



NOTICE OF FINAL LOCAL ACTION

Application No.: 2104-01 (MOD21-005, LCDP21-015)

Project Location: All City-Maintained or -Owned Trees in the Coastal Zone (Appealable and Non-Appealable Areas of City Jurisdiction, excluding State Permit Jurisdiction)

Applicant: City of Long Beach, Department of Public Works
c/o Arthur Cox
1651 San Francisco Ave
Long Beach, CA 90813

Permit(s) Requested: Modification to Approved Permit, Local Coastal Development Permit

Project Description: Modification to add two (2) new conditions and two (2) provisions to Condition #6 to the approved Local Coastal Development Permit (Application No. 2009-01 [LCDP20-033]) that established provisions for annual and emergency tree trimming activities for the City-maintained trees within the local and appealable areas of the coastal zone. The coastal tree trimming policy includes, but is not limited to, establishing requirements for bird nesting surveys, monitoring, best practices, and administrative procedures. The modification would add: 1) reference to established professional standards and clarification about standards for pruning of palm fronds; and 2) a requirement for nesting season surveys prior to the scheduled rotation of tree trimming. Added provisions to Condition #6 relate to training and documentation of staff awareness of the tree policy provisions. This project does not affect the applicability of the State-jurisdiction Coastal Development Permit for the City's Tree Trimming and Removal Policy (CDP No. 5-08-187) approved by the California Coastal Commission for the areas under the state jurisdiction. (Districts 2 and 3)

Action was taken by the: Zoning Administrator
On May 10, 2021

Decision: Conditionally Approved

Action is final on: May 20, 2021

This project IS in the Coastal Zone and IS appealable to the Coastal Commission.

"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing."

See other side for City of Long Beach and California Coastal Commission appeal procedures and time limits.


Digitally signed by Alexis Oropeza
DN: cn=Alexis Oropeza, o=City of Long
Beach, ou=Current Planning Officer,
email=alexis.oropeza@longbeach.gov,
c=US
Date: 2021.05.25 07:39:32 -0700'

Alexis Oropeza
Zoning Administrator



Maryanne Cronin, Planner
Phone No.: (562) 570-5683

District: 2,3

APPEALS TO THE CITY PLANNING COMMISSION AND/OR TO THE CITY COUNCIL

- A. Any aggrieved person may appeal a decision on a project that required a public hearing.
- B. An appeal must be filed within ten (10) calendar days after decision.
- C. An appeal shall be filed with Long Beach Development Services on a form provided by that Department with the appropriate filing fee.
- D. A public hearing on an appeal shall be held within sixty (60) calendar days after Long Beach Development Services receives a completed appeal form or after the City Clerk receives the appeal from Long Beach Development Services.
- E. A notice of the public hearing on the appeal shall be mailed by Long Beach Development Services to the applicant, all persons entitled to mailed notice, and any known aggrieved person not less than fourteen (14) calendar days prior to the hearing.
- F. The Planning Commission shall have jurisdiction on appeals from the decisions of the Current Planning Officer and the City Council shall have jurisdiction on appeals from the Planning Commission.
- G. Except for appeals to the Coastal Commission for projects located seaward of the appealable area boundary and appeals to the City Council of local coastal development permits on developments regulated under the City's Oil Code, there shall be no further appeals after a decision on an appeal.
- H. You are hereby provided notice that the time within which judicial review of the herein reported decision must be sought is governed by Section 1094.6 of the California Code of Civil Procedure.

APPEALS TO THE COASTAL COMMISSION

All actions on local coastal development permits seaward of the appealable area boundary may be appealed by any aggrieved person to the Coastal Commission according to the procedures of the Coastal Commission, provided that all local appeals have been exhausted and no fee was charged the appellant for such appeal, by filing such appeal at the Coastal Commission offices, 301 E. Ocean Blvd., Suite 300, Long Beach, CA 90802.

LONG BEACH DEVELOPMENT SERVICES
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802



MC

Conditions of Approval Acknowledgement

May 20, 2021

Application No.: 2104-01 (MOD21-005, LCDP21-015)

Project address: All City-Maintained or -Owned Trees in the Coastal Zone (Appealable and Non-Appealable Areas of City Jurisdiction, excluding State Permit Jurisdiction)

City of Long Beach, Department of Public Works
c/o Arthur Cox
1651 San Francisco Ave
Long Beach, CA 90813

Dear Applicant:

Please have the owner(s) of the property sign this document. It is vital to your project that this form be returned promptly to the project planner so that it can be placed in the case file and you can initiate the plan review process. Please feel free to make a copy for your files.

"We have read the attached Conditions of Approval and will comply with all such conditions. I realize that violation of any of the conditions is cause for revocation of the approval. I also realize that the approval is based on specific building plans, as indicated in the Conditions of Approval, and that any deviation from these plans without prior written approval from the Site Plan Review Committee will result in denial of final construction approval until such time that the construction is restored to the approved design. Finally, I will notify all architects, designers, contractors, sub-contractors employed by me, and I will notify any successors in interest of all these conditions and of this acknowledgement."

Applicant's Signature

Date

Owner's Signature

Date

Owner's Signature

Date

MODIFICATION TO AN APPROVED PERMIT FINDINGS

**All City-Maintained or -Owned Trees in the Coastal Zone
(Appealable and Non-Appealable Areas of City
Jurisdiction, excluding State Permit Jurisdiction)
Application No. 2104-01 (MOD21-005, LCDP21-015)
May 10, 2021**

Pursuant to Section 21.25.506 of the Zoning Ordinance, a Site Plan Review entitlement shall not be approved unless the following findings are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings.

A. THE DESIGN IS HARMONIOUS, CONSISTENT, AND COMPLETE WITHIN ITSELF AND IS COMPATIBLE IN DESIGN, CHARACTER, AND SCALE WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED;

The project application is for a modification to the approved tree trimming policy (App. No. 2009-01) for City-maintained trees in the Coastal Zone (City and Appealable Areas only). This modification adds two new conditions to the existing policy for tree trimming activities, which includes clarification on tree trimming standards and the inclusion of bird nesting season surveys. There would be no physical construction included as part of the proposed project. The project is subject to the Site Plan Review entitlement because the overall area the project involves is greater than five hundred (500) square feet or more of City land or water area in the Coastal Zone.

Regarding compatibility with the neighboring structures and community, the tree trimming policy and new conditions include specific provisions for trimming procedures and replacing of trees to ensure that the habitat value of City-maintained trees is preserved and remains contiguous within the Coastal Zone.

Therefore, the new conditions added to the tree policy would be compatible in character and community established for the project area (Coastal Zone).

The modified project with the new conditions remains in conformance with this finding.

B. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES ADOPTED BY THE PLANNING COMMISSION OR SPECIFIC PLAN REQUIREMENTS, SUCH AS THE DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT, THE DOWNTOWN DESIGN GUIDELINES, PD GUIDELINES, OR THE GENERAL PLAN;

The application is for a modification to the approved tree trimming policy for City-maintained trees in the coastal zone (City and Appealable Areas only). This

modification adds two new conditions to the policy for tree trimming activities, which includes clarification on tree trimming standards and the inclusion of bird nesting season surveys. There would be no physical construction included as part of the proposed Project, which is subject to the Site Plan Review entitlement.

The project area includes public right-of-way, Park (P), and various zoning districts throughout the Coastal Zone that include City-maintained trees. Under the recently adopted Land Use Element (LUE) of the General Plan (2019), the PlaceTypes subject to this permit include Waterfront (WF), Open Space (OS), Multiple Family Residential Moderate Density (MFR-M), Multiple Family Residential Low Density (MFR-L), Regional Serving Facility (RSF), Neighborhood Serving Center or Corridor Moderate Density (NSC-M), Neighborhood Serving Center or Corridor Low Density (NSC-L), and Founding and Contemporary Neighborhood (FCN). The California Coastal Commission (CCC) has not amended the City's Local Coastal Program (LCP) to be consistent with the 2019 General Plan LUE. Therefore, the previous General Plan Land Use Element (1989), designation of Land Use District (LUD) No. 1 (Single Family), LUD No. 2 (Mixed Style Homes), LUD No. 3B (Moderate Density Residential), LUD No. 4 (High Density Residential), LUD No. 6 (High Rise Residential), LUD No. 7 (Mixed Uses), LUD No. 8P (Pedestrian Oriented Retail Strip), LUD NO. 8R (Mixed Retail/Residential Strip), LUD No. 10 (Institutions/Schools), and LUD No. 11 (Open Space/Parks) in the 1989 General Plan remains applicable to the project site.

The project would not affect the established density of any of the 1989 land use designations. The 1989 Land Use Element includes design controls, architectural compatibility, and public amenities, including public landscaping. The added conditions to the policy would not result in changes to existing trees unless in accordance with the tree-trimming policy requirements. The requirements include provisions for replacement that specify replacement trees to be capable of supporting habitat.

Furthermore, the implementation of the amended tree trimming policy in public parks in the Coastal Zone would further the goals and policies in the Open Space Element (2002) of the General Plan to ensure the proper maintenance, reestablishment, and replacement of bird habitat in City-maintained trees.

The Local Coastal Program (LCP) is an element of the General Plan. The policy is intended to adopt the provisions of the Coastal Commission CDP-5-08-187, unless amended or added herein. The additions and amendments are to establish clearer procedures for City administration of the adopted policy already in effect in the Tidelands areas of the City. The CDP-5-08-187 was determined to be consistent with the Long Beach LCP and Coastal Act policies upon previous approval by the Coastal Commission, and the proposed local tree trimming policy would remain consistent with the intent to preserve coastal habitat and comply with all applicable state and federal policies involving tree trimming and removal.

While the Southeast Area Improvement and Development Plan (SEADIP) remains in effect for the southeast area of the Coastal Zone, the Coastal Commission held a hearing to consider the certification of the Southeast Area Specific Plan (SEASP) on October 8, 2020. The Coastal Commission proposed 16 modifications to the SEASP prior to adoption, which included the inclusion of tree trimming policies. The tree trimming policy include in this application are consistent with the proposed SEASP revisions included by the Coastal Commission.

All policies and procedures included in this Project will be in accordance with the Migratory Bird Treaty Act, California Fish and Game Code, and Coastal Act.

The modified project with the new conditions remains in conformance with this finding.

C. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE IS POSSIBLE;

No trees would be directly removed as part of this application. This modification adds two new conditions to the policy for tree trimming activities, which includes clarification on tree trimming standards and the inclusion of bird nesting season surveys. These two conditions would be added to the Coastal-approved tree trimming policy (App. No. 2009-01) outside of the Coastal Commission Jurisdiction and Tidelands Area. Annual and emergency tree trimming will be conducted in accordance with the provisions contained in CDP-5-08-187, unless amended or added herein. The policy establishes specific circumstances for when trees may be trimmed and/or removed and the requirements for planting replacement trees. Adopting these new conditions will allow the City to be more consistent in the way trees are trimmed and maintained within the City's coastal jurisdiction.

The modified project with the new conditions remains in conformance with this finding.

D. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THIS ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT;

The application is for a modification to the approved tree trimming policy for City-maintained trees in the coastal zone (City and Appealable Areas only). This modification adds two new conditions to the policy for tree trimming activities, which includes clarification on tree trimming standards and the inclusion of bird nesting season surveys. The trimming of City-maintained trees is necessary to protect the health of the tree, protect public safety, and prevent damage to private/public property. This finding is related to the "nexus" between the demands on public infrastructure created by the project, and the public improvements. Since there is no development project included in the application, this finding is not applicable.

The modified project with the new conditions remains in conformance with this finding.

E. THE PROJECT CONFORMS TO ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT) WHICH REQUIREMENTS ARE SUMMARIZED IN TABLE 25-1 AS FOLLOWS; AND

Table 25-1
 Transportation Demand Management Ordinance Requirements

TDM Requirements	New Nonresidential Development		
	25,000+ Square Feet	50,000+ Square Feet	100,000+ Square Feet
Transportation Information Area	♦	♦	♦
Preferential carpool/vanpool parking		♦	♦
Parking designed to admit vanpools		♦	♦
Bicycle parking		♦	♦
Carpool/vanpool loading zones			♦
Efficient pedestrian access			♦
Bus stop improvements			♦
Safe bike access from street to bike parking			♦
Transit review	For all residential and nonresidential projects subject to EIR		

The Project consists of the modification of the approved tree trimming policy. This modification adds two new conditions to the policy for tree trimming activities, which includes clarification on tree trimming standards and the inclusion of bird nesting season surveys. Therefore, this Project contains less than 25,000 square feet of new, non-residential development and thus is exempt from code-required Transportation Demand Management requirements.

The modified project with the new conditions remains in conformance with this finding.

F. THE APPROVAL IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.

The Project consists of the modification of the approved tree trimming policy. This modification adds two new conditions to the policy for tree trimming activities, which includes clarification on tree trimming standards and the inclusion of bird nesting season surveys. Pursuant to Section 21.45.400 of the Municipal Code, none of the green building standards apply to the project, and this finding is not applicable.

The modified project with the new conditions remains in conformance with this finding.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

All City-Maintained or -Owned Trees in the Coastal Zone (Appealable and Non-Appealable Areas of City Jurisdiction, excluding State Permit Jurisdiction)

Application No. 2104-01 (LCDP21-015)

May 10, 2021

Pursuant to Section 21.25.904.C of the Zoning Ordinance, a Local Coastal Development Permit shall not be approved unless the following findings are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings.

A. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND

The affected area would be within all areas (Appealable and non-appealable City jurisdiction only, not including State permit jurisdiction) identified in the Local Coastal Program (LCP) (see map of Coastal Zone in project file 2009-01).

The proposed Project is the modification of the approved tree trimming policy (App. No. 2009-01) for City-maintained trees in the Coastal Zone (City and Appealable areas). This modification adds two new conditions to the policy for tree trimming activities, which includes clarification on tree trimming standards and the inclusion of bird nesting season surveys. The annual and emergency tree trimming will be conducted in accordance with the approved coastal tree trimming policy (App. No. 2009-01), which incorporates the provisions contained in CDP-5-08-187. The current policy in the Tidelands Area (CDP-5-08-187) was approved by the Coastal Commission and found consistent with the Long Beach LCP and the Coastal Act. The proposed Project is to incorporate additional provisions for all City-maintained trees in the City and Appealable areas, which represents an expansion of beyond the CDP policy. The amendments to the Coastal Commission adopted policy, including the two new special conditions, are intended to ensure the preservation of coastal habitat.

The intent of the policy is to ensure necessary tree trimming for public safety is completed in accordance with the Migratory Bird Treaty Act, California Fish and Game Code, LCP, and Coastal Act. The proposed policy will be adhered to by City departments (Department of Public Works and Parks, Recreation, and Marine Department) that are responsible for City-maintained trees.

No low- or moderate-income housing would be replaced as part of this project.

The modified project with the new conditions remains in conformance with this finding.

B. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.

Chapter 3 of the Coastal Act concerns the public's right to use beach and water resources for recreational purposes. The chapter provides the basis for state and local government beach access requirements with a stated objective of prohibiting development projects that hinder public access to the beach and/or water resources.

The proposed project would not include the construction of new structures, but could result in the trimming, planting, or removal of trees located within the areas of the coastal zone seaward of the nearest public highway to the shoreline (Local and Appealable areas of the Coastal Zone only). This modification adds two new conditions to the policy for tree trimming activities, which includes clarification on tree trimming standards and the inclusion of bird nesting season surveys.

The annual and emergency tree trimming will be conducted in accordance with the provisions contained in CDP-5-08-187, unless amended or added herein. The adopted policy and procedures ensure necessary tree trimming for public safety is completed in accordance with the Migratory Bird Treaty Act, California Fish and Game Code, LCP and Coastal Act. The policy will be adhered to by City departments (Department of Public Works and Parks, Recreation, and Marine Department) that are responsible for City-maintained trees. As conditioned, the policy establishes procedures to ensure that the habitat value of trees would be maintained through implementation of the policy.

In addressing public access, conditions of approval have been included to ensure construction staging, equipment, and materials shall not impede public access to the coast.

The adopted policy and new conditions will be in accordance with CDP-5-08-187 that was approved by the California Coastal Commission in compliance with the Coastal Act.

The modified project with the new conditions remains in conformance with this finding.

C. FOR AN APPLICATION FOR A RELIGIOUS ASSEMBLY USE, IF AN EXCEPTION OR WAIVER OF LCP REQUIREMENTS IS SOUGHT UNDER SECTION 21.52.219.8.G, THAT THE EXCEPTION OR WAIVER ALLOWS THE MINIMUM DEVIATION FROM LCP REQUIREMENTS NECESSARY TO COMPLY WITH RLUIPA, AND THAT THE DECISION MAKER HAS IMPOSED ALL CONDITIONS NECESSARY TO COMPLY WITH ALL PROVISIONS OF THE LCP, WITH THE EXCEPTION OF THE PROVISION(S) FOR WHICH IMPLEMENTATION WOULD VIOLATE RLUIPA.

The project does not include a religious assembly use; therefore, this finding is not applicable to the proposed project.

The modified project with the new conditions remains in conformance with this finding.

D. THE PROPOSED DEVELOPMENT IS SITED, DESIGNED AND MANAGED TO MINIMIZE THE TRANSPORT OF POLLUTANTS BY RUNOFF INTO COASTAL WATERS AND GROUNDWATER, AND TO MINIMIZE INCREASES IN RUNOFF VOLUME AND VELOCITY FROM THE SITE WHICH MAY ADVERSELY IMPACT COASTAL RESOURCES OR COASTAL BLUFF STABILITY. BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED, AS APPLICABLE, INCLUDING BUT NOT LIMITED TO APPLICABLE LOCAL, REGIONAL, STATE AND FEDERAL WATER QUALITY PERMITS, STANDARDS AND GUIDANCE PROVIDED IN THE LCP, BEST PRACTICES AND OTHER MEASURES AS MAY BE RECOMMENDED BY THE CITY ENGINEER.

The project area entails City-maintained trees in the Coastal Zone (Appealable and non-appealable City jurisdiction only, not including State permit jurisdiction). The trees are located in public right-of-way, public parks, and publicly owned land. The scope of work would entail a tree trimming and/or removal policy, no new impermeable area is proposed as part of this project. This modification adds two new conditions to the policy for tree trimming activities, which includes clarification on tree trimming standards and the inclusion of bird nesting season surveys. All tree modifications are to be in accordance with the local tree policy (App. No. 2009-01) and CDP-5-08-187, which was approved by the California Coastal Commission. Furthermore, in compliance with CDP-5-08-187, tree the survey report and tree trimming and/or removal plan will include a description of all work to be done, limits of work, and methods. The description of the work shall include best management practices when in proximity to water bodies. This will be transmitted to the Coastal Commission Executive Director, local Audubon Society, and required parties defined in CDP-5-08-187 to ensure compliance with the best management practices for the site.

Compliance with all applicable local, regional, state, and federal water quality permits, standards and guidance will be required. Therefore, any tree work subject to this policy would be designed to minimize the transport of pollutants and runoff that could impact coastal resources.

The modified project with the new conditions remains in conformance with this finding.

**MODIFICATION TO AN APPROVED PERMIT AND
LOCAL COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL**

**All City-Maintained or -Owned Trees in the Coastal Zone (Appealable and Non-
Appealable Areas of City Jurisdiction, excluding State Permit
Jurisdiction) Application No. 2104-01 (MOD21-005, LCDP21-015)
May 10, 2021**

Special Conditions:

1. This approval is for the modification of an approved Site Plan Review and a Local Coastal Development Permit (App. No. 2009-01) for adoption of a policy allowing the City of Long Beach to provide annual and emergency tree trimming activities for the City-maintained trees within the local coastal permit areas (Appealable and Non-Appealable Areas of City Jurisdiction, excluding State Permit Jurisdiction). The City will utilize the same Tree Trimming and Removal Policy (CDP No. 5-08-187) (Exhibit A to these Conditions of Approval) that was issued by the California Coastal Commission to the City for the area under the state jurisdiction, unless amended or added to herein.
 - a. This modification adds two new conditions and two provisions to Condition #6 to the policy for tree trimming activities.¹
2. Conditions of approval specific to Coastal Development Permit No. CDP-5-08-187 for the Tree Trimming and Removal Policy in the Tidelands area remain in full force and effect. This LCDP does not modify the terms and conditions to the application of CDP-5-08-187 in the California Coastal Commission's Original Permit Jurisdiction.
3. All tree trimming and/or removal activities shall comply with the provisions of this permit, federal Migratory Bird Treaty Act - U.S. Code, Title 16, § 703 and California Fish and Game Code § 3513.
4. The applicable nesting bird season for tree trimming and/or removal for the purposes of implementing the conditions of this permit shall be January through September, in accordance with CDP No. 5-08-187.
 - a. As the best available science on bird nesting seasons evolves, the definition of nesting bird season may be subject to change. This permit shall be formally amended upon Coastal Commission approval of changes to the defined nesting bird season.
5. The following staff from each department shall be responsible for annual reporting subject to the conditions of approval for each respective department:

¹ The Two (2) new conditions and two provisions to Condition #6 added as part of App. No. 2104-01 (Modification to an Approved Permit No. 2009-01) are noted in *italicized* font.

- a. Beach Maintenance Superintendent (Marine Bureau) – Parks, Recreation, and Marine Department
 - b. Park Maintenance Superintendent (Upland Parks) - Parks, Recreation, and Marine Department
 - c. Street Maintenance Superintendent (Public Service Bureau) – Department of Public Works
6. This Tree Trimming Policy and its conditions herein (App. No. 2009-01) and Adopted Coastal Zone Map (by jurisdiction) shall be included in all City bids and contracts for services related to tree maintenance.
 - a. Within 14-days of final approval of this LCDP, the final approved policy conditions shall be provided to existing contractors and existing bids in progress.
 - b. *Upon execution of the contract and prior to conducting any work in the Coastal Zone, the contractor shall ensure that all staff to be working in the Coastal Zone including, but not limited to, supervisors, arborists, and tree workers are to attend training on Coastal Zone compliant procedures which will be led by the City.*
 - c. *All individuals engaged in the maintenance of public trees within the Coastal Zone shall have read and understood the Coastal Zone Tree Policy and be able to document that they have done so.*
7. A qualified biologist or ornithologist and arborist shall be employed by or under contract to the City at all times that an active tree trimming contract is issued.
 - a. Prior to commencement of any tree trimming and removal during bird nesting season and non-nesting season, the City shall submit the name and qualifications of the City's biologist or ornithologist and tree arborist, to the California Coastal Commission Executive Director and to South Coast District Office of the Coastal Commission. The information shall also be available to the public upon request.
8. *All tree trimming activities shall be in compliance with the tree pruning standards established by the American National Standards Institute (ANSI) recognized by the International Society of Arboriculture (ANSI A300 Part 1: Tree, Shrub, and other Woody Plant Maintenance – Standard Practices, Pruning.). Palm fronds above horizontal shall not be removed.*
9. *Prior to the scheduled rotation of tree trimming (at the grid-level), a survey of active breeding and nesting activity in that scheduled grid shall be conducted during the nesting season. The survey shall be conducted by a qualified biologist or ornithologist. This breeding season survey shall be in addition to any surveys done during non-nesting season for that grid (required under this policy) prior to tree*

compliance with all Conditions of Approval for this coastal permit. All documentation shall remain on file with the Department of Development Services and the applicable department completing the tree trimming/removal. The database of survey reports should include a record of breeding, roosting, and nesting trees that is available as public information and to be used for future tree trimming and removal decisions.

13. Replacement trees shall be from the City of Long Beach Public Works Department Approved Street Tree List.
 - a. A focus shall be placed on tree species that are appropriate for nesting activity.
14. The adopted tree trimming policies for the Public Works Department and Parks, Recreation, and Marine Department shall be amended to incorporate the applicable final documents approved under this project.
15. Any appeals filed under the adopted tree trimming policies for the Public Works Department shall be finalized prior to including the subject tree in a request for trimming/removal under the provisions of this LCDP.
16. The removal of any breeding and nesting tree shall require mitigation at a 1:1 ratio. Per CDP No. 5-08-187, a tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards. An annual monitoring report for tree replacement shall be submitted for the review and approval of the Director of the Department of Public Works, Director of the Department of Parks, Recreation and Marine, a representative of the Audubon Society, and maintained with the Executive Director of the Coastal Commission (CCC) on file as public information to determine baseline data for future tree trimming and removal decision making.
 - a. If a 36" box tree cannot be accommodated in the planting area due to the planting area width or related infrastructure/installation constraints the replacement tree shall be a size that would support nesting activities (as determined by a qualified arborist) and as follows:
 - 1) If a 36" box tree cannot be accommodated in the planting area, a 24" box tree shall be provided and the appropriate department will also pay for the equivalent of one (1) 15-gallon tree or larger to be planted elsewhere in the City. The additional replacement tree shall be planted in the vicinity of the tree to be replaced. Where feasible, replacement trees should be planted in groups/stands.
 - 2) If a 24" box tree cannot be accommodated in the planting area, a 15-gallon tree shall be provided and the appropriate department will also pay for the equivalent of two (2) 15-gallon trees or larger to be planted elsewhere in the City. The additional replacement

trees shall be planted in the vicinity of the tree to be replaced. Where feasible, replacement trees should be planted in groups/stands.

- 3) A minimum 15-gallon tree shall be provided for all replacement trees.
 - b. For replacement of trees that were known to have supported nesting, a replacement ratio of 2:1 shall be provided.
 - c. Replacement trees shall be at an appropriate height to support nesting birds, as determined by a biologist or ornithologist.
17. All trimmings must be removed from the site at the end of the business day and disposed of at an appropriate location.
18. The required posted notice prior and during the trimming of City-maintained trees shall include the contact information for a representative for the Department of Public Works or Department of Parks, Recreation, and Marine, as applicable.
 - a. City staff shall post the tree and issue notices to all property owners within 300 feet as well as the Council District office of the pending tree removal. Appeals shall be filed within 10 working days of the tree posting.
19. If a tree removal or trimming activities in the Local or Appealable Areas of the Coastal Zone do not adhere to the provisions of this LCDP for the tree trimming policy, a separate LCDP shall be processed for those tree modifications.
 - a. Public Safety, eminent danger of failure due to a diseased tree:
 - 1) The applicable department, in consultation with a certified arborist and qualified biologist or public health official, as necessary, shall determine if an immediate or imminent health and safety issue exists (tree or branch is dead, diseased, dying or injured and said tree or branch is in imminent danger of collapse or breaking away causing a danger to human health and safety). The applicable department shall be proactive in identifying any tree related health and safety issue as early as possible during the nonbreeding/non-nesting season in order to avoid habitat disturbances during the breeding/nesting season.
 - 2) If an imminent risk of disaster is present, the emergency tree trimming provisions in CDP-5-08-187 shall apply.
 - b. Public Safety, property damage (private and public) and safety concerns:
 - 1) Property damage and safety concerns include but are not limited to:

- i. Damage to private property, including structures, piping, driveways, flatwork.
 - ii. Damage to public property, sidewalks/driveways/trailways resulting in a trip hazard, public facilities, utility infrastructure.
- 2) In the event complaints are filed for damage, the applicable department, in consultation with a certified arborist and qualified biologist or public health official, as necessary, shall determine if an immediate or imminent health and safety issue exists (tree or branch is dead, diseased, dying or injured and said tree or branch is in imminent danger of collapse or breaking away causing a danger to human health and safety). If the tree is in good health, the arborist shall provide a survey report and recommendations for tree modifications to address damage without impacting the integrity of the tree.
- 3) If there is no viable remedy to the cause of property damage, the applicable department shall submit a special permit application, as soon as possible, to the USFWS (Special Purpose Permits - U.S Code of Federal Regulations, Title 50, § 21.27) and notify CDFG, and the Executive Director of the CCC, as soon as possible, while proceeding, as necessary, with nesting tree removal or other remedies. When possible, the applicable department shall submit a special permit application and notify above agencies prior to tree removal or other remedies.
- 4) The Department shall photograph the health and/or safety issue site conditions before and after the remedy(s) and document the impacts to the nesting tree (i.e. number of nests, eggs, and/or chicks lost) and adjacent biological resources. The photographs and report shall be available for public agency inspection.
- 5) Steps shall be taken to ensure that tree pruning or removal will be the minimum necessary, as determined by an arborist or qualified biologist, to address the health and safety issue while avoiding or minimizing impacts to nesting birds and their habitat. Steps taken shall include the use of nonmechanized, to the extent feasible, hand tools whenever the emergency occurs within 300 feet of a nesting tree.
- 6) All trimmings must be removed from the site at the end of the business day and disposed of at an appropriate location.
- 7) Removal of any tree shall require mitigation at a 1:1 ratio. Replacement in accordance with the replacement policy in CDP-5-08-187 and as amended herein.

20. In the event that a private property owner wishes to trim, modify, or remove a tree on an adjacent public right-of-way, all provisions of this LCDP shall apply.
21. Construction staging, equipment, and materials shall not impede public access to the coast at all locations for both vehicular and pedestrian traffic.

Standard Conditions – Plans, Permits, and Construction:

22. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
23. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
24. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
25. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
26. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
27. All rooftop mechanical equipment shall be fully screened from public view and views from taller, adjacent rooftops. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan must be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
28. Upon plan approval and prior to issuance of a building permit, the applicant shall submit an 11"x17" size set of final construction plans for the project file.
29. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.

30. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
31. Separate building permits are required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
32. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
33. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
34. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
35. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
36. Prior to the issuance of a building permit, the applicant must submit complete landscape and irrigation plans for the approval of the Director of Development Services.
37. All landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted primarily with drought tolerant plant materials and shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
38. All landscaping irrigation systems shall use high efficiency sprinkler nozzles. The models used and flow rates shall be specified on the landscaping plan. For residential-type or small-scale sprinkler systems, sprinkler head flow rates shall not exceed 1.00 GPM and shall be of the rotating type. Where feasible, drip irrigation shall be used instead. If an in-ground irrigation system is to be installed, such system shall be controlled by an automatic self-adjusting weather-based irrigation controller.
39. Permeable pavement shall be utilized where feasible, to the satisfaction of the Director of Development Services. Public right-of-way improvements shall be exempt from this requirement. If the feasibility of using permeable pavement is uncertain, it shall be the developer's responsibility to demonstrate that a given

- application of permeable pavement is not feasible, to the satisfaction of the Director of Development Services.
40. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
 41. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
 42. Low-flow fixtures shall be used for all lavatory faucets, kitchen faucets, showerheads, toilets, and urinals. Toilets may be either low-flow or dual flush. Maximum flow rates for each fixture type shall be as follows: lavatory faucet – 2.75 GPM, kitchen faucet – 2.20 GPM, showerhead – 2.00 GPM, toilet – 1.3 GPF, dual flush toilet – 0.8/1.6 GPF, urinal – 1.0 GPF. Plans submitted for review shall specifically identify such fixtures and flow rates.
 43. For commercial food service facilities, low-flow pre-rinse sprayers with average flow rates of no more than 2.0 GPM shall be used. Flow rates shall be specified on plans.
 44. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
 45. This permit and all development rights hereunder shall terminate three years from the effective date of this permit approval unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the three year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
 46. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the Conditions of Approval Acknowledgment Form supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
 47. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
 48. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections,

- at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
49. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
 50. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
 51. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
 52. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
 53. The property owner shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash and debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.
 54. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
 55. Any graffiti found on site must be removed within 24 hours of its appearance.
 56. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
 57. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
 58. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul the approval of the City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of

funds by the applicant may be required in an amount sufficient to cover any anticipated litigation costs and staff time required as a result of litigation activity.

EXHIBIT A: TREE TRIMMING AND REMOVAL POLICY (CDP NO. 5-08-187)

Exhibit 4 - Tree Trimming and Tree Removal Policy

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 7/1/2008
180th Day: Waived
270th Day: 3/28/2009
Staff: Charles Posner - LB
Staff Report: 1/15/2009
Hearing Date: February 4, 2009
Commission Action:



W23b

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-08-187

APPLICANT: City of Long Beach

AGENT: Phil Hester, Director of Parks, Recreation & Marine

PROJECT LOCATION: Downtown Shoreline, Alamitos Bay Marina, Marine Stadium, Colorado Lagoon, and other state tidelands and beaches within the City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Conduct annual and emergency tree trimming activities consistent with the City of Long Beach Tree Trimming and Tree Removal Policy.

SUMMARY OF STAFF RECOMMENDATION

The City of Long Beach Department of Parks, Recreation and Marine routinely conducts annual and emergency tree trimming activities throughout the shoreline areas of the City. The project area is the State Tidelands administered by the City of Long Beach, which are within the Commission's original permit jurisdiction. The City has recognized the need to establish a policy in order to ensure that the tree trimming activities are conducted in an environmentally friendly manner that minimizes disturbance of bird habitat and that complies with environmental regulations, including the Migratory Bird Treaty Act and the California Coastal Act. The City's proposed Tree Trimming Policy was developed with the cooperation of the California Department of Fish and Game, the Audubon Society, the City Council, interested citizen groups, and Coastal Commission staff (Exhibit #3). The City's originally proposed policy has been substantially revised with the assistance of Commission staff in order to include some of the provisions set forth in the Tree Trimming and Tree Removal Policy that the Commission approved in October 2008 for Channel Islands Harbor (See Special Condition One).

The City has agreed to implement the Tree Trimming and Tree Removal Policy set forth in Special Condition One of this permit, as recommended by staff (See Page Three). Therefore, staff is recommending that the Commission **APPROVE** the coastal development permit for the City's tree trimming activities throughout the shoreline areas of the City, consistent with the policy set forth in Special Condition One. As conditioned, this permit for the City's tree trimming activities complies with the habitat protection policies of the Coastal Act. **See Page Two for the motion to carry out the staff recommendation.**

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-08-187 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. **Special Conditions**

1. **Tree Trimming and Tree Removal Policy**

Coastal Development Permit 5-08-187 approves annual and emergency tree trimming activities consistent with the following policy:

The purpose of this policy is to ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act and the long-term protection of breeding, roosting, and nesting habitat of state and federally listed bird species, California bird species of special concern, and bird species that play an especially valuable role in the ecosystem. The City of Long Beach Department of Parks, Recreation and Marine is obligated to trim trees within the marine environment for the safety of the public and the protection of property. The trimming or removal of any tree that has been used for breeding and nesting within the past five years, determined by a qualified biologist, shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act, and shall be conducted under the parameters described below.

Tree trimming or tree removal shall be prohibited during the breeding and nesting season of the bird species referenced above (January through September) unless the City of Long Beach Department of Parks, Recreation and Marine, in consultation with a qualified arborist, determines that a tree causes danger to public health and safety. A health and safety danger exists if a tree or branch is dead, diseased, dying, or injured and said tree or branch is in imminent danger of collapse or breaking away. The City shall be proactive in identifying and addressing diseased, dying or injured trees as soon as possible in order to avoid habitat disturbances during the nesting season. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.

The removal of any breeding and nesting tree shall require mitigation at a 1:1 ratio. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards. An annual monitoring report for tree replacement shall be submitted for the review and approval of the Executive Director of the Coastal Commission, the Director of the Parks, Recreation and Marine, and a representative of the Audubon Society. The Department of Parks, Recreation and Marine shall maintain the annual reports on file as public information and to be used for future tree trimming and removal decisions.

A. Tree Trimming During Non-Breeding and Non-Nesting Season (October through December)

1. Prior to tree trimming or removal, a qualified biologist or ornithologist shall survey the trees to be trimmed or removed to detect nests and submit a survey report to the City of Long Beach Department of Parks, Recreation and Marine, a representative of the Audubon Society, and the Executive Director of the Coastal Commission. The survey report shall include identification of all

trees with nests. The Department of Parks, Recreation and Marine shall maintain a database of survey reports that includes a record of nesting trees that is available as public information and to be used for future tree trimming and removal decisions.

2. Any trimming of trees with nests shall be supervised by a qualified biologist or ornithologist and a qualified arborist to ensure that adequate nest support and foliage coverage is maintained in the tree, to the maximum extent feasible, in order to preserve the nesting habitat. Trimming of any nesting trees shall occur in such a way that the support structure of existing nests will not be trimmed and existing nests will be preserved, unless the Department of Parks, Recreation and Marine, in consultation with a qualified arborist, determines that such trimming is necessary to protect the health and safety of the public. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.

3. Trimming may not proceed if a nest is found and evidence of courtship or nesting behavior is observed at the site. In the event that any birds continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet of any occupied tree.

B. Tree Trimming or Removal During Breeding and Nesting Season (January through September). If tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, the following guidelines must be followed:

1. A qualified biologist or ornithologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet of the work area. A tree trimming and/or removal plan shall be prepared by an arborist in consultation with the qualified biologist or ornithologist and a representative of the Audubon Society. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Executive Director of the Coastal Commission, the Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Director of the Parks, Recreation and Marine. The Department of Parks, Recreation and Marine shall maintain the plans on file as public information and to be used for future tree trimming and removal decisions. The plan shall incorporate the following:

a. A description of how work will occur.

b. Work must be performed using non-mechanized hand tools to the maximum extent feasible.

c. Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.

d. Steps shall be taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting birds and their habitat.

2. Prior to commencement of tree trimming and/or removal the City of Long Beach Department of Parks, Recreation and Marine shall notify in writing the Executive Director of the Coastal Commission, the Department of Fish and Game, and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.

All tree trimming and tree removal shall be conducted in strict compliance with this policy. All trimmings must be removed from the site at the end of the business day and disposed of at an appropriate location. Any proposed change or deviation from the approved policy must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

2. Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Long Beach proposes to establish a Tree Trimming and Tree Removal Policy for its annual and emergency tree trimming activities that are conducted throughout the shoreline areas of the City. The project area is the State Tidelands administered by the City of Long Beach, which are within the Commission's original permit jurisdiction (Exhibit #2). The City has recognized the need to establish a policy in order to ensure that the tree trimming activities are conducted in an environmentally friendly manner that minimizes disturbance of bird habitat and that complies with environmental regulations, including the Migratory Bird Treaty Act and the California Coastal Act. The City's proposed Tree Trimming Policy has been developed with the cooperation of the California Department of Fish and Game, the Audubon Society, the City Council, interested citizen groups, and Coastal Commission staff.

B. Marine Resources/Environmentally Sensitive Habitat Areas

The policy for the City's annual and emergency tree trimming activities, as set forth in Special Condition One, is protective of nesting birds and their habitat and is in compliance with the following Coastal Act policies that protect marine resources and sensitive habitats.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long- term commercial, recreational, scientific, and educational purposes.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Trees used by birds (e.g., herons, egrets, raptors, Savannah Sparrows and Loggerhead Shrikes, etc.) for nesting have special biological and economic significance. The City recognizes this fact and has agreed to conduct its tree trimming activities in compliance with a policy that has been developed in consultation with the Audubon Society, Commission staff and the California Department of Fish and Game.

The policy, set forth in Special Condition One of this permit, will ensure that the tree trimming activities are conducted in an environmentally friendly manner that minimizes disturbance of bird habitat and that complies with environmental regulations, including the Migratory Bird Treaty Act and the California Coastal Act. The policy requires that bird nests be identified and that adequate nest support and foliage coverage shall be maintained in the tree, to the maximum extent feasible, in order to preserve the nesting habitat. The seasonal restrictions on tree trimming and tree removal, and the one-to-one mitigation ration for removed trees, will protect the bird habitat in the City's shoreline areas from being degraded and will allow the continuance of the habitat. Therefore, as conditioned, the permit for the City's tree trimming activities complies with the habitat protection polices of the Coastal Act.

C. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities be provided and that development shall not interfere with public access. The proposed development, as conditioned, will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Development

The proposed development is located within existing developed areas and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

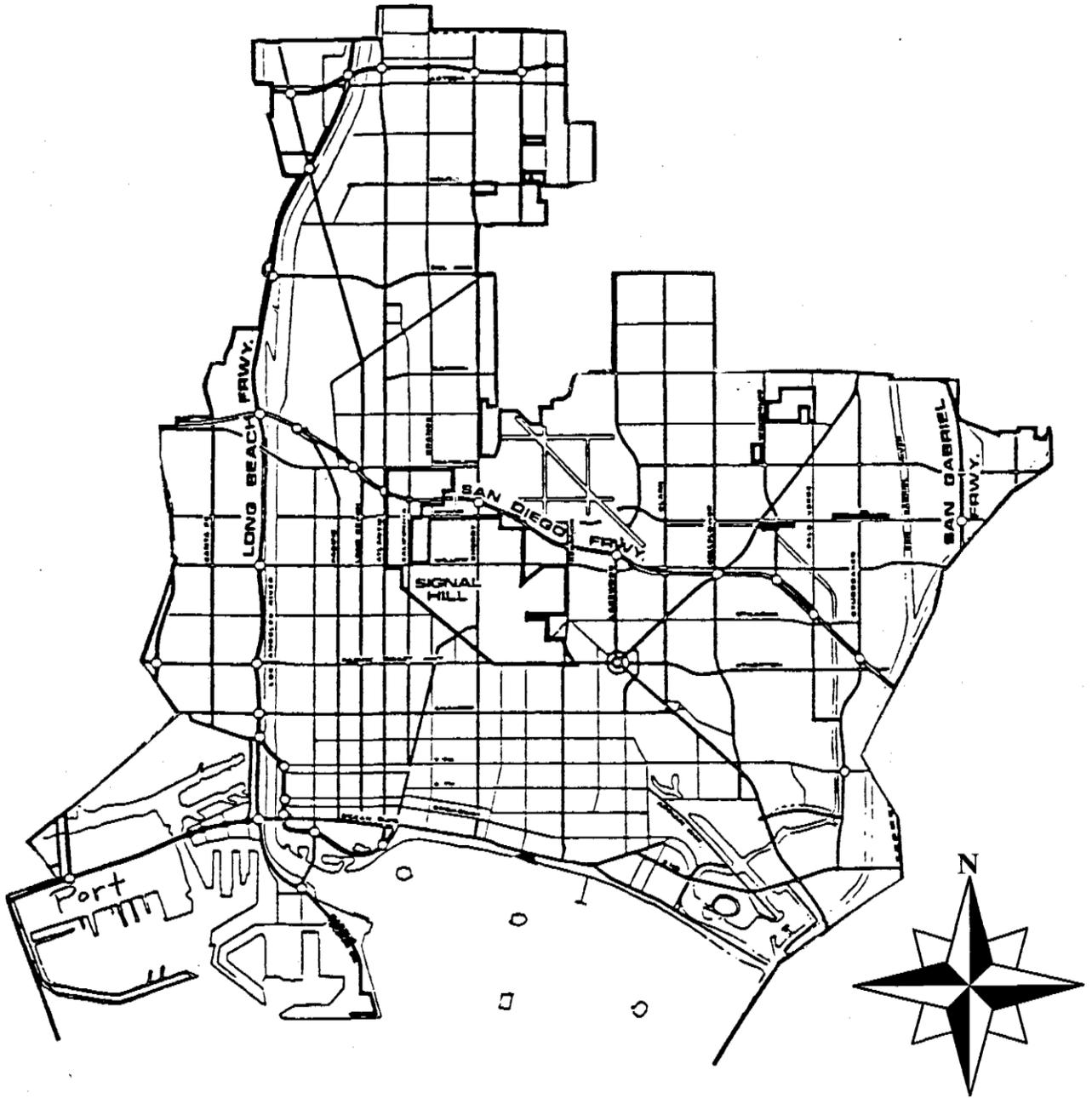
E. Local Coastal Program

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

F. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

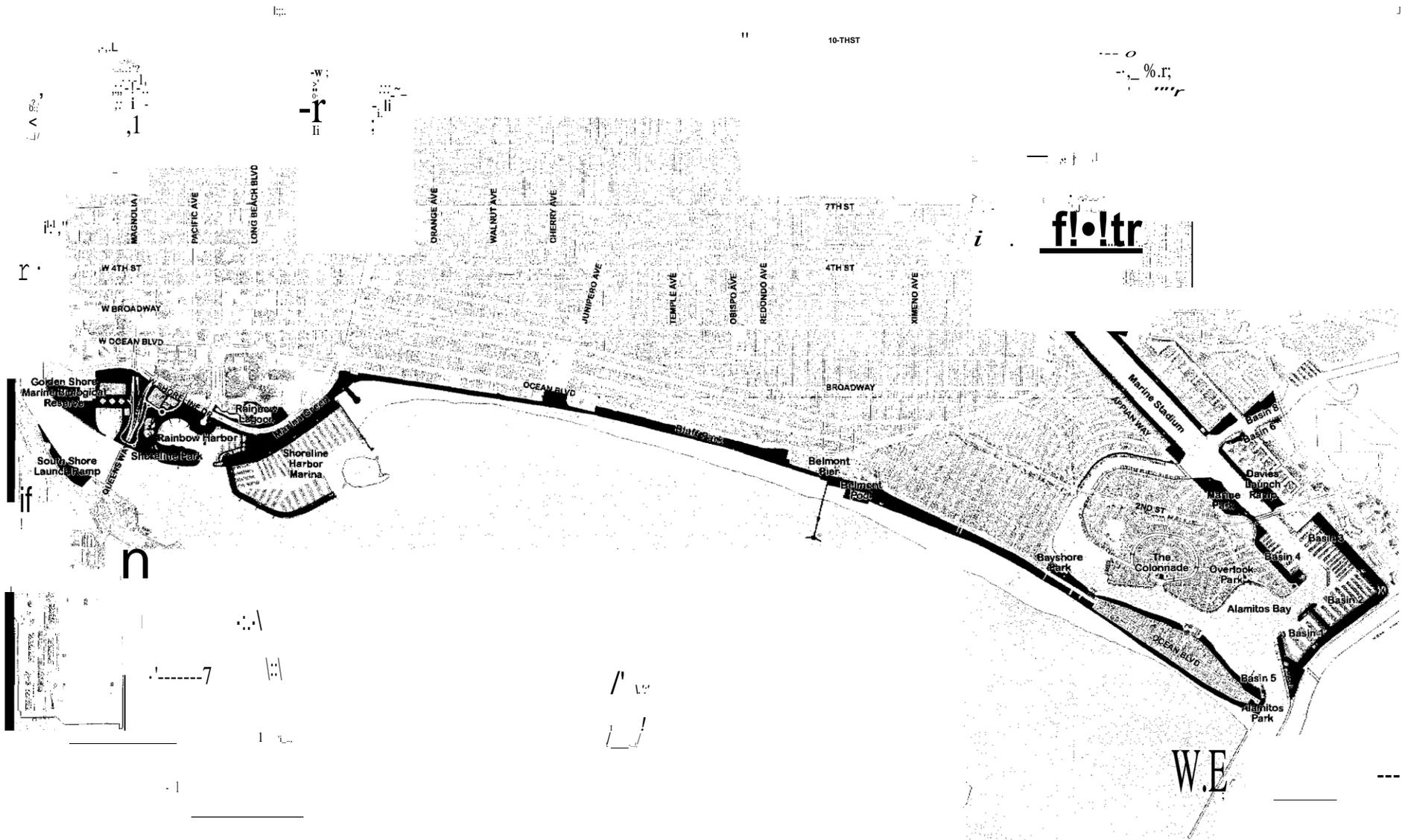
City of Long Beach



COASTAL COMMISSION
5-08--/87

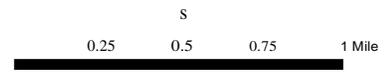
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City of Long Beach
 Department of Parks, Recreation and Marine
Marine Tree Trim Sites
 Potential Tree Trimming Areas Shaded Green

-5-08-/B7



COASTAL COMMISSION

Tree Trimming and Removal Policy
Coastal Development Permit No.5-08-187

City of Long Beach Department of Parks, Recreation, and Marine

1.0 The Purpose of this policy TIDELAND AREA TREE TRIMMING

1.1 PURPOSE

1.1.1 is to ensure the long-term protection of breeding and nesting habitat of birds protected by the Fish and Game Code, the Migratory Bird Treaty Act, and all bird species of special concern. **CONCUR**

1.2 BACKGROUND

1.2.1 The Department of Parks, Recreations, and Marine is obligated to trim trees within the marine environment for the safety of the public and the protection of property. The trimming or removal of any tree that has been used for breeding and nesting within the past 5 years, determined by a qualified biologist, shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act, and shall be conducted under the parameters described below. Issuance of the Coastal Development Permit constitutes approval during the lifetime of the permit of these activities as conditioned. **CONCUR**

1.3 POLICY

1.3.1 Department policy requires that all tree trimming and removal conducted in or adjacent to jetties marinas, beaches, and other city properties in the Tidelands area adhere to the procedures outlined in this document.

1.3.2 Tree trimming or tree removal shall be prohibited during the breeding and nesting season of the bird species referenced above (January to September) unless the Department of Parks, Recreations, and Marine, in consultation with a qualified arborist, determines that a tree causes danger to public health and safety. A health and safety danger exists if a tree or branch is dead, diseased, dying, or injured and said tree or branch is in imminent danger of collapse or breaking away. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed during the breeding and nesting season unless a health and safety danger exists.

1.3.3 The removal of any breeding and nesting tree shall require mitigation at a 1:1 ratio. Replacement trees shall consist of native or non-native, non-invasive tree species. A tree replacement planting plan for each tree

EXHIBIT# ::!) —

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replacement shall be developed to specify replacement tree locations, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards. An annual monitoring report shall be submitted for the review and approval of the Director of the Department of Parks, Recreation, and Marine a representative of the Audubon Society, and maintained with the Executive Director of the California Coastal Commission (CCC) on file as public information to determine baseline data for future tree trimming and removal decision making. **CONCUR**

1.4 PROCEDURES

1.4.1 Tree Trimming or Removal During Non-Breeding and Non-Nesting Season (October through December)

1.4.1.1 Prior to tree trimming or removal, a qualified biologist shall survey the trees to be trimmed or removed to detect nests and submit the survey(s) to the Department of Parks, Recreation, and Marine and the designated representative of the Audubon Society. Tree trimming or removal may proceed if a nest is found and no courtship or nesting behavior is observed.

1.4.1.2 , in event that any of the bird species referenced above return or continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist has assessed the site, determined that courtship behavior has not commenced, and given approval to proceed within 300 feet of any occupied tree.

1.4.1.3 Trimming of nesting trees shall occur in such a way that the support structure of existing -nests will not be trimmed unless a health and safety danger to the public health exists. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat.

1.4.2 Tree Trimming or Removal During Breeding and Nesting Season (January through September). If tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, the following guidelines must be followed.

1.4.2.1 A qualified biologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or

nesting behavior in or within 300 feet of the work area. A tree trimming and/ or removal plan shall be prepared by an arborist in consultation with the qualified biologist and representative of the Audubon Society. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Director of the Department of Parks, Recreation, and Marine and maintained on file with the California Coastal Commission as public information. The plan shall incorporate the following:

- a. **A description of how work will occur (work must be performed using non-mechanized hand tools to the maximum extent feasible). This will be a challenge**
- b. Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.
- c. Steps shall be taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting birds and their habitat.

1.4.2.2 Prior to commencement of tree trimming and/or removal, the qualified biologist shall notify in writing the Department of Fish and Game and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal. **CONCURRENCE with exception of 1.4.2.1 (a)**

1.5 COMPLIANCE

All tree trimming and tree removal shall be conducted in strict compliance with this policy. All trimmings must be removed from the site at the end of the business day and disposed of at an appropriate location. Any proposed change or deviation from the approved policy must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit or a permit from the U.S. Fish and Wildlife Services is required. **CONCUR**

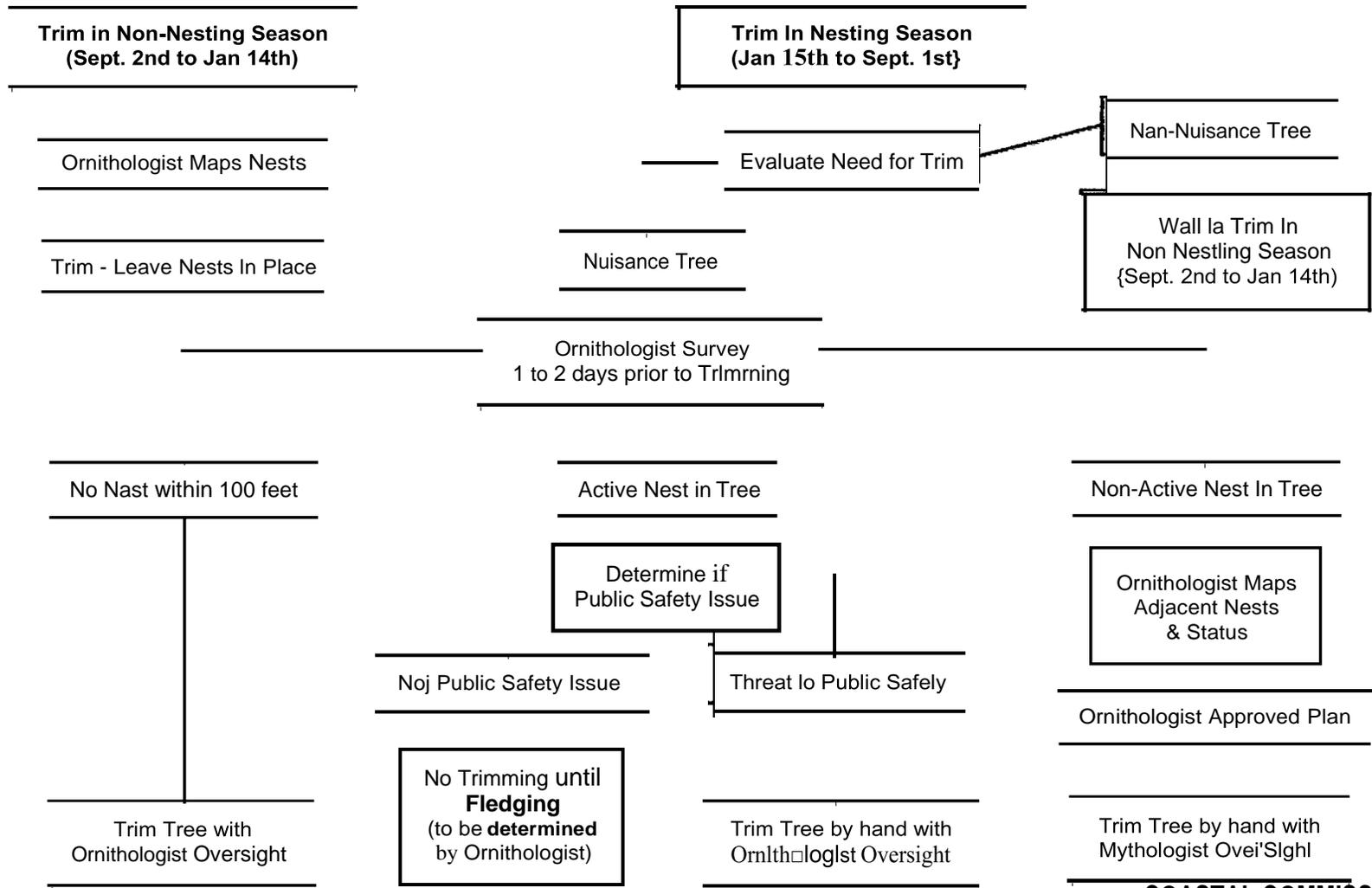
1.6 REVIEW AND REVISIONS

1.6.1 It is the responsibility of the Manager of Maintenance Operations to review and update this policy and procedure on an annual basis or when City policies or procedures change.

COASTAL COMMISSION

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CITY OF LONG BEACH
TIDELANDS TREE TRIMMING POLICY FLOW CHART



COASTAL COMMISSION
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P.O. BOX 6447, SYDNEY, CA 92016-6447



AUDUBON t.¥

January 6, 2009

Coast.al Commission
Attn: Jack Ainsworth
South Coast Deputy Director (Los Angeles County)
200 Oceangate, 10th Floor
Long 'Beach, CA 90802-4416
(562) 590a507 t California
FAX (562) 590-5084

Received
South Coast Region

JAN 6 - 2009

N CALIFORNIA
COASTAL COMMISSION

Dear Mr. Ainsworth:

The foLlOwing organizations are writing to express our support for the Staff Report and Recommendations, Application Number 5-08-187, concerning the City of Long Beach tree trimming policies. El Dorado Audubon Society, Los Angeles Audubon Society, and Sea and Sage Audubon Society very much appreciate the protection this policy will provide for nesting birds.

As you know the issue of tree trimming and other nesting disturbances are of high importance to Audubon and all of our members. The California Coastal Commission's (CCC) attention to this topic is critical. We believe the clear guidelines set forth in this report will be beneficial to both wildlife and the entities charged with scheduling and performing tree maintenance. As included in the Channel Island Harbor Policy, we would like to suggest that reports regarding tree removal be noticed to The Department of Fish and Game and US Fish and Wildlife Service as well as CCC and Audubon.

Additionally, we hope that the final policy for tree trimming will stress the responsibility of the City of Long Beach to identify and address diseased, weakened, and otherwise damaged trees and limbs proactively and prior to each year's nesting season whenever possible. While we fully support the need to address safety issues as they arise. we expect that the city take every opportunity to identify safety threats early -on, hi order to avoid unnecessary emergencies during the breeding season.

On behalf of our organizations we thank you for your work and attention to this issue. Please contact any of us if there are any questions or assistance we can offer regarding tree trimming and other policies that effect birds and wildlife.

Sincerely

Scott Thomas
Conservation Director, Sea and Sage Audubon
(949) 261-7962

COASTAL COMMISSION
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