



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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December 20, 2018

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the Planning Commission deny an appeal (APL18-004) and uphold the November 19, 2018 decision of the Zoning Administrator to accept Categorical Exemption CE-18-237 and approve a Local Coastal Development Permit (LCDP18-033) for the trimming and on-site relocation of existing street trees, and the addition of new street trees, in the public right-of-way in conjunction with a separately-permitted street improvement project, located on the segment of Marina Drive between 2nd Street and Studebaker Road. (District 3)

APPLICANT: Eric Lopez
City of Long Beach, Department of Public Works
333 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802
(Application No. 1810-12, LCDP18-033)

APPELLANTS: Leslie Rash and Anna Christensen for Protect the Long Beach/Los Cerritos Wetlands
259 Termino Ave.
Long Beach, CA 90803
(Appeal APL18-004)

DISCUSSION

The proposed project is located on Marina Drive between 2nd Street and Studebaker Road. It includes the trimming and on-site relocation of existing street trees and the addition of new street trees in the public right-of-way, in conjunction with a separately-permitted street improvement project. The project area is entirely within the Marina Drive public right-of-way (Exhibit A – Location Map), and does not include any trees on private property (the 2nd + PCH development site) or in the Alamitos Bay Marina parking lot.

The project is located within the SEADIP area of the Certified Local Coastal Program (LCP). The application is a request for a Local Coastal Development Permit (LCDP) to find that street tree trimming and relocation and the installation of new street trees in this segment of Marina Drive (between 2nd Street and Studebaker Road) is consistent with the City's Certified LCP.

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A public hearing at the Zoning Administrator level was held on November 19, 2018 for this LCDP application. The Zoning Administrator conditionally approved Application No. 1810-12 (LCDP18-033). An appeal of the Zoning Administrator's decision was received by the Planning Bureau on November 29, 2018.

Project Summary

According to plans prepared by the Public Works Department, the project consists of the trimming and relocation of 44 existing street trees, which are all Mexican fan palms (*Washingtonia robusta*). Another 142 existing Mexican fan palms within the project area will remain undisturbed in their current locations. An additional 22 new Mexican fan palms will be planted within the project area, and 19 additional broad-canopy trees will be planted in the project area as well (Exhibit B – Plans and Photographs).

The project (trimming and relocation of existing street trees and installation of new street trees) will be carried out in conjunction with a separately-permitted street improvement project. The Department of Public Works is carrying out a "complete streets" project on this segment of Marina Drive, which involves:

- A new sidewalk on both the northeast and southwest sides of the street,
- Reconfigured medians to accommodate multi modal transportation,
- New bike lanes on both sides of the street,
- 94 new on-street parking spaces,
- Three new Long Beach Transit bus stops,
- Four new pedestrian crosswalks, and
- Other minor associated street and traffic improvements

The street and traffic improvements are Categorically Excluded from being subject to an LCDP per Section 21.25.903.C.3 of the Zoning Regulations. A Coastal Permit Categorical Exclusion (CPCE) has been issued for the non-tree portion of the "complete streets" project (Exhibit C – CPCE-18-10). Some of the median and sidewalk reconfigurations make it necessary to relocate some of the existing street trees. Since work involving the trees is not Categorically Excluded from an LCDP, the tree portion of the project is subject to an LCDP to determine if the tree work is consistent with the Certified LCP. The scope of the LCDP request includes only the proposed tree work, and does not include the remainder of the "complete streets" project.

The project has been modified by the Department of Public Works based on interest and comments received from the public. Originally, the project included removal of 86 Mexican fan palms, which were to be replaced by 56 new Mexican fan palms and 30 broad-canopy trees. In response to public input, the Department of Public Works has revised the project three times, and now intends to retain all existing Mexican fan palms by relocating them on-site, with the addition of 22 new Mexican fan palms as well as 19 broad-canopy trees. The interested parties' particular concern in retaining Mexican fan palms is due to their potential use as nesting habitat by the great blue heron, a coastal bird species that has been known to nest in these and similar tall trees. However, it should be noted that none

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of the four independent bird surveys prepared over the past 12 months for this project indicate that the prescribed work presents a disruption to heron nesting in these trees (Exhibit D – Bird Surveys).

Staff is able to make positive findings to determine that the tree work conforms to the Certified LCP (Exhibit E – Findings), as required by Section 21.25.904 of the Zoning Regulations. The LCP is primarily concerned with maintaining public access to the coast, and maintaining the public recreation opportunities of the coast, in addition to ensuring replacement of any low- and moderate-income housing that may be removed as the result of a project. The project will not affect public access or recreation aspects of the coast, and since it takes place strictly within an existing public right-of-way, does not involve any housing.

In 2009, the City adopted, and the Coastal Commission approved, a tree trimming policy for Tidelands Areas and areas within the State Original Permit Jurisdiction of the Coastal Zone (Exhibit F – Tree Trimming Policy (Coastal Permit No. 5-08-187)). Although the project site is not located within the Tidelands and is not within the State Original Permit Jurisdiction area of the Coastal Zone (instead it is located in the City's permit jurisdiction/Appealable Area of the Coastal Zone), the policies and conditions the Tidelands Area tree trimming policy were incorporated into this project's conditions of approval to ensure that the conservation goals of, and consistency with, the Coastal Act are achieved (Exhibit G – Conditions of Approval).

The Tree Trimming Policy requires that a bird survey be conducted by a qualified biologist prior to any tree work, and sets forth the necessary steps and protections that must be taken if any birds or nests are found in the trees. Under the most recent bird survey prepared for the project, no active or inactive native bird species or special-status bird species nests protected under the Migratory Bird Treaty Act, California Fish and Game Code, or Coastal Development Permit were observed within the subject trees, as evidenced in the four surveys that have been conducted in this segment of Marina Drive over the past 12 months. An additional survey is required to be carried out prior to commencement of any work involving trimming or relocation of the trees. The conditions of approval also stipulate that all new trees to be installed as part of this project shall be selected by the Director of Public Works from a list of trees, prepared by a qualified biologist, which are suitable for nesting use by local coastal bird species. The Zoning Administrator added two conditions of approval at the November 19 hearing, which clarified that all new palm trees shall be Mexican fan palms (*Washingtonia robusta*) and that a five-year monitoring program shall be in place for the relocated trees.

Appeal

The Zoning Administrator's approval of the LCDP was appealed on November 29, 2018, by Leslie Rash and Anna Christensen of the Protect the Long Beach/Los Cerritos Wetlands organization (Exhibit H – Appeal APL18-004). The issues raised in the appeal can be summarized as follows:

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- The appellants oppose the removal and relocation of palm trees on Marina Drive over concerns about the transplanting process upon the trees, and over potential effects upon the migratory patterns of the great blue heron.
- The appellants oppose the issuance of an LCDP prior to preparation of a nesting bird survey (surveys were prepared in January, April, September, and October of 2018, and conditions of approval require preparation of another survey prior to any work).
- The appellants believe the existing palm trees should be considered Environmentally Sensitive Habitat Area for the great blue heron.
- The appellants object to the issuance of a Coastal Permit Categorical Exclusion (CPCE) for the street improvement portion of the project separately from the LCDP request for tree trimming and relocation.
- The appellants accuse the City of insufficient public engagement and procedural errors under the Brown Act in processing the LCDP.

Conclusion

Staff has determined that all required findings can be made to approve the LCDP for tree trimming and relocation, and that the conditions of approval will provide adequate protections and compliance with all applicable laws, codes, and regulations for the proposed work. Staff finds that the appellants' appeal is without merit on all points, and therefore recommends that the Planning Commission uphold the Zoning Administrator's decision to approve the subject LCDP, and deny the appeal.

PUBLIC HEARING NOTICE

A total of 436 public hearing notices were distributed on November 5, 2018, for the Zoning Administrator Hearing held on November 19, 2018, in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. Written comments and verbal testimony were received in response to the agenda item (Exhibit I – Public Comment from Zoning Administrator Meeting, and Exhibit J – Zoning Administrator Action Summary).

A total of 539 public hearing notices were distributed on December 4, 2018, in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. No comments addressed to the Planning Commission on this project or the subject of the appeal have been received as of the time of writing of this report. Any comments received will be provided to the Planning Commission prior to the scheduled hearing, or at the beginning of the hearing.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption was prepared for the proposed project (Exhibit L – CE-18-237), finding that this project qualifies for a Categorical Exemption per Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.

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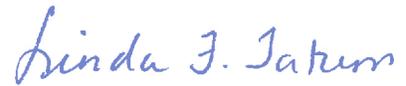
Respectfully submitted,


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Attachments:

- Exhibit A – Location Map
- Exhibit B – Plans and Photographs
- Exhibit C – Coastal Permit Categorical Exclusion CPCE-18-10
- Exhibit D – Bird Surveys
- Exhibit E – Findings
- Exhibit F – Tree Trimming Policy (Coastal Permit No. 5-08-187)
- Exhibit G – Conditions of Approval
- Exhibit H – Appeal APL18-004
- Exhibit I – Public Comment from Zoning Administrator Meeting
- Exhibit J – Zoning Administrator Action Summary
- Exhibit K – Categorical Exemption CE-18-237