

CITY OF NEWPORT BEACH

Parks, Beaches & Recreation Commission Regular Meeting October 1, 2013 – 6pm

1) CONVENE MEETING OF THE PARKS BEACHES & RECREATION COMMISSION TO ORDER – 6:04 p.m.

2) ROLL CALL

Present: Tom Anderson, Chair
Ron Cole, Vice Chair
Kathy Hamilton
Walt Howald
Roy Englebrecht
Marie Marston

Absent: Jack Tingley (Excused)

Staff: Laura Detweiler, Recreation & Senior Services Director
Sean Levin, Recreation Superintendent
Mike Pisani, Deputy Municipal Operations Director
Dan Sereno, Parks Superintendent
Teri Craig, Administrative Assistant

3) NOTICE TO THE PUBLIC

4) CONSENT CALENDAR

A. **Minutes of the September 3, 2013 regular meeting.**

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

B. **Parks & Operations Division Activity Report.**

Recommendation: Receive/file monthly Activity Report for activities and upcoming projects.

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

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

Motion by Commissioner Howald: seconded by Chair Anderson to accept items 4A – 4C of the Consent Calendar. Motion carried by acclamation.

5) CURRENT / NEW BUSINESS – Staff Report

A. **Uptown Newport Project — Review of Public Parks**

Recommendation: Review & approve park amenities on the two public park concepts for the Uptown Newport project totaling two (2) acres.

Superintendent Levin introduced the Uptown Newport Project and introduced Bryan Rupp, representing the Shopoff Group, architect Trent Knoll from Valley Crest and Rosalind Ung, from the Planning Department.

Mr. Rupp presented a brief background on the project, the entitlement process and the approval of the design process for the Master Site Improvements by the Planning Commission. He described the project, addressed the number of residential units, first and second phase developments, and the location of the proposed parks and maintenance of the parks by the homeowners association. He noted the in lieu fees and fee credits and that these parks are in addition to private amenities that will be included with the development. He reported that it is anticipated that development for the first phase will commence early in 2014 with occupancy in late 2015, early 2016. He added that it would be largely rental units with more for-sale units in the second phase.

Mr. Knoll from Valley Crest, presented information regarding the amenities proposed in the parks; addressed the site plan, landscaping, signage, private amenities for the projects, the spine road connecting the two parks, parking, secondary streets and paseo linkages. He presented details of the parks including the main entry, arrival plaza, open space, seating, activities, Tot Lots, themes, promenade, fountain courtyard, types of uses, art installations, canopy trees, enhanced paving areas, sunken lawn, access from the units, amenities for children, walled-in areas, sports courts and a multipurpose court.

Discussion followed regarding the location of parking, structured parking, bicycle parking, public restrooms, retail components, location of signage, phases of development, size of the parks, ownership and maintenance of the parks, security, ADA accessibility and location of restrooms at retail spaces, possible retail tenants, lease agreements to ensure access to public restrooms and the need for public restrooms in the parks.

Mr. Knoll stated that Phase two of the project is contingent on a lease by one of the tenants and that the earliest that it could get developed would be 2017 but could extend to 2027. He stated he would welcome an approval of both park concepts subject to changes that aren't in substantial conformance, which would then need to come back before the PB&R Commission.

Chair Anderson noted the importance of restroom facilities in the parks.

Mr. Knoll commented on the concept as comparable to the Irvine Spectrum. He stated that public restrooms would service the retail area and could service the parks as well.

Ensuing discussion pertained to the possibility of a tennis or pickle ball court, including amenities that would be used by residents in the area, the possibility of a basketball court, compliance with City ordinances and the need for security in the area.

Chair Anderson opened the public discussion.

Jim Mosher questioned the role of the Commission regarding this project and commented on documents that were not accessible within the staff report. He referenced the Land-use Development Standards and Procedures and read from it in regards to accessibility to the parks and signs; and the flight and noise by the John Wayne Airport. He agreed that the restroom issue has not been well thought out and addressed art in the parks and shade structures.

Chair Anderson closed the public discussion.

Discussion followed regarding the actions needed at this time.

Planner, Rosalind Ung stated that the action tonight for the PB&R is to determine if the amenities are practical, useable and feasible for the general public. She noted that staff will be working with the applicant as the project moves ahead.

Ensuing discussion pertained to the redundancy between the two parks, having different amenities in each park, security, and the need to return to the PB&R Commission for Phase two, making them active parks rather than passive, the ability to program events at the Phase one park and incorporating differences between the two parks. It is not anticipated that there will be a lot of children using the park.

Mr. Knoll reported that the fire feature had been eliminated.

Motion by Vice Chair Cole; seconded by Commissioner Howald to approve the park amenities with the following changes: that restrooms be implemented into the project either at the parks or the retail center and available for use when the park opens; that there be signage on Jamboree and that Phase two return to the Commission for approval when the lease ends. Motion carried by acclamation.

B. Commission Liaison Appointment to the Blackball (Surfing Regulations) Working Group

Recommendation: Consider request of Recreation staff to appoint Vice Chair Ron Cole and Commissioner Jack Tingley as liaisons to the Newport Blackball Working Group coordinated by the Fire Department Marine Operations Division to review current surfing policies.

Director Detweiler reviewed the recommendation as listed above. She reported that the Newport Blackball Working Group effort is being coordinated by the Fire Department and that the group will be tasked at reviewing current ordinances and making sure they are up to date and meeting the community's needs. She stated that they have met once and have another meeting scheduled for October 21, 2013. Director Detweiler indicated that any ordinance changes would come before the Commission as a whole before going to Council for final consideration.

Superintendent Levin addressed the importance of having a workshop with the community to obtain comments, feedback and ideas.

Chair Anderson opened the public discussion.

Jim Mosher noted that the appointments being made are not for group members, but rather for liaisons who are usually non-voting observers.

Chair Anderson closed the public discussion.

Vice Chair Cole reported the effort is being coordinated by Assistant Fire Chief Rob Williams and listed other participants.

Motion by Commissioner Howald; seconded by Chair Anderson to appoint Vice Chair Ron Cole and Commissioner Jack Tingley as liaisons to the Newport Blackball Working Group coordinated by the Fire Department Marine Operations Division to review current surfing policies. Motion carried by acclamation.

C. MOD Presentation – Urban Forest Maintenance Program

Recommendation: Receive & file.

Superintendent Sereno provided a PowerPoint presentation addressing the Newport Beach urban forest make-up, budget highlights, staffing, certified arborists, major accounts, Council policies and ordinances governing trees, Committees established to review some of the policies and ordinances, special trees, procedures for tree removal and the reforestation policy. Superintendent Sereno addressed preservation of views, maintenance and planning of parkway

trees, trimming cycle, pruning and the street tree designation list which is being reviewed by a committee. He reported on tree removal and planting, emergency services and the Commission's role.

Superintendent Sereno stated that Chair Anderson would attend the Arbor Day Celebration on October 23, 2013 at Mariner's Elementary School. He addressed requirements for being a Tree City USA and Growth Award requirements. He also reported on the challenges including bird nests, pests and diseases, development pressures and well as current Tree Division projects.

Chair Anderson opened the public discussion.

Jim Mosher stated that when this presentation was provided to Council, that there was considerable public comment regarding tree removals without replacements. He commented on trees in Corona del Mar and areas where there are no trees. He addressed the City's street tree designation list, diseases for which there is no cure and steps that can be taken to prevent and spread them.

Joseph Mulroy reported he has a lemon drop eucalyptus tree in front of his house that has been causing problems for a number of years. He stated that the presentation was very helpful and urged support of his request for removal.

Chair Anderson noted that the tree referred to by Mr. Mulroy (1739 Candlestick Lane) is being considered later on the agenda.

Chair Anderson closed the public discussion.

The report was received and filed.

D. Special Tree Removal — 621 Poppy Avenue

Recommendation: Consider request of MOD Staff to remove one (1) City Special tree – Neighborhood Eucalyptus (Desert Gum) tree located adjacent to 621 Poppy Avenue to mitigate a potential liability due to severe root loss, a declining canopy and an increased chance of failure and replaced with Australian Willow trees at the same location.

Deputy Director Pisani presented details of the report and noted that the item was continued from a previous meeting because the resident of the subject property was unable to attend the meeting. He reported that she was unable to attend the present meeting but would like to proceed. He commented on a request for removal of a tree at 619 Poppy and noted that staff reviewed the tree and found that removal was not justified but that it would be monitored for signs of decline. The tree at 621 was determined to have severe root loss and removal was suggested to eliminate potential future liability. Subsequently, a large sulfur conk was observed on the tree at 619 and that matter will be presented next month for removal.

Discussion followed about the monitoring of both trees, the timeframe for tree failure, the condition of both trees, needing to be cautious in terms of liability, the possibility of considering both trees at the same time during an upcoming meeting and replacement trees to be planted and contacting the owner at 621 to discuss the type of replacement tree.

Chair Anderson opened the public discussion.

Jim Mosher commented on sulfur conks and Council's recent action regarding a specific tree. He referenced the tree ordinance and expressed concerns with staff having the discretion to use a replacement tree other than what Council has approved on the tree designation list. He stated

the procedure states that the Commission has to recommend to Council that a tree is to be changed. Council must pass a resolution changing the designation before it can be planted.

Edward Elo expressed concerns that the street tree by his property is next to the sewer and reported that they have been hit by trucks and it has begun to lean in. He reported that he will be applying for a tree removal in the near future and felt that tree maintenance and safety is becoming an issue on Poppy.

It was noted that the tree-trimming contractor reports to staff regarding declining trees and that the City is more proactive than before in finding trees that have declined.

Chair Anderson closed the public discussion.

Discussion followed regarding complying with the established process.

A request was made that staff provide pictures of damaged trees or infrastructure, pictures of the proposed replacement tree and maps for future meetings when removals are being presented to the Commission for their review.

Motion by Commissioner Marston to approve staff recommendations to remove the tree at 621 Poppy. Motion failed for lack of a second.

Discussion followed regarding the suitability of the Australian Willow as a replacement tree.

Motion by Commissioner Howald; seconded by Commissioner Englebrecht to table the Special Tree Removal at 621 Poppy item until the request for 619 Poppy is ready so both trees can be reviewed at the same time. Motion carried as follows:

Ayes: Anderson, Cole, Englebrecht, Hamilton, Howald

Nay: Marston

Absent: Tingley

E. Special Tree Removal — 547 Riverside Avenue

Recommendation: Consider request of MOD Staff to remove two (2) City Special trees Neighborhood tree located at 547 Riverside Avenue to mitigate potential liability due to severe canopy decay and replaced with Australian Willow trees at the same location.

Deputy Director Pisani presented details of the report noting that this type of tree is prone to tree failure and that staff recommends removal to mitigate potential liability due to severe canopy decay. He reported that it will be replaced with two Australian Willow trees at the same location.

Discussion followed regarding the proximity of the trees to homes.

Chair Anderson opened the public discussion.

Tony Melum expressed concerns with the removal of trees, referenced the G-1 Policy and that he felt that it has not been complied with. He reported expecting objective information regarding the reasons for recommending removal noting that it seems to be just an opinion. He stated that there is a move to remove all large eucalyptus trees because of the issues surrounding them and hoped the Commission would table the matter until additional information is obtained and efforts made to save the tree.

Jim Mosher concurred with Mr. Melum's comments, referenced previous approval of the removal of four trees on Aliso Avenue and stated Council publicly approving the Australian Willow as the designated tree for this street.

Chair Anderson closed the public discussion.

Motion by Chair Anderson; seconded by Commissioner Englebrecht to approve the Special Tree Removal request at 547 Riverside Avenue. Motion carried by acclamation.

F. Special Tree Removal — 1739 Candlestick Lane

Recommendation: Consider request of MOD Staff to remove one (1) City Special tree – Neighborhood tree located in the parkway at 1739 Candlestick Lane as the tree cannot be safely root pruned without incurring potential liability and possible tree failure.

Deputy Director Pisani presented details of the report and noted the reason for removal is that the site requires concrete work on the sidewalk, the lifted curb and gutter work .

Discussion ensued on the curb and gutter work needed without destroying the tree roots

Chair Anderson opened the public discussion.

Jim Mosher commented on the lack of pictures showing damage and that he felt that healthy tree should be saved and efforts made to correct the infrastructure without removing the tree.

Chair Anderson closed the public discussion.

Motion by Commissioner Howald to table the Special Tree Removal at 1739 Candlestick Lane until next month to allow staff to provide photographs of the subject site. Motion failed for lack of a second.

Motion by Vice Chair Cole; seconded by Commissioner Howald to delay a decision of the Special Tree Removal at 1739 Candlestick Lane until more information is received, including pictures and information on the appeal of the removal at 300 Poppy and direction from City Council. Motion carried by the following vote:

Ayes: Cole, Englebrecht, Hamilton, Howald, Marston

Abstain: Anderson

Absent: Tingley

G. Reforestation Request — 2201 Channel Road

Recommendation: Consider reforestation request from Paula Gonzales to remove one (1) City Carrotwood tree from 2201 Channel Road and replace with a 36" box Australian Willow at the site.

Deputy Director Pisani presented details of the report with recommendations to consider reforestation request from Paula Gonzales to remove one (1) City Carrotwood tree from 2201 Channel Road and replace with a 36" box Australian Willow at the site.

It was noted that this is a healthy tree.

Chair Anderson opened the public discussion.

Jim Mosher commented on the petition, on the health of the tree and noted that the recommended tree is not on the tree designation list for that street.

Chair Anderson closed the public discussion.

Discussion followed regarding the dates on the petition, missing signatures and signatures from the same household.

It was noted that the G-1 Policy indicates a 90-day time limit.

Motion by Commissioner Howald; seconded by Commissioner Englebrecht to deny the Reforestation Request at 2201 Channel Road. Motion carried by acclamation.

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

Chair Anderson provided an update regarding the Special Tree List Ad Hoc Committee. He commented on the number of trees in the City and that the City staff does a great job in doing preserving trees. He noted that changes have occurred since the original development of the Special Tree List. He reported that in the future, trees will be picked according to the adult size and the space in which they will be planted.

Vice Chair Cole provided an update regarding the Blackball Liaison Working Group and reported that the workshop will be held on October 21, 2013 at 6pm in the Community Room at the Civic Center.

Director Detweiler reported she will email Commissioners regarding the upcoming luncheon at OASIS.

7) PUBLIC COMMENTS ON NON-AGENDA ITEMS

Jim Mosher reminded the Commission that if there is any question about whether a decision could financially affect them personally then they should recuse themselves from a discussion, it is required that they state that recusal and leave the room prior to discussion of the item.

8) ADJOURNMENT @ 8:37pm.

Submitted by: *Teri Craig*
Teri Craig, Admin Assistant

Approved by: *Tom Anderson*
Tom Anderson, Chair