



**City of Santa Barbara
PARKS AND RECREATION DEPARTMENT**

**PARKS AND RECREATION COMMISSION
Regular Monthly Meeting**

Wednesday, June 22, 2011

Minutes

CALL TO ORDER: The meeting was called to order at 4:02 p.m. at City Hall Council Chambers.

PLEDGE OF ALLEGIANCE: Chair Wiscomb

ROLL CALL:

Commissioners & Staff Present

Commissioner Lesley Wiscomb
Commissioner W. Scott Burns
Commissioner Chris Casebeer
Commissioner Nicolas Ferrara
Commissioner Beebe Longstreet
Commission Intern Michael Yi
Parks & Recreation Director Nancy Rapp
Urban Forest Superintendent Timothy Downey
Executive Assistant Karla Megill
Recreation Program Manager Judith McCaffrey
Parks Manager Santos Escobar, Jr.
Recreation Programs Manager Sarah Hanna
Recreation Program Director Kathy King
Recreation Specialist Anita Ho

Commissioners & Staff Absent

Commissioner Rocky Jacobson
Recreation Coordinator Kimmie Coley

CHANGES TO THE AGENDA: None

WRITTEN COMMUNICATIONS: None

PUBLIC COMMENT: No one wished to speak.

COMMUNITY SERVICE RECOGNITION:

1. Recognition of ZoDo's Bowling and Beyond- For Action

Recommendation: That the Commission recognize Rocky Horner and Steve Davis of ZoDo's Bowling and Beyond for their continued support of the Adapted bowling program

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Kathy King, Recreation Program Director
- Members of the Public: Steve Davis, Zodos

2. Community Recognition of Healthy Options for Teens, Culinary Arts Program Support - For Action

Recommendation: That the Commission recognize Chef Ernie Price, Sam Kroll, and the Foodbank of Santa Barbara County for their support of the Healthy Options for Teens, Culinary Arts Program.

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Anita Ho, Recreation Specialist; and Ricardo Venegas, Neighborhood & Outreach Services Coordinator

YOUTH COUNCIL REPORT: Youth Intern Yi provided this report.

COMMISSIONER COMMITTEE ASSIGNMENT REPORTS:

Commissioner Ferrara reported on the activities of the Neighborhood Advisory Council.

Commissioner Burns reported that the 90+ Birthday Event is scheduled for June 30th at 2PM at the Carrillo Recreation Center. He further reported on the activities of the Parks and Recreation Community Foundation.

Commissioner Longstreet reported on the Neighborhood Advisory Council's Block Party. She said the PARC Foundation will be trying to increase their presence in the Community.

Intern Yi reported on the Youth Leadership Awards Banquet.

Chair Wiscomb reported that she attended the recycling event at the Davis Center and it appeared to be very successful. She further reported on the activities of the Street Tree Advisory Committee. Ms. Wiscomb said that she attended the Ribbon Cutting Ceremony at the Westside Community Center Mural. She also said that she attended the first Annual Golfer Appreciation Day and the Franklin Drop-in Center Grand Opening Event. Ms. Wiscomb also reported on the activities of the subcommittee drafting the Youth Council Bylaws.

COMMISSION AND STAFF COMMUNICATIONS:

Ms. Rapp provided an overview of two Council Meetings during which Council discussed the allocation of Redevelopment Agency funds. She said the outcome of the meetings was full Council support for projects submitted by the Parks and Recreation Department. Ms. Rapp said the following projects, pending actions by the State related the Redevelopment Agency, have been prioritized for funding: the Cabrillo Pavilion Arts Center Bathhouse Facility Renovation;

Cabrillo Ballfield Renovation Project; Chase Palm Park Renovation; and the East Beach and Chase Palm Park Playground Replacement Projects.

Ms. Rapp announced that the Creeks Public Service Announcement has won a Regional Emmy Award.

Ms. Rapp advised the Commission that Antonio Velasquez has announced his Retirement from City service effective July 7, 2011.

CONSENT CALENDAR

3. Summary of Council Actions - For Information

4. Approval of Minutes - For Action

Recommendation: That the Commission waive the reading and approve the minutes of the regular meeting of May 25, 2011.

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 3/0 to waive the reading and approve the minutes of the regular meeting of May 25, 2011.

Commissioner Ferrara abstained.

STREET TREE ADVISORY COMMITTEE ITEMS

5. Street Tree Advisory Committee Recommendations - For Action

Recommendation: That the Commission:

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Tim Downey, Urban Forest Superintendent
- Members of the Public: Beverly Isles, Item 5A(1)

A. Deny the following Street Tree removal request.

1. 21 N. Milpas St. – (2) Ficus microparpa ‘Nitida’, Indian Laurel Fig – Beverly Isles – continued from April 27, 2011

Mr. Downey highlighted this removal request saying the application request is for the removal of two Indian Laurel Fig Trees. He said that the applicant has raised concerns regarding the leaves falling on the roof, with respect to the tree closest to the building, hardscape damage, and potential damage to the private property. Mr. Downey said that since the Commission postponed the decision on the request from April, a section of the private sidewalk was cut out, and it has been determined that there is a tree root underneath the sidewalk. He said the root can be pruned and repairs made to the hardscape without ill affects to the

tree. Mr. Downey said that the Street Tree Advisory Committee determined that the problems with the trees could be mitigated through maintenance and recommends denial of the removal request.

Commissioner Burns commented regarding the Upper State Street Fig trees, the roots on a number of them were trimmed and it was not until three or four years later until it was determined that it was not successful. He asked whether if the roots for the trees at this location were trimmed, how long will it be before it is determined to be successful, and if it is not successful, what action would be taken.

Mr. Downey said that the pruning of the roots on the trees on Upper State Street was done for sidewalk and street repairs directly adjacent to the tree; very large roots were cut on more than one side at one time. He said the work required to make the repairs on the trees that are the subject of this particular removal request would be much smaller cuts and farther away from the tree. He said he does not anticipate any ill affects to the tree from the root pruning in the near future.

Ms. Beverly Isles, applicant, indicated that there is damage to the property, the sidewalk walkway is cracked and lifted so water runs into the stores. She said that with the last rain there were tons of leafs on the roof, which cost her \$500 to have it cleaned. Ms. Isles said the tree overhangs the roof and is too close to the structure and is hitting the foundation. She said the contractor said the roots are huge and are lifting the walkway, which causes water to run into the stores. Ms. Isles said that if the roots are pruned, they will weaken the tree. She said the roof is a flat rock roof which is not made to be walked on, which is necessary to clean off the roof when the leaves collect on it. She said the leaves stop the water from draining down and the weight of the water leaked into the buildings and the ceiling fell in on two of the tenants' property causing water damage. Ms. Isles said this has been an issue for several years now. Ms. Isles asked that the tree be removed and the damage to the sidewalk to be repaired so she does not have the problem. Ms. Isles said she has documented case paperwork concerning these types of issues.

Commissioner Ferrara asked whether the tree has caused water to go into the building and created damage.

Mr. Downey said that the roots have lifted the pavement in front of the businesses; the applicant alleges that water runs into the businesses, and he has no evidence to disprove that statement. He said the problem is the lifted concrete, and it is the Committee and staff opinion that the repairs can be made and the tree preserved for many more years. He said the leaves fall on the roof, as they do all over the City.

Commissioner Ferrara asked whether the root pruning will solve the problem of sidewalk damage in the future.

Mr. Downey said there is no guarantee that it will completely stop any lifting, but the root pruning staff will allow to occur will allow the original hardscape to be

replaced. He further said that a root barrier could be installed, which could delay any possible future damage.

Commissioner Burns commented that if this was at a person's home, the Commission might allow the removal, and he does not believe there is a different standard for commercial owners. He said that since it is a City tree, he assumed that the City would be performing the maintenance work and sidewalk repair. He asked how you determine whether it will flood again.

Mr. Downey said that at the time the repairs are made, the contractor would set up the forms and put levels on it to determine which direction the water would flow before the cement would be replaced. He said regarding the foundation of properties, tree removals have been approved usually after they have proven there is damage to the foundations and the pruning of the roots will not stop the damage. Mr. Downey said that in this case, there is no evidence that the tree is causing any damage to the foundation.

Commissioner Longstreet commented that all the concerns that have been expressed are related to the tree closest to the building; two trees are the subject of the removal request. She asked why the second tree would be removed.

Mr. Downey said the applicant is requesting the removal of the second tree because of its proximity to the parking lot and the potential it might cause damage to the parking lot.

Ms. Rapp clarified for the Commission that the public sidewalks have been replaced, and the sidewalks that are contributing to the flooding problem are private property. She said that is the property owner responsibility. She said the issue of root pruning is still an option in terms of protecting the tree.

Commissioner Longstreet asked when the public sidewalk was replaced, were the roots pruned at that time.

Mr. Downey responded that there was minor root pruning done at that time. He said no large roots were removed at that time, only roots that were lifting the particular portion of the public sidewalk were removed.

Chair Wiscomb asked if that was in 2006.

Mr. Downey indicated that occurred in March 2011.

Commissioner Longstreet expressed that the Indian Laurel Fig trees are big beautiful trees which are much of the character of Milpas Street. She asked whether as the property owner is repairing her property, can an informed decision on the part of the City Arborist in the form of root pruning be made, when the concrete is gone. She said this could potentially be a way to save the tree and allow the Arborist to really see what is happening with the roots.

Mr. Downey said that at the time repairs are made, he would want to be on site to determine the degree of root pruning required, so the applicant can make repairs to her private property. He further said that at that time, if he determines the

work necessary to repair her damage would destabilize the tree, the City would remove the tree so she can make her repairs.

Commissioner Longstreet said she is more comfortable with moving forward with the repairs with Mr. Downey being present to supervise the root pruning to deem the tree unstable at that time, if appropriate.

Chair Wiscomb said she shares Ms. Longstreet's view that the second tree was thrown in because of potential damage. She said she is struggling with the five conditions the Commission must consider in order to approve the removal of a tree. Ms. Wiscomb said that she does not see that any of the conditions are met with this request. She said she is in favor of the solution of Mr. Downey being present when the property owner makes her repairs and he determines the root pruning is sufficient to require the removal of the tree, then the applicant does not have to go through the removal process any further.

Chair Wiscomb agreed that the trees do have a great deal of character and the character of the neighborhood is materially affected by removal of the trees, saying they are an important part of Milpas Street and she cannot support removal.

Commissioner Burns agreed the tree near the parking lot should not be removed. He said the issue is the tree closest to the building, where there is property damage caused by a City tree; he asked who pays for the maintenance of the tree, and who pays for the sidewalk. Mr. Burns said that it has just been said that the property owner pays for the sidewalk, however, it is a City tree causing the damage. He said that he thinks the City should pay for the sidewalk.

Mr. Downey said that regarding the damage, any person who has a financial loss to the City has a right to file a claim with the City to recover those damages. He said that is handled through the Risk Management Division of the Finance Department.

Commissioner W. Scott Burns moved, seconded by Commissioner Nicolas Ferrara, that of the two trees, deny the tree in the parking lot, and allow removal of the tree closest to the building at 21 N. Milpas Street.

The Motion Failed.

Commissioner Beebe Longstreet moved, seconded by Commissioner Lesley Wiscomb, and passed 3/1 to concur with the Street Tree Advisory Committee recommendation to deny the removal of the trees and have the City Arborist assess the root pruning necessary and the safety and stability of the tree as the repairs are made to private property at 21 N. Milpas Street.

Commissioner Burns commented that the Commission is letting the applicant know she has the right to go to Risk Management to file a claim for whatever maintenance needs to be done to the tree. He said that could be a long tenuous process. Mr. Burns said the Commission is letting the applicant handle the issues and he is not sure how well that will work.

Commissioner Longstreet said the City does not pay for repairs to private property. She said the Commission does not have any say over nor determine that. Ms. Longstreet said she trusts the City Arborist would be on site to determine the safety and stability of the tree. She said until the sidewalk is removed, it is unknown what the damage is. She stressed that any unsafe tree can be removed by the City Arborist at any time without the Commission input.

Commissioner Ferrara asked when the appeal would take place asking whether if Ms. Isles did not agree with Mr. Downey's decision on site, could she file an appeal.

Mr. Downey advised that the Municipal Code dictates the time constraints during which the appeal must be filed, which is 10 days. He said that once 10 days has passed, the Commission's decision cannot be appealed. Mr. Downey said that if Ms. Isles feels conditions have changes since the Commission's decision, she has the right to reapply for removal if she disagrees with staff's assessment.

Chair Wiscomb asked if there is a one-year time period before she can reapply. Mr. Downey said the time period was removed from the Municipal Code in 2009.

Commissioner Burns asked whether if Mr. Downey inspects the root pruning and makes the call that the tree is stable, does Ms. Isles have the ability with another certified Arborist to state that the tree is not stable, or does it have to come back to the Commission.

Mr. Downey said that if the applicant provides a written report from a certified Arborist opposing his decision, he will review it and make a determination whether to re-evaluate his decision.

Chair Wiscomb expressed that there are too many unknown factors and it is worth going through the process.

Ms. Rapp clarified stating that the property owner is having the sidewalks replaced, and as part of that the City Arborist will be there making his recommendation on behalf of the City. She said the property owner has the option to have another Arborist on site and to weigh in on that opinion. She said the work would proceed with respect to the repair or replacement of the sidewalk. Ms. Rapp said the decision on the tree is not time sensitive; it could come back in another request to remove the tree, and the decision the Commission would get is with the City Arborist opinion and, if it exists, the opinion of the other Certified Arborist.

Commissioner Burns asked what happens when there is a split vote.

Mr. Downey said that if the Commission does not have a Majority vote and no new motion is made, it is deemed a non-action, and by Municipal Code, if there is no majority vote, the request is approved.

B. Approve the following Setback Tree removal request.

1. **533 E. Anapamu St. – Syzygium paniculatum, Brush Cherry –
Joaquin Ornelas**

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to concur with the Street Tree Advisory Committee recommendation and approve the removal of the tree at 533 E. Anapamu Street.

C. Deny the following Setback Tree removal requests.

1. **1801 Cleveland Ave. – (2) Eucalyptus citriodora, Lemon-scented Gum – David W. Sheets**

Commissioner Nicolas Ferrara moved, seconded by Commissioner Beebe Longstreet, and passed 4/0 to concur with the Street Tree Advisory Committee recommendation regarding the trees at 1801 Cleveland Ave.

2. **3768 Brenner Dr. – Liquidambar styraciflua, American Sweetgum –
Jerry Gibson**

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to concur with the Street Tree Advisory Committee recommendation to deny the removal at 3768 Brenner Drive.

6. Tree Removal Request: 507 Brosian Way (1) Eucalyptus Spp. Follow-Up - For Action

Recommendation: That the Commission deny the removal request for the third tree at 507 Brosian Way.

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Nancy L. Rapp, Parks and Recreation Director; Tim Downey, Urban Forest Superintendent
- Members of the Public: Si Lyon; Robert Forouzandeh, and Gil Barry;

Ms. Rapp provided an overview of this item for the Commission.

Mr. Downey provided updated information for the Commission.

Mr. Robert Forouzandeh indicated that with the help of Gil Barry and Mr. Downey, he and the neighbors have reached a compromise. He said he is withdrawing the application on behalf of the six applicants, and Mr. Lyons will withdraw the appeal of the Commission's approval of the removal of the two trees. Mr. Forouzandeh said they are also modifying the term of the Commission's prior action, saying the Commission previously authorized the two replacement trees to be placed within 100 yards of the current trees. He said that they have modified that requirement to 75 feet. Mr. Forouzandeh said that the requirement that the trees be able to achieve 30 feet in height

has not changed, and will be approved by Mr. Downey prior to approving the permit for the replacement trees. He said he understands from Mr. Downey that the pruning of the middle tree will take place mid-July, but no later than September 15th. Mr. Forouzandeh said that since an agreement has been reached, no action is needed.

Ms. Rapp advised that Commission that the legal agreement between the neighbors is not within the purview of the Parks and Recreation Commission. She clarified that the City Arborist would not sign it, but did confirm and summarize the agreement for the Commission.

Mr. Forouzandeh clarified that he is withdrawing his application for the third tree. Mr. Si Lyon spoke on behalf of the neighbors and said that they did come to an agreement. He suggested that during the pruning of the third tree that it be done first before the other two are removed, pending any damage to the third tree. He said he will withdraw his appeal to City Council, saying he is satisfied with the agreement.

Gil Barry asked the Commission to go along with the agreement and save the tree. He provided a brief history of the trees.

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to accept the request to withdraw the application to remove the third tree at 507 Brosian Way.

NEW BUSINESS - None

OLD BUSINESS - None

ADMINISTRATIVE AND STAFF REPORTS

7. 2011 Police Activities League (PAL) Annual Report on the Twelve35 Teen Center - For Information

Recommendation: That the Commission receive a presentation on the 2011 Police Activities League (PAL) Annual Report on the Twelve35 Teen Center.

Documents:

- Report from the Santa Barbara Police Activities League
- Speakers:
- Staff: Nancy L. Rapp, Parks and Recreation Director; Officer Kent Wojciechoski, Police Activities League

8. Update on Upcoming Summer Special Events - For Information

Recommendation: That Commission receive a report on the upcoming summer special events.

Documents:

- Staff Report

ADJOURNMENT

At 5:45 p.m., with no further business to be addressed by the Commission,

Commissioner Beebe Longstreet moved, seconded by Commissioner W. Scott Burns, and passed 4/0 to adjourn.

Respectfully submitted,

Nancy L. Rapp
Parks and Recreation Director