



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

PLANNING BUREAU

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

- Site Plan Review Committee
- Zoning Administrator
- Planning Commission
- Cultural Heritage Commission

Which was taken on the 19th day of November, 2018.

Project Address: Marina Drive Between 2nd St. & Studebaker Rd

I/We, your appellant(s), hereby respectfully request that Your Honorable Body **reject** the decision and Approve / Deny the application or permit in question.

ALL INFORMATION BELOW IS REQUIRED

Reasons for Appeal: See attached.

Appellant Name(s): Leslie Rash & Anna Christensen
 Organization (if representing) Protect The Long Beach / Los Cerritos
 Address: 259 Termino Ave - Wetlands
 City Long Beach State CA ZIP 90803 Phone 562 434-0229
 Signature(s) [Signature] Date 11/29/18

- A separate appeal form is required for each appellant party, except for appellants from the same address, or an appellant representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

BELOW THIS LINE FOR STAFF USE ONLY

Appeal by Applicant Appeal by Third Party

Received by: AP/MC Case No.: AP18-004 Appeal Filing Date: 11/29/18
 Fee: \$100 Fee Paid Project (receipt) No.: PLNB43844
Receipt 03411263

Attachment to Application for Appeal on the decision of the Zoning Administrator 11/19/18
Appellants: Leslie Rash / Anna Christensen of Protect The Long Beach/Los Cerritos Wetlands
Dated and submitted November 29, 2018

Re: Application No. 1810-12 (LCDP18-033)

Reasons for Appeal:

- 1) We disagree with the removal/relocation of palm trees on Marina Drive. Relocation is not only hazardous to the trees, but causes a potential impact on the migratory patterns of the great blue heron that nest in the trees. As stated by Eric Lopez, Project Management Officer, there is "potential impact of the move*." The risk of relocating mature palm trees is too great. Plus, the method for removal, transfer and relocation is unclear. Too many questions are not answered: How many trees will be moved at once? Will they be re-planted immediately or stored? Is there established protocol and who would monitor the safety of the trees? Approving this Permit puts the cart before the horse. The trees should be saved and kept in place to offer the best possible habitat protection for great blue heron.
- 2) We object to a Permit being approved BEFORE a nesting (migration) survey is conducted. Marianne Cronin, Planner, stated (as an added condition) that "another bird migration survey [would] be conducted prior to the issuance of a permit*." Mr. Lopez stated that the latest bird study was done in October. However, the nesting season for the blue heron is January through September. We would like to see further surveys done by third party biologists. We also request more time be granted to review past surveys to get an appropriate scope of migratory patterns. A single survey done in the off-season is not accurate. We also request to be included in the process of selecting third-party biologists to perform surveys.
- 3) We disagree with the Zoning Administrator's indication that the palm trees – *Washingtonia robusta* – do not merit special consideration because they do not qualify under ESHA. While the tree itself may not be endangered, the habitat the Marina Drive palm trees provide should be protected. The trees and habitat are one; great blue heron use the trees for nesting. Therefore, the trees require special attention that is ignored by a Categorical Exemption or Development Permit. Furthermore, great blue heron are listed as "species at risk" or "special status species" by the California Department of Fish and Wildlife (Special Animals List, November 2018, California Natural Diversity Database). Many palm trees have already been illegally cut down in the Marina Drive project area and those remaining are being neglected and potentially damaged by construction equipment and materials. We request denial of this Permit to avoid further harm to the trees and continued impact to environmentally sensitive habitat.
- 4) We object to the "tree part" being separated from the larger Marina Drive Street Improvement project for the purpose of permitting. Dividing the tree "trimming and removal" from the overall project has put the public at a disadvantage.

Both the public Notice and Hearing Agenda state:

Project Description: A Local Coastal Development Permit request for the trimming and removal of existing street trees, in conjunction with a separately-permitted street improvement project that will include installation and replacement of street trees, located on the segment of Marina Drive between 2nd Street and Studebaker Road.

While the Zoning Administrator and City staff discussed the “project” throughout the Special Hearing on November 19, we, the aggrieved appellants have been instructed to ONLY address the “tree part.” In fact the Hearing summary/minutes use the term “project” throughout and point to the findings that support the previously requested Categorical Exemption and the currently requested Development Permit. This not only causes confusion about what is included in the “project” but also leaves the public with little recourse to address the larger project overall. Of course the “trimming and removal” of existing trees does not change affordable housing or public access, making it a slam-dunk for a permit. But the whole project – Marina Drive Street Improvements – makes a huge public impact, one that the City has made it difficult for us to address. Despite being told to just discuss the “tree part,” we do hereby state that we object to the Coastal Permit Categorical Exclusion of the Marina Drive Street Improvement project, based on potential impacts on roadway and intersection capacity, decreased parking, impaired public access, and environmentally sensitive habitat. Although not allowed in this Appeal, we would greatly appreciate the opportunity to address the “project” as a whole.

- 5) We appeal to the requirements of public engagement, ethics and transparency and do not agree that we have been provided with the materials or time to effectively engage in the City’s process regarding the Marina Drive Street Improvement development.
 - a. The Agenda for the November 19 Zoning Administrator Hearing (Special Meeting) was not delivered or accessible on the City’s website until two hours before the Hearing. California Government Code requires agendas for special meetings to be posted 24 hours in advance. Evidence of this mistake was provided to the City Clerk and the Director of Development Services. We consider this a serious oversight, a violation of the Brown Act. Yet, no action has been taken by the City.
 - b. Seven members of the public attended the November 19 ZA Hearing. Each of them, without prior collaboration, stated concerns about lack of public outreach. Statements are documented in the meeting summary. Yet, the consensus was been ignored.
 - c. Members of the attending public also stated that the actions taken at the November 19 Hearing did not match the project description provided in the public Notice. Also, the description of the Agenda (posted only two hours before the meeting) did not match the Notice, thus putting the public at a disadvantage for planning and addressing the Zoning Administrator at the Hearing. Specifically,

the scope of the project had been modified after the public Notice, leaving the public uninformed and unprepared. We have been communicating with and requesting information from City staff since discovering palm trees had been illegally cut down, as far back as July 2018. Members of our group have specifically requested to be kept in the loop about the Marina Drive street project and palm trees. However, the City has conveniently divided out the “tree part” of the project and neglected to inform us about the requests for the CPCE and LCDP for the larger project. While focusing on “the trees” part, we learned at the Nov. 19 Hearing that we missed the appeal period for the Marina Drive Street Improvements project as a whole.

* Statements can be found in the Summary of the Nov. 19, 2018 ZA Special Meeting (please note a typo on the Summary; it was incorrectly dated Nov. 12)

