



**CITY OF NEWPORT BEACH**  
**PARKS, BEACHES & RECREATION COMMISSION AGENDA**  
**Newport Beach Council Chambers — 3300 Newport Boulevard**  
**Tuesday — December 7, 2010 — 7pm**

***Commission Members:***

Marie Marston, Chair  
Phillip Lugar, Vice Chair  
Tom Anderson  
Tim Brown  
Ron Cole  
Bill Garrett  
Kathy Hamilton

***Staff Members:***

Laura Detweiler, Recreation & Senior Services Director  
Mark Harmon, General Services Director  
Sean Levin, Recreation Superintendent  
Teri Craig, PB&R Secretary

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**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- 6** 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 October 5, 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.

**4. Bench Donation.**

***Recommendation:*** Approve bench donation of Beth Miller to be located at Galaxy View Park.

**5. Bench Donation.**

***Recommendation:*** Approve bench donation of Mitch Herzog to be located at CdM State Beach.

**6. Reforestation Request.**

***Recommendation:*** Approve reforestation request of Harbor View Hills Community Association at 1220 Keel Drive.

**NEW BUSINESS**

**7. Tree Removal – Requested by City**

***Recommendation:*** Review/discuss request to remove one City Ficus tree to accommodate street, sidewalk, curb & gutter repairs adjacent to 133 Opal Avenue.

**8. Castaways Park Pedestrian/ Bicycle Safety**

***Recommendation:*** Direct staff to implement one or more of the following measures intended to mitigate the hazard:

- Divide the trail into two lanes, separating the bicyclists from the pedestrians as shown in Attachment A.
- Increase the number of "Walk Bike" messages painted on the downhill trail.
- Post signs urging bicyclists to use caution at the beginning of each trail and at each blind turn.

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This committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Teri Craig, PB&R Secretary, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3158 or [tcraig@newportbeachca.gov](mailto:tcraig@newportbeachca.gov)).

## 9. China Cove Volleyball Status Report — For information only.

### **COMMITTEE REPORTS —**

- ***Park Development*** — Brown, Lugar, Marston
- ***Recreation/Senior Activities*** — Lugar , Anderson, Hamilton
- ***Budget*** — Garrett, Brown, Lugar
- ***Community Service Award*** — Garrett, Cole, Hamilton
- ***Youth Sports Liaison*** — Anderson
- ***Ad Hoc***
  - Marina Park — Garrett
  - Artificial Turf— Lugar, Anderson, Brown

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

- G-1 Policy Review
- Pirates Cove Lighting
- Trash Pick-Up on Saturdays

### **ADJOURNMENT**

**Parks, Beaches & Recreation Commission**  
**Regular Meeting**  
**October 5, 2010 – 7pm**

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**Convened** 7:04pm

**ROLL CALL**

Present: Phillip Lugar, Vice Chair  
Tim Brown  
Tom Anderson  
Ron Cole  
Bill Garrett  
Kathy Hamilton

Absent: Marie Marston, Chair

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

**DIRECTORS COMMENTS**

- Director Detweiler announced that staff met with the Parks Development Committee, the annual update of CIP Projects related to buildings and parks and will upload that PowerPoint which will be attached to the Parks Development Meeting agenda online. She also announced that the Department adopted the Marine Protection & Education Division which includes the Tidepool staff along with the Marine Protection & Education Supervisor. They will work under the direction of Recreation Manager Janet Cates and the Commission will begin to hear more program information in the months to come. Director Detweiler highlighted some Buck Gully programs and noted that the first tour was sold out but there are several more scheduled and invited the Commission to attend one. She also reminded the Commission of the OASIS Grand Re-Opening on Saturday, October 9 at 2pm.
- Director Harmon reminded the Commission of a previous meeting with a tree removal report request from 31<sup>st</sup> Street where one of the neighbors brought many of the leaves and a branch for the Commission to see. He stated that since then staff has trimmed the tree and removed some branches and received an email thanking the staff and the Commission for helping them with the tree droppings situation.
- Council Actions – Director Harmon stated that the City Council approved the PB&R Commission recommendation for the designated trees on Heliotrope and will now contact the homeowners so that trees can now be planted.

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. **Minutes of the September 7, 2010 regular meeting.** *Waive reading of subject minutes, approve and order filed.*
2. **Park & Operations Division Activity Report.** *Receive/file monthly Activity Report for activities and upcoming projects.*
3. **Item pulled by Commissioner Lugar**
4. **Balboa Village Tree Donation.** *Approve Balboa Village tree plaques located in Balboa Village.*
5. **Item pulled by Director Harmon**

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

3. **Recreation & Senior Services Activity Report.** Vice Chair Lugar questioned staff regarding the Park Patrol section of the report about 97 dog related public contacts.

Superintendent Levin stated that this refers to each time the Park Patrol comes in contact with someone with a dog and they are educating them on something that they are not doing correctly, i.e. dog off leash.

Vice Chair Lugar asked if these contacts were in a predominant location.

Superintendent Levin stated that this activity report is from August and that during that month they predominantly patrolled CdM State Beach and parks around the City.

5. **Bench Donation.** Director Harmon stated that the resident contacted staff requesting that the dedication language could be changed from *Donated for Brian Scalzo* to *In Memory of Brian Scalzo* and that it does meet the requirements of Council Policy B-17 and recommended that the Commission approve the donation with that change.

**Motion from Commissioner Brown** to approve items 3 and 5 of the Consent Calendar. Motion carried by acclamation.

Vice Chair Lugar stated that item 7 would be taken out of order so that the homeowners would not have sit through the discussion of item 6.

### **NEW BUSINESS**

7. **Reforestation Request.** Director Harmon stated that staff had received a request for reforestation of two Eucalyptus trees from Matthew Haight at 537 Santa Ana Avenue. He stated that the property owner has complied with the requirements of Council Policy G-1 and has agreed to assume the full cost of the removal and replacement of the trees. He went on to say that these trees are planted under Southern California Edison power lines and that they have topped many times and have become disfigured. He stated that staff recommends approval of the reforestation.

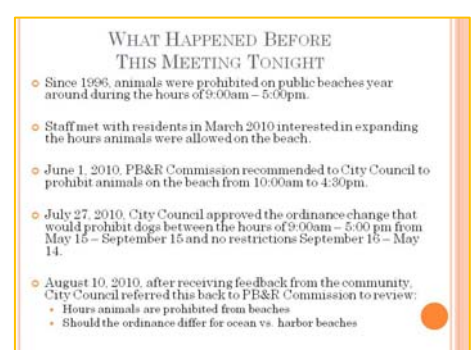
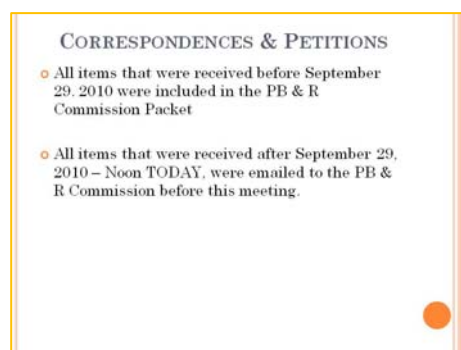
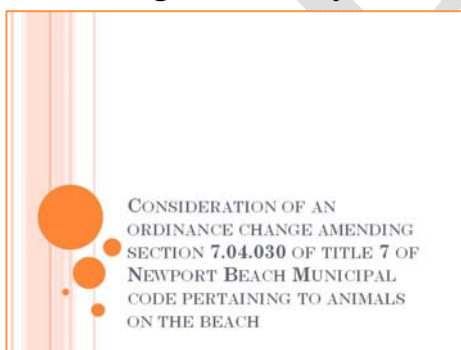
Discussion ensued regarding the need for a 36 inch box tree versus a 24 inch box tree. Director Harmon stated that the homeowner did state that he was willing to plan any size box tree and that Commission can certainly ask him to do that; but the policy stated that the replacement size is the 24 inch box.

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

**Motion by Commissioner Brown** to approve the reforestation of two Eucalyptus trees by Matthew Haight at 537 Santa Ana Avenue. Motion carried by acclamation.

### **OLD BUSINESS**

6. **Consideration of an Ordinance Change Amending Section 7.04.030 of Title 7 of the Newport Beach Municipal Code Pertaining to Animals on the Beach.** Recreation Manager Lohr introduced Senior Animal Control Office Valerie Schaumburg and Battalion Lifeguard Chief Jim Turner and noted that they were here to answer any questions if needed. Manager Lohr presented a brief PowerPoint on the history of how the City ordinance has changed over the years.



CITY COUNCIL REQUESTED PB&R COMMISSION TO CONSIDER THE FOLLOWING OPTIONS & THEY MAY BE MODIFIED:

- 1 No change to the ordinance as currently written (prohibits animals on beaches between 9:00am-5:00pm year round);  
*or*
- 2 Change hours that animals are not permitted on beaches to 10:00am – 4:30pm on a year round basis;  
*or*
- 3 Exclude animals on beaches between the hours of 9:00am to 5:00pm from May 15 to September 15 with no restriction from September 16 to May 14;  
*and*
- 4 Exclude harbor beaches from any changes to the existing ordinance;  
*and*
- 5 Forward recommendation to City Council for the first reading of the Ordinance Change.

**NEXT STEPS**

- Staff will prepare a City Council Report, forwarding PB & R Commission recommendations.
- November 9, 2010 – Staff will present to City Council PB&R Recommendations and 1<sup>st</sup> Hearing of Ordinance Change if necessary.
- November 23, 2010 – 2<sup>nd</sup> Hearing of Ordinance Change/With City Council recommending implementation date.

**Sunset & Civil Twilight**  
November – December we have limited hours of sunlight in the evening hours

Month	Sunset	Civil Twilight *
September 1 <sup>st</sup> 2010	7:00pm	7:25pm
October 1 <sup>st</sup> 2010	6:19	6:45
November 1 <sup>st</sup>	4:49	5:16
December 1 <sup>st</sup>	4:44	5:12
January 1 <sup>st</sup> 2011	5:05	5:32
February 1 <sup>st</sup>	5:35	6:01
March 1 <sup>st</sup>	6:59	7:24
April 1 <sup>st</sup>	7:23	7:48
May 1 <sup>st</sup>	7:46	8:14
June 1 <sup>st</sup>	8:05	8:34

Chair Lugar asked the public to inform the Commission by indicating to the Commission which item they agree with:

- 1 No change to the ordinance as currently written (prohibits animals on beaches between 9:00am-5:00pm year round);  
*or*
- 2 Change hours that animals are not permitted on beaches to 10:00am – 4:30pm on a year round basis;  
*or*
- 3 Exclude animals on beaches between the hours of 9:00am to 5:00pm from May 15 to September 15 with no restriction from September 16 to May 14;  
*and/or*
- 4 Exclude harbor beaches from any changes to the existing ordinance;

### **Chair Marston opened the public discussion**

Shirley Reinker stated that she is one of the pact leaders for the hundreds of responsible residents that want to enjoy a slice of our great sand park with our leashed dogs during winter when the beach is mostly empty. She went on to say that it is unsafe to walk on the beach from November to February when the sun sets before 5pm for most seniors. She noted that it is cold and dark in the mornings and that 9am does not allow for much time on the beach nor does it allow those parents that drop off their children at school the time to get a decent walk in. Ms. Reinker stated that when City Council voted to lift the ban during the winter they were right on target and that it is common sense to allow that and they have a petition with over 300 signatures in support of this. She did note that this ban should apply only to ocean facing beaches and exclude the harbor beaches, i.e. Balboa Island is a totally different situation as their beaches on not a very good location to walk and they can walk on their boardwalk 24 hours a day and we are restricted between 9am and 5pm all year long. She urged that the Commission to support items 3 and 4.

Ed Hepner stated that by supporting the change to 10am to 4:30pm it would enhance the quality of life and asked the Commission to support items 2 and 4. He stated that his dream would be to allow dogs off leash dogs and 7am and 8am all year round on any beach.

Tom Houston stated that he has served on the Water Quality Committee since 1986. He noted that Balboa Island and Harbor Beaches are no place for dogs. He supports whatever the Commission feels is appropriate regarding the hours but should exclude animals from harbor beaches.

Jim Uer stated that he believes that most people that bring their dogs and most respect the access but there are about 20% that do not pick up after their dogs and noted that he sees this every single day of the week. He urged the Commission to support item 2.

Bill Bennett urged the Commission to support items 3 and 4 and would add a little more freedom and it would be much appreciated and asked the Commission to see how it goes and

revisit again if there are problems.

Tempest Hill stated that she has noticed that there have never been more than four dogs on the beach at any one time during the hours that dogs are allowed and does not believe that there is a problem. She urged support of item 3.

Greg Reinker stated that he walks on the beach twice everyday all year round. He provided a suggestion on how the signs could be changed with just a sticker. He recommended no change for the harbor beaches. He urged support of 3 and 4 and supported stricter restriction of the litter and off-leash laws.

Sara Abraham noted her support of item 3 and 4. She stated that people have to be responsible and it is the people that have to be monitored and suggested that civilians do that.

Mike Hernough urged support of items 3 and 4 and with more stringent litter laws.

Tom Burke stated that he is opposed to item 3 as he is concerned with dogs being off leash. He urged support item of items 2 and 4.

Trish Knapp urged support of item 3.

Kelly Newcomb stated that she is in favor of items 3 and 4 and that the Commission should not punish those that are good dog owners.

Kim Jameson stated that she supports items 3 and 4. She stated that emotional issue of more dog bites is unfounded because the calls for these in 2008 account for 0.07% of total citations. She went on to say that dog fights accounts for 0.14% and even if these were doubled because of the longer hours it would still account for less than 0% of the annual NBPD citations for these types of events.

Mike Sinacori provided a picture of a dog owner allowing her dogs off leash at 28<sup>th</sup> Street which is an everyday occurrence. He urged support of item 2 and make it consistent across the City.

David Granoff stated that we are becoming known as a Dog Beach by the River Jetties. He stated that he does not really have a preference if either item 1 or 2 were passed.

Officer Schaumburg stated that in 2009 1100 tickets were issued; 48% were beach violations – 1% of the Police Officers wrote animal tickets last year and that it is important to note that since 1996 there are more dog owners, and noted that the Police Department supports item 2.

Manager Lohr stated that consistency is a big issue for enforcement.

Joe McCarthy agreed that the City has become known as a Dog Beach and was actually attacked by a dog in 2005 and stated that there is definitely a lack of enforcement for dogs off leash. He recommended that the Commission maintain the beach hours as they are today and urged support of item 1.

Les Klingerman informed the Commission about how pathogens remain in the sand even if collected and recommended that the Commission support item 4 regarding a sanitation standpoint.

Dave Purcell stated that he was speaking for the birds as an avid bird watcher and that the dogs scare them away.

Battalion Chief Turner stated that he has been enforcing the dog ordinances since 1973. He noted that he had contacted other cities around and noted that Seal Beach is very happy with not allowing dogs on their beach and have a difficult time with enforcement when guards are not out; Huntington Beach allows dogs on their dog beach and one of their big issues is that dogs are supposed to be on leash and they cannot enforce it; and Laguna Beach allow dogs on their beach during the off season; and San Clemente does not allow dogs on the beach and have problems with enforcement of the pedestrians going off the trails. He stated that Lifeguard Operations recommend item 2 and stated that this was more to appease the dog owners but confirmed that his staff get a lot of complaints because beach crowds are coming later to the beach and staying longer into the evening. He went on to say that the weather in Newport stays warmer through September. He said that after talking to the Police Department and his staff consistency throughout the year was important.

#### **Vice Chair Lugar closed the public discussion**

Commissioner Anderson stated that the sentiments of the lifeguards make it very clear that the recommendation by the PB&R to the Council back in June was correct and is very comfortable with recommending #2 again. He stated that he believes consistency is important but was willing to hear the other Commissioners regarding harbor beaches.

Commissioner Hamilton agreed with Chief Turner and believes that item 2 is the right one to forward to the City Council.

Commissioner Brown stated that he had kept tabs on the discussion tonight and that most people support item 2 and that there is a difference between the harbor beaches and the beach front on the peninsula and believes it is fair that we could exclude the harbor beaches from any change because that water does not move as much but would support item 2 and exclude harbor beaches from any change.

Commissioner Garrett stated at the last discussion he had wanted to make a recommendation that the fines be increased in exchange for allowing more hours and that he is still in support of that; he went on to say that a resident came up to him at the last meeting about a woman whose daughter was jumped on by an unleashed dog and since then has been terrified of all dogs. Commissioner Garrett stated that the real problem is the dogs that are not on a leash and cleaning up after them. He noted that they have been trying to get dispensers on the numbered streets. He recommended item 2 and that fines should increase should be considered for dogs off leash and look into providing dispensers for the numbered streets on the peninsula.

Commissioner Cole stated that he struggles with the enforcement aspects and that he finds it hard to support item 3. He went on to say that he supports item 2, recognizes the fact that everything should be consistent and would be in support of looking at fines and dispensers but also excluding dogs on the harbor beaches altogether.

Vice Chair Lugar stated that he agrees with Commissioner Garrett and that consistency is important. He stated that he would support increasing the fines, installing dispensers and supporting item 2.

**Motion by Commissioner Garrett** to recommend to the City Council that they approve item 2 - Change hours that animals are not permitted on beaches to 10:00am – 4:30pm on a year round basis; that fines be increased for dogs off leash; that a funding source be found for dog dispensers on the peninsula, and; exclude animals from the harbor beaches.

Director Detweiler stated that the admin citations have a set fee of \$100, \$200 and \$500.

Commissioner Brown confirmed that the City Council sets the fees for the admin citations. Officer Schaumburg stated yes and went on to say that the Harbor Court and the State set the fines for criminal citations.

Superintendent Levin stated that staff had talked to Revenue regarding admin citation and that it is used for a multitude of different violations so that if they changed it for the dogs they would be changing it for everything else.

Vice Chair Lugar asked Commissioner Brown his thoughts on the harbor beaches.

Commissioner Brown stated that he would not support the no dogs allowed on the harbor beaches but rather excluding harbor beaches from the recommendation tonight and leaving it as it stands in the ordinance today.

Vice Chair Lugar asked Commission Brown if he supported changing the hours for oceanfront beaches to 10am – 4:30pm and that harbor beaches remain at 9am to 5pm.

Commissioner Brown stated yes that he would be in support of this, but he would not support anything with the citation fines attached as he believes they are two different issues. He would support item 2 and 4; but if the motion goes forward pending raising the admin citations then he would be troubled with that and might not be able to support that motion. The issue of dispensers is a good idea but cannot support the recommendation to raise the fees for admin citations.

Commissioner Garrett stated that if everyone was in favor he could withdraw that part of the motion.

**Revised Motion by Commissioner Garrett** to recommend to the City Council that they approve item 2 - Change hours that animals are not permitted on oceanfront beaches to 10:00am – 4:30pm on a year round basis; that a funding source be found for dog dispensers on the numbered streets on Balboa Peninsula, and; exclude the harbor/bay front beaches from any time change to the existing ordinance.

Commissioner Garrett asked staff to look in to the fine issue as discussed.

Director Detweiler stated that staff would discuss this with Revenue to provide further clarification.

Motion carried by acclamation.

#### **COMMITTEE REPORTS –**

Parks – Commissioner Brown stated that the Committee had met with staff tonight and had been advised of current and completed projects and provide a quick overview of that presentation.

RSS – Nothing to report.

Budget– Nothing to report

Community Service Award – Nothing to report.

AD- Hoc

–Youth Sports Liaison – Superintendent Levin stated that there is a meeting scheduled for October to discuss the gray area that exists between select and all-star teams.

–Marina Park – Nothing to report.

### **FUTURE AGENDA ITEMS**

- Artificial Turf status – Commissioner Anderson stated that the funding should be brought to the youth sports teams to discuss what resources could be found to help fund artificial turf at Bonita Creek. Commissioner Brown stated that this would be a good idea to bring to the City Council's attention on how the Commission feels that this is a priority. Commissioner Anderson stated that he knows that there are funds out there that could be used. Director Detweiler suggested that it be brought to the next meeting of the Youth Sports Groups to share the study and discuss support and then it could be brought forward to the Commission at a future meeting. Vice Chair Lugar agreed with Commissioner Brown that an ad hoc committee would be appropriate to look at the artificial turf issues and would volunteer with Commissioners Anderson and Brown and looked to Superintendent Levin to set up a meeting after some data has been assembled.
- Commissioner Anderson discussed the Banning Ranch land that the NMUSD has that was set aside for a school but apparently it is not buildable. Director Harmon asked that as discussions about fields continue that it be keep in mind that there is maintenance costs associated with them and as part of the budget reductions the Landscape & Parks Maintenance Divisions took a big hit. He went on to say that everyone is for more fields but it is not just the initial costs there is always an ongoing significant costs associated with these facilities and that investments should be made in the current fields we have.
- Trash Pick-Up on Saturdays –Discussion ensued regarding trash pick-up on Saturday and on the beach.
- G-1 Review
- Pirates Cove Lighting – Director Harmon stated that he has talked to Public Works about what would be needed to put a light there and that is as far as it goes. He noted that staff would work on a report for the Commission and would try for December.

Vice Chair Lugar stated that since the next Commission meeting was scheduled for the same night as the election he would suggest that the Commission go dark on November 2d. The Commission agreed.

**ADJOURNED @ 8:54pm**

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



## Municipal Operations Department

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PB&R Commission Agenda

Item No. \_\_\_\_\_

December 7, 2010

**TO:** Parks, Beaches and Recreation Commission

**FROM:** Parks and Trees Maintenance Superintendent and Operations Support Superintendent

**SUBJECT:** *October and November 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 - City has taken over maintenance
- Eastbluff and Bonita Creek Reclaimed Water Retrofit – City has taken over maintenance
- Westcliff Drive and Avocado Medians
- West Newport Park Landscape Improvements
- Balboa Village signage installation at Palm Street Parking Lot
- Avon and Riverside Tree Planting

#### **Projects that are in the planning phases:**

- Sunset Ridge Park
- Marina Park
- Civic Center
- China Cove Slope Stabilization
- Dover Drive Median
- Bristol Street North Landscape
- Jamboree Road Widening
- Newport Boulevard at Hospital Road, Turn Lane Extension
- Parking Lot at Washington Street

2. Parks staff prides itself on its good working relationship with the City's various sport user groups. Recently, at Bonita Creek Park's football field, staff installed a dock box filled with an amendment and grass seed mix, similar to what is supplied at golf courses. The dock box is available for use by the various sport user groups to repair divots and wear areas during the course of their seasons.

The City will be gauging the success of this pilot program and hopes other sport user groups will be inspired to provide dock boxes throughout the City's athletic fields.



### **Trees Division Activities**

During the month of September, 1,070 trees were trimmed, crews responded to 6 emergency tree calls, 4 trees removed.

During the month of October, 875 trees were trimmed, crews responded to 5 emergency tree calls, 1 tree removed and 1 tree planted.

The City's tree services contractor, pruned trees within the Corona Del Mar, Newport Coast and Balboa Peninsula areas, as part of the City's overall grid trimming schedule. Additionally, the annual pruning of selected Eucalyptus, Coral and Palm trees are 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. On Wednesday, October 20<sup>th</sup>, Municipal Operations staff and Senior Parking Control Officer Heidi Moss met with representatives of Athens Services to discuss the third of five phases of Athens' assumption of street sweeping services. Athens commenced Phase III on November 1. Upon assumption of Phase III, Athens will be sweeping 65% of City streets. It is anticipated that Phase IV will commence on January 3, and the final phase on February 28 of next year, only nine months from the beginning of transition.

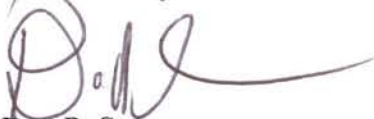
Athens has done a very good job in both the quality of the sweeping and the administrative support in scheduling and communicating with City staff. Phase II

included posted streets and Athens staff is working well with the Police Department's Parking Control Officers.


2. On Tuesday, October 19<sup>th</sup>, the City received 2" of rainfall (measured at the Corporation Yard) along with a beautiful lightning and thunder show. This rain event brings the season total to nearly 3". Since the highest tides of the day occur during the morning hours this time of year, the low-lying areas of Newport Peninsula and Balboa Island did not experience major street flooding. Staff monitored storm conditions and placed barricades as needed.

See attached Municipal Operations Department, Activities Report for September and October 2010.

Submitted by:



Dan P. Sereno  
Parks and Trees Maintenance Superintendent



Jim Auger  
Operations Support Superintendent

- Attachments: (A) Tree Activity Report 2010-2011  
(B) Municipal Operations Department, September and October 2010  
Activities Reports



# Municipal Operations Department

Parks and Trees Division  
 Reforestation and Tree Removal Activity Report  
 Fiscal Year 2010-2011

	July	August	September	October	November	December	January	February	March	April	May	June	Total
Tree Removals	5	15	3	1									24
Emergency Tree Removals	0	0	0	0									0
Claim Related Tree Removals	0	0	0	0									0
Reforestation Tree Removals	0	2	1	0									3
Problem Tree Removals	1	0	0	0									1
<b>Total Removals</b>													<b><u>28</u></b>

Trees Planted	6	4	0	1									11
Reforestation Requests	0	1	1	2									4
Reforestation Approved	0	0	1	2									3
Removal Requests	0	0	0	0									0

**July** - Problem tree removal at 217 Heliotrope Ave

**August** - Reforestation tree removals, 2 trees at 2800 Cliff Dr

**September** - Reforestation tree removals, 2 trees at 1706 Paloma Dr



# Municipal Operations Department

## Parks and Trees Division Fiscal Year 2010-2011

### Claim Removals

Month	# Trees	Location(s)
July-10	0	
August-10	0	
September-10	0	
October-10	0	

### Problem Tree Removals

Month	# Trees	Location(s)
July-10	1	217 Heliotrope Avenue
August-10	0	
September-10	0	
October-10	0	

<b>General Services Department Activities Report - September 2010</b>	<b>This Month</b>	<b>This Month Last Year</b>	<b>Total To Date</b>	<b>TTD Last Year</b>
<b>Asphalt/Concrete</b>				
Street Patching (Tons of Blacktop)	278	494	614	875
Sidewalk Repaired (sq. ft.)	3,435	2,520	10,622	12,940
Curb & Gutter Replacement (lin. ft.)	187	545	671	830
Sweeping, Beach Cleaning, Demo Materials (tons)	216	246	804	1,082
Asphalt/Concrete Recycled (tons)	280	488	752	1,088
<b>Signs &amp; Traffic Markings</b>				
Signs Made	60	2,142	224	2,567
Signs Installed	200	197	599	603
Decals	50	115	130	184
Special Purpose Signs/Banners Made	105	8	330	106
Street Striping (lin. ft.) Added/Replaced	1,207	5,716	8,048	12,517
Pavement Markings (including reflective)	2	134	76	190
Parking Stalls	12	106	14	106
Curb Painting (lin. ft.)	251	7,657	8,205	34,991
Thermoplastic (lin. ft.)	0	14	0	14
Sign Posts Installed	22	26	57	74
<b>Graffiti</b>				
Graffiti Incidents Removed by Staff	26	19	127	57
Graffiti Incidents Removed by Contractor	50	137	2,084	454
<b>Refuse Collection</b>				
Residential (tons)	2,773	2,804	8,784	8,856
Liquid HazMat Incidents	21	15	73	61
E-Waste Incidents	18	26	48	87
U-Waste Incidents	9	14	30	44
Recyclables (tons)	1,166	1,186	3,735	3,850
<b>Trees</b>				
Trimmed by Staff	8	166	31	394
Trimmed by Contractor	1,070	810	3,355	3,238
Removed	18	11	39	20
Planted	0	4	10	25
Roots Pruned by Contractor	11	0	11	12
Roots Pruned by Staff	0	11	6	56
<b>Automotive</b>				
Repairs	282	287	861	914
Preventive Maintenance Completed	66	75	230	251
PM Labor Hours	171	160	587	509
<b>Beach Maintenance</b>				
Beach Area Refuse (tons)	133	139	446	454
Beach Debris (tons)	43	150	203	427
<b>Sweeping/Storm Drain</b>				
Gutter Miles Swept	4,389	4,580	13,830	14,985
Sweeping Debris (cubic yards)	523	505	1,715	1,668
Storm Drain Debris (cubic yards)	94	102	163	225

<b>General Services Department Activities Report - October 2010</b>	<b>This Month</b>	<b>This Month Last Year</b>	<b>Total To Date</b>	<b>TTD Last Year</b>
<b>Asphalt/Concrete</b>				
Street Patching (Tons of Blacktop)	135	272	749	1,147
Sidewalk Repaired (sq. ft.)	2,935	4,370	13,557	17,310
Curb & Gutter Replacement (lin. ft.)	200	383	871	1,213
Sweeping, Beach Cleaning, Demo Materials (tons)	315	386	1,119	1,468
Asphalt/Concrete Recycled (tons)	136	256	888	1,344
<b>Signs &amp; Traffic Markings</b>				
Signs Made	72	108	296	2,675
Signs Installed	116	229	715	832
Decals	12	40	142	224
Special Purpose Signs/Banners Made	2	38	332	144
Street Striping (lin. ft.) Added/Replaced	769	534	8,817	13,051
Pavement Markings (including reflective)	7	8	83	198
Parking Stalls	6	0	20	106
Curb Painting (lin. ft.)	440	20,968	8,645	55,959
Thermoplastic (lin. ft.)	0	0	0	14
Sign Posts Installed	12	19	69	93
<b>Graffiti</b>				
Graffiti Incidents Removed by Staff	10	4	137	61
Graffiti Incidents Removed by Contractor	42	110	206	564
<b>Refuse Collection</b>				
Residential (tons)	2,642	2,699	11,426	11,555
Liquid HazMat Incidents	26	20	99	81
E-Waste Incidents	18	24	66	111
U-Waste Incidents	14	11	44	55
Recyclables (tons)	1,104	1,126	4,839	4,976
<b>Trees</b>				
Trimmed by Staff	17	143	48	537
Trimmed by Contractor	875	988	4,230	4,226
Removed	1	7	40	27
Planted	1	16	11	41
Roots Pruned by Contractor	0	5	11	17
Roots Pruned by Staff	0	15	6	71
<b>Automotive</b>				
Repairs	232	250	1,093	1,164
Preventive Maintenance Completed	73	75	303	326
PM Labor Hours	186	200	773	710
<b>Beach Maintenance</b>				
Beach Area Refuse (tons)	75	83	521	537
Beach Debris (tons)	96	57	299	484
<b>Sweeping/Storm Drain</b>				
Gutter Miles Swept	3,485	4,071	17,315	19,056
Sweeping Debris (cubic yards)	480	496	2,195	2,164
Storm Drain Debris (cubic yards)	68	25	231	250

## Recreation Services Monthly Activities Report

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

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### **SUMMER WRAP UP MEETING AT OASIS SENIOR CENTER**

On October 19 over 25 Recreation Class Contractors attended the annual summer wrap up-meeting at the OASIS Senior Center. The meeting provided the opportunity to gain valuable feedback on summer programming and informative ways to improve for summer 2011. Instructors also learned about the newly implemented computer software which will improve marketing and customer service.

### **FOOTBALL RETURNS!**

What a season Flag Football has had with a record-breaking 350 participants playing on 25 teams formed at the City's elementary schools! *Friday Night Lights* games were played at Bonita Creek Park through November 19. These youth games are always a popular spectator sport as well, attracting parents, friends, and entire families out to the park to watch their favorite players in this great American sport. With so many participants, games were held from 4 to 8pm on three different fields.



### **PARK PATROL**

The quarterly Park Patrol staff meeting was held October 13. The top discussion item was how the CdM State Beach enforcement plan went. Park Patrol Officers were assigned to CDM Beach this summer Friday through Monday to help with education and enforcement of the beach rules and regulations. The focus of the education and enforcement plan was the public's use of barbeques and coals, tents, alcohol, glass containers, dogs, and fire ring squabbles. We also had the support and assistance of the parking staff who distributed educational cards to every vehicle that entered the beach. The plan went well and was extremely successful. At the meeting some options were discussed to improve efforts for next summer so that we can better our efforts. We are fortunate to have experienced Park Patrol Officers who continue to delicately resolve the education and enforcement issues that were present while still leaving the public with a smile.

## **COASTAL CLEAN UP DAY SUCCESSFUL**

This year Recreation & Senior Services Department's Marine Protection & Education division helped host the 26<sup>th</sup> Annual Coastal Cleanup Day for Newport Beach. Since 1985, this international event has resulted in the removal of millions of pounds of debris from our waterways. The three Newport Beach sites at Balboa Pier, Big Corona and Little Corona enlisted the help of almost 350 volunteers working to clean up our coast. The Balboa Pier site was sponsored by the Fairmont Hotel and kicked off the event with a Garbage Bag Couture Fashion Show. Guest judges included representatives from the City of Newport Beach and the Coastal Commission. City staff took the opportunity to educate volunteers about some of the special aspects of Newport Beach's coast, such as the Western Snowy Plovers, rocky intertidal habitat and the Marine Life Protection Act. Together, over 1,000 pounds of trash was collected.



## **SPOOKTACULAR HALLOWEEN AT NCCC**

Sneaky witches, goblins and ghouls teamed up during Halloween at the Newport Coast Community Center to bring the holiday spirits to the front office and lobby. Children and adults alike were delighted by the décor, and thrilled by tasty treats offered up by NCCC staff.



## **AQUATIC FOUNDATION TO OPERATE YOUTH WATER POLO TEAMS AT CDM HS**

Over the last few months, Recreation Staff met with board presidents from Corona del Mar High School Girls & Boys Water Polo Teams, to discuss the future of the youth water polo program for high school and youth teams.



Their proposed plan will encompass all the youth water polo programs under the high school's aquatics non-profit organization. The non-profit, CdM Aquatics, was established to foster and promote the amateur sports of water polo and swimming in the Corona del Mar community. CdM Aquatics benefits boys and girls of all abilities and is operated in accordance with the standards and under the rules

prescribed by FINA and USAWP. The new integrated program is expected to begin in spring/summer 2011.

Recreation Staff will recognize Coach Ted Bandaruk for his more than 45 years with water polo early next year!

## **ACTIVE KIDZ CELEBRATES HALLOWEEN**

ACTIVE Kidz afterschool sites at the Community Youth Center, Mariners School and the West Newport Community Center spent some time constructing and decorating their rooms for the chance to win a special pizza party before Halloween. Judges visited the sites on October 28 to pick the best decorated site. After visiting the haunted graveyard at CYC, the bat cave at Mariners, and the bewitching hour at West Newport, the judges agreed that they all did an outstanding job. West Newport's bewitching hour took 1<sup>st</sup> place for their outstanding use of creative "kid power" – all decorations were created by the kids, which included witches' broom hanging bookmarks, paper roll bats, glow-in-the-dark midnight murals, each child's own RIP tombstone, and even paper mache masks! Congratulations to West Newport Active Kidz for their outstanding efforts – and to Mariners and CYC for their never-ending creativity too!

**CYC's Haunted Graveyard Ghouls**



**WNCC Bewitching Graveyard**



**Mariners Bat Cave Creators**



**ENHANCED 24/7 ACCESS TO RECREATION CLASSES FOR RESIDENTS**

On November 18, Recreation & Senior Services went live with a new software program called Active.net to manage recreation class registration and facility rentals. This information was also advertised in the Winter *Navigators*. This software program uses leading technology that will provide additional information about the Department’s programs to residents.

As a courtesy and thank you to our top 1000 customers staff placed their customer contact information into Active.net to streamline the process when accessing the software for the first time to register. The top 1000 customers

received the following information:

**Thank You Letter** - Thanking the customer/family for their participation in current or past recreation classes, informing them of the change in software, and a temporary log-in and password that will allow them to access their new account online.

**24/7 Recreation Access Card** - Plastic card that allows users to place their updated username and log-in for online registration.

**Guide Sheet to Adding Family Members & Registering for Classes** – Step by step instruction sheet to input additional family members and register for classes.

**Post-It Notes** – For customers to write notes.

All residents were notified through the *Newport Navigator* and featured step-by-step instructions to set-up an account and register for classes. Also, the instructions and an instructional video were placed on the City’s website.

In 2000, Newport Beach was the first in the nation to offer online registration, with 70% of registrations being conducted online in 2009. We continue to lead the way in technology and customer service



**24/7Recreation Access Card Sample**

**FALLEN FIELD LIGHT**

Sometime over the Veterans Day holiday, the lower left field light fixture on the first base side of field 2 at Bonita Creek Park fell to the ground. No one was at the park at the time and most importantly, no injuries. This was possibly caused by the failure of weakened bolts, combined with higher than normal winds. The metal light casing suffered dents and the bulb was shattered.

Utilities was great with their prompt response in investigating and pronouncing that the remainder of the lights on the pole were intact and still in good working order. Musco is scheduling their large lighting crane to replace the damaged light with a new one and should be completed the week of December 6.



## **FACILITY RENTALS**

During the period of September 16 – Nov 15, 2010 there were:

- 27 Picnic/Park Area Rentals
- 21 Room Rentals
- 16 Field Rentals
- 17 Gym Rentals
- 2 Wedding reservation — Begonia Park - October 1, 2010, 80 guests  
— Cliff Drive Park – October 2, 75 guests

## **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 months of **September & October** Park Patrol had the following number of contacts:

### 1. Requested Calls

- **240 with Youth Sports Groups**
- **138 Field related issues/checks**
- **19 Park/Picnic/reservation issues/checks**
- **91 community Center issues/checks**
- **44 Playground checks**
- **41 other**
- **CDM Beach Contacts**
- **64 BBQ's**
- **38 Tents**

5 Pre-event checks

2 Post-event checks

### 2. **Public Contacts**

- 273 education (increase is due to the increased presence at CDM Beach)
- 5 alcohol
- 142 dog related

**Written Warnings Issued** – 3 for parking violations at Lincoln, West Jetty View Park and Bonita Canyon Park

**Citations Issued**- 1 for professional photography without a permit at Cliff Drive Park.

## **SPECIAL EVENT PERMITS**

As of November 15, 2010, there were 204 Special Event Permits processed and issued for the year. Those events of note for this period were:

- Taste of NB – Fashion Island– 9/17-19– Attendance 50,000
- Pacific Coast Triathlon – Crystal Cove – 9/19 – Attendance 700
- NB Surf Championships – 54<sup>th</sup> Street Beach– 9/25-26 – Attendance 600
- Harbor Heritage Run– NHHS & surrounding streets – 10/2 – Attendance 1200
- MS 150 Mike Ride – MacArthur-PCH-CdM – 10/16 – Attendance 2500
- Autumn Rowing Festival – NAC – 11/7 – Attendance 1500

# Senior Services Monthly Activities Report

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

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## **OASIS REOPENING**



The Grand Reopening of the OASIS was a huge success with almost 2000 people. Staff was grateful to everyone that was a part of making this great project come to fruition. So many people ranging in age from 50 to 100 are enjoying their new space and staff has received an abundance of complements on the design and function. This project was well thought out and incorporated the comments and needs of the population it will serve.

Staff is closely tracking the usage of the facility to make sure that staffing is appropriate during the facility's busiest time. Contract classes have been filled with up to as many as 80 people in many of the exercise classes and have had many inquiries of people wanting to rent rooms as well.

## **WHAT'S HAPPENING AT THE OASIS SENIOR CENTER**

The Friends Gala went off without a hitch this past week. The committee who put this event together worked many long hours, the facility was beautiful, and the sophistication of the technology that was needed for Debbie Reynolds truly tested the capabilities of the new facility. 327 guests were in attendance. The final numbers are not in as yet, however the Friends Treasurer believes that they made approximately \$130,000.

Free flu shots were offered this month. The serum and nurses were supplied by the Orange County Health Department along with a couple parish nurses from Hoag Hospital. Hoag also will be providing medical lectures with OASIS and will be a site for the Vital Aging program. This program will perform free weekly memory screenings. This is funded by a grant that will assist people in identifying early dementia and assist the client with information on how to get help. The grant was awarded to the Neuroscience Institute at Hoag Hospital.



**FITNESS CENTER NEWS**

The Fitness Center is doing great with 881 members; about 125 to 175 users each day. With the new registration software, staff has been able to run some interesting statistical reports – we have learned that 70% of our Fitness Center members are female.

A suggestion box has been provided and 90% of the suggestions are to extend hours into the evening. Staff will do an analysis to look into the feasibility of this.



CITY OF NEWPORT BEACH - OASIS SENIOR CENTER  
Fitness Center

The seniors have given many compliments about our new Fitness Center staff members. We are very fortunate to have such a great crew.

**FACILITY RENTALS**

There have been a few community rentals, such as the Corona del Mar Residents Association with Council Candidates Forum; UCI MIND held an “Ask the Doc” forum regarding Dementia and Alzheimer’s disease, a small OASIS Sailing Club party, a memorial service, and Pacific Symphony Youth Orchestra. Rentals will gear up in February with larger events such as wedding receptions, fundraisers, and other parties. The facility is only rented at nights and on the weekends when the seniors are not using the building.

**FRIENDS MEMBERSHIP**

The Friends Membership increased by 33% since the opening of the Center in late September. Staff has seen a huge influx of “Baby Boomers”. Class registrations have been great and the Fitness Center continues to have new registrations daily.

<b>Upcoming Events</b>	<b>Date</b>	<b>Time</b>	<b>Responsible Staff</b>	<b>Phone</b>	<b>Location</b>
<b>Room Service</b>	11/12-12/12	2 & 8pm	NTAC Staff	631-0288	NTAC
<b>Winter Birds of BG Interpretive Hike</b>	12/3	9am	Irvine Ranch Conservancy	714-508-4757	Buck Gully
<b>Winter Wonderland</b>	12/4	10am	R Valdez	644-3156	Bonita Creek

*“Your First Choice for Connecting People, Play & Programs”*

## September / October 2010 OASIS UTILIZATION REPORT

PARTICIPANTS ATTENDING 16,092 CUSTOMERS

RECREATIONAL CLASSES 3,916 CUSTOMERS

PERSONALIZED SERVICES PROVIDED 4,765 CUSTOMERS

Includes:

Blood Pressure	97	Information/Referral	<b>2980</b>
Counseling-persons	75	Legal Assistance	16
Eldercare	0	Senior Assessment(hrs)	40
Employment	30	Telephone Reassurance	480
HICAP	11	Visual Screening	6
Housing counseling	30	Transportation Info	1000
		Taxes (Seasonal)	

SENIORS RECEIVING TRANSPORTATION SERVICES 2,252 RIDERS

Care-A-Van/Shuttle

CUSTOMERS RECEIVING NOON MEALS AT THE CENTER\* 4,004 CUSTOMERS

\*includes meals on wheels

VOLUNTEER HRS. OF SERVICES PROVIDED AT THE CENTER 2,083.00 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 482 CUSTOMERS

Day Trips

Winery	44	<u>Sailing Club- Sailors</u>	
Sycuan Casion	55	OASIS III	147
Warner Bros Studio	44	OASIS IV	192

Long Trips

SPECIAL EVENTS/SCREENINGS/LECTURES 673 PERSONS

Big Band Seminar	70
Trail Trekkies	46
OASIS Golfers	<b>205</b>
Computer Friends	121
UCI Lecture	<b>125</b>
League of Women Voters	53



## Municipal Operations Department

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PB&R Commission Agenda  
Item No. \_\_\_\_\_  
December 7, 2010

**TO:** Parks, Beaches and Recreation Commission  
**FROM:** Municipal Operations Department Director  
**SUBJECT:** *Bench Donation Request*

### Recommendation

Staff recommends that the Parks, Beaches and Recreation Commission consider the bench donation request at Galaxy View Park. This bench donation would replace an existing wooden bench that will be refurbished and used as a bench replacement as needed.

### Discussion

City Council Policy B-17 establishes criteria for parks, facilities, and recreation program donations within the City. The policy is structured to establish a fair and uniform procedure for making gifts to the City, and to make the donation process easier for staff and donors.

The City has received a request from Ms. Beth Miller (Attachment A) to donate a bench at Galaxy View Park. The donated bench (Attachment B) is included on the City's Official Bench List and will match the existing bench at this site. Attachment C shows the existing wooden bench and Attachments D and E depicts the location of the proposed bench donation.

Since the value of the bench is greater than \$1,000.00, the donation is eligible to receive a dedicatory plaque that will be placed on the bench. The submitted plaque verbiage, which complies with City Council Policy B-17, is "In Memory of Rosemary Hitzel".

Ms. Miller, Council Member Don Webb and Dover Shores Community Association have received a copy of this report and a notice of the Commission meeting. This bench donation does not require staff to notice the adjoining property owners, since this is a replacement bench.

Submitted by:

Mark Harmon

- Attachments:
- (A) Ms. Beth Miller's Gifts for Tomorrow Order Request Form
  - (B) Huntington Beach bench style picture
  - (C) Picture of existing wooden bench
  - (D) Picture of proposed location
  - (E) Aerial map of proposed location

Gifts for Tomorrow Order Request Form



Item #	Description
100	Park Bench



Contact Information



Beth Miller  
 Name  
 1401 Galaxy Drive  
 Mailing Address  
 Newport Beach, CA 92660  
 Home # 949-650-2152  
 Phone Cell # 949-233-8744



Beth Miller  
 Signature  
 betil1401@aol.com

DEDICATION PLAQUE INFO

Donors may elect to provide a dedicatory plaque if the value of the donation is greater than \$1,000. Contact city staff for more information.

Yes, I am interested in dedicatory plaque for my donation.



Plaque is donated for,  
 Rosemary Hitzel  
 First Name Last Name











## Municipal Operations Department

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PB&R Commission Agenda

Item No. \_\_\_\_\_

December 7, 2010

**TO:** Parks, Beaches and Recreation Commission  
**FROM:** Municipal Operations Department Director  
**SUBJECT:** *Bench Donation Request*

### Recommendation

Staff recommends that the Parks, Beaches and Recreation Commission consider the bench donation request at Corona Del Mar Main Beach.

### Discussion

City Council Policy B-17 establishes criteria for parks, facilities, and recreation program donations within the City. The policy is structured to establish a fair and uniform procedure for making gifts to the City, and to make the donation process easier for staff and donors.

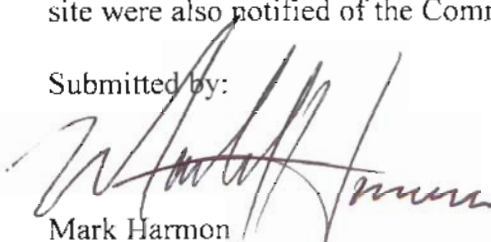
The City has received a request from Mitch Herzog (Attachment A) to donate a bench at Corona Del Mar Main Beach. The donated bench (Attachment B) is included on the City's Official Bench List. Attachments C & D show the location of the proposed bench donation.

Staff reviewed the Corona Del Mar Main Beach for additional bench donation sites, and feels the Main Beach, if this donation is approved, will have reached full capacity for bench sites. Once this donation is considered, staff recommends that this site be closed to any future bench donations.

Since the value of the bench is greater than \$1,000.00, the donation is eligible to receive a dedicatory plaque that will be placed on the bench. The submitted plaque verbiage, which complies with City Council Policy B-17, is "In Memory of Kevin D. Herzog".

Mr. Herzog, Council Member Nancy Gardner and Breakers Drive Association have received a copy of this report and a notice of the Commission meeting. Additionally, as per the Council Policy B-17, adjacent property owners within 300 feet of the donation site were also notified of the Commission meeting.

Submitted by:

  
Mark Harmon

- Attachments:
- (A) Mr. Herzog's Gifts for Tomorrow Order Request Form
  - (B) Santa Monica bench style picture
  - (C) Picture of proposed location
  - (D) Map of proposed location



Gifts for Tomorrow Order Request Form

Item #	Description
100	Bench at
	Corona del Mar Beach

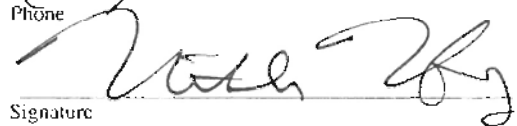


Contact Information



M. Feh Herzog  
 Name  
 7436 Washington Ave  
 Mailing Address  
 St. Louis Mo. 63130



(314) 342-6685  
 Phone  
  
 Signature



DEDICATION PLAQUE INFO

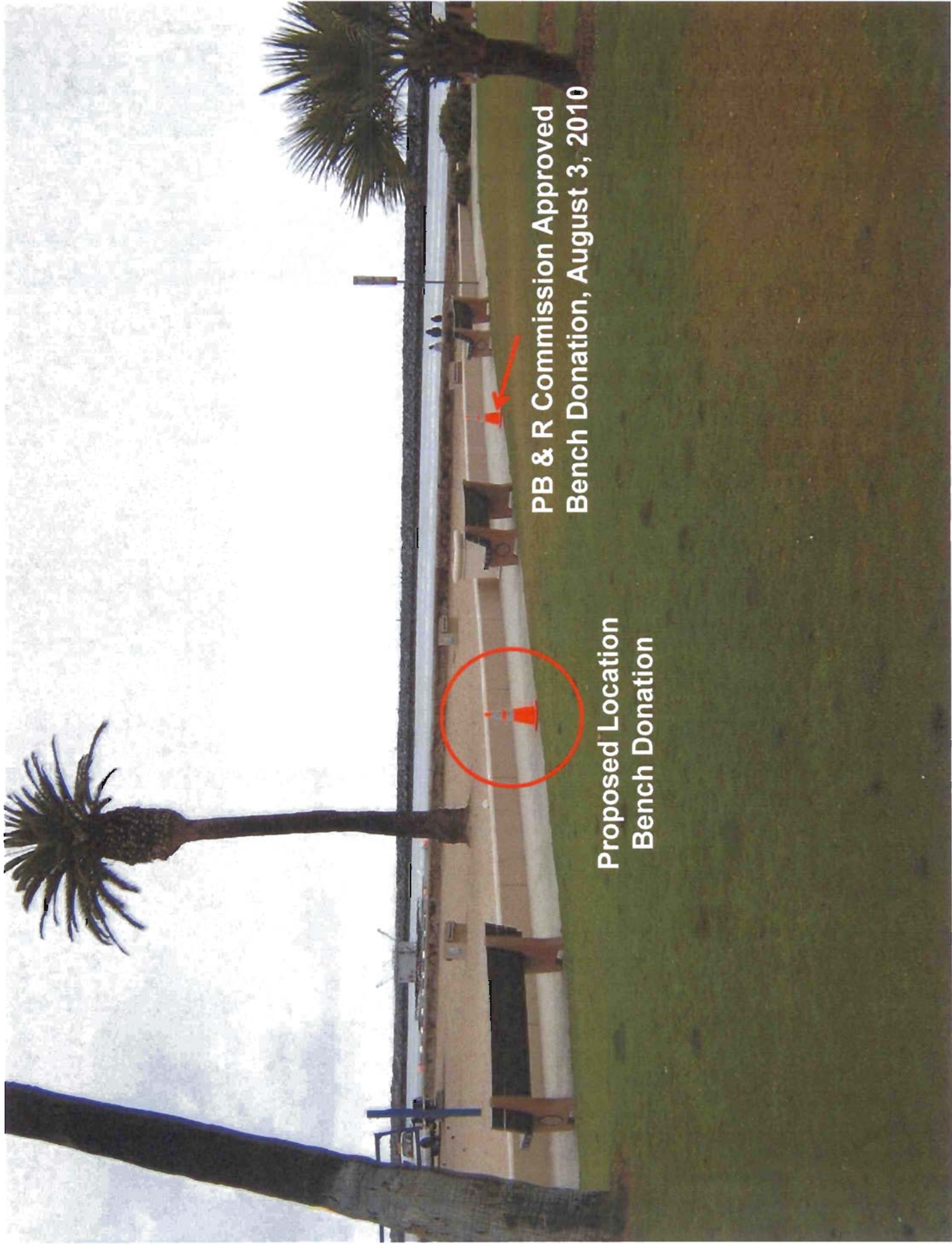
Donors may elect to provide a dedicatory plaque if the value of the donation is greater than \$1,000. Contact city staff for more information.

Yes, I am interested in dedicatory plaque for my donation.

Plaque is donated for,

KEVIN D. HERZOG  
 First Name Last Name  
 (In Memory of)





PB & R Commission Approved  
Bench Donation, August 3, 2010

Proposed Location  
Bench Donation

Corona Del Mar Main Beach  
Proposed Bench Donation Location





## Municipal Operations Department

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PB&R Commission Agenda

Item No. \_\_\_\_\_

December 7, 2010

**TO:** Parks, Beaches and Recreation Commission

**FROM:** Municipal Operations Department Director

**SUBJECT:** *Reforestation Request*

### Recommendation

Staff recommends that the Parks, Beaches and Recreation Commission consider the reforestation request at 1220 Keel Drive within the Harbor View Hills South community.

### Discussion

City Council Policy G-1, Reforestation of City Trees requires that individual property owners living within a legally established community association area with mandatory association membership must petition for reforestation through their respective association.

Per City Council Policy G-1, the Harbor View Hills South Homeowners Association, Board of Directors approved the removal of a City Carrotwood parkway tree.

The property owner has complied with the requirements of Policy G-1, and has submitted the full costs of removal and replacement of a City tree, approximately \$400.00 (\$195 for a 24" box replacement tree and \$205 for the removal).

Staff has attached a Tree Inspection Report, Tree Inventory Detail, and photograph related to this request.

Ms. Kathy Forde, Mayor Keith D. Curry, Senior Vice President with AMMCOR Jennifer Fontana and Harbor View Hills South City Tree Committee Chairman Bob Shelton have received a copy of this report and a notice of the Commission meeting.

Submitted by:

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

Mark Harmon

Attachments: (A) Reforestation Check List  
(B) Policy G-1, Retention or Removal of City Trees, Reforestation of City Trees, pages 6 - 9

- (C) Harbor View Hills South HOA, Resolution of the Board of Directors w/copy of personal checks from Mr. and Mrs. Forde
- (D) Tree Removal Request Application
- (E) Tree Inspection Report
- (F) Tree Inventory Detail
- (G) Existing City Carrotwood tree picture
- (H) Designated parkway street tree picture, Magnolia grandiflora 'St.Mary'
- ( I ) Aerial Map



Reforestation Check List

	Verified by:	Urban Forester	Parks and Trees Superintendent	General Services Director
<input type="checkbox"/> Legally Established Homeowners Association		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Individual Private Property Owner(s)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Reforestation Application		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> (90) days Reforestation Request Compliance		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Resolution of the Board of Directors, Minutes, Notices (Legally Established Homeowners Association)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Damage/Impact

<input type="checkbox"/> Blue Water View Impact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Incorrect Tree Species	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Hardscape Damage:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Curb/Gutter			
<input type="checkbox"/> Sidewalk			
<input type="checkbox"/> Utility			

Individual Private Property Owner(s) ONLY

	Verified by:	Urban Forester	Parks and Trees Superintendent	General Services Director
<input type="checkbox"/> Written Agreement by Individual Property Owner(s)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Staff Approved Petition		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Property Owners Signatures Verified		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Meets 60% Reforestation Criteria:		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#\_\_Property owners notified %\_\_Agreed with removal

Meets Minimum Reforestation Requirements: YES NO

Department Signature: [Signature]

Date: 11-8-10

City Attorney Reviewed: \_\_\_\_\_

Date: \_\_\_\_\_

General Services Director or designee concurs, then the applicant, the adjoining owners, private property owners on either side of the street within 500' in each direction of the tree location and a legally established community association, if applicable, shall be notified of the decision to remove or retain the tree within 30 days of the proposed removal. A legally established community association is responsible for notification of all association members pursuant to their established procedure. The General Services Director, or a designee, shall prepare a staff report for a regularly scheduled PB&R Commission meeting of all trees recommended for removal, except for those trees categorized in Paragraph C. (dead, diseased, or dying trees) or Paragraph E (claims and safety issues) in the preceding section on All Other City Trees. Only an applicant, an adjoining property owner, or a legally established community association, the City Manager, a PB&R Commissioner, or a Councilmember may appeal the decision of the General Services Director not to remove a tree to the Commission. The Commission, in considering any appeal, shall determine whether the removal meets the criteria outlined in this Policy, as well as any unique factors which may be pertinent to the removal or retention of tree(s). The decision of the Commission will be considered final unless called up by at least one Councilmember or the City Manager.

The General Services Department will delay any tree removal(s) for at least 14 calendar days following the date of the Commission decision in order to allow time for a Councilmember or the City Manager to call the item.

The City will replace all trees removed in accordance with the All Other City Trees removal criteria on a one for one basis. Replacement trees will be a minimum of a 36" boxed size. If 36" boxed trees are not available, or funding, or space constraints prevent planting of a large tree, then a minimum of a 24" boxed tree will be planted. The full costs of removal and replacement of Special or All Other Tree(s) will be the sole responsibility of the City, unless an applicant voluntarily pays for a new tree(s).

#### REFORESTATION OF CITY TREES

The concept of systematically replacing Problem or All Other Trees which are creating hardscape and/or view problems and cannot be properly trimmed, pruned or modified to alleviate the problem(s) they create, or those which have reached their full life, and are declining in health, or are simply the wrong species of trees for the planted location is referred to as reforestation. The Urban Forester shall make a finding for the latter category of inappropriate tree species for a specific location. His determination may be appealed to the General Services Director whose decision will be final.

It is recognized and acknowledged that City trees were planted many years ago and in some cases were planted with specific species that when fully mature cause damage to curb, gutter, sidewalk or underground utilities. Within the geographical boundaries of certain view neighborhoods, City street trees may encroach into blue water views from public and private property depending on the length of time since the trees were last trimmed, or the age and height of the trees. In other cases, the wrong species of tree was planted originally and simply does not conform to the current treescape or represents a safety hazard.

Arborists continue to develop lists of tree species which will grow in restricted parkway areas without causing significant damage to curb, gutter, sidewalk, utilities or loss of views. The City Street Tree Designation List, which specifies a species for each City street reflects an effort by the City to prescribe appropriate tree species that will not cause future problems.

As a City which understands the importance of trees and the beauty they bring to a community, the City desires to continually improve the urban forest through reforestation. In areas where City trees have been removed through City initiation, the City will endeavor to replace the trees with the appropriate designated City tree.

Individual private property owners, as well as legally established community associations, may apply for single or multiple tree reforestations in their respective area by submitting a request to the General Services Director for consideration by the Commission that meets the following requirements:

- A. The proposed area must have clearly defined contiguous geographical boundaries that include the tree(s) proposed for removal and replacement, street address(es), block number(s), or other geographical information. This section applies to individual and group requests.
- B. Residential communities, neighborhoods, or business organizations who apply for reforestation must submit a petition signed by a minimum of 60% of the property owners within the area defined for reforestation. The petition content must be approved and dated by City staff prior to distribution by the petitioner. The staff-approved petition must be distributed by the petitioner to a maximum of 30 private property owners (up to 15 contiguous private property owners on both sides of the street up to 500' in either direction from the location of the proposed reforestation). Signatures by non-property owners are not acceptable for petition purposes. All petition signatures shall be verified by City staff for

- property owner status of the person(s) signing the petition. As an alternative to the above requirements, areas represented by a legally established community association, may submit a resolution of the Board of Directors formally requesting a reforestation with a statement that all members of the community association having their residential views affected, have been officially notified and given an appropriate opportunity to respond before the Board voted on the request. Individual private property owners living within a legally established community association area with mandatory association membership must petition for reforestation through their respective association.
- C. Individual private property owners not residing within a legally established community association area may submit individual requests for single or multiple tree reforestations. The applicant must submit a petition signed by a minimum of 60% of a maximum of 30 private property owners (up to 15 contiguous private properties on both sides of the street up to 500' in either direction from the location of the proposed reforestation site) as well as the endorsement of the appropriate homeowners' association, if applicable. The petition content must be approved and dated by staff prior to distribution. All petition signatures shall be verified by City staff for private property owner status of the person(s) signing the petition.
- D. A written agreement must be submitted to the Parks, Beaches, and Recreation Commission by the petitioning sponsor (individual private property owner(s) or group) to pay 100% of the costs of the removal and replacement of the public tree(s) in advance of any removal activity. The actual removal and replanting will be coordinated by the General Services Department. The total costs shall include only the contractor's removal and replacement costs and be paid in advance of any removal actions.
- E. The replacement tree(s) for reforestation shall be the Designated Street Tree(s) as prescribed by City Council Policy G-6, or the organization must request and obtain approval from the Commission of the designation of a different tree species prior to submitting any reforestation request for a tree species other than the designated street tree. This section applies to individual or group requests.
- F. There shall be a minimum of a one-for-one replacement of all trees removed in reforestation projects. Replacement trees shall be a minimum size of 24" boxed trees, unless the parkway space will not accommodate a 24" boxed tree or a tree cannot be planted due to planting restrictions contained in Council Policy G-6. If

there is not room for the replacement tree(s) at a specific site as prescribed by City Council Policy G-6, then the replacement tree(s) shall be planted in a public area in the same neighborhood at the option of the petitioner. This section applies to individual or group requests.

- G. Reforestation requests must be completed and submitted in a timely manner by the petitioner. Petitions that are dated more than 90 days in arrears from date stamped by staff before distribution will not be forwarded to the PB&R Commission for consideration.

The decision of the Commission on reforestation requests will be considered final unless called up by at least one Councilmember or the City Manager.

#### TREE MAINTENANCE

The City shall require the proper care and watering of replacement trees by the reforestation petitioner to ensure their proper growth and development as outlined in City Council Policy G-6. Furthermore, no person shall tamper with City trees in violation of Section 13.08.040 of the Municipal Code. Further, the City will endeavor to fund the care of the Urban Forest to the highest level possible through the efficient use of regular tree trimming, root pruning, root barrier and pesticide programs.

#### ENCROACHMENT AND DEMOLITION PERMITS

All encroachment permits (permits for private property development which are proposed to encroach upon the City right of way) or demolition permits that involve the removal or replacement of City tree(s) must be specifically noticed by the property owner to City staff prior to the building and/or demolition permit process whenever possible. The proposed construction plans must indicate preservation of existing City trees wherever possible (exempt: dead, dying, or in an advanced state of decline). If the proposed development, as deemed by the General Services Director, requires the removal of City trees, the property owner must submit a tree removal request to the General Services Director, shall pay all related tree removal and replacement costs (one for one replacement) and meet all provisions of Council Policies L-2 and L-6 and City Ordinances 13.08 and 13.09. Approval or disapproval of all tree removal/replacement requests associated with encroachment and demolition permits will be the responsibility of the General Services Director or a designee.

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# HARBOR VIEW HILLS HOMEOWNERS ASSOCIATION

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October 18, 2010

Mr. John Conway  
General Services Department  
The City of Newport Beach  
P.O. Box 1768  
Newport Beach, CA 92657

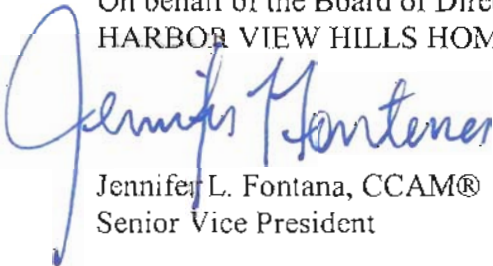
Dear Mr. Conway,

At the Board of Directors meeting held on October 6, 2010, the Board of Directors of the Harbor View Hills Homeowners Association approved the reforestation of the trees in front of 1220 Keel Drive upon cost is \$400.00. Enclosed is the payment from the homeowners requesting the reforestation.

The HVHS City Tree Committee chairman, Bob Shelton, is authorized to assist you with this project, including minor modifications in the field as may be indicated.

Sincerely,

On behalf of the Board of Directors,  
HARBOR VIEW HILLS HOMEOWNERS ASSOCIATION



Jennifer L. Fontana, CCAM®  
Senior Vice President

% AMMCOR

1062 Calle Negocio, Suite "F" San Clemente CA 92673  
Office (949) 661-7767 Fax (949) 661-5696



# CITY OF NEWPORT BEACH General Services Department

## Tree Removal or Reforestation Application

Per City Council Policy G-1 (Retention or Removal of City Trees), I am requesting a tree removal(s) to be reviewed by staff and submitted to either the Parks, Beaches, and Recreation Commission for consideration at a future meeting or the appropriate City approving authority. Commission meetings are held on the first Tuesday of each month (expect for holidays) at 7PM at the Council Chambers.

ONE

Indicate the number and specie(s), (if known) of tree(s).

Located at: 1220 KEEL DR - CORONA del MAR

Please be as specific as possible

### Requestor

<input checked="" type="checkbox"/>	Property Owner
<input type="checkbox"/>	Community Association
<input type="checkbox"/>	Other _____

Address/ Phone (Daytime) / Email \_\_\_\_\_  
1220 KEEL DR - CDM  
949 759 7797  
KATHYFORDE @ CDM.NET

Signature: Kathy Forde

Date: 9/13/10

Print Name: KATHY FORDE

**If this is a reforestation request proceed to the reverse side of this form**

### Section A. For Tree Removal Requests Only

#### Removal Criteria (Check one or more)

Please provide copies of photos, bills, documents or any other related material that will verify the checked items.

- Proven and repeated history of damaging public or \*private, sewers, water mains, roadways, sidewalks, curbs, walls, fences, underground utilities or foundations.  
(\*Greater than \$500)
- Repeated history of significant interference with street or sidewalk drainage.
- Dying Has no prospect of recovery.
- Diseased Cannot be cured by current arboricultural methods.  
In advanced state of decline with no prospect of recovery.
- Hazardous Defective, potential to fail, could cause damage to persons/property upon failure. Assessment by Urban Forester will identify structural defects, parts likely to fail, targets-if fails, procedures and actions to abate.
- Beautification Project In conjunction with a City Council-approved City, commercial, neighborhood, or community association beautification program.

**Section B. For Reforestation Requests Only**

Reforestation is the concept of systematically replacing Problem or All Other Trees which are creating hardscape and/or view problems and cannot be properly trimmed, pruned or modified to alleviate the problem(s) they create, or those which have reached their full life, and are declining in health, or are simply the wrong species of tree(s) for the planted location.

**As initiated by:**

<input checked="" type="checkbox"/>	Property Owner
<input type="checkbox"/>	Community Association
<input type="checkbox"/>	Other _____

**Check all items applicable:**

<input checked="" type="checkbox"/>	Tree(s) causing curb, gutter, sidewalk or underground utilities damage.
<input checked="" type="checkbox"/>	Wrong tree species for location
<input type="checkbox"/>	View encroachment
<input type="checkbox"/>	Area has clearly defined contiguous boundaries that include the tree(s) proposed.
<input type="checkbox"/>	Residential communities, neighborhoods, or business organizations who apply for reforestation must submit a petition signed by a minimum of 60% of the property owners within the area defined.
<input type="checkbox"/>	Areas represented by a legally established community association, may submit a resolution of the Board of Directors formally requesting a reforestation.
<input type="checkbox"/>	Individual property owners must submit a petition signed by a minimum of 60% of a maximum of 30 private property owners (up to 15 contiguous private properties on both sides of the street up to 500' in either direction from the location of the proposed reforestation site) as well as the endorsement of the appropriate homeowners' association, if applicable.

\*A request for reforestation requires a written agreement submitted to the Parks, Beaches, and Recreation Commission by the petitioning sponsor (Individual private property owner(s) or group) to pay 100% of the costs of the removal and replacement of the public tree(s) in advance of any removal activity. The actual removal and replanting will be coordinated by the General Services Department using the City tree maintenance contractor.

\*There shall be a minimum of a one-for-one replacement of all trees removed in reforestation projects. Replacement trees shall be a minimum size of 24" boxed trees and cost \$195 per tree, unless the parkway space will not accommodate a 24" boxed tree or a tree cannot be planted due to planting restrictions contained in City Council Policy G-6.

**This form does not replace the requirements of any of the City tree policies. Its use is intended to expedite the tree removal or reforestation requests and to ensure compliance with all City requirements. Please refer to individual City Council Policy G-1 for additional information.**

**Requestor Comments:**

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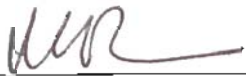
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***Removals, except emergency, will be subject to the notification processes, time frames and authority as specified in the City Council G-1 Policy.***



**Recommendation:** Forward the reforestation request to the Parks, Beaches and Recreation Commission for review and approval.

Reviewed by:  \_\_\_\_\_ Date: November 1, 2010  
Dan P. Sereno, Parks and Trees Superintendent

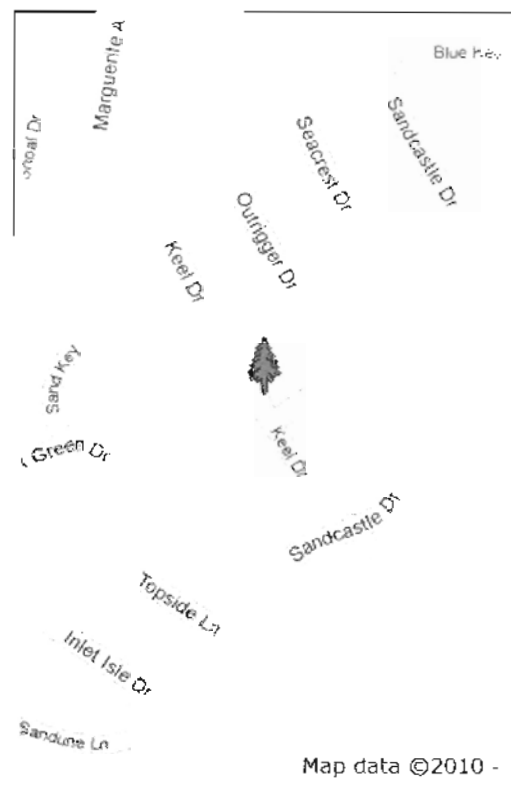
Reviewed by:  \_\_\_\_\_ Date: 11-8-10  
Mark Harmon, General Services Director

Show/Hide Map

Print Report

### Inventory Detail

Dist: 8  
 Address: 1220 KEEL DR  
 Fictitious: No  
 Location: Front-1  
 On Address: 1220 KEEL DR  
 Species: *Cupaniopsis anacardioides*, CARROTWOOD  
 DBH/Height: 07-12 / 01-15  
 Parkway Size: 5  
 Utility Overhead: No  
 Sidewalk Damage: No  
 Recommended Maintenance: Grid Trim  
 Estimated Value \$1,380

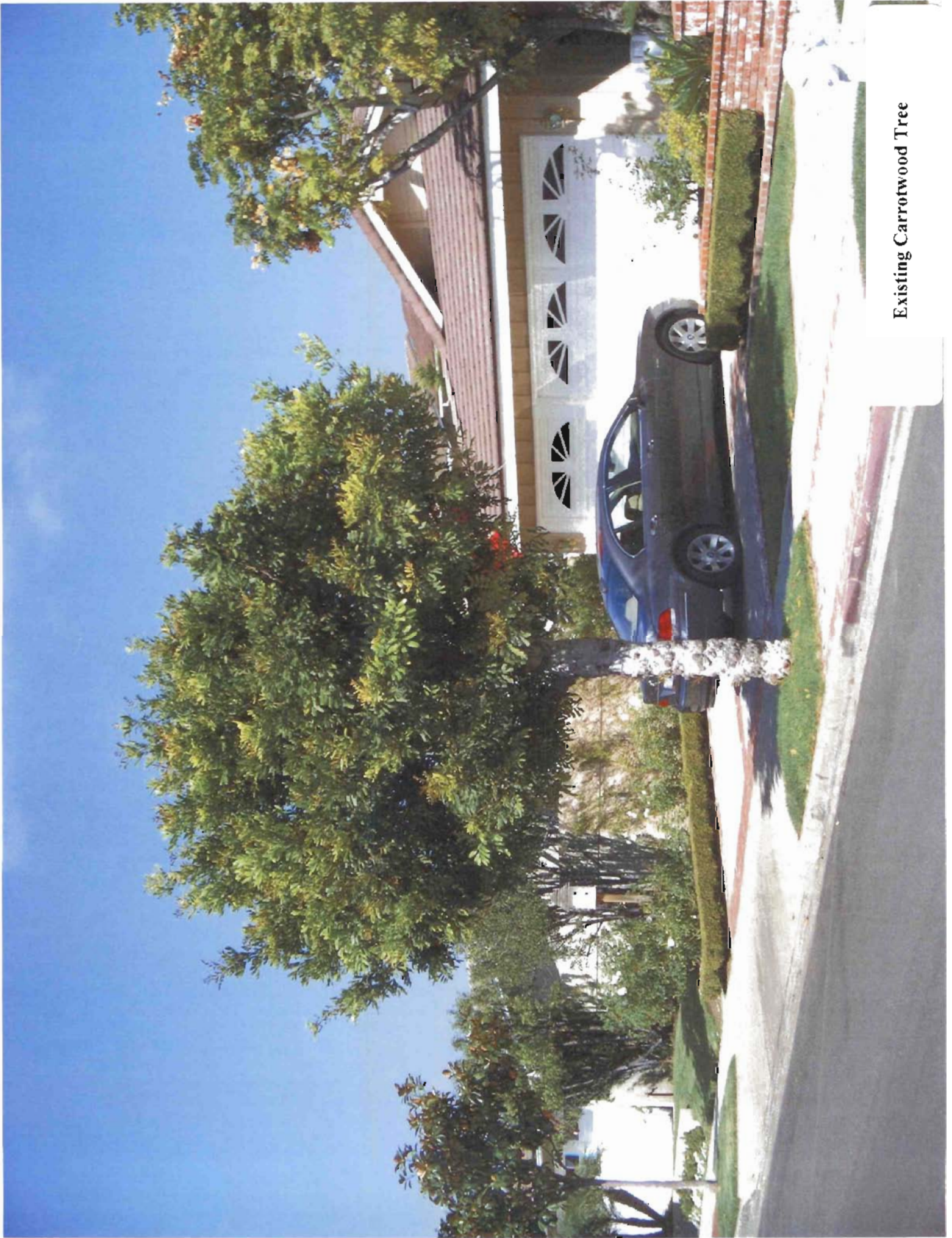


### WCA Work History

Date	Work Type	Amount	Job#
4/3/2008	Grid Pruning	\$39.00	11060
7/20/2006	Grid Pruning	\$39.00	9765
4/8/2005	Service Request Pruning	\$39.00	7334
1/26/2004	Grid Trimming	\$39.00	6071
9/2/2002	Grid Trimming	\$39.00	5154
3/8/2001	Service Request	\$39.00	3874
6/19/2000	Grid Trimming	\$39.00	3524
3/24/1999	Grid Trimming	\$39.00	2438

### Other Work History

Date	Work Type	Crew	Acct#	Min
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Existing Carrotwood Tree



**Magnolia grandiflora – Saint Mary Magnolia  
Designated Parkway Street Tree**





## Municipal Operations Department

PB&R Commission Agenda  
Item No. \_\_\_\_\_  
December 7, 2010

**TO:** Parks, Beaches and Recreation Commission  
**FROM:** Municipal Operations Department Director  
**SUBJECT:** *Field Maintenance Division, Proposed City Tree Removal*

### **Recommendation**

Staff recommends that the Parks, Beaches and Recreation Commission consider the removal of a City Ficus tree in order to accommodate street, sidewalk, curb and gutter repairs adjacent to 133 Opal Avenue on Balboa Island.

### **Discussion**

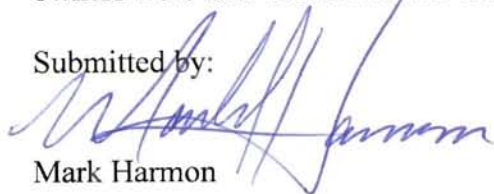
The Field Maintenance Division of the Municipal Operations Department is requesting removal of a Ficus microcarpa tree in order to accommodate the hardscape repairs at that location.

The project involves repairing 1,640 square feet of concrete from street, sidewalk, curb and gutter around this high risk tree species which is prone to tree failure when severely root pruned. To complete the repairs, the tree will require root pruning on multiple sides, causing a significant amount of root loss. Consequently, the work could ultimately jeopardize the stability of the tree. The tree will pose a potential liability and is hindering the proposed repairs.

The City's Urban Forester and Parks and Trees Superintendent inspected the affected tree and project details, and concur the City tree requires removal in order to accommodate for the repairs.

Council Member Edward D. Selich and the Balboa Island Improvement Association have 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:



Mark Harmon

Attachments: (A) Tree Inspection Report  
(B) City Tree Inventory Detail  
(C) Pictures  
(D) Area map



# Municipal Operations Department

## TREE INSPECTION REPORT

**Name:** Field Maintenance Division  
**Tree Location:** 133 Opal Avenue/ Front -1  
**Request:** The Field Maintenance Division is requesting removal of a City Ficus tree in order to accommodate street, sidewalk, curb and gutter repairs.

**Tree Species:** Ficus microcarpa 'Nitida' – Indian Laurel Fig

**Designated Street Tree:** Tristania laurina – Tristania Laurina

**Estimated Tree Value:** \$6,080.00

**Damage:** N/A

**Work History:** The Field Maintenance Division has the following work history recorded:

- 2002 – Sidewalk, curb repairs
- Presently needed – Sidewalk, curb, street repairs

**Parkway:** **Concrete**   **Brick**   **Turf**   **(X) Other**

**Comments:** The Concrete crew will be repairing 1,640 square feet of street, sidewalk, curb and gutter. A field inspection confirmed that in order to accommodate for the repairs the tree will require root pruning on multiple sides, causing a significant amount of root loss. Consequently, the tree will suffer massive root loss, injury, and ultimately jeopardize the stability of tree. The tree will pose a potential liability and is hindering the repairs as proposed.

**Inspected by:** John F. Conway **Date:** November 1, 2010  
**John Conway, Urban Forester**

**Recommendation:** Forward the reforestation request to the Parks, Beaches and Recreation Commission for review and approval.

**Reviewed by:** Dan P. Sereno **Date:** November 1, 2010  
**Dan P. Sereno, Parks and Trees Superintendent**

**Reviewed by:** Mark Harmon **Date:** 11/22/10  
**Mark Harmon, Municipal Operations Director**

Show/Hide Map

Print Report

### Inventory Detail

Dist: 14  
 Address: 133 OPAL AV  
 Fictitious: No  
 Location: Front-1  
 On Address: 133 OPAL AV  
 Species: *Ficus microcarpa 'Nitida'*, INDIAN LAUREL FIG  
 DBH/Height: 19-24 / 15-30  
 Parkway Size: 4  
 Utility Overhead: No  
 Sidewalk Damage: No  
 Recommended Maintenance: Grid Trim  
 Estimated Value \$6,080



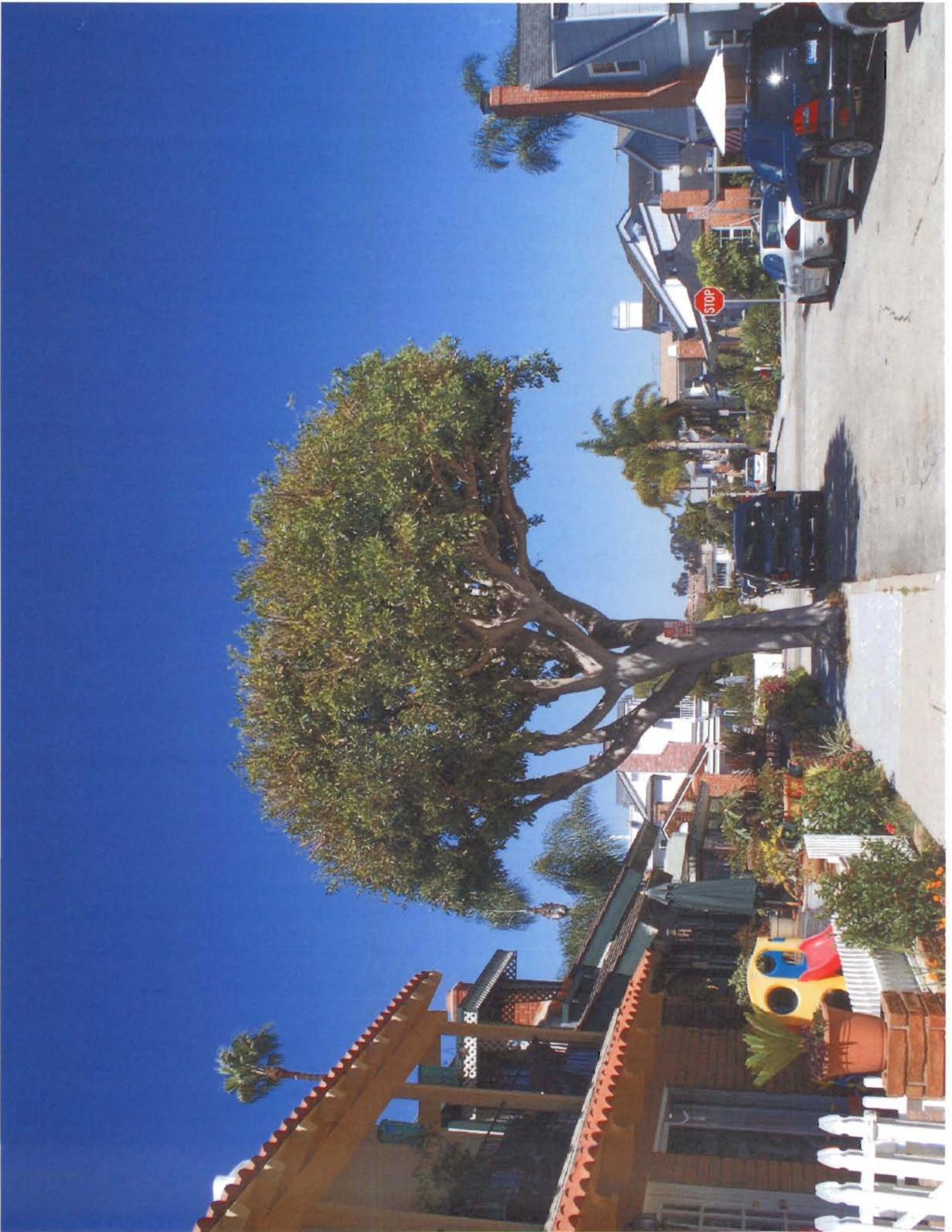
### WCA Work History

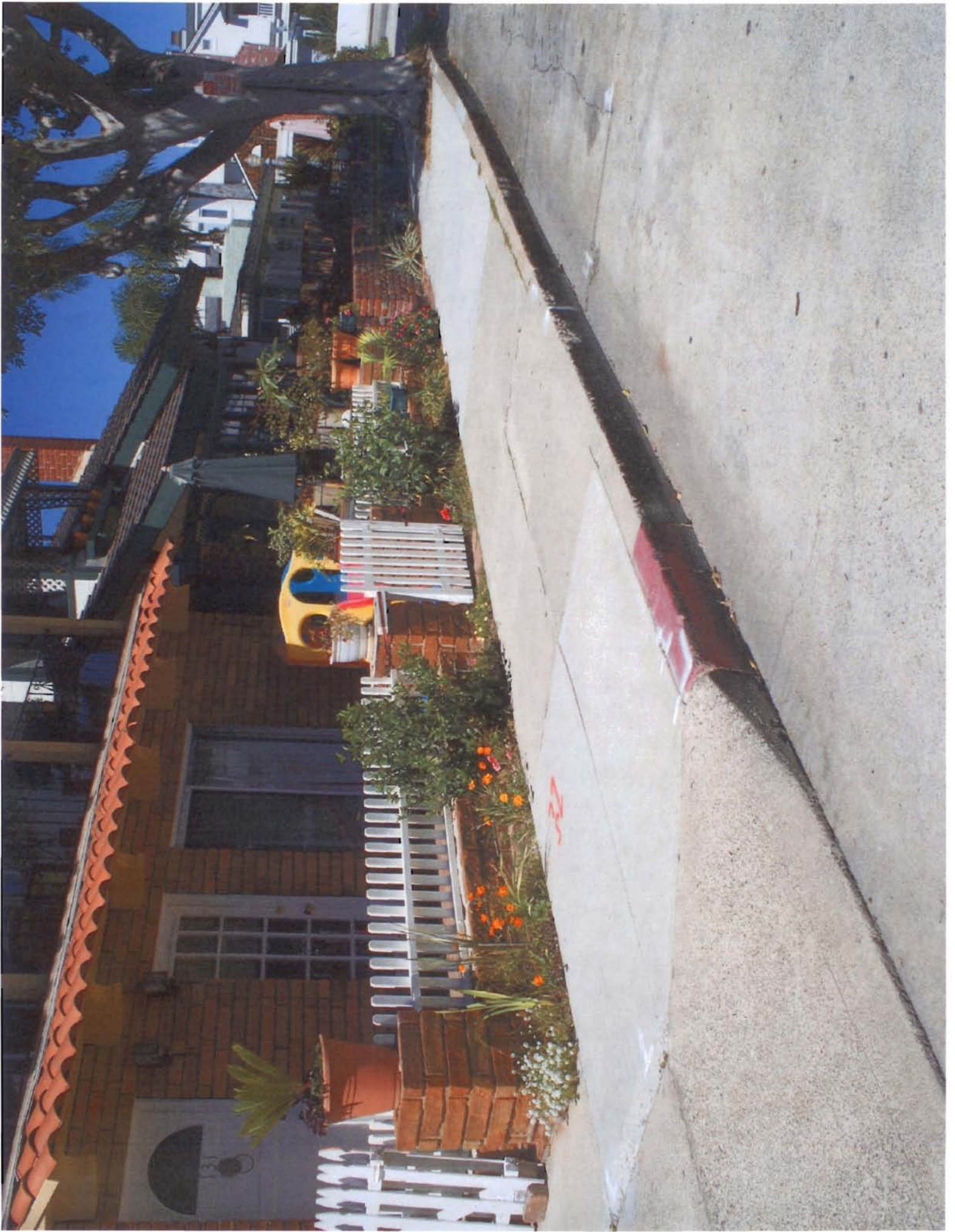
Date	Work Type	Amount	Job#
8/19/2010	Grid Pruning	\$39.00	16789
8/7/2008	Grid Pruning	\$39.00	12665
6/28/2007	Grid Pruning	\$39.00	9762
3/31/2005	Grid Pruning	\$39.00	7334
4/24/2003	Service Request	\$39.00	5154
2/25/2002	Service Request	\$39.00	4184
7/19/2001	Service Request	\$39.00	4184
6/1/2000	Grid Trimming	\$39.00	2866

### Other Work History

Date	Work Type	Crew	Acct#	Min
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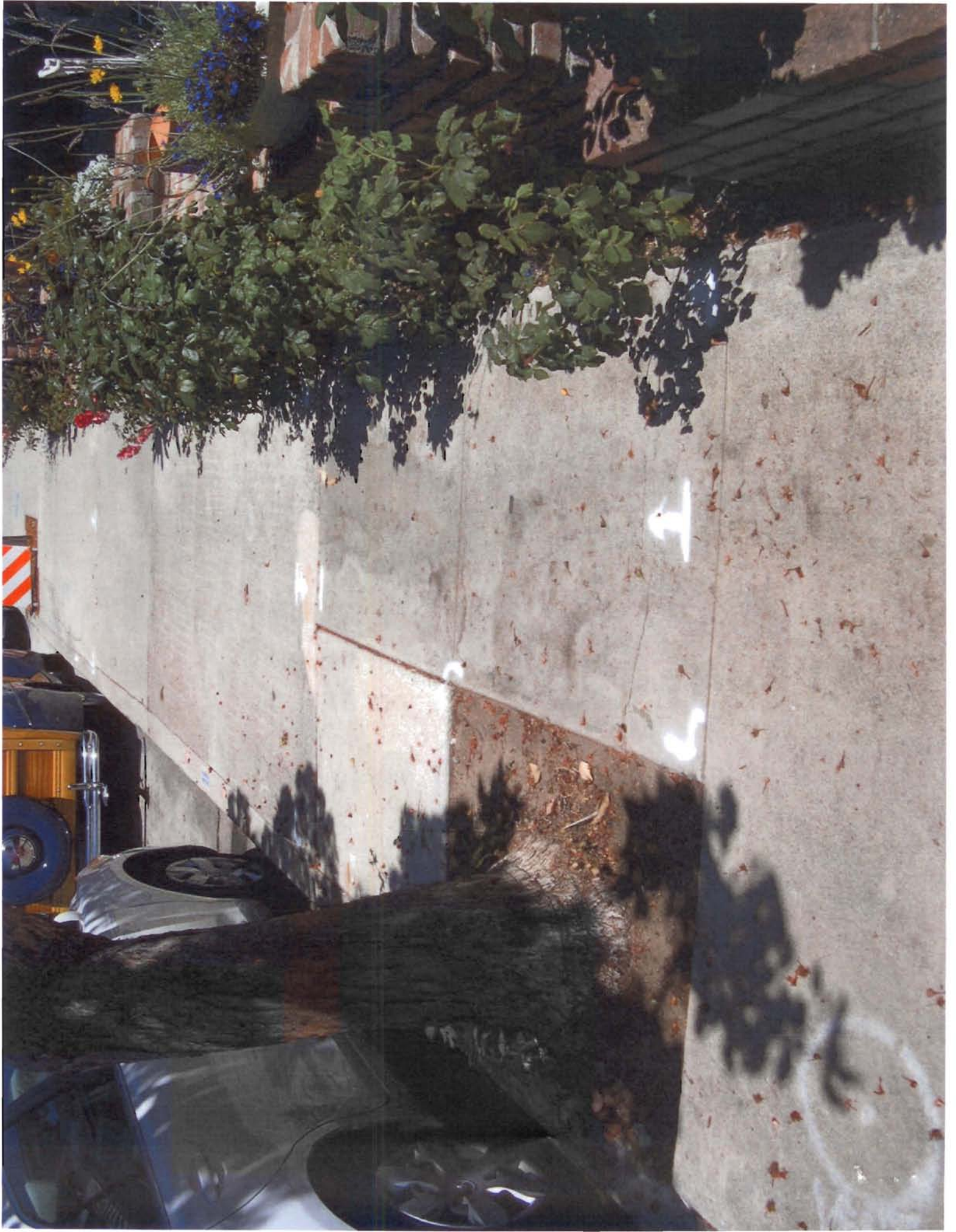






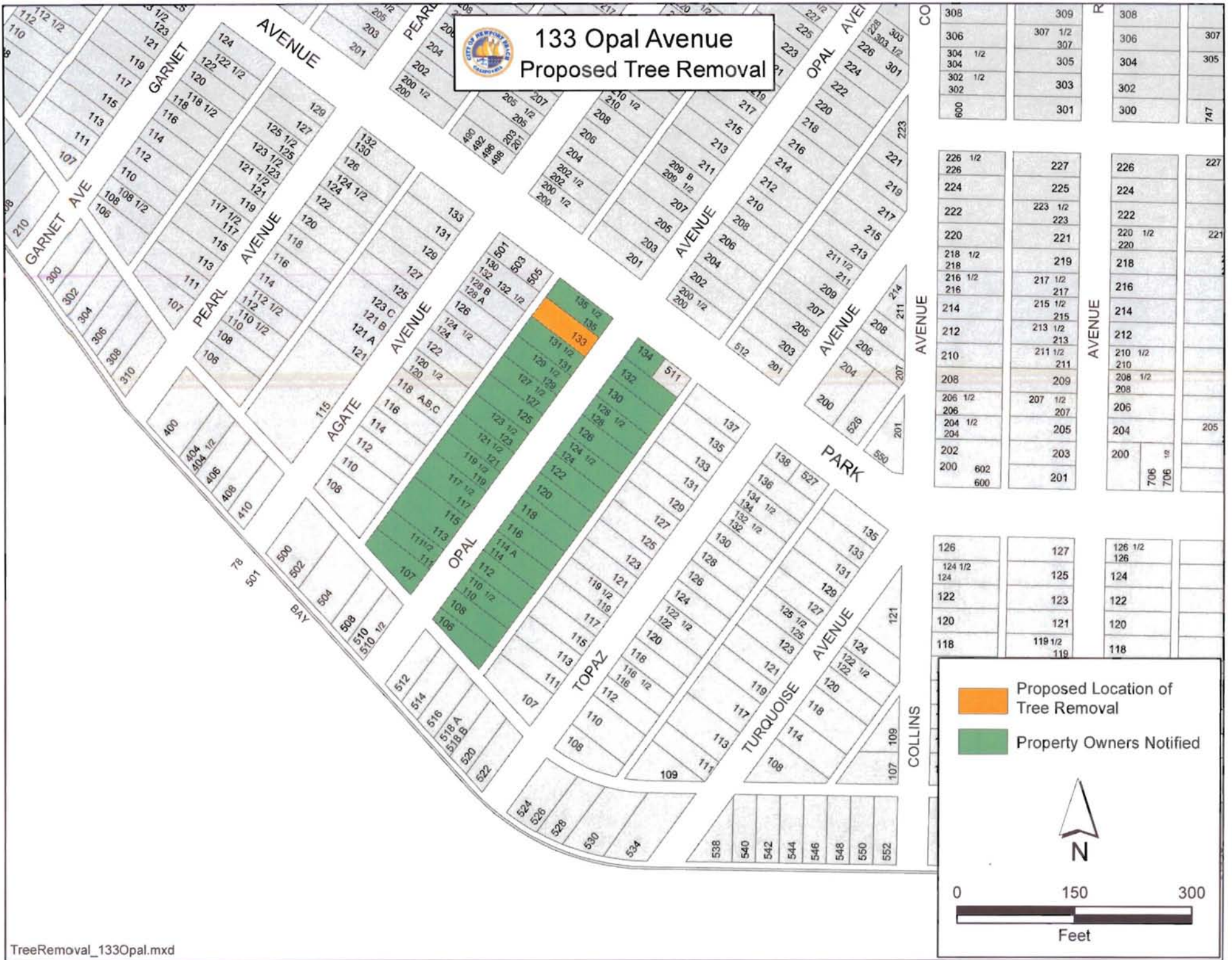








# 133 Opal Avenue Proposed Tree Removal



**Proposed Location of Tree Removal**

**Property Owners Notified**

0 150 300  
Feet



## Recreation & Senior Services Department

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To: Parks, Beaches & Recreation Commission  
From: Steve Bunting, Project Analyst, Office of the City Manager  
Re: **CASTAWAYS PARK PEDESTRIAN/ BICYCLE SAFETY**

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### **ISSUE:**

The City has received several complaints regarding the use of the Castaways Park Trail by bicyclists traveling at high speeds and endangering pedestrians.

### **RECOMMENDATION:**

Direct staff to implement one or more of the following measures intended to mitigate the hazard:

- Divide the trail into two lanes, separating the bicyclists from the pedestrians as shown in Attachment A.
- Increase the number of "Walk Bike" messages painted on the downhill trail.
- Post signs urging bicyclists to use caution at the beginning of at each trail and at each blind turn.

### **DISCUSSION:**

The Castaways Park trail was constructed concurrently with the development of the adjacent homes in 1998 and was intended to be a multi-use trail for recreational purposes. The portion of the trail within Castaways Park is a segment of the City of Newport Beach Back Bay Loop. The trail is not subject to the California Vehicle Code and there are not any pertinent regulations in the City's Municipal Code. To date there are no documented accidents between bicyclists and pedestrians since the trail was opened.

Over the past year, staff has received several complaints regarding the speed of bicyclists using the Castaways Park trail. The complaints have been both verbal and in writing and are all concerned about the potential for an accident (Attachment B). There is also concurrence with the complaints by a Newport Beach police officer who has observed speeding bicyclists while he was personally walking on the trail.

The trail is not marked with lane markings, there are no curbs and the width of the trail ranges from 6' to 12'. There is a 300' section of the trail which is only 6' wide. At that point, there is a sign directing bicyclist to walk their bicycles but the directive is largely ignored.

### **FISCAL IMPACT:**

Costs will be determined by the measures selected by the Commission. Additional signage will cost less than \$1000.00 while Striping and pavement signage (including bicycle and pedestrian icons) will cost approximately \$2,000.

**ENVIRONMENTAL IMPACT:** Not applicable.

### **PUBLIC NOTICE:**

Not applicable

Submitted by:

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Steve Bunting  
Project Analyst

Attachment: A. Castaways Park Aerial  
B. Correspondence from Brundage, Darling & Vogel



September 7, 2010

Newport Beach City Officials

I have been a home owner in Newport Beach since 1986 and a property owner in Costa Mesa since 1973. On Tuesday mornings I walk my dog with a friend on the path by the Castaway homes overlooking the bay. On several occasions bikers come racing by and we have almost been knocked down. This morning I was picking up after my dog and a biker came by missing me by inches. I have talked to other dog walkers along this path and they have told me of other near miss situations, occasions where the bikers have run into their pets, etc. This is a dangerous situation. When I notified the police department they said they would patrol the area. While that may be helpful it is not a solution to the ongoing problem. I am a biker although not a speeder and we notify walkers when riding by. I have read about other bike altercations in the paper so I would assume you have dealt with this issue in other areas.

Here are just a few questions I have:

1. Have you had other complaints from people using this path way?
2. What solutions have you discussed about this problem?
3. Is there a speed limit along this path?
4. What solutions are available for this problem?

It would be nice to believe that everyone would be responsible, but that is not the case. In the situation this morning, a simple, "coming through" would have prevented a near miss collision. Walkers can't be expected to have eyes in the back of their head or hear an upcoming bike from behind them. We try and are responsible citizens, but something needs to be done about this pathway before a serious collision occurs. If I am knocked down and injured, a simple sorry would not be a sufficient response.

Possible ideas

1. Post signs along the path stating a reduced speed limit
2. Notifying bikers that walkers have the right of way
3. Only allowing bikers to go 1 way (this way is illogical)

I admit I don't have a great answer for this problem, but you may have dealt with this issue, and can enlighten me as to the legal issues of this situation.

Thank you,

Nancy Brundage  
1837 Port Manleigh Place  
Newport Beach, CA 92660  
949-760-5430

From: Darling, David  
Sent: Thu 9/9/2010 11:36 AM  
To: Brouwer, Jeff  
Subject: RE: Bike Castaways (Police Department Memo)

Jeff,

The area mentioned in the letter is a City park called Castaways Park. There are three main entrances to the park: Dover / Cliff Dr., Castaways Park parking lot at Dover and Castaways and the north side of the park at Westcliff and Santiago. There are City signs posted for bicycle use and pedestrian use and this park is actually part of the "Back Bay Loop." By the signs and markings, this is a park was constructed for the combined use of bicycles, pedestrians, runners and dog-walkers.

The specific complaint mentions the operation of bicycles within the park. The asphalt within the park is not marked with lane markings, there are no curbs and the width of the path ranges from 6' to 12'. In the area where the path is only 6' wide, there is a sign directing bicyclist to walk their bicycles. This is a 300' section of the path in the area of Cliff Dr. and Dover Dr. All other areas appear to be combined (bicycle and pedestrian) use areas.

I believe that Ms. Brundage has a valid complaint due to the width of the asphalt path and the fact that bicycles and pedestrians may both use the path. I believe that our Municipal Code is the only legislation that regulates the use of the path. However, Chapter 12 does not specifically regulate the use of bicycles in Castaways Park. Chapter 11 regulates the use of Park facilities but does not address any of Ms. Brundage's concerns.

I can sympathize with Ms. Brundage (I walk my dog on a bike path) but I don't have an immediate solution to her problem. There are only a few courteous bicycle riders out there who notify you of their presence. If all bicyclists notified pedestrians as they approached, then slowed down, then gave a wide berth, it would solve most of the near-misses mentioned in Ms. Brundage's letter. Unfortunately, the Police can't regulate bicycle use within this Park based on these circumstances.

Let me know if I can do anything else.

David

**Dr. James & Dorothy Vogel**  
**445 San Bernardino Avenue**  
**Newport Beach, Ca. 92663**  
**Tele: (949) 642-0166 Fax: (949) 642-6318**

October 5, 2010

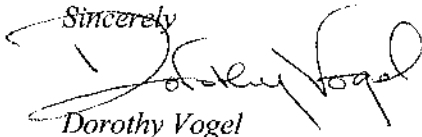
**City of Newport Beach**  
Mr. David A Kiff  
City Manager, City Hall  
3300 Newport Boulevard  
Newport Beach, Ca. 92658

Dear Mr. Kiff:

*I have lived in Newport Beach and been a home owner since 1971. I have watched our City develop into one of the finest Cities in the country. The recreation areas available to the public are wonderful. However, there is one area that is in need of attention and that is the **Castaways Park Trail**.*

*I walk my dog in this area sometimes several times a week. The problem with the cyclists is very dangerous. They ride at high speeds. They do not stay on one or the other side of the trail but they blast thru with little or no indication of their presence, until they almost knock you over. I have been in a situation whereby my dog or I could have been badly injured. I have spoken to other people on the trail who specify the same concerns. When you ask the cyclists to slow down they simply refuse to. They are going so fast that you can feel the draft from them. It is truly unnerving and totally unsafe. Signs need to be posted that indicate an acceptable speed. This is not a raceway but a path for everyone to enjoy; cyclists and walkers alike. Last Tuesday I encountered eight individuals along the trail who all were complaining about the bikers that particular morning.*

*Your assistance in resolving this matter would be greatly appreciated. We want to continue to enjoy our City.*

Sincerely  
  
Dorothy Vogel

October 7, 2010

David A. Kiff  
City Manager  
City Hall  
3300 Newport Blvd  
Newport Beach, CA 92657-8915

Dear Mr. Kiff:

Thank you for your letter of September 13, 2010 regarding the Castaways Park Trail.

I noticed that there is a sign at the top of the steep trail that flows into the main trail. It says that you must walk your bike down the steep part.

Thank you for your suggestions to have a sign posted reminding bicyclists to share the trail and then a possible solution of putting a stripe down the center limited bicyclists to one side only. Those may be a solutions, but I am not sure they address our main concern of bikes that speed through that area. Last week there were numerous walkers, dog walkers, and strollers, and if there had been a speeding bike it would have been a disaster. I still feel that some speed limit should be placed on individuals who ride their bikes through that area. Other people we talked to suggested speed bumps.

This continues to be a concern of individuals who use the trail. Please keep me posted of what the city decides to do concerning this matter.

Thank you for extending the hours that dogs may use the beach.

Sincerely,



Nancy Brundage  
1937 Port Manleigh Place  
Newport Beach, CA 92660





## Recreation & Senior Services Department

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To: Parks, Beaches & Recreation Commission  
From: Sean Levin, Recreation Superintendent  
Re: Status Report on Relocated China Cove Volleyball Court

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### **RECOMMENDATION**

For information only. Receive and file.

### **BACKGROUND**

At the May 5, 2009 PB&R Commission Meeting, approval was given to relocate the China Cove Volleyball Court and amend the hours of prohibited use from 12 noon- 4pm to 11am – 3pm. This decision came as a result of two public hearings and multiple Ad Hoc committee meetings (Attachments A and B).

The court was approved by the Coastal Commission in Spring of 2010 and installed in May of 2010. At the June 2010 PB&R Commission meeting staff discussed compiling a report on use of the court and reporting back in 6 months.

### **DISCUSSION**

Park Patrol staff monitored China Cove beach activity during the period of May 3, 2010 – November 16, 2010 documenting specific activity by day (Attachment C). Below are the statistics specific to Volleyball use:

- Patrolled 84 times
- Stopped volleyball use during prohibited hours on 8/10/10 at 12:10pm and on 9/4/10 at 12:35pm
- Witnessed authorized volleyball activity at 6:00pm on 8/16/10
- Witnessed no other volleyball activity during the review period

In addition, as part of the patrols staff encountered 14 dogs off leash, stopped alcohol consumption twice and assisted with ongoing parking issues. In total approximately 600 persons were observed on the beach during the 82 patrols.

**Public Notice** – Not applicable.

Attachments: A. Request for Removal or Relocation of China Cove Volleyball Court & Minutes from February 3, 2009 PB&R Commission Meeting.  
B. Request to Relocate China Cove Volleyball Court & Minutes from June 2, 2009 PB&R Commission Meeting  
C. China Cove Beach Activity May – November, 2010.



## Recreation & Senior Services Department

**To: Parks, Beaches & Recreation Commission**  
**From: Sean Levin, Recreation Superintendent**  
**Re: Request for Removal or Relocation of China Cove Volleyball Court**

### RECOMMENDATION

Direct staff to complete an application and forward to the Coastal Commission for their approval to remove the China Cove volleyball court.

### BACKGROUND

The China Cove beach is a popular destination for sunbathing, volleyball and general site seeing due to its spectacular scenic views. The volleyball court is currently unusable due to one of its posts being broken.

At the time the court became unusable, staff was approached by David Beauchamp (China Cove resident) regarding the relocation of the court. Since that time, staff received formal applications from Harold Parker and David Beauchamp, one to remove and one to relocate respectively (**Attachments A and B**).

The China Cove volleyball court has a detailed history as outlined below:

- January 10, 1983 - Resolution 83-9 shows no court at China Cove.
- January 5, 1988 - Survey of Approved Beach Volleyball Courts conducted August 1987 found an illegal Volleyball Court @ China Cove recommended action in survey was to post for removal. Commission recommended that City Council amend Resolution 83-9 Item 2 - that language be added to allow the Commission to entertain requests for courts to be within 50' feet of a private property line or sidewalk. (**Attachment C**)
- February 22, 1988 - Resolution 88-14 adopted by City Council. China Cove court in violation of Resolution. Item 2 amended to read: "No volleyball courts shall be installed within 50' of a private property line or sidewalk in any of the five (5) volleyball playing zones established herein unless authorized by the Parks, Beaches & Recreation Commission as an exception..." (**Attachment D**)
- May 3, 1988 - PB&R approved retention of the court with the condition that the net be taken down when people not playing; that the hours, regulations, and location will be referred to the Oceanfront and Beach Committee for a decision which will be made in conjunction with the China Cove Association and the volleyball players using the courts. (**Attachment E**)
- July 5, 1988 - PB&R Commission approved recommendations from the Oceanfront and Beach Committee in memo dated June 24, 1988. Commission approved recommendation to approve the China Cove court based on: 1) Use Prohibited Daily, 12 noon - 4PM, June 15 - September 15. 2) Use Prohibited on Weekends and Holidays, 12 noon - 4pm September 16 - June 14. 3) Drinking Prohibited. 4) Loud and Unreasonable Noise Prohibited. 5) Volleyball nets shall be removed during non playing times and daily at sunset. (**Attachment F**)

### DISCUSSION

The usable sand beach at China Cove is approximately 150 feet in length from the waterline at its maximum distance and approximately 92 feet across. The general dimensions of a sand volleyball court are 30 x 60 feet with a minimum of a 10 foot buffer on all sides to accommodate for play that protrudes outside of the court dimensions. Adding the buffer requires a minimum play area of 50 x 80 feet. In addition, spiked balls will often travel well beyond the 10 foot buffer zone (**Attachment G**). Therefore, it is staff's opinion that moving the court is not a viable option. The proposed relocation would reduce the usable area for the general China Cove beachgoers. The proposed relocation area would also cause the removal of vegetation which would require Coastal Commission approval. It is important to note that shifting of the court within China Cove would negatively impact other residents surrounding the property and beachgoers.

It is General Services and Recreation staff's opinion that the China Cove beach is not suited for a volleyball court based on the dimensions of the beach. Any configuration of the court on the beach is within 50 feet of a private property line. The dimensions of the beach also do not lend themselves to mixing volleyball and beachgoers and creates a safety concern from spiked balls that travel outside of the court area.

Staff contacted the Coastal Commission to discuss the China Cove court. Although the Coastal Commission does not list China Cove as a permitted court; should the PB&R Commission decide to remove, relocate or keep the existing court, the City will need to file an application with the Coastal Commission to properly document the process.

If the Commission makes the determination that the China Cove volleyball court be retained in its current location, it is recommended that the rules established by the PB&R Commission at their July 5, 1988 meeting be posted and enforced by Park Patrol. Furthermore, an application would need to be completed and forwarded to the Coastal Commission for their approval.

**PUBLIC NOTICE**

All residents and property owners within 500 feet of China Cove were noticed two times regarding the date of this meeting.

- Attachments:
- A. Removal of Volleyball Court Request Application - Harold Parker, undated
  - B. Relocation of Volleyball Court Request Application - David T. Beauchamp, undated
  - C. Survey of Approved Beach Volleyball Locations dated 8/28/87; Excerpt of 1/5/88 PB&R Commission Minutes
  - D. Resolution 88-14
  - E. Excerpt of 5/3/88 PB&R Commission Minutes
  - F. Excerpt of 7/5/88 PB&R Commission Minutes w/ China Cove Beach Volleyball Court Regulations Staff Report, 06/24/88
  - G. Schematic & Aerial View of Volleyball Court

# CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission  
Regular Meeting  
February 3, 2009 - 7pm

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Convened 7:10pm

ROLL CALL

Present: Marie Marston, Chair  
Tim Brown  
Bill Garrett  
Kathy Hamilton  
Phillip Lugar  
Greg Ruzicka  
Vacancy

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

**Excerpt of Minutes**

ACTION

4. **Request for Removal or Relocation of China Cove Volleyball Court.** Superintendent Levin provided a PowerPoint presentation of the history of the China Cove volleyball court to the Commission. He stated that it was staff's recommendation to direct that an application for removal of the volleyball court be forwarded to the Coastal Commission for their approval.

Commissioner Garrett stated that the area seemed too small for beach goers and volleyball users.

Commissioner Lugar noted his concern regarding parking.

Commissioner Brown stated that the biggest issue is access; and as a proponent of volleyball that he felt that this location was not suited for a volleyball court.

Discussion ensued.

Chair Marston opened the public discussion.

Mary Ginear stated that there is illegal parking behind her house and that volleyballs constantly hit cars in her driveway.

Bryan Erart stated that he has played volleyball at China Cove for over 15 years and has never heard of anyone or anything getting hit by a volleyball. He stated that this court is a gem because it is protected from the wind and noted that the courts at CdM State Beach are too busy and not one of them is 50 feet away from the sidewalks. He stated that the park is there for everyone not just the select few that live there. He urged the Commission to retain the court.

Dave Beauchamp stated that he feels that the court is just too close to the homes and that there has been some damage in the past. He stated that the exuberance from the players can sometimes be unpleasant and believes that the court should be moved.

Commissioner Garrett asked about the use of the court.

Mr. Beauchamp stated that since 1988 it is used more and more but for the most part summer and weekends and holidays are extremely busy.

Chris Reedy stated that he has been playing volleyball there for over 15 years and asked the Commission to remember that it is a public beach. He also noted that the players have a sense of community and leave the beach better then when they get there. He asked that the City begin to enforce the rules from 1988.

Art Kisch stated that most players bring their families and that they set a good tone while on the beach and is sympathetic to the residents. He suggested that the court be moved 10-12 feet and promised to limit the enthusiasm. He urged the Commission to keep the court.

Bruce Enzley stated that for the most part that beach is not crowded and that the use of the court does not infringe their use on other beach goers. He asked the Commission to be fair and consider a compromise of moving the court and enforcing the rules.

Sandy MacDougal reminded the Commission that when these people bought their houses that the beach was there for the public to use but noted that this court is farther away than most courts in Newport Beach. She also stated that there are not enough courts at CdM State Beach.

James Morrison stated that it is mostly the beach goers that cause the parking problem because the volleyball players have learned the rules. He asked that the court be moved and that the rules be enforced.

Harold Parker stated that safety is his big issue due to cars backing down the streets. He noted that the court takes up a lot of the sand on a relatively small beach. He noted that Mother's Beach is almost gone because of the tides. He asked that the court be removed.

Peter Bergen stated that most of the play during the week is after 5pm and that the beach is usually deserted. He believes that a compromise can be made with the homeowners and the players.

Steve Vrebalovich stated that all eight of the courts at CdM State Beach are less than 50 feet from the sidewalk and in fact there is one that is only 36 feet. He noted that it would be ok to move the court 10-20 feet as long as it stays in the same format. He stated that he is unaware of any injuries sustained at China Cove and that the Commission should remember that volleyball is now an Olympic Sport and is very popular with the young kids of today. If you are going to allow the exceptions of the 50 foot rule at CdM then the same should be given at China Cove.

Russ Henderson stated that this court is very unique and that the Commission should remember that the beach is for the public and is not a private beach. The residents will still have the same type of problems regardless of the court.

Regina Hollis stated that she would be open to moving the court and that most of the volleyball players are professional business people.

Robert Ganier stated that he believes the best option is to move the court so that his house is not the target. The most part the players are very nice and that he loves the beach and enjoys it seeing it being used. He does not believe that a volleyball is going to hurt anyone. He urged that the sand at the beach at Fernleaf be replenished.

S. Giravich stated that she often sits on the beach about 10 feet away from the court and has never been struck by a volleyball.

Brian Ramer stated that 20 years ago the Commission approved the court and that precedent has been set. The Commission should keep the court.

Dave Donenberg stated that since the court has been down that he has noticed more people using the beach and that his home life has been extremely peaceful.

Joe McCarthy stated that problems will exist regardless of the fact that the volleyball court is there the real problem at that beach is dogs and being off leash.

**Chair Marston closed the public discussion.**

Commissioner Brown asked if there were other locations for the court.

Superintendent Levin stated that the real issue is that the volleyball court just does not fit in that specific location.

Discussion ensued regarding Park Patrol, rules, vegetation and the Coastal Commission.

Commissioner Brown suggested that the Recreation Committee get together with homeowners and players to discuss options.

**Motion by Commissioner Ruzicka** to table this item until appropriate and that Commissioner Lugar and Brown meet with a sub-committee representing residents and volleyball players to discuss other options. Motion carried by acclamation.

5. **Tree Donation.** Director Harmon stated that staff had received a request from Mary Kirtland to donate a tree at Old School Park.

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

**Motion by Commissioner Brown** to approve the the tree donation by Mary Kirtland at Old School Park. Motion carried by acclamation.

6. **Revision of Council Policy B-17 - Parks, Facilities & Recreation Program Donations.** Director Harmon reminded the Commission that at the October 7, 2008 that the Commission approved changes to the wording on the donor plaque. He noted that the staff report incorporates the change and forwards to City Council for their review and approval.

Discussion ensued regarding types of donations at specific parks.

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

**Motion by Commissioner Brown** to forward the revision of Council Policy B-17 to City Council for their review and approval. Motion carried by acclamation.

**COMMITTEE REPORTS -**

Parks - Nothing to report.

RSS - Nothing to report

AD- Hoc

–Youth Sports Liaison - Nothing to report

–Community Services Award - Award presented to Lewis Jones.

Other

–Marina Park - Director Detweiler stated that a presentation will be made at the March meeting regarding Marina Park.



## Recreation & Senior Services Department

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**To:** Parks, Beaches & Recreation Commission  
**From:** Sean Levin, Recreation Superintendent  
**Re:** Requests to Relocate China Cove Volleyball Court

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### **RECOMMENDATION**

1. Consider approval of request from Steve Vrebalovich to:
  - a. Relocate volleyball court as shown in Attachment A; and
  - b. Amend China Cove Volleyball Rules hours of prohibited use from 12 noon - 4pm to 11am - 3pm.
2. Direct staff to complete a development application to the Coastal Commission for their approval for installation of the volleyball court at China Cove.

### **BACKGROUND**

At the February 3, 2009 Commission meeting a discussion was held regarding the request from Harold Parker to remove the volleyball court at China Cove and a request from David Beauchamp to relocate the court. The Commission acted by creating an Ad Hoc Committee comprised of Commissioners Brown and Lugar to meet with volleyball representatives, staff and China Cove residents David Beauchamp and Harold Parker to see if a compromise could be reached.

### **DISCUSSION**

The Ad Hoc Committee met on February 11, March 12 and March 31 at China Cove. The result of the meetings was to relocate the court as shown in Attachment A.

### **PUBLIC NOTICE**

All residents and property owners of China Cove (totaling 94) were noticed regarding the date of this meeting.

- Attachment:
- A. Request for Relocation from Steve Vrebalovich
  - B. February 3, 2009, Item 4 Commission Report, Request for Removal or Relocation of China Cove Volleyball Court.

# CITY OF NEWPORT BEACH

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

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**Convened** 7:10pm

## **ROLL CALL**

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

Excused: Bill Garrett

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

## Excerpt of Minutes

### **OLD/NEW BUSINESS**

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



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

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

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

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

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

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

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

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

Director Detweiler stated that currently, no court exists.

**Vice Chair Brown opened the public discussion**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Vice Chair Brown closed the public discussion**

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

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

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

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

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

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

5. **Bench Donation.** Consider bench request of Jeanne Marcucci at Ensign View Park

6. **Bench Donation.** Consider bench donation request of Phil Rowe at Ensign View Park

7. **Bench Donation.** Consider bench donation request of Michael Ryan at Street End of Summit Street.

**Motion by Commissioner Ruzicka to approve:**

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

Motion carried by acclamation.

**COMMITTEE REPORTS -**

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

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

AD- Hoc

-Youth Sports Liaison - Nothing to report

-Community Services Award - Nothing to Report.

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

Other

-Marina Park - Nothing to report.

**FUTURE AGENDA ITEMS**

- Fire Ring Policy

**ADJOURNED - 8:35pm**

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

**CHINA COVE BEACH**  
**PARK PATROL**

May 2010

3	Patrolled 4:50pm	No activity
10	Patrolled 4:00pm	No activity
14	Patrolled 10:15am	No activity
22	Patrolled 1:30pm	No activity
24	Patrolled 4:30pm	Dog off leash
25	Patrolled 4:20pm	3 people on beach
28	Patrolled 12:10 & 3:30pm	No activity
29	Patrolled 1:00pm	16 people
30	Patrolled 6:45pm	No activity

June 2010

4	Patrolled 1:00pm	No activity
6	Patrolled 11:30am	14 people on beach
7	Patrolled 11:40am	No activity
10	Patrolled 4:05pm	No activity
11	Patrolled 12:45pm	No activity
12	Patrolled 4:20pm	7 people on beach
13	Patrolled 2:00pm	24 people on beach
18	Patrolled 11:40am	No activity
19	Patrolled 1:45pm	24 people on beach
20	Patrolled 1:00pm	21 people on beach
24	Patrolled 2:45pm	6 people on beach
25	Patrolled 1:20pm	4 people on beach
27	Patrolled 5:35pm	17 people on beach
29	Patrolled 3:30pm	2 dogs on beach / 5 people

July 2010

2	Patrolled 3:30pm	14 people on beach
9	Patrolled 9:25am	No activity
10	Patrolled 12:35pm	3 people on beach
11	Patrolled 2:20pm	9 people on beach
13	Patrolled 3:00pm	10 people on beach
16	Patrolled 9:55am	3 people on beach
23	Patrolled 12:15pm	1 person on beach
25	Patrolled 10:45am	No activity
30	Patrolled 2:50pm	3 people on beach

August 2010

1	Patrolled 2:25pm	10 people on beach
8	Patrolled 5:40am	9 people on beach
10	Patrolled 12:25pm	Stopped alcohol use/Net Violation
12	Patrolled 1:40pm	15 people on beach
13	Patrolled 4:20pm	15 people on beach
15	Patrolled 3:35pm	24 people on beach
16	Patrolled 2:45pm	8 people on beach
	Patrolled 6:15pm	No activity
17	Patrolled 1:15pm	No activity
18	Patrolled 2:25pm	12 people on beach

**CHINA COVE BEACH**  
**PARK PATROL**

September 2010

3	Patrolled 4:30pm	Dog off leash / 10 people
4	Patrolled 12:40pm	Net Violation – 17 people on beach
6	Patrolled 3:30pm	Stopped alcohol use / 2 dogs off leash
10	Patrolled 1:30pm	No activity
11	Patrolled 11:50pm	No activity
12	Patrolled 9:15am	12 people on beach
13	Patrolled 2:20pm	Dog off leash / 1 person on beach
17	Patrolled 10:35am	Dog off leash
18	Patrolled 10:50am	No activity
20	Patrolled 12:55pm	No activity
25	Patrolled 4:15pm	No activity
26	Patrolled 11:10am	22 people on beach
28	Patrolled 11:15am	No activity

October 2010

1	Patrolled 1:05pm	2 people on beach
2	Patrolled 11:25am	1 person on beach
5	Patrolled 11:05am	No activity
8	Patrolled 2:10pm	1 person on beach
10	Patrolled 9:15am	No activity
11	Patrolled 12:15pm	No activity
16	Patrolled 11:35am	No activity
17	Patrolled 11:25am	7 people on beach
22	Patrolled 10:40am	No activity
23	Patrolled 3:20pm	2 dogs off leash
24	Patrolled 8:10am	No activity
26	Patrolled 11:35am	Dog off leash
29	Patrolled 10:50am	Dog off leash
30	Patrolled 11:15am	No activity
31	Patrolled 9:50am	Dog off leash

November 2010

5	Patrolled 10:50am	No activity
6	Patrolled 14:30pm	Dog off leash
7	Patrolled 8:30am	No activity
9	Patrolled 1:10pm	Dog off leash
12	Patrolled 10:50am	Dog off leash
13	Patrolled 14:15pm	Dog off leash
14	Patrolled 10:40am	No activity
15	Patrolled 2:50pm	No activity
16	Patrolled 9:50am	Dog off leash