

CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission Regular Meeting June 7, 2022 – 5:00 p.m.

I. CONVENE MEETING OF THE PARKS BEACHES & RECREATION COMMISSION TO ORDER – 5:01 p.m.

II. ROLL CALL

Present: Diane Daruty, Chair
Hassan Archer, Vice Chair
David Granoff, Commissioner
Laird Hayes, Commissioner
Heather Ignatin, Commissioner
Keira Kirby, Commissioner

Excused: Kate Malouf, Commissioner

Staff: Sean Levin, Recreation & Senior Services Director
Micah Martin, Deputy Public Works Director
Kevin Pekar, Parks and Trees Superintendent
Brian George, Acting City Arborist
Mariah Stinson, Administrative Support Specialist

III. NOTICE TO THE PUBLIC

IV. PUBLIC COMMENTS ON CONSENT CALENDAR-None.

V. CONSENT CALENDAR

A. Minutes of the Parks, Beaches and Recreation Commission Meeting of April 5, 2022

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

B. PW Activity Report

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

C. RSS Activity Report

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

Jim Mosher remarked the minutes were correct but clarified he recently learned the appeal for the reconstruction of the home on Ocean Boulevard was withdrawn. He inquired if the Public Works' report included the trees planted by Stanbridge University and if the Fostering interest in Nature (FiIN) Program will be reinstated.

Motion by Chair Daruty; seconded by Commissioner Kirby, to approve V. CONSENT CALENDAR. The motion carried by unanimous vote.

VI. **CURRENT BUSINESS**

A. Reforestation Request Special Tree - 1323 Ashford Lane Staff recommends that the Parks, Beaches and Recreation (PB&R) Commission approve the Special Neighborhood replacement request of one Lemon-Scented Gum tree located at 1323 Ashford Lane at the intersection with Glenwood Lane. At the applicant's cost, a 48-inch box Strawberry Tree (*Arbutus unedo*) will be installed as the replacement tree.

Parks and Trees Superintendent Pekar announced that staff recommended the Commission approve the reforestation request for 1323 Ashford Lane and retain the tree at 1317 Ashford Lane. The applicant volunteered to pay for the 48-inch box Strawberry Tree as the replacement. At the June 1, 2021 meeting, the Commission reviewed the proposal for removal of two trees and denied the application. Staff confirmed the trees were in good health and the application did not meet the removal criteria per the G-1 Policy. The applicants appealed to City Council on August 24, 2021 and the Council upheld the Commission's decision. On February 10, 2022, staff responded to a call that many large limbs had fallen from one of the trees. A consultant conducted a Level Three Tree Risk Assessment and concluded the tree at 1323 Ashford Lane was a high risk and the tree at 1317 Ashford Lane was at a moderate risk.

Evin Lambert, Consulting Arborist, explained her first assessment was a visual assessment. After the limb failure in February 2022, the risk level was increased due to a history of limb failures.

Vice Chair Archer asked if the tree at 1317 Ashford Lane had a history of dropping limbs and Parks and Trees Superintendent Pekar answered no.

Commissioner Granoff wanted to know if the tree at 1317 Ashford Land was reassessed. Consulting Arborist Lambert answered the tree was reassessed and no changes were noted to the condition of the tree.

Chair Daruty opened public comment.

Jim Mosher supported staff's recommendation. He remarked the weather condition's description of the day being calm, when the limbs dropped, was incorrect. Though it was a warm day as stated, there was also winds with gusts from 30 to 40 miles per hour. The winds could have attributed to the limb drop along with the warm day.

Glen Allen shared he lived two doors down from the subject trees. He suspected concerns about the trees were raised because the applicant was building a house close at the setback. He requested the Commission continue the item until an independent arborist could assess the trees.

Kaitlin Willhoit, speaking on behalf of Nada Disigio, remarked the Eucalyptus trees have caused a negative impact to the neighborhood. The trees have been poorly maintained and neglected by the City. On behalf of herself, Kaitlin, she believed the tree at 1317 Ashford Lane should be reevaluated.

Eric and Jessica Wool, a near neighbor, requested the Commission to deny the application. He agreed that during high winds many of the Eucalyptus trees along the streets dropped limbs. He emphasized that a Strawberry tree was not adequate as a replacement tree and requested the Commission consider the size of tree being removed compared to the size of the tree replacing it.

Justin Wheeler, owner of 1323 Ashford Lane, agreed that the tree located near his home was unsafe. The recent limbs that dropped landed in his front yard, his neighbor's front yard, and the sidewalk.

Owner of 1317 Ashford Lane, asked why someone would buy a house when they know that the trees on the property had a history of dropping limbs. The tree was the only landmark helping to conceal the massive newly constructed house. The tree should be retained if the tree could be managed and maintained.

Brian Williamson mentioned one reason why he bought his home was because of the Eucalyptus trees. He requested that the City do everything possible to save the tree. The arborist report stated that structural pruning will eliminate the risk of limb drop. If the tree had to be removed, he requested another Eucalyptus tree be planted in its place.

Chair Daruty closed public comment.

In answer to Commissioner Ignatin's questions, Parks and Trees Superintendent Pekar answered the limbs that fell were 30-feet in length and together weighed around half a ton. He noted the trees are pruned annually. Structural pruning could create large wounds on the tree and he did not recommend that approach. There were no other Strawberry trees on the street but the applicant was flexible on the type of replacement tree. The existing tree was 85-feet tall, the maximum height for a Strawberry tree is 25-feet, a variety of Crape Myrtle trees could grow to 40-feet tall and an Evergreen Ash grew to 50-feet tall.

Commissioner Hayes recommended a like-for-like replacement and suggested a Lemon Scented Gum tree. He did not support using a Strawberry tree as the replacement. Parks and Trees Superintendent Pekar mentioned that the replacement could be a Eucalyptus but they would be small in stature.

Commissioner Granoff recommended staff make a concerted effort to locate a bigger starter tree.

Chair Daruty wanted to understand who hired the consulting tree arborist. Parks and Trees Superintendent Pekar explained the consultant worked with the applicant initially but the City hired the consultant to do the new risk assessment. Staff did not provide a recommended consulting arborist for the applicant, initially.

Vice Chair Archer asked how many years would it take for a larger boxed Eucalyptus to reach the existing tree's height and Parks and Trees Superintendent Pekar predicted 10-years.

Commissioner Ignatin agreed the replacement tree should be a Eucalyptus tree and the City should find the largest box size possible.

Chair Daruty expressed her appreciation for the public comments and noted the Commission does its best to balance the love of the trees versus safety concerns.

Motion by Commissioner Hayes, seconded by Commissioner Granoff, to approve the Special Neighborhood replacement request of one Lemon-Scented Gum tree located at 1323 Ashford Lane at the intersection with Glenwood Lane. At the applicant's cost, a Lemon-Scented Gum tree (largest available) will be installed as the replacement tree. The motion carried by unanimous vote.

B. Reforestation Request - 2206 Port Harwick Place Staff recommends Parks, Beaches and Recreation (PB&R) Commission consider the reforestation request of three City Lemon-Scented Gum trees (*Corymbia citriodoria*) located at 2206 Port Harwick Place (and below 17 Monaco). The applicant, M. J. Knitter, has met the procedural requirements for reforestation established in City Council Policy G-1 (Retention, Removal and Maintenance of City Trees). If approved by PB&R, there will be one-for-one replacement trees, three 60-inch box Brisbane Box (*Lophostemon confertus*) installed at the applicant's cost.

Parks and Trees Superintendent Pekar clarified the trees are located across the street from 2207 Port Harwick Place in a greenbelt. The applicant offered to plant three 60-inch box Brisbane Box trees as replacements. The City Arborist evaluated the trees and determined them to be in a healthy condition. The request to remove the trees was due to view encroachment and the G-1 Policy had view obstruction listed as criteria for reforestation consideration. The Homeowners Association (HOA) approved the removal and replacement of the trees as long as the replacement trees were large and quick growing.

Commissioner Granoff asked what was the current health of the trees. Parks and Trees Superintendent Pekar answered the trees were healthy and pruned annually. To keep the trees and restore the view, the City would have to top the trees which was not a best practice.

Vice Chair Archer inquired how long the trees had been in their current location. Parks and Trees Superintendent Pekar predicted since the late 1960's.

Commissioner Hayes wanted to know if other resident's views were affected. Parks and Trees Superintendent Pekar believed the removal and replacement would improve the views from adjacent residents on Monaco. Commissioner Hayes remarked that views are important and based on the pictures the applicant's views were impaired.

Commissioner Kirby wanted to understand if crown reduction would improve the view. Parks and Trees Superintendent Pekar explained crown reduction could remove 5- to 10-feet of the tree which was essentially topping the tree.

In answer to Chair Daruty's inquiries, Parks and Trees Superintendent Pekar confirmed the view was of Fashion Island. Staff had not been up to the applicant's vantage point to evaluate the view and there had been no comments received about the application. Chair Daruty shared she tried to evaluate the view herself but the neighborhood was gated.

Chair Daruty opened public comment.

M. J. Knitter mentioned he sent three letters to the HOA. They denied it the first time, considered it a second time and then approved it the third time. The adjacent neighbors to the trees supported the removal of the trees.

Jim Mosher believed that views matter and in the City's policy there was a commitment to protect views. He recommended approval of the request due to the adjacent neighbors and HOA supporting it.

Chair Daruty closed public comment.

Commissioner Granoff inquired if notification was sent out to the surrounding neighbors. Parks and Trees Superintendent Pekar answered the HOA, the Council Member of the district as well as the applicant was notified.

Commissioner Kirby wanted to understand why the replacement trees were proposed to be located 8- to 10-feet away from the existing location. Parks and Trees Superintendent Pekar confirmed the replacement trees would be as close to the existing location without disrupting the existing layout of the street.

Commissioner Hayes asked if 60-inch boxes were the appropriate size. Parks and Trees Superintendent Pekar restated the HOA wanted the largest trees possible.

Chair Daruty was concerned about setting a precedent and believed there was not enough information to make a determination. She recommended a site visit be done to see how the trees effected the views. Parks and Trees Superintendent Pekar recommended to have two visits with three Commissioners per visit.

Motion by Chair Diane Daruty, seconded by Commissioner Laird Hayes, to continue the reforestation request of three City Lemon-Scented Gum trees (*Corymbia citriodoria*) across from 2206 Port Harwick Place (and below 17 Monaco). The motion carried by unanimous vote.

C. Review of Ad Hoc Sub-Committee Recommendations for Replacement of Balboa Island Teak Wood Benches

Staff recommends the Parks, Beaches and Recreation (PB&R) Commission review and consider approval of the below recommendations by the PB&R Balboa Island Benches Ad Hoc Sub- Committee regarding the replacement of the existing Teak Wood benches

(Teak benches) and forward their recommendations to City Council. The Sub-Committee recommendations are as follows:

The Teak benches be removed in groups (20%-30% at a time) over the next couple of years and be replaced with unfinished Jatoba Wood benches (Jatobabenches) purchased by the City of Newport Beach (City), on the condition the new benches will never be refinished but rather stay in a natural state and grey with age.

Pursuant to City Council Policy B-17 (Parks, Facilities and Recreation Program Donations), no existing nor new donor plaques will be permitted on the replacement benches.

Staff will use its best reasonable efforts to contact the original Teak bench donors to offer the opportunity to receive the donated bench and/or plaque. If donors cannot be located or are uninterested in having the donated item returned to them, Staff will explore options to have benches either donated to the Island Museum, auctioned off through a public surplus auction, or just disposed of.

Deputy Public Works Director Martin provided the history of the benches on Balboa Island. At the August 3, 2021 Commission meeting, an ad hoc committee was formed of Chair Daruty, Commissioner Granoff and Commissioner Hayes to explore the benches further. The ad hoc committee worked collaboratively with several groups and formulated several recommendations for the Commission to consider.

Chair Daruty summarized the ad hoc committee's recommendations.

Commissioner Ignatin inquired when removal and replacement would begin. Deputy Public Works Director Martin noted City Council approval was needed before the benches could be removed. The benches in the worst condition would be removed first.

In answer to Vice Chair Archer's questions, Deputy Public Works Director Martin confirmed the City will maintain a basic level of maintenance. The lifespan of the recommended benches was 20- to 25-years and then the benches would be replaced like-for-like.

In reply to Commissioner Kirby's inquiries, Deputy Public Works Director Martin explained the benches were costume ordered and there was a procurement timeline. After review, it was determined that the benches be replaced one-for-one.

Chair Daruty opened public comment.

Randy Black, representing the Balboa Island Preservation Association (BIPA), found the outreach to the public on the matter impressive. The BIPA supported the ad hoc committee's recommendations.

Jim Mosher encouraged the Commissioner to better understand the logic behind one-for-one replacement. He requested verification that the benches would last 20- to 25-years as stated.

Chair Daruty closed public comment.

Chair Daruty mentioned the ad hoc committee did discuss with the manufacturer the longevity of the benches. Deputy Public Works Director Martin summarized the manufacturer's comments.

Commissioner Ignatin fully supported the ad hoc committee's recommendations and the transparency of the process. The new bench's aesthetics represented the spirit of Balboa Island.

Commissioner Kirby stated the collaborative work with the ad hoc committee, staff, the various groups and public was a creative solution.

Vice Chair Archer asked if the Commission should consider the number of benches.

Commissioner Granoff noted the new benches will be 6-feet in length instead of the 8-foot like the original benches. He encouraged staff to accelerate removal and replacement if possible.

Public Works Director Webb acknowledged that Council did direct staff to reduce the number of benches. He encouraged the Commission to be flexible on the matter and allow staff to work with the community.

Motion by Commissioner David Granoff, seconded by Commissioner Laird Hayes, to approve the below recommendations by the PB&R Balboa Island Benches Ad Hoc Sub-Committee regarding the replacement of the existing Teak Wood benches (Teak benches) and forward their recommendations to City Council. The Sub-Committee recommendations are as follows:

The Teak benches be removed in groups (at least 20%-30% at a time) over the next couple of years and be replaced with unfinished Jatoba Wood benches (Jatoba benches) purchased by the City of Newport Beach (City), on the condition the new benches will never be refinished but rather stay in a natural state and grey with age. There will be leeway with the number of benches and timeline of replacement of the benches.

Pursuant to City Council Policy B-17 (Parks, Facilities and Recreation Program Donations), no existing nor new donor plaques will be permitted on the replacement benches.

Staff will use its best reasonable efforts to contact the original Teak bench donors to offer the opportunity to receive the donated bench and/or plaque. If donors cannot be located or are uninterested in having the donated item returned to them, Staff will explore options to have benches either donated to the Island Museum, auctioned off through a public surplus auction, or just disposed of. 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).

Recreation & Senior Services Director Levin mentioned that FiiN will resume in the fall of 2022. He invited the Commissioners to the 4th of July festivities. Also, the City will be holding the Movies in the Park series.

Commissioner Kirby inquired if Newport Mesa Unified School District was included in FiiN and Recreation & Senior Services Deputy Director Levin answered yes.

Deputy Public Works Director Martin shared that the Balboa Island trolley would be running through the summer. The Make a Splash and Pick Up Trash campaign encouraged folks to pick up loose trash and dispose of it in a trash bin. He encouraged members of the community to use the mobile app to report trash, graffiti, and other concerns. The City held its first Touch a Truck event and it was well attended.

Commissioner Hayes encouraged all of the Commissioners to attend the upcoming parade.

Chair Daruty opened public comment; seeing none public comment was closed.

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.

Commissioner Hayes expressed his appreciation to Mr. Mosher for his attendance to the meetings.

IX. ADJOURNMENT – 6:55 p.m.

Submitted by:

Mariah Stinson, Administrative Support Specialist

Approved by:

Diane Daruty, Chair