

## CITY OF NEWPORT BEACH

### **Parks, Beaches & Recreation Commission Regular Meeting October 1, 2019 – 6:00 PM**

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#### **I. CONVENE MEETING OF THE PARKS BEACHES & RECREATION COMMISSION TO ORDER – 6:02 PM**

#### **II. ROLL CALL**

Present: Davide Granoff, Chair  
Heather Ignatin, Vice Chair  
Hassan Archer, Commissioner  
Diane Daruty, Commissioner  
Laird Hayes, Commissioner  
Walt Howald, Commissioner  
Kate Malouf, Commissioner

Staff: Laura Detweiler, Recreation & Senior Services Director  
Sean Levin, Recreation & Senior Services Deputy Director  
Micah Martin, Deputy Public Works Director  
Kevin Pekar, Landscape Manager  
Mariah Stinson, Administrative Support Specialist

#### **III. NOTICE TO THE PUBLIC**

#### **IV. PUBLIC COMMENTS ON CONSENT CALENDAR-None.**

#### **V. CONSENT CALENDAR**

##### **A. Minutes of the September 3, 2019, PB&R Commission Meeting.**

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

##### **B. Parks, Trees & Beach Maintenance Divisions Activity Report.**

*Recommendation:* Receive/file Activity Report.

##### **C. Recreation & Seniors Services Activity Report.**

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

##### **D. Tree Reforestation – 2001 Kewamee Drive**

Staff recommends that the Parks, Beaches & Recreation Commission approve the reforestation request by Andrew Pyne of a City Ficus tree located at 2001 Kewamee Drive and replaced with a 48-inch box White Crepe Myrtle tree. The applicant has met the procedural requirements for reforestation established in City Council Policy G-1. The applicant will assume all costs.

**Motion by Commissioner Howald;** seconded by Commissioner Archer, to Approve V. CONSENT CALENDAR. The motion carried by unanimous vote.

## VI. CURRENT BUSINESS

### A. Newport Theatre Arts Center - Partner Presentation

*Presented by Justin Schmillen*

Rae Cohen, President of the Newport Theater Art Center, announced that the programs the theater holds are open to the public. She has been volunteering since its opening.

Bill Paxson, Board Member and producer, went into detail about the theater's architecture, its location in the City, hours of operation, and upcoming shows that were to be held at the theater.

Mr. Schmillen presented Rae Cohen with a City Challenge Coin.

### B. OASIS – Partner Presentation

*Presented by Celeste Jardine-Haug*

Celeste Jardine-Haug introduced President of the Friends of OASIS, Mike Zimmerman, and Vice President of Operations, Kathy Stewart.

Mike Zimmerman gave a quick update of the things that were happening at OASIS which included a new website, expansion of their financial portfolio, and the success of the Second Annual Car Show. OASIS also provided extended travel trips, discounts at local restaurants and attractions for members of OASIS, and a sailing club.

Kathy Stewart, Vice President of Operations, reported that the second bridge tournament was to be held in January of 2020 and there was to be a Rummage Sale Fundraiser coming up. Updates to the facility included a new refrigerator

Commissioner Howald added that OASIS also partnered with the City to provide transportation to seniors who were in need.

**Chair Granoff opened the public comment; seeing none the public comment was closed.**

### C. Appeal of Approved Tree Removal - 311 Poinsettia Avenue

*Staff recommends that the Parks, Beaches & Recreation Commission consider the appeal from Sherry Stinehart, resident at 307 Poinsettia Avenue, of staff's approved tree removal of a City Red-Flowering Gum tree in front of 311 Poinsettia Avenue.*

Landscape Manager Pekar inspected a Red-Flowering Gum tree and found that the tree was in good health, but there was structural damage to the surrounding curb and gutter; as well as damage to the brick parkway. The tree had received damage from high-profile vehicles due to it leaning out into the parkway. In terms of the roots, grading from the

proposed new home development would damage the root system of the tree. He was in support of having the tree removed because of the continued hardscape damage that would occur if the tree was to remain.

In terms of Commissioner Ignatin's questions, Landscape Manager Pekar answered that there were two visible spots on the tree that showed damage from being struck by a vehicle. He also stated that the tree was violating the Municipal Code in terms of having branches lower than 11-feet in a public right of way. The tree was valued at \$6,080 and the two replacement trees were valued at \$8,000.

Commissioner Hayes asked if the replacement trees were the right species for the property. Landscape Manager Pekar concurred that it was a great choice. He concluded that a 60- inch box trees would give instant visual aesthetics.

Regarding Commissioner Archer's questions, Landscape Manager Pekar noted that the new trees would be located on opposite corners of the property, the brick would be removed and new landscaping would be installed in the parkway.

**Chair Granoff opened the public comment.**

Sherry Stinehart, a resident of Poinsettia Avenue, was concerned that if new trees were planted, they would not receive proper irrigation and would die. She suggested that neighbors be notified when a tree was being considered for removal instead of waiting to notify neighbors after the decision had already been made. She emphasized that removing the tree would change the character of the neighborhood. She argued staff's conclusions on hardscape damage and that vehicles hitting the tree were in the wrong. She concluded with a suggestion that the Commission discuss at a future meeting adding the Red-Flowering Gum trees located in the flower streets to the list of Special Neighborhood Trees.

Kyle Crane, the owner of 304 Poinsettia, did not agree that the tree was hanging too low in the parkway, that the value of that tree was more than what staff had estimated it to be, and he did not see how the roots could impact the construction of the new home. He requested that the tree not be removed.

Jim Mosher wanted to know if there was a written appeal and if so, why it was not in the Staff report. Also, if removing the bricks in the parkway was in compliance with the Council Policy regarding parkways.

Brian Kingman, the owner of 311 Poinsettia, saw the tree as a safety issue.

Rick Stinehart, the resident of 307 Poinsettia, emphasized that the lot where the tree was located was 5-feet to 6-feet above grade and that the root system should not be impacted grading and construction.

**Chair Granoff closed the public comment.**

Landscape Manager Pekar disclosed to Commissioner Daruty that the City would have to make a decision to remove or keep other trees with hardscape issues on Poinsettia Avenue in next three to five years.

Commissioner Howald was concerned about the notification to the public. Landscape Manager Pekar reported a policy change would need to take place because the Standard Tree Removal Policy stated that the applicant be notified and the tree was posted 3-days before removal. Commissioner Howald was in favor of granting the appeal because there wasn't sufficient notification.

Landscape Manager Pekar answered Commissioner Archer's question that the proposed replacement trees would likely not cause hardscape damage due to the tree species selected having a less invasive root system.

Commissioner Hayes asked why the replacement trees were not Red-Flowering Eucalyptus. Landscape Manager Pekar stated that the Red-Flowering Eucalyptus had been removed from the Acceptable Street Tree list. He explained the process of how trees got deemed as Special Trees.

Chair Granoff inquired how Poinsettia Avenue trees were different than the trees located on Marine Avenue. Landscape Manager Pekar pointed out that Marine Avenue was a business district and the trees located on Marine Avenue were considered a less invasive Eucalyptus than the Red-Flowering Gum. Also, per policy, if the Red-Flowering Gum at 311 Poinsettia was a Special Tree (it is not), it would need to be replaced with a similar tree type.

Commissioner Malouf requested how old the tree was and Landscape Manager Pekar answered 70-80 years old.

**Motion by Commissioner Daruty:** seconded by Vice Chair Ignatin, Deny the appeal from Sherry Stinehart, resident at 307 Poinsettia Avenue, of staff's approved tree removal of a City Red-Flowering Gum tree in front of 311 Poinsettia Avenue. The motion carried by the following vote:

**Ayes:** Vice Chair Ignatin, Chairperson Granoff, Commissioner Daruty, Commissioner Archer and Commissioner Malouf

**Nays:** Commissioner Howald and Commissioner Hayes

**D. Tree Reforestation - 2101 East Coast Highway (Zahma Drive)**

*Staff recommends that the Parks, Beaches & Recreation Commission consider the reforestation request by Robert Tapper, representative of the property owner, of 16 City trees (2 Ficus and 14 Melaleuca) located at 2101 East Coast Highway, along Zahma Drive and replaced with 16 48-inch box Purple Orchid trees. The applicant has met the procedural requirements for reforestation established in City Council Policy G-1. The applicant will assume all costs.*

Landscape Manager Pekar reported that three of the nineteen trees were causing substantial damage to the property's wall, sump pump, and lines of the sewer system. He approved the removal of the three trees causing damage and suggested reforestation for the other sixteen trees. The City would be responsible to remove the three trees causing damage and replacing those with three, 48" box Orchid trees.

The discussion commenced between the Commission and Landscape Manager Pekar regarding what Orchid trees looked like, why that species was chosen, if the Orchids were susceptible to disease, and how old the existing trees were.

**Chair Granoff opened the public comment; seeing none the public comment was closed.**

**Motion by Chairperson Hayes;** seconded by Commissioner Howald, to approve the reforestation request by Robert Tapper, representative of the property owner, of 16 City trees (2 Ficus and 14 Melaleuca) located at 2101 East Coast Highway, along Zahma Drive and replaced with 16 48-inch box Purple Orchid trees. The applicant has met the procedural requirements for reforestation established in City Council Policy G-1. The applicant will assume all costs. The motion carried by unanimous vote.

**E. Appeal of Denial for Special City Tree Removal - 603 Newport Center Drive**

*Staff recommends that the Parks, Beaches & Recreation Commission consider the appeal from Chase Gilmore, representative of the property owner, The Irvine Company, of staff's denial of the removal of two Special City Mexican Fan Palm trees next to 603 Newport Center Drive.*

Landscape Manager Pekar gave a brief overview of the parking structure project improvements that were being proposed.

Commissioner Archer wanted to know if Palm trees would survive the transplant and Landscape Manager Pekar confirmed that they had a high success rate in terms of transplants.

**Chair Granoff opened the public comment.**

Chase Gilmore, a representative from Irvine Company, explained the reasoning behind the improvements to the parking structure, how the trees were impacting the plans for the structure's improvements, where the trees were located, and the new possible transplant location at San Nicolas on Newport Center Dr.

Chair Granoff asked why the trees could not be spread out and used to frame the new entryway. Mr. Gilmore disclosed that moving the trees to San Nicolas would improve the aesthetics.

Commissioner Ignatin supported the project and the transplant of the trees.

Jim Mosher confirmed that there was a gap of 50-feet and one gap being 100-feet. He wanted to know if the City's inventory showed those gaps and who was responsible for the replacement of those missing trees.

**Chair Granoff closed the public comment.**

Mr. Gilmore answered Commissioner Daruty's question that if the trees died after transplant, then Irvine Company would replace them.

Chair Granoff asked Staff if a tree was missing and Landscape Manager Pekar noted that the City's inventory did not show a vacancy.

**Motion by Commissioner Howald;** seconded by Chairperson Granoff, to approve the appeal from Chase Gilmore, representative of the property owner, The Irvine Company, of staff's denial of the removal of two Special City Mexican Fan Palm trees next to 603 Newport Center Drive. If transplanting fails, Irvine Company will replace the palms in kind. Contingent on project approval, the motion carried by unanimous vote.

**VII. ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

*PB&R Commission / staff announcements/ Ad Hoc Committee updates or matters which Commissioner members would like placed on future agendas for further discussion (this is a non-discussion item).*

Director Detweiler announced OASIS Health and Resource Fair was going to be on October 19<sup>th</sup>, 2019 from 9:00 to 11:00. Halloween Spooktacular was to be held at Grant Howald Park on Saturday, October 26<sup>th</sup>, 2019 from 4:00 pm to 7:00 pm.

In terms of the Grant Howald Park Rehabilitation Project, Director Detweiler confirmed that staff was working with Public Works and final plans were being reviewed. Sunset View Park is scheduled to be presented to City Council on November 19<sup>th</sup>, 2019 with conceptual plans.

Buck Gully had continued to show an uptick in residents using the trails and there were safety concerns and complaints regarding from foot hikers about the speed of bicyclists. Staff was working on installing signs stating that it was going to be a one-way for cyclists going uphill. She concluded that Staff was working with Ranch Conservancy to restore the unauthorized trail at Buck Gully.

Director Martin announced there was going to be distribution of a flyer to the public regarding the Coral Tree Pests. Also, Marine Avenue tree replacement work was underway.

**VIII. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the PB&R Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or*

*shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers.*

Jim Mosher asked if there was going to be any additional signage that was to be installed in the beginning explaining the one-way bike signs. Director Detweiler confirmed that Ranch Conservancy was working on a new signage plan for Buck Gully which would incorporate the new one-way signs and a map.

Commissioner Howald wanted to see on a future agenda the notification process for trees. Chair Granoff suggested an Ad Hoc Committee to review it before it came back to the Commission.

**IX. ADJOURNMENT – 7:58 p.m.**

Submitted by:

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Mariah Stinson, Administrative Support Specialist

Approved by:

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David Granoff, Chair