

February 3, 2026, PB&R Agenda Comments

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

Item No. VII.D. Proposed Revisions to Council Policy G-1 (Retention, Removal and Maintenance of City Trees)

An effort to improve the [existing Council Policy G-1](#) is likely welcome despite the many previous efforts to do so (which this suggests have been less than complete).

But the “Background” section of the [staff report](#) begins by mentioning an Ad Hoc Council Policy Review Committee, which turns out to have been created by Council [Resolution No. 2025-5](#) on January 14, 2025, and whose term ended on December 31 with no public report of any recommendations. Since there are no further references to the committee, it is unclear what role, if any, they played in the proposals before the Commission.

As to the Commission’s role in this, the “Recommendation” section at the beginning of the staff report implies the Commission is mostly a spectator, providing “*additional comments or revisions*” if it has any to suggest. This seems to ignore, or at least downplay the [City Charter Section 709\(c\)](#) responsibility placed on the Commission 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.*” At the very least, it would seem the Commission needs to make a recommendation to the Council as to whether the proposal, with or without revisions, should be approved by it.

As to the proposed revisions, they primarily seem to involve a reorganization of the existing policy. However, there is also a suggestion that existing “*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*” (Maintenance and Planting of Parkway Trees). There are several problems with that. First, the referenced sections are not limited to parkway trees, so moving them to a policy about parkway trees does not seem correct. Indeed, some seem more closely related to [existing Policy G-3](#) (Preservation of Views). At least equally importantly, it seems unwise to remove sections unless the relocation is ensured as part of a comprehensive effort to simultaneously revise all three policies, making clear where and how they will be continued into the future.

Before getting into the other proposed substantive amendments to the existing policy G-1, it does not appear to me from even a casual examination, that the present attempt to streamline the existing policy is quite ready for prime time. For example:

1. One has to suspect one is in for a difficult read when on the very first line, one sees the proposed new policy title is “**RETENTION, REMOVAL OF CITY TREESTABLE OF CONTENTS.**” Shouldn’t “TABLE OF CONTENTS” be removed from the title (or an actual Table of Contents provided? And shouldn’t the comma be an “AND”?

2. Following that, why does what looks like a paragraph under “**Purpose**” begin with two sentences that aren’t sentences? Shouldn’t those two purpose statements be made into sentences or separated from what follows, perhaps as bullet points?
3. And why does this paragraph continue to refer to “maintenance,” “trimming,” etc., when the staff report says one of the intents of the revision is to remove such matters from this policy?
4. In Section I (“**DEFINITIONS**”), what is the difference between “*diseased*” and “*dying*”? It appears that by definition, anything that is “*diseased*” is also “*dying*.”
5. In the definition of “**Problem Tree**” in Subsection I.E, aren’t there trees that are disfavored due to their tendency to propagate uncontrollably, at least as much as the damage their roots cause?
6. Why has “*Schinus terebinthifolius* (Brazilian Pepper)” been removed from the list?
7. Why does proposed Subsection I.G require modifications to the Special Tree List to originate with City staff? Shouldn’t the Commission or the public be able to request changes?
8. Despite the directive in proposed Subsection I.G.2 to update at least the list of Dedicated Trees annually, EXHIBIT A (“**SPECIAL CITY TREES**”) does not appear well maintained.
9. Why does it propose a Section II (“**BASIS TO REMOVE A CITY TREE**”) which not only does not seem to be referenced anywhere else in the revised policy, but appears to be redundant with the latter Section IV (“**FINDINGS REQUIRED FOR REMOVAL OF A CITY TREE**”)?
10. The preamble to Section III (PROCESS FOR REQUESTS FOR REMOVAL OF A CITY TREE) refers to a “*City Tree Removal form available on the Municipal Operations Department website*.” It might be noted: (1) the URL could change with the pending redesign of the City website, and (2) the presently posted form, last “Revised August 27, 2020,” gives the wrong PB&R meeting time and may or may not be consistent with this policy as revised.
11. In Subsection III.A.1, shouldn’t “*may result in tree failure*” be “*may result from tree failure*”? And what is a “*Tree Removal Review*”? The term does not seem to be explained elsewhere in the policy.
12. How does Subsection III.A.3 “*for requests to remove based on a hazard*” differ from what is required for all requests in Subsection III.A.1?
13. In Subsection III.A.4, after “*the full costs of such testing and associated report will be the sole responsibility of the applicant*,” what is the reason to add “*if the application is made by a homeowners’ association or property owner*”? The preamble to Section III suggests those are the only two possible applicants. But if the City, or some other entity were to apply, wouldn’t they, too, be responsible for the cost?
14. In Subsection III.B.2, why is there no opportunity to appeal staff’s denial of a tree removal request without initiating a separate reforestation request?
15. In Subsection III.C.1, the provision providing Special Tree removal reports “*to the Councilperson of the district in which the Special Tree is located*” appears to be a

carryover from the existing policy, but it was inappropriate there and remains inappropriate here. Under our City Charter, Council members are *from* districts, not *for* districts. None of them is the only or even primary representative of the district they live in. All Council members represent, and are supposed to be concerned about, all districts equally.

16. In Subsection III.C.2, why is the Commission's decision on Special Tree removals not appealable to the City Council?
17. If there is no appeal, what is the point of posting notice of the Commission's decision in Subsection III.C.3?
18. Why does proposed Subsection III.D.2 refer to Sections "III" and "V" when it seems to mean "IV" and "VI"?
19. Why does Section IV ("FINDINGS REQUIRED FOR REMOVAL OF A CITY TREE") require six different findings to be made before a tree can be removed. Isn't any one sufficient?
20. Why is proposed Subsection IV.B regarding infrastructure damage made applicable only to Standard and Special Trees, while for Problem Trees (in Subsection IV.C.2) only property damage from Tuliptree scale is recognized as a valid reason for removal?
21. If Problem Trees were intended to be included in the scope of Subsection IV.B, wouldn't that make calling out Tuliptree scale damage in Subsection IV.C.2 redundant with it?
22. Why is proposed Subsection IV.C, listing special findings applicable only to Problem Trees in the middle of findings applicable to all? Shouldn't they be at the end, or separately listed?
23. Why is the proposed new clarification that "*Notwithstanding the foregoing, excessive leaves, fruit, flowers, petals, bees, birds, and other animals, or insects shall not constitute a finding for removal of a tree covered by this policy*" confined to Subsection IV.C regarding Problem Trees? Isn't it applicable to all of Section IV? And how is "*Notwithstanding*" to be read if any of these conditions are causing damage?
24. The title of Section V (TREE STANDARD CONDITIONS AND OTHER RELATED REQUIREMENTS) is difficult to read. Is "Tree Standards" or "Standard Conditions" of something?
25. Subsection V.A seems to require all trees removed must be replaced as parkway trees. Why would there not be more flexibility, especially if the tree removed is not a parkway tree?
26. Also in Subsection V.A, the language about "*The full costs of removal and replacement of all City Trees will be the sole responsibility of the City, unless an applicant voluntarily pays for a new tree, or desires to upgrade ...*" seems inconsistent with the Section III language about the applicant for removal being responsible for the full costs.
27. The Subsection V.D title (Problem Tree Standard) is as confusing as the overall Section V title. What does "Standard" add to this, and what does it refer to?
28. Subsection V.D.3 provides yet another contradictory statement about who pays costs for tree removal.

29. Subsection V.E about root pruning procedures seems to be the sort of provision the staff report said should be relocated to maintenance-oriented policies. Why is this one retained in Policy G-1?
30. In the first line under Section VI (REFORESTATION/APPEALS), wasn't "Restoration" intended to read "Reforestation"?
31. Again, as to Section VI, the conflation of appeals of a denial of a tree removal request with voluntary requests for reforestation seems fundamentally wrong. Why can't people contest staff's decision that a tree does not meet the criteria for City-paid removal?
32. Subsection VI.A.1 widens the range of applicants for tree removals to include "residential communities, neighborhoods, or business organizations" in addition to "private property owners" and "homeowners associations." This is inconsistent with previous sections, and the sentence immediately preceding this subsection, that appear to single out the latter two as the only possible applicants.
33. Why are parts of the last two sentences of Subsection VI.A.1 in parenthesis?
34. Subsection VI.A.2 does not seem to recognize there are mandatory HOA's that exist solely to administer a common area, and whose Boards do not exercise control over landscaping or other architectural issues. This also does not appear to address situations in which an HOA board controls only a small area within the 500-foot radius, or where, for example, one HOA controls one side of a street and a different HOA controls the other.
35. Subsection VI.C refers to "*the hearing*" before describing any requirement for a hearing.
36. Subsection VI.E fails to clarify if the Commission has to make the Section IV "required findings," or can offset them with other considerations. That has been a matter of contention at prior hearings, and should be clarified since the Section IV findings are for staff to approve a removal request, which, as this seems to be intended to explain, are stricter than those needed for the Commission to justify reforestation.
37. The declaration in Subsection VI.F that Commission decisions are unappealable seems misguided and inconsistent with the "advisory" role assigned to the Commission by the City Charter. Not even the Planning Commission's decisions are unappealable. Where did the direction to make this change come from?
38. The sentence comprising Subsection VI.G.1 is incomplete. Was it meant to end "*shall be met*"?
39. Why is Subsection VI.G.2 assuming, again, that all tree removals are for parkway trees?
40. In Subsection VII.A.2, the requirement for notice of plans for non-emergency tree removals is helpful, but I can find nothing in the policy how or even if the public has a way to appeal a staff decision to remove a tree. Is a citizen's only recourse to apply for reforestation? How would that prevent the removal?
41. Again, in that same subsection, the notice to "the Councilperson **of** the district where the removal is proposed" is inappropriate. There is no Councilperson **of** any district. The system of government chosen by the people in our Charter is one in which all Council members represent all districts equally.

42. Proposed Subsection VII.A.3 “*notifying the public that they have the right to appeal*” a Commission-sanctioned Special Tree removal is inconsistent with Subsection VI.F’s (misguided) declaration that Commission decisions are unappealable.
43. In the places where Subsection VII.B mentions a “meeting,” was that intended to read “hearing”?
44. In the “History” section, starting on page 9, of the proposed policy, the name of the original policy was “I-9” not “1-9.”

Regarding the “Substantive changes” highlighted in the brief paragraph on page 5 of the staff report:

1. I agree with the addition of trees infested with Tuliptree Scale and trees preventing property owners gaining fire insurance to the list of Problem Trees
2. I agree with the concept of limiting the scope of a reforestation petition to maximum of the 100 properties, but I do not think the proposed policy makes it clear the petitioner would be provided with a list of the *nearest* 100 properties.
3. I do not understand the reason for the proposal to reduce the advance notification for the removal for the removal Standard and Problem Trees from 14 to 7 days. Seven days seems too short to me. I would stay with 14.
4. While it is possible the “*Special tree inventory numbers were updated with removals and additions since the last amendment*,” reliance on the last amendment being accurate seems misplaced (see “About Special City Trees”).
5. I absolutely **disagree** with the proposal to make Commission decisions unappealable. It is fundamental to my concept of local government that “the buck” stops with our elected representatives, and I believe there needs to be a path for all City decisions to be appealable to them.

About Special City Trees

Those interested in the history of what we now call Council Policy G-1 may wish to know the City Clerk’s Office maintains an [online archive](#) of most of the prior revisions.

The [earliest copy](#) they have is from 1968, and that tasked PB&R with developing a list of trees of special importance (including ones worthy of being saved through replacement of concrete sidewalks with asphalt ones – a solution that later seems to have fallen out of favor).

The list first appears attached to the [1988 revision](#) and included the still-current division into Landmark, Dedicated and Neighborhood trees, although at that time it took less than a single page to list them. By the [1994 revision](#), it had grown to a page and a half, almost entirely through the designation of additional Neighborhood Trees. By [1999](#), the originally short list of Dedicated Trees had grown to where it, by itself, filled nearly a page. It now fills nearly three pages, and the list of Neighborhood Trees has also grown, while the list of Landmark Trees has grown the least.

I think one of the major defects of both the existing and proposed Policy G-1 is they provide no clear guidance on how these lists change, other than vague assurances that staff will propose revisions to the Commission for approval by the City Council. There does not appear to be any mechanism for the public to petition for changes, or even for the Commission, on its own, to initiate them.

In the 15 years I have been paying attention to PB&R meetings, I recall its approval of the removal of Landmark and Neighborhood Trees. I do not recall its designating any new ones. I am not even sure if the current tree donations, unmarked by a dedication plaque and recognized only by an online notation, continue to be added to the list of Dedicated Trees. I am pretty sure two trees dedicated in Mariners Park at the February 6, 2018, PB&R meeting were the last to be added to the list attached to Policy G-1 (and one dedicated on May 1, was not).

Even a casual review of the lists attached to the proposed new policy reveals what appear to be problems with it. For example, it lists a Dedicated Tree at “Las Arenas Park,” even though I do not believe we have a park of that name anymore.

And if one tries to correlate the list with the promised mapping, still more problems become apparent, the first of which is to discover where the mapping is. The City’s [Parks & Trees](#) webpage provides a link to a [Landmark Trees Map](#), but that is only for the Landmark Trees. Finding the others seems to require discovering and checking an obscure, grayed-out “Donations Inventory” layer (which does not include the separately-mapped Landmark Trees) within the City’s [General Information Map](#) accessed from its [GIS Mapping](#) page:



Even then, there does not seem to be any “search” function to locate a particular Special Trees, but the correlation between the map and the list appears to be imperfect: some trees on the list cannot be found on the map, and some on the map do not appear on the list. For example, the list indicates a Dedicated Tree in the L Street Park, but the map shows none. The map shows trees at Bob Henry Park dedicated to Eleanor Dunn and Glen Wetherell, yet neither is in the G-1 list. And I am not aware of where one can find the Neighborhood Trees mapped.

Improvement seems possible.