

May 5, 2026, PB&R Agenda Comments

These comments on the Newport Beach [Parks, Beaches & Recreation Commission agenda](#) are submitted by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229).

Item No. VI.B. Overview of City Council Policy G-1 - Retention and Removal City Trees Update

History of Policy G-1

The staff report seems a bit disingenuous in suggesting the [present version of Policy G-1](#) was suggested by a Council committee, reviewed and revised by the Commission on February 3 and then approved by the whole Council on February 24.

In fact, the Commission's [February 3 agenda packet](#) lacked a clear comparison with the then-existing policy, and according to the [February 3 PB&R minutes](#), a majority of the Commissioners felt they had not had time to thoughtfully consider the changes and sought guidance from the Council as to how best to provide their input.

Moreover, the [minutes](#) of the February 24, 2026, Council meeting, where this was presented, along with many other proposed policy revisions, as [Item 11](#), indicate three of the seven Council members were aware of the Commission's request and wanted to continue their consideration to give the Commission more time to formulate its recommendation. However, a majority of the Council voted to adopt all the policies, including G-1, as presented by staff.

According to the present staff report, the version adopted by the Council differs from that seen by PB&R on February 3 as a result of "edits" made in response to Commission and public comments (the latter possibly referring to the several pages of comments I submitted, which can be found at the end of the agenda packet linked to above), Exactly what edits were made is not, as best I can tell, disclosed.

For the Commission's reference, the City Clerk maintains an online [archive](#) of all the past versions of Policy G-1 (originally called I-9) she has copies of, including the [November 14, 2023, version](#), which is the one immediately prior to the new one. The City also has a [PB&R agenda and minutes archive](#) going back to 1980, and a [Council meetings archive](#) (sometimes with agenda packets) going back to 1906. From them, those interested can sometimes glean some insight into how and why the policy evolved.

Also relevant is [City Charter Section 709](#), which established PB&R's role relative to the Council in creating tree and certain other policies, *requiring* PB&R to: "*Establish policies for the acquisition, development and improvement of parks, beaches and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council.*" It is not clear if "*subject to the rights and powers of the City Council*" was intended to mean anything beyond the Council having the right and power to appoint the Commissioners and remove those whose policies it doesn't like, but, rightly or wrongly, it seems to have been taken to mean the Council has to approve the policies established by PB&R before they become effective.

That said, the oldest surviving copy of a Council-approved tree policy seems to be the [1968 Policy I-9](#). Although renamed “G-1” by [1994](#), it did not assume something similar to G-1’s recent look until 1997, for reasons that can be found in the [May 6, 1997, PB&R agenda packet](#), the [June 3, 1997, PB&R agenda packet](#) and the [July 14, 1997, Council minutes](#) (the Council staff report for the extensively revised Policy G-1 has not been archived).

Should Tree Decisions be Appealable to Council?

Up to Council’s last revision, one feature of the City’s tree policy that has been a constant has been that PB&R decisions regarding tree removals are subject to review by the Council.

Through 1997, this was a statement that for *conflicts* “*which cannot be resolved at staff and Commission level; final resolution will be determined by the City Council.*”

In 1997 this evolved into “*An applicant, an adjoining property owner, or any interested party may appeal the decision of the General Services Director to the Commission, and if the appeal cannot be resolved at the Commission level, then the final resolution will be determined at the City Council level.*”

As Policy G-1 continued to evolve, an opportunity to appeal PB&R tree removal decisions to the Council, or at least have a Council member call them up for review, remained.

At the February 24 Council meeting, Council member Sara Weber, who was on the ad hoc committee recommending PB&R tree decisions be made final, with no possibility for review, explained this being a desirable change because PB&R Commissioners are “the subject-matter experts on trees,” while Council members are not, so second guessing the Commission’s decisions would be poor policy. Setting aside that I am unaware being a “tree expert” has ever been regarded as a qualification for appointment to PB&R, one might note that the Planning Commissioners *are* assumed to be experts in planning, while Council members are not, yet all decisions of the Planning Commission are appealable to the Council. Similarly, Harbor Commissions *are* assumed to be experts in harbor matters, while Council members are not, yet all decisions of the Harbor Commission are appealable to the Council.

Cynically, one might suspect the reason for removing the appeal provisions is that Council members want to avoid having to vote on what can become controversial matters in the community, with potential political backlash if they vote the “wrong” way, such as whether the eucalyptus trees on Marine Avenue were worth saving, or the last one at the Balboa Branch library should be removed. It seems a classic example of avoiding personal blame by passing the buck.

However convenient avoiding those decisions may be politically, it ignores a basic right of the people: since making tree decisions requires interpreting the City’s tree policy, if the Council now sees itself, rather than PB&R, as the one establishing that policy, then those questions of proper interpretation should be appealable to those who created the policy.

A Problem with Problem Tree Removals

I have not had time to check staff's response to the written comments I submitted to PB&R at its February 3 meeting, but I do notice a problem I may have not clearly articulated then.

Under certain circumstances, residents can request a "problem tree" be removed and replaced at City expense.

If staff denies the citizen's request, the denial can be appealed to the Commission. However, under the new policy the only "appeal" available is a request for reforestation at the requestor's expense.

In other words, there is no mechanism for the Commission to overturn staff's denial that the tree is causing a problem sufficient to warrant removal, and direct staff to proceed with removal and replacement at City expense.

That seems to have been a problem with the immediately prior version of G-1, as well, but at least that allowed a resident to get a Council member to "call up" for review the staff determination that a tree is not a "problem," and, if appropriate, reverse it.

That possibility of having a tree removed at City expense, over staff's objections, appears to be gone.