

ORDINANCE NO. C-7940

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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
5 at 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
10 is 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
16 or commercial development or construction wherein an Oak Tree Permit has been
17 issued 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
27 this 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 E. 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;

- 1 ii. Identification of insect pests, such as galls,
- 2 twig girdler, borers, termites, pit scale and plant parasites.
- 3 iii. Evaluation of vigor such as new tip growth, leaf
- 4 color, abnormal bark, deadwood and thinning of crown;
- 5 iv. Health rating based on the archetype tree of
- 6 the same species;
- 7 v. Recommendations to improve tree health,
- 8 such as insect or disease control, soil aeration, pruning and fertilization.
- 9 d. Evaluation of the applicant's proposal as it impacts
- 10 each tree shown on the site plan, including suggested mitigating and/or future
- 11 maintenance measures where required and the anticipated effectiveness thereof;

12 F. In addition to the information required in the application, the application
13 shall substantiate to the satisfaction of the Director the following facts:

- 14 1. That any construction of a proposed use will be accomplished
- 15 without substantially endangering the health of the subject Oak Tree on the property;
- 16 2. That sufficient mitigation measures have been imposed in
- 17 connection with any construction activity so as to promote the health and longevity of
- 18 the subject tree and that any construction activity involving or affecting the subject tree
- 19 be supervised by a registered consulting arborist.

20 Sec. 6. Declaration of Urgency. This ordinance is an emergency
21 measure, and it is urgently required for the reason that, pending completion of an
22 appropriate study, historically significant indigenous oak trees may be lost or destroyed
23 due to indiscriminate damage, cutting, or removal, and that said losses can in no way
24 be remediated due to the age of the trees involved and their relative scarcity in the City.
25 Protecting said trees on an interim basis is necessary because such trees are a
26 valuable long term community asset which, among other things, contribute to the
27 aesthetics, the pleasantness and serenity of neighborhoods, enhance the architectural
28 character of the neighborhoods in which they reside, and tend to increase property

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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
3 Long Beach by the following vote:

4 Ayes: Councilmembers: Lowenthal, Baker, Colonna,
5 O'Donnell, Kell, Reyes Uranga,
6 Gabelich, Lerch.

7 Noes: Councilmembers: None.

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9 Absent: Councilmembers: Richardson.

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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: _____

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18 Noes: Councilmembers: _____

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20 Absent: Councilmembers: _____

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23 _____ Clerk

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25 Approved: _____
26 (Date) Mayor