

ORDINANCE NO. C-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH RELATING TO THE TEMPORARY LIMITATION ON REMOVAL OF ANY PROTECTED OAK TREE WITHIN THE CITY OF LONG BEACH; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

The City Council of the City of Long Beach ordains as follows:

Section 1. Purpose and Findings. The City Council adopts this interim ordinance of city-wide application in recognition of the fact that native Oak trees are significant historical, aesthetic, and ecological resources of the City of Long Beach which serve to enhance the value of property and the character of the neighborhoods in which they exist. This ordinance is necessary in order to contribute to a better understanding of the value of the City's historic oak trees, and to prohibit the indiscriminate damage and destruction of this significant resource. A moratorium is necessary in order for the City to undertake a study to develop favorable conditions for the preservation of this unique, threatened plant heritage, particularly those oak trees which may be classified as heritage oaks or which have otherwise been identified as possessing a particular historical significance in the City. The City Council finds that the preservation of certain native oak trees will serve to benefit the current and future residents of the City and will likewise enhance the general health, safety and welfare of the citizens of the City of Long Beach.

Sec. 2. Estimated Time for Completion of Study. It is estimated that the study or studies undertaken in connection with the adoption of this interim ordinance shall take approximately twelve (12) months to complete.

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1 Sec. 3. Prohibition. It is unlawful for any person to “damage”, remove, or
2 cause to be removed any “Protected Oak Tree” from any parcel in the City unless an
3 Oak Tree Permit is first obtained from the Director of Planning and Building, after a
4 recommendation for the issuance of said permit is made by the Planning Commission at
5 a duly noticed public hearing.

6 “Damage” as used in this ordinance includes any act causing or tending to
7 cause permanent injury to the root system or other parts of the tree, including, but not
8 limited to, construction in or around a Protected Oak Tree, cutting down, burning,
9 application of toxic substances, girdling (i.e., cutting through the bark completely around
10 the girth of the tree), by operation of heavy equipment or machinery, or by paving over,
11 changing the natural grade of land by excavation or filling within the tree protection
12 zone, trenching or excavating.

13 “Protected Oak Tree” as used in this ordinance, means a Valley Oak
14 (Quercus Lobata), Coastal Live Oak (Quercus Agrifolia) or any other tree of the Oak
15 genus indigenous to California that was either listed in the National Register of Historic
16 Trees on June 22, 2004 or which is hereafter determined to be a “Cultural Resource” or
17 “Historical Landmark” in accordance with Chapter 2.63 of the Long Beach Municipal
18 Code.

19 “Tree Protection Zone” as used in this ordinance means that certain area
20 as prescribed in the British Standards Institute Guidelines, 1991.

21 Sec. 4. Exemptions from Applicability. The provisions of this ordinance
22 shall not apply to:

23 A. Cases of emergency weather or other casualty conditions such as, but
24 not limited to, fire, earthquake, flood, wind or lightening wherein such condition has
25 created or is creating an immediate danger to the health, safety or welfare of persons or
26 property as determined by the Director of Planning and Building, the Fire Chief, or the
27 Chief of Police;

28 B. Emergency or routine maintenance performed by a public utility or its

1 designee and which is necessary to protect or maintain an electric power, water, gas, or
2 telecommunications line or other property of any private, investor owned, or municipal
3 utility;

4 C. Tree maintenance, limited to pruning of branches not to exceed four
5 inches in diameter in accordance with the guidelines published by the American
6 National Standards Institute (ANSI), intended to insure the continued health of a
7 protected tree;

8 D. Trees planted, grown and or held for sale by a licensed nursery;

9 E. Trees located on or within existing public rights of way where pruning is
10 necessary to retain or obtain adequate sight distances and or to keep street and
11 sidewalk easements clear of obstructions, or to remove or relocate trees causing
12 damage to roadway improvements or other public facilities and infrastructure within
13 existing public rights of way.

14 F. The relocation, pruning (including root pruning), trimming, removal of
15 dead branches for aesthetic and safety concerns, removal of live wood for residential or
16 commercial development or construction wherein an Oak Tree Permit has been issued
17 in accordance with the provisions of Section 5 herein.

18 Sec. 5 Oak Tree Permit. The Director of Planning and Building or his
19 designee shall, with the recommendation of the Planning Commission at a duly noticed
20 public hearing, issue an Oak Tree Permit for the purpose of relocation, pruning
21 (including root pruning), trimming, removal of dead branches for aesthetic and safety
22 concerns, removal of live or dead wood or branches necessary for residential or
23 commercial development or construction unless it is determined that such activity will
24 significantly jeopardize the long term viability, preservation, or survivability of the subject
25 tree, and the Director of Planning and Building has sufficiently conditioned the Oak Tree
26 Permit so as to protect the subject tree in accordance with the intent and purpose of this
27 ordinance.

28 An application for an Oak Tree Permit shall include the following

- 1 information and documents:
- 2 A. The name and address of the applicant and of all persons owning
- 3 any or all of the property proposed to be used;
- 4 B. Evidence that the applicant:
- 5 1. Is the owner of the premises involved, or
- 6 2. Has written permission of the owner or owners to make such
- 7 application;
- 8 C. Location of subject property (address or vicinity);
- 9 D. 1. A site plan satisfactory to, and in the number of copies
- 10 prescribed by the Director of Planning and Building or designee ("director"), indicating
- 11 the location and dimension of all of the following existing and proposed features on the
- 12 subject property;
- 13 a. Lot lines;
- 14 b. Streets, highways, access and other major public or
- 15 private easements;
- 16 c. Buildings and/or structures, delineating roof and other
- 17 projections;
- 18 d. Yards;
- 19 e. Walls and fences;
- 20 f. Parking and other paved areas;
- 21 g. Proposed areas to be landscaped and/or irrigated;
- 22 h. Proposed construction, excavation, grading and/or
- 23 landfill. Where a change in grade is proposed, the change in grade within a radius of
- 24 one foot per inch of truck caliper shall be specified;
- 25 i. The location of all oak trees subject to the provisions
- 26 of this Ordinance. Each tree shall be assigned an identification number on the plan and
- 27 such identification shall be utilized in the oak tree report and for physical identification
- 28 on the property where required.

- 1 j. Location of all surface drainage systems;
- 2 k. Other development features which the director deems
- 3 necessary to process the application;
- 4 2. Where a concurrent application for a permit, variance, zone
- 5 change, tentative map for a subdivision, including a minor land division or other
- 6 approval, is filed providing the information required by this subsection D, the Director
- 7 may waive such site plan where he or she deems it unnecessary to process the
- 8 application;
- 9 F. 1. An Oak Tree Report, prepared by an individual with
- 10 expertise acceptable to the Director, and certified to be true and correct, which is
- 11 acceptable to the Director for each tree shown on the site plan required by subsection D
- 12 of this section, which shall contain the following information:
- 13 a. The name, address and telephone number during
- 14 business hours of the preparer,
- 15 b. Evaluation of the physical structure of each tree as
- 16 follows:
- 17 i. The circumference and diameter of the trunk,
- 18 measured at the narrowest point between the lowest limb and the root flare;
- 19 ii. The diameter of the tree's canopy, plus five
- 20 feet, establishing the protected zone,
- 21 iii. Aesthetic assessment of the tree, considering
- 22 factors such as, but not limited to, symmetry, broken branches, unbalanced crown,
- 23 excessive horizontal branching;
- 24 iv. Recommendations to remedy structural
- 25 problems where required.
- 26 c. Evaluation of the health of the tree as follows:
- 27 i. Evidence of disease, such as slime flux, heart
- 28 rot, crown rot, armillaria root fungus, exfoliation, leaf scorch and exudations;

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1 values. Loss of said trees during the study period would significantly contribute to the
2 diminution of the health, safety, welfare and quality of life of the residents of the City of
3 Long Beach in general, and in particular to the residents who reside in proximity to
4 protected oak trees.

5 Sec. 8. This ordinance is an emergency ordinance duly adopted by the
6 City Council by a vote of five of its members and shall take effect immediately. The City
7 Clerk shall certify to a separate roll call and vote on the question of the emergency of
8 this ordinance and to its passage by the vote of five members of the City Council of the
9 City of Long Beach, and cause the same to be posted in three conspicuous places in
10 the City of Long Beach.

11 This ordinance shall also be adopted by the City Council as a regular
12 ordinance, to the end that in the event of any defect or invalidity in connection with the
13 adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, be
14 and become effective on the thirty-first day after it is approved by the Mayor. The City
15 Clerk shall certify to the passage of this ordinance by the City Council of the City of
16 Long Beach and shall cause the same to be posted in three conspicuous places in the
17 City of Long Beach.

18 I hereby certify that on a separate roll call and vote which was taken by
19 the City Council of the City of Long Beach upon the question of emergency of this
20 ordinance at its meeting of _____, 2004, the ordinance was declared to
21 be an emergency by the following vote:

22	Ayes:	Councilmembers:	_____
23			_____
24			_____
25	Noes:	Councilmembers:	_____
26			_____
27	Absent:	Councilmembers:	_____
28			_____

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1 I further certify that thereafter, at the same meeting, upon a roll call and
2 vote on adoption of the ordinance, it was adopted by the City Council of the City of Long
3 Beach by the following vote:

4 Ayes: Councilmembers: _____

5 _____

6 _____

7 Noes: Councilmembers: _____

8 _____

9 Absent: Councilmembers: _____

10 _____

11 _____

12 I further certify that the foregoing ordinance was thereafter adopted on
13 final reading by the City Council of the City of Long Beach at its meeting of

14 _____, 2004, by the following vote:

15 Ayes: Councilmembers: _____

16 _____

17 _____

18 Noes: Councilmembers: _____

19 _____

20 Absent: Councilmembers: _____

21 _____

22 _____

23 _____

24 _____ Clerk

25 _____

26 Approved: _____ (Date) _____ Mayor

27 _____

28 MJM:kjm 7/15/04 #04-02710
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