

CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission Regular Meeting November 3, 2015 – 6:00 PM

1) CONVENE MEETING OF THE PARKS BEACHES & RECREATION COMMISSION TO ORDER – 6:01 PM

2) ROLL CALL

Present: Walt Howald, Chair
Marie Marston, Vice Chair
Tom Anderson
Ron Cole
Roy Englebrecht
Laird Hayes

Absent: Kathy Hamilton

Staff: Laura Detweiler, Recreation & Senior Services Director
Mike Pisani, Municipal Operations Director - Maintenance
Dan Sereno, Landscape Manager
Sean Levin, Recreation & Senior Services Deputy Director
Matt Dingwall, Recreation Supervisor
Teri Craig, Administrative Support Specialist

3) COMMUNITY SERVICE AWARD - DARREN BRILHART

Recreation Supervisor Matt Dingwall spoke regarding Darren Brillhart's work and efforts in putting together a major, yearly surfing event for the City for the past 27 years.

Chair Howald presented Darren Brillhart with the *Community Service Award* in acknowledgement and appreciation of his efforts.

Mr. Brillhart provided information regarding the history of the surf contest including the addition of a pro element to same, and thanked the City for the honor.

4) NOTICE TO THE PUBLIC

5) CONSENT CALENDAR

A. Minutes of the October 6, 2015 meeting.

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

B. Pulled by Chair Howald

C. Recreation & Seniors Services Activity Report.

Recommendation: Receive/file Activity Report of past and upcoming projects and events.

D. Tree Donation - Ensign View Park

Recommendation: Approve tree donation by Arbor Real Estate at Ensign View Park.

E. Pulled by Chair Howald

Chair Howald opened the public comments; seeing none, the public comments were closed

Motion by Commissioner Englebrecht, second by Vice Chair Marston, to accept Consent Calendar Items No. 5A, 5C and 5D. Motion carries unanimously, with Commissioner Hamilton, absent.

B. Parks & Operations Division Activity Report.

Recommendation: Receive/file Activity Report.

Chair Howald referenced the removal of 42 City trees, 33 of which were on Poppy Avenue. Staff affirmed Chair Howald's statement noting that within the course of the year, the City plans to plant 500 trees.

Discussion followed regarding special circumstances relative to the removal of trees on Poppy.

Director Pisani provided an update on the Poppy Avenue tree removal project, including an upcoming community meeting and the inclusion of a reforestation plan and removal of sidewalks to allow for wider parkways. Examples of potential replacement trees will be provided and the community will have the opportunity to comment on same. An update will be provided to the PB&R Commission at a future meeting, after the plan is better-defined. The original trees on Poppy Avenue have been removed and addressed the next steps.

E. Tree Donation - Grant Howald Park

Recommendation: Approve tree donation in memory of Geri Mooney by Gael Mooney at Grant Howald Park.

Chair Howald asked regarding staff to provide a brief history of the person for which a tree is dedicated. Staff stated that it will be provided, going forward.

Chair Howald opened the public comments.

Jim Mosher commented on the donor's request to plant two specific species of trees. He reported that the Commission is being asked to approve a different species and questioned the rationale.

Manager Sereno explained that Park Supervisor Paul Ramirez is in charge of the donation program and reported that the species that were requested did not fit in well with the location. He added that the African Tulip tree was suggested and accepted by the donor and will fit in better with the location. The matter was discussed with the donor, who accepted the suggestion.

Chair Howald closed the public comments.

Motion by Commissioner Cole, second by Commissioner Hayes, to approve Consent Calendar Items No. 5B and 5E. Motion carries unanimously, with Commissioner Hamilton, absent.

6) CURRENT / NEW BUSINESS – Staff Report

A. Tree Removal Denial - 901 Chestnut Place

Recommendation: Consider staff's recommendation to deny request of Dan & Katherine Heinfeld to remove one City Eucalyptus tree at 901 Chestnut Place.

Director Pisani provided details of the staff report addressing location, value and age of the existing tree, a prior claim for damages caused by the tree by the applicants, subsequent actions by City staff, the City's G-1 policy, and conditions under which trees may be removed. He commented on City actions to mitigate damage from the specific tree, an arborist report submitted by the applicant, staff findings and recommendations.

Discussion followed regarding additional stress placed on trees by excess trimming, conflicting claims between the applicant's arborist and staff, the possibility of getting an independent arborist to evaluate the tree, expiration of the applicant's original claim, the need to comply with the G-1 policy, the City's liability in terms of trees causing damages to private property and the need for additional information regarding the specific tree.

Chair Howald requested a report from staff, at a future meeting, regarding the City's claim process.

Chair Howald opened the public comments.

Dan Heinfeld, applicant, provided a brief PowerPoint presentation addressing his prior claim for damages and trimming of the tree. He referenced his application for removal of the tree, actions related to his original claim before expiration of the claim, trimming and pruning, and listed his expectations regarding the tree. Additionally, he addressed the damage caused by the tree including heavy debris drop and concerns about the health of the tree. He referenced letters from neighbors in support of his request.

Alexandra Montgomery spoke in opposition to removing the tree.

Jim Mosher agreed that the Commission should weigh in on retaining a healthy tree rather than removing it. He commented on noticing problems including notification of the HOA and on the City's liability when a City tree causes private property damage. Additionally, he suggested that the City provide comments from the Risk Manager relative to the City's liability.

Chair Howald closed the public comments.

Discussion followed regarding a prior action relative to a fatal accident on Irvine Boulevard, the removal of other City trees and the latest pruning of the tree.

Mr. Heinfield stated that in 2011, other trees in the area were trimmed but the subject tree was not.

Ensuing discussion pertained to dealing with structural damage versus the tree being a nuisance, and having the City arborist evaluate the tree.

Discussion followed regarding the process for obtaining an independent arborist, the tree valuation process and no requirement for noticing homeowner associations on removal of standard trees.

Motion by Commissioner Marston, second by Commissioner Cole, to continue item to allow for the evaluation of the subject tree by an independent arborist. Motion carries by the following roll call vote:

Ayes: Commissioner Cole, Commissioner Englebrecht, Chair Howald,

Nays: Commissioner Anderson and Hayes,

Absent: Commissioner Hamilton, absent.

B. Special Tree Removal - 431 Santa Ana Avenue

Recommendation: Consider staff's recommendation to remove one Special City Eucalyptus - Neighborhood tree from Joseph Smith at 431 Santa Ana Avenue; if approved tree will not be replaced at this location, instead a 36" box tree will be planted elsewhere in the community.

Manager Sereno provided details of the staff report addressing location, existing conditions, tree maintenance, damage of the trees by Southern California Edison over the years and staff findings. He corrected the staff report noting that staff is recommending a tree replacement, but not at the subject site.

Discussion followed regarding Southern California Edison pruning of specific trees.

Chair Howald opened the public comments; Seeing none, the public comments were closed.

Motion by Commissioner Hayes, second by Commissioner Anderson, to remove one Special City Eucalyptus - Neighborhood tree from Joseph Smith at 431 Santa Ana

Avenue; if approved tree will not be replaced at this location, instead a 36" box tree will be planted elsewhere in the community. Motion carries by the following vote:

Ayes: Commissioner Anderson, Commissioner Cole, Commissioner Englebrecht,
Commissioner Hayes, Commissioner Howald, Commissioner Marston

Absent: Commissioner Hamilton, absent.

C. Special Tree Removal - 1700 Starlight Circle

Recommendation: Consider staff's recommendation to remove one Special City Eucalyptus Tree - Neighborhood tree located at 1700 Starlight Circle; if approved tree will be replaced with same type and location.

Landscape Manager Sereno presented details of the staff report addressing location, details of the request, existing conditions, sidewalk damage, challenges to making the necessary improvements without removing the tree, findings and recommendations. He added that staff recommends replacement with the same species and involvement of the appropriate property owner.

Chair Howald opened the public comments.

Jim Mosher expressed confusion regarding whether a replacement tree will be planted at the same location or a different one. He then asked whether a new, smaller tree will be planted in the same place after improvements are made.

Manager Sereno explained that the tree to be removed will be replaced with another tree at the same location and another tree will be planted at 1700 Starlight Circle, of the same variety.

Chair Howald closed the public comments.

Motion by Commissioner Englebrecht, second by Commissioner Marston, to remove one Special City Eucalyptus Tree - Neighborhood tree located at 1700 Starlight Circle; tree will be replaced with same species type and at same location. Motion carries by the following vote:

Ayes: Commissioner Cole, Commissioner Englebrecht, Commissioner Hayes,
Commissioner Howald, Commissioner Marston

Abstain: Commissioner Anderson, abstaining

Absent: Commissioner Hamilton, absent.

D. Relocation Bench Donation - Buena Vista Blvd & West Edgewater Avenue

Recommendation: Consider request of Paul McDonough to relocate an existing bench from the corner of Lindo Avenue at West Edgewater Blvd. to the end of Buena Vista Blvd at West Edgewater Avenue; if approved Paul McDonough will incur the costs of relocating bench and plaque.

Director Pisani presented details of the staff report. He addressed the request, relocation of an existing bench, willingness of the applicant to fund the relocation of the bench and notification of adjacent residents and original donor of the bench.

Discussion followed regarding staff recommendations, why the original location was chosen, related policies, accessibility issues with the new location and the potential of roots of the nearby tree damaging it or the bench.

Chair Howald opened the public comments.

Lisa Scorziell referenced a handout that she submitted for distribution and spoke in opposition to relocating the bench. She reported that Mr. McDonough is not the real party of interest nor the actual homeowner and lacks standing for this request. She stated she is the homeowner adjacent to the proposed relocation site and expressed concerns with reduced privacy. In terms of Mr. McDonough's claim that relocating the bench will provide for a better view, she noted that this claim is subjective and his opinion. Additionally, she stated that the original donor and others feel that the current location is best. Currently there is a view of the park and the water and the movement of the bench would provide only a view of the water. She reported that the bench was there when the applicant moved to the property and that relocating it would reduce her privacy. She reported that the functionality of the bench would be lessened with its removal and addressed public access and additional public benches in the area. She urged the Commission to deny the public bench relocation request and submitted two signed letters from nearby property owners in opposition to the proposed project.

Mr. Scorziell addressed the locations of other benches on Edgewater. He added that roots from the nearby tree will affect access to the bench and reduce accessibility to the nearby park.

Paul McDonough thanked the Commission and staff and deferred to the property owner of the home.

Carolyn Stockton, property owner at 350 Buena Vista, reported that when she moved in that there was no bench at that location. When the case was originally heard, there was no noticing done nor impact studies. She referenced to Council Policy G-5 which was in effect at the time and reported that noticing was never done. She expressed concerns with impacts to her privacy.

Mr. McDonough addressed lack of privacy, after-hour violations, and alcohol consumption and noted that the area is not supervised. He added that if staff's recommended relocation is not satisfactory, there are alternative locations, on the peninsula, for the bench.

Ms. Stockton opined that the view is better from the proposed location and asked that the Commission approve the request.

Tom Kupfrian stated that his wife's family donated the bench, referenced a letter submitted by her and asked that the Commission maintain the bench where it is currently located. He added that it had been a special place for his wife's sister, Cora, and commented on the loss of view of the park if the bench is relocated.

In response to Chair Howald's inquiry, Mrs. Kupfrian reported that the bench was donated in 2002 and noted that neighbors had been in attendance when the matter was originally heard, and reported there were no objections at that time.

Mary Fletcher reported that moving the bench will add a burden to the homeowner near the new location. She spoke in opposition to relocating the bench.

Jim Mosher addressed the current and proposed locations and commented on the original subdivision of the area. He reported that the map presented by staff is out of date, addressed the public area and commented on Council's actions regarding same without involving the PB&R Commission.

Chair Howald closed the public comments.

Discussion followed regarding the park and current view, loss of park view with the relocation of the bench, whether it is a City park, maintenance and the length of time the bench has been in its present location.

Motion by Commissioner Englebrecht, second by Commissioner Cole, to deny the request of Paul McDonough to relocate the existing bench from the corner of Lindo Avenue at West Edgewater Boulevard to the end of Buena Vista Boulevard at West Edgewater Avenue. Motion carries by the following vote:

Ayes: Commissioner Anderson, Commissioner Cole, Commissioner Englebrecht,
Commissioner Hayes, Commissioner Howald, Commissioner Marston
Absent: Commissioner Hamilton, absent.

**7) PARKS, BEACHES & RECREATION COMMISSION / STAFF
ANNOUNCEMENTS, AD HOC UPDATES OR MATTERS WHICH
MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR
DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

Director Detweiler provided a summary of promotions, and lateral transfers to the Recreation Department in relation to the opening of Marina Park. She addressed the Movies-in-the-Park events, and reminded the Commission of the Marina Park Grand Opening on December 5, 2015, at 10 a.m.

Chair Howald commented on the Coral tree at Ensign and Director Pisani reported that a replacement tree was planted yesterday as the original replacement tree was damaged upon delivery. There were no additional costs, and he noted that the City appreciates the community for donating it.

Discussion ensued regarding the City not meeting its water conservation goals and the Commissioner questioned staff about the grass in front of City Hall and parks.

Director Pisani reported that the grass in front of the Civic Center was damaged during an event and will be reseeded later in the year. He addressed cuts in irrigation in specific areas of the City.

Discussion followed regarding City parks that use reclaimed water.

Chair Howald requested an update on the City's water-conservation efforts, on a future agenda.

Commissioner Hayes commended the City for the landscaping work on Dover Drive.

8) PUBLIC COMMENTS ON NON-AGENDA ITEMS - None

9) ADJOURNMENT – 7:45 PM

Submitted by: Teri Craig
Teri Craig, Admin Assistant

Approved by: Walt Howald
Walt Howald, Chair