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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:

Robert E. Shannon  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
Telephone (562) 570-2200

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.

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.





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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 \_\_\_\_\_ Clerk

24  
25 Approved: \_\_\_\_\_  
26 (Date) Mayor

27 MJM:kjm 7/15/04 #04-02710  
28 L:\APPS\CtyLaw32\WPDOCS\ID013\IP003\00062579.WPD