



CITY OF

NEWPORT BEACH

City Council Staff Report

September 27, 2022
Agenda Item No. 16

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Call for Review - Denial of Reforestation Request for 938 Sandcastle Drive

ABSTRACT:

On August 2, 2022, the Parks, Beaches and Recreation (PB&R) Commission considered a reforestation request of a City of Newport Beach (City) owned Magnolia (*Magnolia grandiflora*) located at 938 Sandcastle Drive. Following PB&R Commission consideration of this item, the PB&R Commission denied the reforestation request. Councilmember Joy Brenner is requesting this PB&R Commission decision be brought before the full City Council for further review and consideration.

RECOMMENDATION:

- a) Determine this action is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because the activities are in the classes of projects which have been determined not to have a significant effect on the environment;
- b) Conduct a public hearing on this Reforestation Request for 938 Sandcastle Drive; and
- c) Review and reconsider the Parks, Beaches & Recreation Commission denial of the applicant's request for removal and replacement of a City Magnolia (*Magnolia grandiflora*) tree located at 938 Sandcastle Drive, and:
 - i. If it is desired to preserve the Magnolia tree, adopt Resolution No. 2022-68, *A Resolution of the City Council of Newport Beach, California, Denying the Applicants' Appeal of the Parks, Beaches and Recreation Commission's Decision to Prohibit the Removal of a City Magnolia Tree at 938 Sandcastle* **OR**
 - ii. If it is desired to allow the removal and replacement of the City Magnolia tree, direct City of Newport Beach (City) staff to return with a resolution reversing the decision of the Parks, Beaches & Recreation Commission.

DISCUSSION:

On April 1, 2022, Mr. Marovic, residing at 938 Sandcastle Drive, submitted a reforestation request to the City's arborist for the removal of a City-owned Magnolia (*Magnolia grandiflora*) located at 938 Sandcastle Drive, citing root damage to public infrastructure, private walkways, and irrigation. Additionally, the applicant plans to extensively rehabilitate the landscaping on his property and would like the tree replaced before improvements are completed.

Staff inspected the tree and determined it is in good health and condition and did not meet the criteria for removal referenced in the City Council Policy G-1. Both the public infrastructure and visible private property areas were inspected, and no significant damages were discovered. The City has performed three curb patches in 2017, a curb patch in 2015, and light grinding of the sidewalk, all of which is routine maintenance and is not substantial enough to warrant City removal at this location. There is no other history of sidewalk work, including removals or replacements at 938 Sandcastle Drive in the last 10 years. The applicant is concerned about continued damage in the future.

Since Mr. Marovic did not qualify for a tree removal under the City Council Policy G-1, he was advised of the reforestation process as an option. He was willing to pay for the tree removal and a Western Redbud (*Cercis occidentalis*) 36-inch box replacement tree if the reforestation request was approved. The Little Gem Magnolia is the Designated Street Tree for the Harbor View Hills South Homeowners Association. However, due to the current infestation of Tulip Tree Scale on Magnolias in the area, staff did not recommend replacement with this tree species. If the reforestation was approved, staff recommended accepting the Western Redbud as the replacement species.

On August 2, 2022, the PB&R Commission considered the reforestation request to remove and replace the Magnolia tree. There was no public comment regarding this item at the Commission meeting. Commissioners denied the reforestation request because they understood that the only known damage was to the sidewalk, which can be repaired while preserving the healthy Magnolia tree. Also, there was no evidence presented of private property damage.

Councilmember Joy Brenner is requesting the PB&R Commission's decision be brought before the full City Council for further review and consideration. Council may either uphold the PB&R Commission's decision to preserve the tree in place, or allow the Magnolia tree to be removed and replaced as originally requested by the applicant.

FISCAL IMPACT:

If the decision is to leave the existing Magnolia tree in place, there is no additional cost to the City as the maintenance of the tree and surrounding hardscape is already included within the City's operating budget. Furthermore, if the PB&R Commission's decision is overturned, there is still no associated cost to the City as the applicant will then be responsible for the cost of removing the current Magnolia tree and replanting the specified replacement tree.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

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).

Additionally, Mr. Marovic and Harbor View Hills South Homeowners Association have received a copy of this report.

ATTACHMENTS:

Attachment A – August 2, 2022 PBR Staff Report
Attachment B – Resolution No. 2022-68