

CITY OF NEWPORT BEACH

**Parks, Beaches & Recreation Commission
Regular Meeting
November 7, 2023 – 5:00 p.m.**

I. CONVENE MEETING OF THE PARKS BEACHES & RECREATION COMMISSION TO ORDER – 5:00 p.m.

II. ROLL CALL

Present: Kate Malouf, Chair
Kiera Kirby, Vice Chair
Hassan Archer, Commissioner
Diane Daruty, Commissioner
David Granoff, Commissioner
Heather Ignatin, Commissioner
Anne Yelsey, Commissioner

Staff: Sean Levin, Recreation & Senior Services Director
Justin Schmillen, Recreation & Senior Services Deputy Director
Micah Martin, Deputy Public Works Director
Kevin Pekar, Parks and Trees Superintendent
John Nelson, 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 September 5, 2023

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

Motion by Commissioner Chair Malouf, seconded by Commissioner David Granoff, to approve item V. CONSENT CALENDAR. The motion carried by unanimous vote.

VI. CURRENT BUSINESS

A. Special Tree Removal Request - Balboa Branch Library

Staff recommends the Parks, Beaches and Recreation (PB&R) Commission approve the removal request of the Special City Blue Gum Eucalyptus (Eucalyptus globulus) (Tree ID 3517537) located at the Balboa Branch Library (100 E. Balboa Boulevard) due to severe decay in the trunk. Staff has met the procedural requirements for reforestation established in Section IV. A of the City Council's G-1 Policy (Retention, Removal and Maintenance of City Trees). Additionally, it is further recommended, there be no immediate replacement tree. However, an appropriate replacement on-site will be considered during plan review of the future renovation of the Library and Fire Station site.

Parks and Trees Superintendent Kevin Pekar presented the special tree removal request of the Special City Blue Gum Eucalyptus tree (Tree ID 3517537) located at the Balboa Branch Library due to severe decay in the trunk. The tree is part of an on-going testing and on December 1, 2022, a tomography reading detected seventeen percent decay; on August 29, 2023 another tomography test was preformed, after bird nesting season ended, which showed the percentage of decay progressed to forty-three percent. That percentage deemed the tree a high risk with a high potential to fail. Parks and Trees Superintendent Pekar provided staff's report for the recommendation that there be no immediate replacement tree at the site as an appropriate replacement will be considered during plan review of the future renovation of the Balboa Branch Library and Fire Station site.

Commissioner Granoff asked if anything could be done to aid the other tree onsite that went from two percent to seven percent on the tomogram to mitigate the decay. Parks and Trees Superintendent Pekar explained the only option is to keep the growing condition optimal and create a healthy environment. There is nothing available that will kill this type of fungus.

Vice Chair Kirby requested clarification of when the trees were planted. Parks and Trees Superintendent Pekar answered the trees are approximately eighty years old. Life expectancy in a healthy natural environment could be 200 years.

Commissioner Ignatin questioned the size and approximate weight of the tree and what the scale for high-risk entails. Parks and Trees Superintendent Pekar responded the tree is an eighty-foot tree with a canopy of fifty feet, and likely weighs five tons; and explained the matrix of risk ratings consists of low, moderate, high and imminent, with imminent meaning the tree is actively failing. The risk ratings factor in normal weather conditions for the area such as Santa Ana winds, but not harsh conditions such as hurricanes or tornados.

Chair Malouf asked if any of the trees in that area have a history of limb failure. Parks and Trees Superintendent Pekar replied there have been small limbs that fail during storms but the annual tree trimming program has mitigated the risk of large limb failures.

Chair Malouf noted during her visit to the site she saw an electrical box that was leaning and inquired about its contents. Deputy Public Works Director Micah Martin answered it is an Edison transformer, and if it were to go down it could potentially result in a power outage.

Commissioner Archer inquired what the public response was when the notice was posted, and if there was an idea of how long the area will be without a replacement tree. Parks and Trees Superintendent Pekar replied he had no responses until today. There was a phone call and an email received opposing the removal of the trees and explained it may have been a misunderstanding that both trees would be removed. Historically this tree has never had nests, the tree in the grass area always had nests. His guess is it could be four or five years until the library and fire station are renovated.

Commissioner Granoff asked if the utilities at Balboa are underground. Deputy Public Works Director Martin confirmed the utilities are underground which is why the transformer is on the ground and not on a pole. There are inground vaults closer to the street, the transformer in question supplies power to the site and some of the surrounding area.

Chair Malouf opened public comment.

Jim Mosher thought the City had policies to nurture and save special trees and it seemed this tree has not been treated with a great deal of respect over the years. He was confused by the tomographs on the final page of the report as the one that has already been removed (Tree ID 5317579) appears to be the healthiest tree pictured, adding that it would have helped if the images had been dated. He suggested to Mr. Pekar that it would be helpful for future tree removal decisions if they could look through the cross-sections of the trees to confirm it is an accurate photo of the trees being considered. Mr. Mosher questioned the most recent tree removal decision by the Commission because part of the Motion included that the decision was deemed final and non-appealable; under the Council Policy, unless there is a risk of imminent failure, in which case the staff has the power to remove the tree, the Commission's decision to remove a Landmark tree is supposed to be noticed with an opportunity to appeal that decision to the City Council for (his recollection) 30-days. He implored the Commission to not waive that decision unless staff feels the risk of failing is imminent.

Keith Garrison, resident on Island Avenue, questioned if the intention was to remove all the trees when the new fire station is built and if the tree with the Heron nests is planned to be removed when the library is renovated. Deputy Public Works Director Martin responded that the fire station is currently being designed, they are not yet sure how much of the project will impact the second tree.

Lori Layton, Anade Avenue resident, asked if the remaining tree is being considered in the renovation design of the library and fire station site and if not, they should consider doing so. Deputy Public Works Director Martin explained that there will be several design options presented and discussed that will have all of the site conditions under consideration, including the tree and trying to preserve the tree.

Parks and Trees Superintendent Kevin Pekar added that there have not yet been public meetings for the design, there will be many opportunities for community input during that process.

Mr. Scott Richards, resident at 205 6th Street, their view consists of those two trees and they are about ten feet outside of the notification limits. They would love for the area to be expanded during community outreach, so all interested parties in support of preserving the trees can participate. Newport Beach is a city that loves to preserve things that define the city, not tear them down. If they knew the tree was decaying, consideration should have been given to trying to move the parking lot, or the wall to preserve the Landmark tree. Nature and clean water are what define Newport Beach.

Ms. Nancy Remly, 101 E. Balboa Boulevard, commented that there had been three Ficus trees that were planted at the library and questioned why trees have been added and if there are plans to remove them as well during the building renovation. The tree being left is very close to the building and it seemed odd that they would leave it. Parks and Trees Superintendent Pekar stated those are great questions for the questions and answers portion of the project design.

Chair Malouf agreed that there would be time during the project design process for the public to weigh in further. Parks and Trees Superintendent Pekar added that the history behind the Ficus Trees was that at the time of planting they were not yet aware of the plans to rebuild the Library and Fire Station; and the monitoring the existing eucalyptus trees revealed a fungal conks. Because removal of the Blue Gum eucalyptus trees was a possibility in the future, they wanted to replace them with trees that the Heron population would use to nest.

Julie Mathston, resident of Island Avenue, commented that the City has done a great job trimming the trees and there has never been a history of limbs falling. She believes the trees are healthy and feels like the community is being fooled. Her hope is that the Commissioners will do their due diligence prior to removing the trees and take a look at them. It would be nice to make the unhealthy tree better rather than removing it. Parks and Trees Superintendent Pekar confirmed that three years ago the City updated the Tree Policy to include technical testing because there were many questions about uncertainty of decay and risk. The Council also agreed that staff needed to be diligent and thorough with their inspection and testing of the trees. This technology for testing trees is not required for all Special trees, only Landmark trees.

Commissioner Granoff asked, in relation to Mr. Mosher's comment, if they agree to remove the tree, will there be an appeal process available? Parks and Trees Superintendent Pekar feels the tree is not yet imminent so there will be a 30-day appeal period which will end in December. That is outside of bird nesting season so an appeal period would be possible. The waiver on the last tree was requested because of the time period of the removal request, which was moving into nesting season. If there had been bird nesting, they would have had to leave the tree until August, and with the high-risk rating of failure, it created serious liability to leave the tree for the extended period of time. Commissioner Granoff asked if a cross-section would be possible as a correlation with the tomogram tests. Parks and Trees Superintendent Pekar explained that either a

cross section would be taken, or photos and videos will be taken of the cross section in the areas of the tomography reading.

Commissioner Granoff commented for clarification that the Commission is very stringent when it comes to removing trees, they never rubber stamp anything, adding that the Commission is comprised of volunteers that are appointed, not elected. They too are Newport Beach residents and value all trees, it is very difficult to remove trees unless it is truly necessary, or if there is a liability issue.

Commissioner Yelsey commented that it seemed like there was rapid decay on the tree in question, year after year and questioned if the decline of the tree being left will be as rapid as the other tree. Parks and Trees Superintendent Pekar explained that the consultant stated it's much like a snowball effect, the decay is slow in the beginning; once it gets to a certain level it progresses more rapidly. Commissioner Yelsey inquired if a tree that has been noted as decaying, has ever returned back to a healthy state. Parks and Trees Superintendent Pekar answered no, there is no cure for the type of rot the tree has. There are some tree fungi that can be treated, Sulfer canker is not one of them.

Commissioner Daruty, seconded by Commissioner Hassan Archer, to approve the removal request of the Special City Blue Gum Eucalyptus (*Eucalyptus globulus*) (Tree ID 3517537) located at the Balboa Branch Library (100 E. Balboa Boulevard) due to severe decay in the trunk. Staff have met the procedural requirements for reforestation established in Section IV. A of the City Council's G 1 Policy (Retention, Removal and Maintenance of City Trees). There will be no immediate replacement tree; an appropriate replacement on site will be considered during plan review of the future renovation of the Library and Fire Station site. The motion carried by unanimous vote.

B. Community Service Award- Laird Hayes

Staff recommends that the Parks, Beaches and Recreation Commission approve the Community Service Award recognition of Laird Hayes be awarded at a future Parks, Beaches and Recreation Commission (PB&R) meeting

Recreation & Senior Services Deputy Director Justin Schmillen presented staff's recommendation to approve a Community Service Award recognition for Laird Hayes as 2023 Citizen of the Year, and former Parks, Beaches, and Recreation (PBR) Commissioner as approved by the ad-hoc committee.

Commissioner Granoff commented that should the item be approved; he would like to see as part of the motion that Laird Hayes would be allowed to give his full speech which he was cut short during the citizen of the year award ceremony.

Chair Malouf opened public comment; seeing none, public comment was closed.

Motion by Chair Malouf, seconded by Commissioner David Granoff, to approve the Community Service Award recognition of Laird Hayes for 2023 Citizen of the Year be awarded at a future Parks, Beaches and Recreation Commission (PB&R) meeting and that Mr. Hayes given time to speak. The motion carried by unanimous vote.

C. Community Service Award- Spencer Pirdy

Staff recommends that the Parks, Beaches and Recreation Commission approve the Community Service Award recognition of Spencer Pirdy be awarded at a future Parks, Beaches and Recreation Commission (PB&R) meeting.

Recreation & Senior Services Deputy Director Justin Schmillen presented staff's recommendation to approve a Community Service Award recognition for Spencer Pirdy for his leadership and contributions towards creating the Ben Did Go Paddle event, which promotes ocean safety and awareness, as approved by the ad-hoc committee.

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

Motion by Commissioner Granoff, seconded by Vice Chair Kirby, to approve the Community Service Award recognition of Spencer Pirdy be awarded at a future Parks, Beaches and Recreation Commission (PB&R) meeting. The motion carried by unanimous vote.

VIII. 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 reported Arroyo Park synthetic turf project has begun and is under construction. Scope includes synthetic turf field, upgrading lights to LED, and improved site amenities. It is slated to be completed by summer of 2024.

The contract was awarded at the last City Council meeting for the pickleball court project. The project is expected to begin in January 2023, with a goal of having it completed by the fall of 2024. The Winter Navigator will be out starting next week for registration of winter classes. Upcoming holiday events include Breakfast with Santa on December 1 at Newport Coast Community Center and Marina Park Family Fun Night on December 15. Oasis Senior Center is helping with a couple of gift drives for the holidays. The Smile Maker Program distributes gifts for senior citizens in the county who live in assisted living facilities. Anyone interested in helping can contact Oasis Senior Center. Six local unhoused seniors were housed in the last year, they are collecting gift cards to help them purchase home goods. The subcommittee recommendations for the Council policies and Municipal Code went to Council and were accepted and the First Reading will be at the next Council meeting. The last Council meeting of the month will be the Second Reading.

Deputy Public Works Director Micah Martin reported that the project for sand replenishment on the beaches has begun. It is being supported by the Army Corps of Engineers who will facilitate the efforts as a Federal program. A small area is already underway; the county has removed sand from the river mouth and deposited it on the

beach. The Army Corps of Engineers will disperse the sand throughout the groin fields in the green zoned area. It will fortify the sand and give more depth to the shoreline and replenish storm erosion and high tide events from recent years. The second area near Seal Beach will begin in a couple of months and will be dispersed near the Naval Station. The sand will migrate in time through natural currents towards Newport Beach and other beaches in the area. In celebration of America's celebration of Recycle Day, Public Works will be holding their Shred, E-Waste, and Mulch event on November 18, 2023, from 8 AM to 12 PM at the Corporation Yard and at Bonita Canyon Sports park. This is the first year they are including mulch. More information can be found on their Calendar of Events on the Public Work's website. The county has a surplus of organic mulch material as a result of organic recycling throughout the county. The public is being asked to bring their own vessels to transport the mulch, up to 60 gallons are free to residents. Please come prepared to load your own mulch.

Chair Malouf inquired if postcards were sent to the public for these events. Deputy Director Martin explained that there was an email blast, and the flyers are on the website and social media accounts, no postcards were mailed. Chair Malouf asked if the sand project is part of the Capital Improvement Plan Overlay. Deputy Director Martin answered it is not on it, however it would qualify as part of that.

Commissioner Granoff asked if Sunset Beach dredged their sand or piped it in. Deputy Director Martin replied he believed they dredged that from the Barrow site. It will be deposited from barges off the shoreline.

IX. 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.

Jim Mosher, Newport Beach resident, commented that he commends the City for having the mulch give-away and noted that the county has so much organic mulch they have two permanent sites where the public can go and pick up mulch anytime, one in Irvine. Public Work's event would be a great opportunity to inform the public of the other two permanent locations. He was pleasantly surprised to see the presentation about the sand replenishment project; the Newport Beach Water Quality Coastal Tidelands Committee received a much more comprehensive update from Public Works last week explaining in detail the short and long-range plans for sand replenishment, surveys taken, what it takes to move the sand in various weather conditions, and what the community can expect in the future. The Harbor Commission will meet on November 8, 2023, and the main item on their Agenda is reviewing the funding and project opportunities in a document called The City's Harbor and Beaches Master Plan. The Harbor Commissions main function is the harbor, not the beaches, the Water Quality's function deals with the water quality in the harbor. This Commission makes recommendations to the Council regarding the beaches, and suggested they ensure they are kept more in the loop as to

both projects and how they maintain the health of the beaches, and what future projects and funding will be made available in that Master Plan.

X. ADJOURNMENT – 5:59 p.m.

Submitted by: _____
Mariah Stinson, Administrative Support Specialist

Approved by: _____
Kate Malouf, Chair