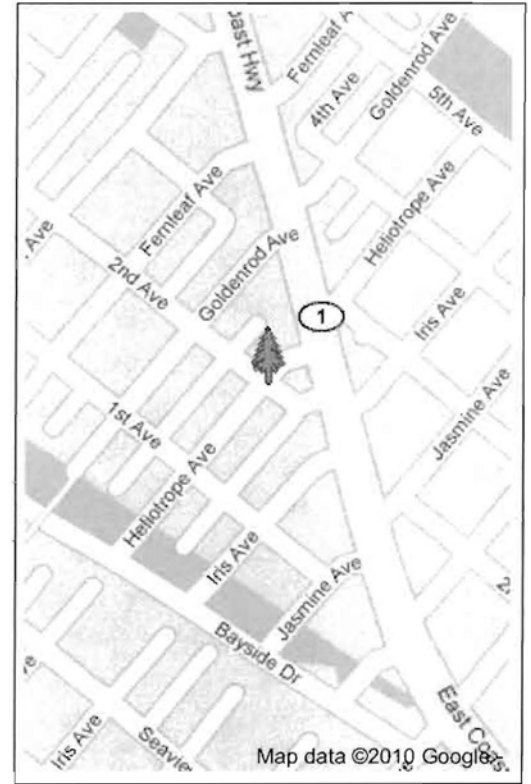
Dist: 12
 Address: 440 HELIOTROPE AV
 Fictitious: No
 Location: Front-1
 On Address: 440 HELIOTROPE AV
 Species: *Pinus brutia*, CALABRIAN PINE
 DBH/Height: 0-6 / 01-15
 Parkway Size: 4
 Utility Overhead: No
 Sidewalk Damage: No
 Recommended Maintenance: Grid Trim
 Estimated Value \$700

WCA Work History

Date	Work Type	Amount	Job#
2/5/2008	Grid Pruning	\$39.00	11060
11/16/2004	Plant 24" Box w/ RB	\$195.00	7335
3/17/2004	Service Request	\$39.00	6071
2/8/2001	Grid Trimming	\$39.00	3581
6/30/1999	Grid Trimming	\$39.00	2438

Other Work History

Date Work Type Crew Acct# Min



Inventory Detail

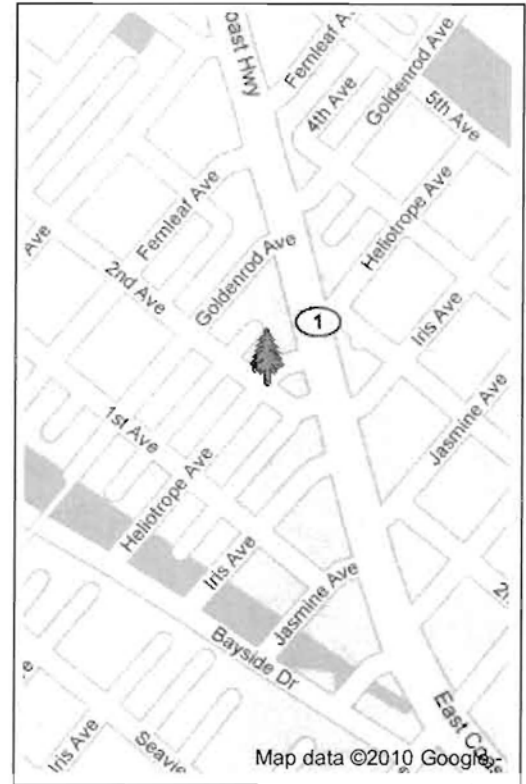
Dist: 12
 Address: 440 HELIOTROPE AV
 Fictitious: No
 Location: Front-2
 On Address: 440 HELIOTROPE AV
 Species: *Pinus brutia*, CALABRIAN PINE
 DBH/Height: 0-6 / 01-15
 Parkway Size: 4
 Utility Overhead: No
 Sidewalk Damage: No
 Recommended Maintenance: Grid Trim
 Estimated Value \$700

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Other Work History

Date	Work Type	Crew	Acct#	Min
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Show/Hide Map Print Report

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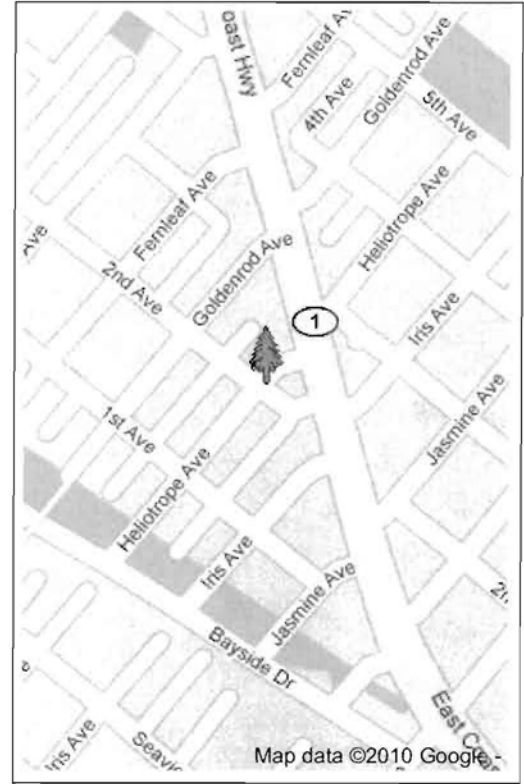
Dist: 12
 Address: 440 HELIOTROPE AV
 Fictitious: No
 Location: Front-3
 On Address: 440 HELIOTROPE AV
 Species: *Pinus brutia*, CALABRIAN PINE
 DBH/Height: 0-6 / 01-15
 Parkway Size: 4
 Utility Overhead: Yes
 Sidewalk Damage: No
 Recommended Maintenance: Grid Trim
 Estimated Value \$700

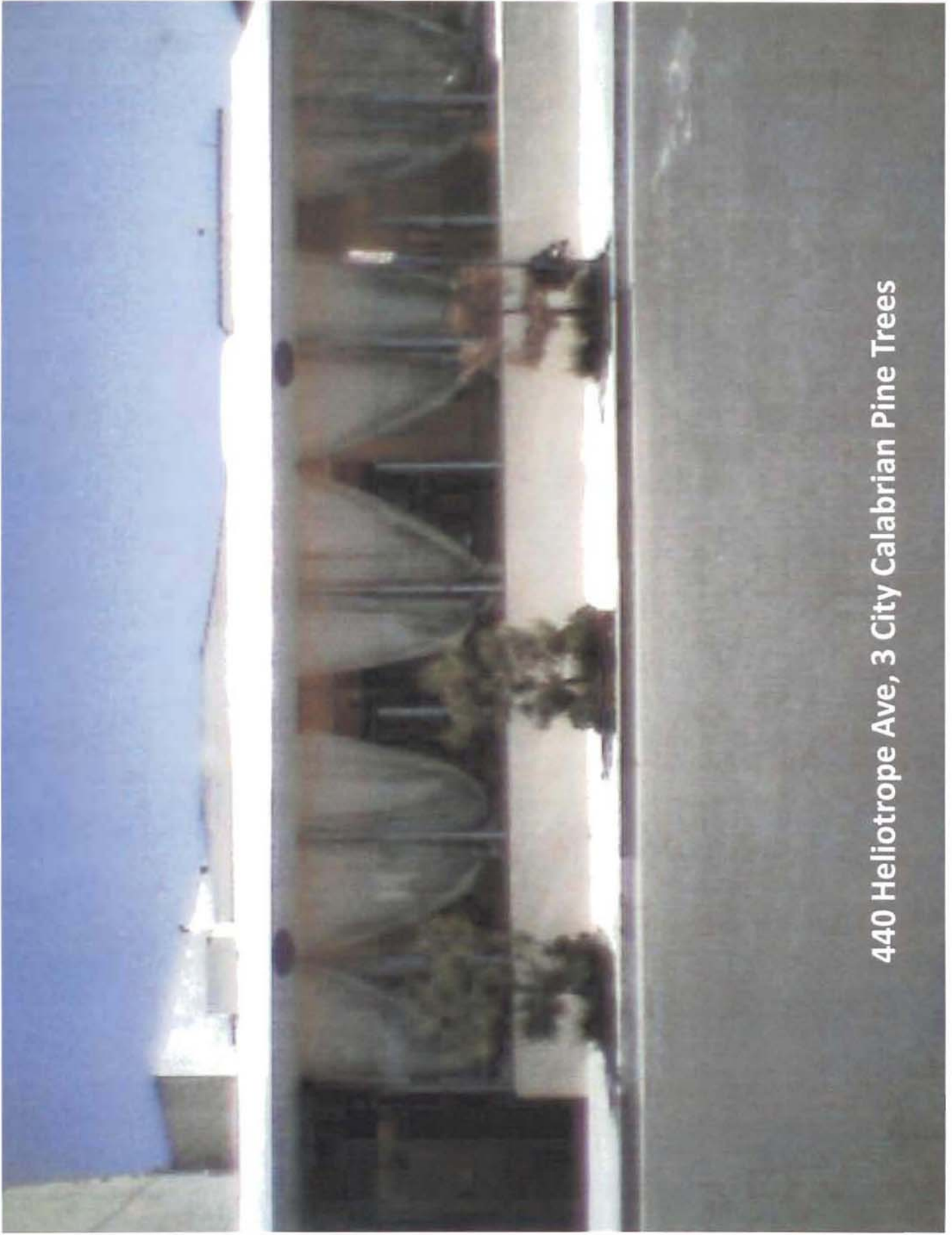
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Other Work History

Date Work Type Crew Acct# Min





440 Heliotrope Ave, 3 City Calabrian Pine Trees

City of Newport Beach Street Tree Designation List

May-09

STREET	ID	FROM	TO	Grow Space		DESIGNATED TREE SPECIES	COMMON NAME
				Available	Required		
HARDING ST - NCT						<i>Arecastrum romanzoffianum</i> <i>Liquidambar styraciflua 'Rotundiloba'</i>	QUEEN PALM AMERICAN SWEET GUM
HARROW PL		1600	1620	8	8	<i>Calodendrum capense</i> <i>Arecastrum romanzoffianum</i> <i>Liquidambar styraciflua 'Rotundiloba'</i>	CAPE CHESTNUT QUEEN PALM AMERICAN SWEET GUM
HAVEN PL				3		<i>Howea forsteriana</i> <i>Bauhinia blakeana</i> <i>Magnolia grandiflora 'cultivar'</i>	KENTIA PALM HONG KONG ORCHID TREE
HAZEL DR		200	721	3	2	<i>Eucalyptus erythrocorys</i> <i>Howea forsteriana</i> <i>Bauhinia blakeana</i>	RED-CAP GUM KENTIA PALM HONG KONG ORCHID TREE
HEATHER LN		2200	2331	5	8	<i>Cassia leptophylla</i> <i>Archontophoenix cunningham</i> <i>Tabebuia impetiginosa</i>	GOLD MEDALLION TREE KING PALM PINK TRUMPET TREE
HELIOTROPE AVE *7		200	721	3	8	<i>Metrosideros excelsus</i> <i>Howea forsteriana</i> <i>Bauhinia blakeana</i>	NEW ZEALAND CHRISTMAS TREE KENTIA PALM HONG KONG ORCHID TREE
HERON WAY		1300	1325	5	8	<i>Archontophoenix cunningham</i> <i>Tabebuia impetiginosa</i> <i>Magnolia grandiflora 'cultivar'</i>	KING PALM PINK TRUMPET TREE LAVENDER TRUMPET TREE
HIGHLAND DR		1000	1712	8	8	<i>Tabebuia avellanedae</i> <i>Arecastrum romanzoffianum</i> <i>Quercus agrifolia</i>	QUEEN PALM COAST LIVE OAK JACARANDA
HIGHLAND DR		1724	2131	8	5	<i>Jacaranda mimosifolia</i> <i>Arecastrum romanzoffianum</i> <i>Liquidambar styraciflua 'Rotundiloba'</i>	QUEEN PALM AMERICAN SWEET GUM KENTIA PALM
HIGHLAND ST				3		<i>Howea forsteriana</i> <i>Bauhinia blakeana</i> <i>Magnolia grandiflora 'cultivar'</i>	HONG KONG ORCHID TREE
HILARIA WAY		4100	4350	8		<i>Lagerstroemia indica</i> <i>Arecastrum romanzoffianum</i> <i>Quercus agrifolia</i>	GRAPE MYRTLE QUEEN PALM COAST LIVE OAK
HOLIDAY RD		1750	2051	5	8	<i>Tristania conferta</i> <i>Archontophoenix cunningham</i> <i>Tabebuia impetiginosa</i>	BRISBANE BOX KING PALM PINK TRUMPET TREE
HOLIDAY RD	*4	2200	2300	8	8	<i>Eucalyptus nicholii</i> <i>Arecastrum romanzoffianum</i> <i>Liquidambar styraciflua 'Rotundiloba'</i>	WILLOW LEAFED PEPPERMINT QUEEN PALM AMERICAN SWEET GUM
HOLIDAY RD		2201	2437	5	8	<i>Geijera parviflora</i> <i>Archontophoenix cunningham</i>	AUSTRALIAN WILLOW KING PALM

GROWSPACE: 2=2'+ 3=3'+ 5=5'+ 8=8'+

*PRESERVATION OF SPECIAL TREES PER G-1 POLICY

Metrosideros excelsus

(*M. tomentaosus*)

(New Zealand Christmas Tree, Pohutukawa)

Myrtaceae (Myrtle family)

Origin: New Zealand, 1840

meh-troe-sih-DER-ohs

eks-SELL-sus

Species characteristics:

Form - Evergreen. Shrubby, round headed, broadleaf tree to 30' or more in cultivation. Vertical to spreading.

Trunk - Under humid conditions, may develop numerous red aerial roots which extend to the ground. Bark is composed of gray platelets.

Foliage - Opposite leaves are firm, 1½ - 4" long, leathery, densely spaced on branches. Juvenile leaves are dark, glossy green. When mature they become grayer and shinier on upper surface, with a white wool-like pubescence on underside.

Flowers/fruit - Bright red bottlebrush-like flowers composed mainly of stamens that grow in large terminal clusters in summer. (The New Zealand summer is the Christmas season.) Fruits are woody capsules ¾" long coated with a white down.

Cultivars - 'Aurea' has yellow flowers, similar foliage characteristics.

No significant pest problems.

Site suitability:

Sunset zones – 17, 23 and 24.

Clearances - Suitable for 5' minimum parkways, medians or cutouts.

Good for street sides, medians, parks and lawns.

Culture considerations:

Best in neutral to acidic, well-drained soils. Drought tolerant with age. Chlorosis in exceedingly alkaline soils.

Comments, notes:



Howea forsteriana

(HOW-ee-uh for-ster-ee-AN-uh)

KENTIA PALM

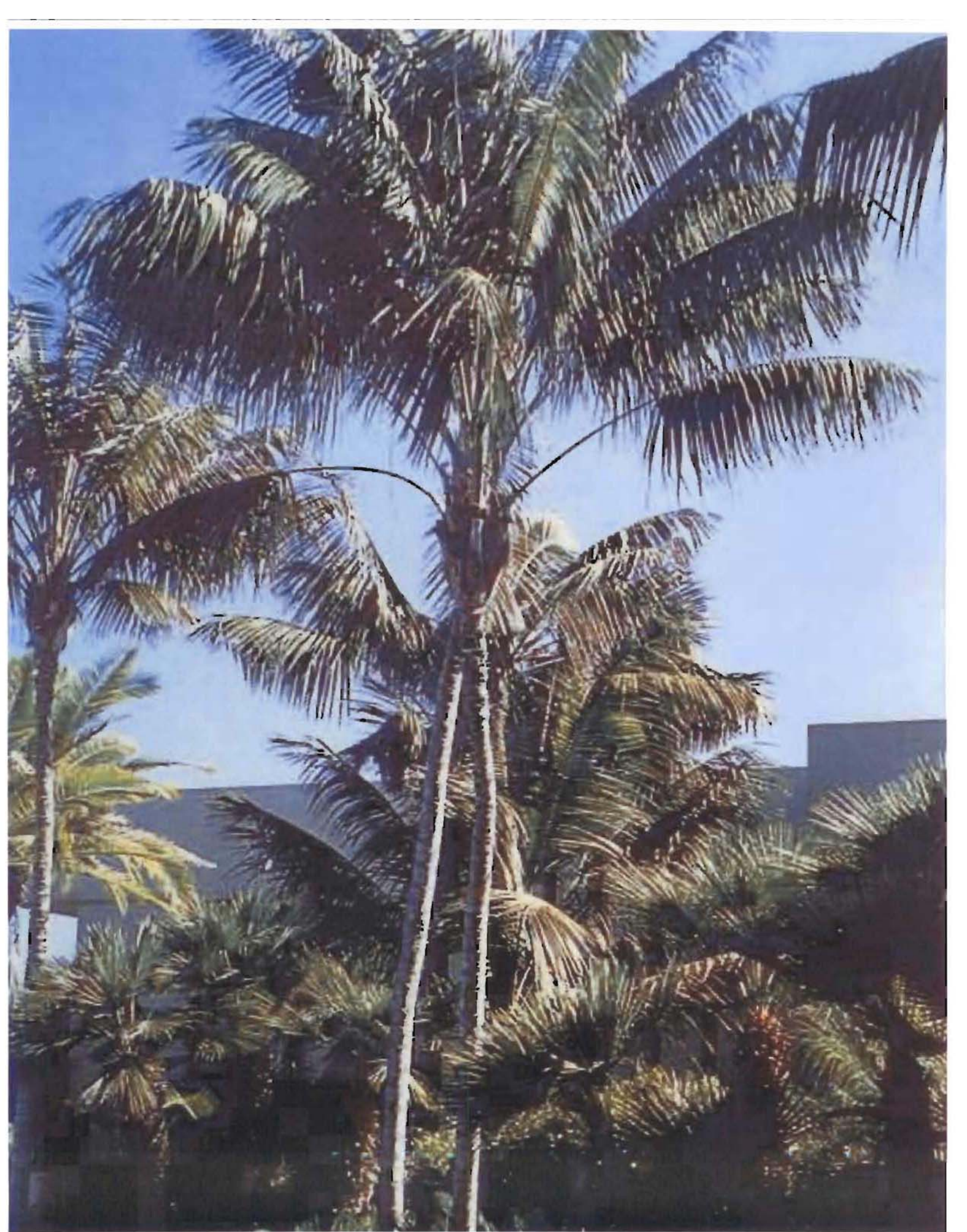
Arecaceae (Palmae)

Lord Howe Island, Australia

Although it is native to just one tiny South Pacific island, the Kentia Palm is one of the most commonly grown palms in the world. Also called the Paradise Palm, its graceful fronds and tremendous ability to withstand neglect as a potted specimen have made it the most popular palm for indoor decoration since its introduction in the 1850's. Where frosts are not severe, it is a first-class garden and landscape palm that provides a truly tropical look even in less-than-tropical climates.

The Kentia Palm will eventually grow to 30' tall and 10-15' wide here, but because it is a slow grower it stays much smaller than that for many years. It has an elegant foliage of long spreading fronds with drooping dark green leaflets somewhat suggestive of the tropical Coconut Palm (which doesn't grow well here). Mature plants often have showy hanging clusters of 1" orange or red fruit. The Kentia Palm looks good either planted singly or in groups, and since it grows well in either partial or full shade, it is often used as an understory plant beneath tall trees or in shady entryways. Older plants can tolerate full sun, especially along the coast, but do not like hot dry winds. Although foliage can be damaged by frost, mature plants will recover from temperatures as low as 26°F.

B21,Q90



Bauhinia blakeana

bau-HEEN-ee-uh
blayk-ee-AH-nuh

(Hong Kong Orchid Tree)

Fabaceae (Leguminosae) (Legume family)

Origin: Southern China

Species characteristics:

Form - Partially deciduous for a short period of time. Small, sprawling, umbrella type growth habit to 20'. Informal with showy flowers.

Trunk - Dark gray coarse bark.

Foliage - Leaves are gray green, twin-lobed, deeply cleft, 6" long and as wide, tending to drop around bloom time, but not completely defoliating. The "twin leaved" appearance is actually twin lobes.

Flowers/fruit - The 5 - 6" long and as wide flowers bloom in winter. Shaped like some orchids, variable colors range from cranberry maroon through purple and rose to pink, often with white throats.

No significant pest problems are known at this time.

Site suitability:

Sunset zones - 19, 21 and 23.

Clearances - Suitable for 4' minimum parkways, medians or cutouts.
Suitable for use under utility lines.

Good for street sides, medians, parks and lawns.

Culture considerations:

Manganese and Iron chlorosis on highly alkaline soils. Hybrid origin, usually grafted on *B. variegata* rootstock.

Comments, notes:



Corona Del Mar Area Proposed Tree Removal

