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NEWPORT BEACH

PB&R Commission Staff Report

February 3, 2026
Agenda Item No. VII-D

TO: Parks, Beaches & Recreation Commission

FROM: Municipal Operations Department
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TITLE: Proposed Revisions to Council Policy G-1 (Retention, Removal and Maintenance of City Trees)

RECOMMENDATION:

Staff recommends that the Parks, Beaches and Recreation (PB&R) Commission receive and file the proposed revisions to Council Policy G-1 (Retention and Removal of City Trees) (Council Policy G-1) and provide any additional comments or revisions.

BACKGROUND:

The City Council established the Ad Hoc Council Policy Review Committee last year to review and recommend revisions to the City Council Policy Manual. Council Policy G-1 was originally adopted on May 9, 1966, and amended multiple times, with the most recent amendment on May 9, 2023. As the City receives and processes requests for tree removals, it is apparent that amendments to Council Policy G-1 would provide greater clarity to applicants, staff and the Commission. Additionally, the existing Council Policy G-6 contains provisions that are more appropriate in Council Policy G-6 (Maintenance and Planting of Parkway Trees). Therefore, Sections VI (Tree Maintenance), Section VIII (Tree Trimming Standards) and Section IX (Supplemental Tree Trimming) are proposed to be relocated to Council Policy G-6.

DISCUSSION:

Most of the City's permit processes lay out a comprehensive application process. For example, in the case of land use decisions, Chapters 20.50 (Permit Application Filing and Processing) and 20.52 (Permit Review Procedures) of the Newport Beach Municipal Code (NBMC) lay out the permit application requirements, notice of public hearing requirements, and findings necessary to approve or deny a project. Similarly, in the case of harbor development permits, Sections 17.50.020 (Applications), 17.50.030

(Processing of Application) and 17.50.040 (Rendering of Decision) of the NBMC lay out the review authority, notice of public hearing requirements, required materials, and criteria necessary to approve or deny a harbor development permit, approval in concept or variance.

A *reorganization* of Council Policy G-1 is set forth in the attachment, with limited substantive revisions, that lays out a similar structure including definitions, basis for removal of city trees, application process, findings necessary to remove trees, reforestation/appeals process, and public hearing/notification requirements.

Definitions

Section I (Definitions) of the proposed amendment to Council Policy G-1 consolidates definitions that were previously dispersed throughout the policy into one section. The definitions are the same with the exception of the definition of Reforestation which was augmented to include appeals by a homeowners' association and/or private property owner of the Landscape Manager's decision to deny removal of a Standard or Problem Tree.

Basis for Removal of a Tree

While the existing policy describes in various places the scenarios where a tree removal request may be made, Section II (Basis to Remove a City Tree) of the proposed amendment to Council Policy G-1 describes at the outset the scenarios where a tree removal request may be made. This includes:

- Dead, diseased, dying, or hazardous trees, including imminent failure,
- Impact on infrastructure,
- City Council-approved beautification or capital improvement projects,
- Development projects with approved encroachment or demolition permits requesting removal in conjunction with the project, or
- Departmental determination by the City Manager upon advice of designated officials to resolve claims or safety issues.

That said, the amendment to Council Policy G-1 continues to maintain that excessive leaves, fruit, flowers, petals, bees, birds, and other animals, or insects are not a basis for tree removal.

Application Process

Section III of the proposed amendment to Council Policy G-1 lays out the application materials required depending upon whether the request for removal is for Standard, Special and Problem Trees. A summary of the application process is described as follows:

- Initiation: The Public Works/Municipal Operations Department, a homeowners' association (HOA), or a private property owner may initiate removal by submitting the City Tree Removal form to the City Arborist/City Clerk via the Municipal Operations Department website and paying the applicable fee set by Council resolution, if applicable.
- Required Reports: Upon receipt of an application, the City Arborist prepares a (a) Tree Inspection Report; (b) mitigation analysis; (c) Level 2 Basic Tree Risk Assessment for hazard requests; and for Landmark Trees, a Tree Risk Assessment including Level 3 testing.
- Standard City Trees and Problem Trees: Standard Trees and Problem Trees' initial approval is at the staff level. Once the application materials are complete, the City Arborist recommends to the Landscape Manager whether findings can be made. If approved, notice of removal is provided in accordance with Section VII (Notifications); if denied, the applicant may appeal to the Commission pursuant to Section VI (Reforestation/Appeal).
- Special City Trees: In the case of Special Trees, the HOA or property owner must provide HOA Board approval or a petition signed by 60% of property owners within a 500' radius with the application to remove the tree. Once the required reports are completed, staff publishes notice and agendas a Commission hearing with the Commission either approving or denying the request. If the request for removal is approved, the tree is posted with notice prior to its removal. Notwithstanding the foregoing, in the case of an emergency, emergency removals of dead or hazardous Special Trees may proceed upon Manager or City Arborist recommendation.

Findings Necessary to Support Removal

Section IV (Findings Required for Removal of a City Tree) of the proposed amendment G-1 consolidates the findings required to remove based on the type of tree and circumstances warranting its removal. It includes:

- Hazardous/Dead/Diseased/Dying: The findings for removal of a Standard, Special or Problem Trees are based on whether the reports described above determines that the tree is hazardous, dead, diseased and/or dying as those terms are defined in Section I (Definitions).
- Impact on Infrastructure: If a tree has a repeated history of damage or interference with various utilities or infrastructure, findings may support removal of the tree. However, Special Trees are evaluated further to determine whether an alternative to removal is available.
- Problem Trees: Findings for removal of a Problem Tree are supported if the tree has a repeated history of damage or drainage interference; unresolved view impediments; repeated, significant damage to private property from Tuliptree scale; and/or maintaining the tree jeopardizes the homeowner's insurance.
- Beautification/Capital Improvement: Findings for removal can be made if removal of the tree is required in conjunction with Council-approved projects.

- Private Development Projects Necessitating Encroachments and/or Demolition Permits: In the case of development projects that require an encroachment or demolition permit, findings for removal can be made if the tree unreasonably impedes the planned construction as demonstrated by the plans submitted with the permit application materials.
- Departmental Determination/Claims and Safety Issues: City Manager authority upon advice of designated officials.

Reforestation/Appeals Procedure

The current policy lumps Reforestations of Special Trees with appeals of decisions related to Standard and Problem Trees. With that in mind, Section VI (Reforestation/Appeal) of the proposed amendment G-1 differentiates incorporates appeals into the reforestation section. Special Trees versus appeals to Commission for the removal of Standard or Problems Trees. A Reforestation application, may be initiated by a Department, HOA, or property owner by submitting the City Tree Removal form via the Municipal Operations Department website:

- Signature Requirements: Petitions must be signed by at least 60% of property owners within 500 feet of the proposed removal(s) while HOA members subject to mandatory associations must proceed through their Board with a resolution and member notice.
- Staff Report and Hearing: Once the required reports are completed, staff publishes notice and agendas a Commission hearing with the Commission either approving or denying the request.
- Commission Considerations: In addition to required findings, the Commission may consider health/condition, degree of property damage, degree of view impairment, whether the species is a Problem Tree, community support/opposition, comparative value, species/location appropriateness and notice in its decision to remove the tree.
- Final Decision: Whereas the current policy provides that the decision of the Commission may be appealed and/or called for review by the City Council, the proposed amendment to Council Policy G-1 now has the Commission as the final decision-making authority.
- Reforestation Work Upon Approval: Prior to removal of a tree, notice is provided in accordance with Section VII (Notifications).

Public Hearing/Notification Procedures

Section VII delineates the two types of noticing requirements. The first is notification required prior to removal, while the second is the notice of public hearing requirements to consider a tree removal.

In the case of tree removal notifications, the prior notice is set forth as follows:

- Standard and Problem Trees: Prior to the removal of a Standard or Problem Tree that is not an emergency, the tree is posted with an 8" x 5" placard at least seven

days before removal along with provide advance written notification, as applicable, to adjacent property owner, the HOA, and district Councilmember.

- Special Trees: Prior to the removal of a Special Tree, the tree is posted with an 8" x 5" placard at least 30 days before removal along with provide advance written notification, as applicable, to adjacent property owner, the HOA, and district Councilmember. Staff seeks the Commissions' input on reducing the 30 day notice requirement for removal of Special Trees.

For public hearings on reforestations and/or appeals of decisions related to Standard and Special Trees, the notice requirements are set forth as follows:

- Standard or Problem Trees: A Standard or Problem Tree is posted with an 8" x 5" placard at least 14 days before the Commission meeting including posting date, meeting date/time/location, and staff contact information.
- Special City Trees (Before Commission Meeting): A Special Tree is posted with an 8" x 5" placard at least 30 days before the Commission meeting including posting date, meeting date/time/location, and staff contact information.

Environmental and Urban Forest Considerations

Approvals under the updated policy require a finding that removals will not adversely impact inventory, diversity, or age structure of the City's Urban Forest, and promote a stable, sustainable urban forest through efficient use of City resources and reforestation commitments.

Substantive changes

There were a few recommended substantive revisions. First, trees infested with Tuliptree Scale to a degree of property damage and trees preventing property owners gaining fire insurance were included as Problem Trees. Secondly, property owners appealing through reforestation and in a dense community will have the petition area set at a maximum of 100 properties. Next, notifications on Standard and Problem Trees that are not of an emergency nature will be seven days advance notice versus 14. Additionally, Special tree inventory numbers were updated with removals and additions since the last amendment. Finally, appeals or reforestations will end with the PB&R Commission's decision.

Conclusion

In conclusion, the proposed updates to Council Policy G-1 consolidate and add definitions, streamline application and appeal processes, consolidate findings necessary to approve or deny an application, and incorporates appeals into the reforestation standards. Additionally, provisions associated with tree care and maintenance are proposed to be relocated to Council Policy G-6. The recommended streamline the standards while preserving the City's Urban Forest.

FUNDING REQUIREMENTS:

Costs and responsibilities for removal and replacement are allocated per the policy, including City responsibility for certain removals and applicant-funded removals in connection with private development or reforestation appeals.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Council Policy G-1 Amendments