



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

H-2

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Assistant City Attorney

PRINCIPAL DEPUTIES

Barbara D. de Jong  
Dominic Holzhaus  
Michael J. Mais  
Belinda R. Mayes

DEPUTIES

Gary J. Anderson  
Alan D. Bennett  
Christina L. Checel  
Randall C. Fudge  
Charles M. Gale  
Michelle Gardner  
Everett L. Glenn  
Donna F. Gwin  
Monte H. Machit  
Lisa Peskay Malmsten  
James N. McCabe  
Barry M. Meyers  
Susan C. Oakley  
J. Charles Parkin  
Howard D. Russell  
Carol A. Shaw

July 20, 2004

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
CALIFORNIA

SUBJECT: AN ORDINANCE 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

On June 22, 2004, the City Council adopted a minute order requesting that the Planning Commission undertake a study as a precursor to adopting an ordinance that would seek to preserve Oak trees in the City that are of historical significance. Pending the Planning Commission study, the City Council has requested that the City Attorney prepare an interim (moratorium) ordinance that would preserve the status quo until the study has been completed.

The attached ordinance creates a moratorium for a period of one year while the Planning Commission study is undertaken. The ordinance prevents the destruction or removal of all Oak trees in the City that were listed on the National Register of Historic Trees as of June 22, 2004, as well as any tree that is declared by the Cultural Heritage Commission to be of historical significance after June 22, 2004.

Although the destruction or removal of the above described category of Oak trees would be prohibited during the moratorium period, the ordinance would permit the trimming or pruning of the subject trees provided that a

property owner first obtain a permit to do so from the Director of Planning and Building, with the recommendation of the Planning Commission. In order to obtain a permit, the applicant would be required to submit a certified report from a recognized expert in tree care that would, among other things, demonstrate that any trimming or pruning of the tree could be accomplished without substantially endangering the health of the tree in question. In addition, any permit issued by the Director would be required to include a mitigation plan that would provide for the care of the tree both during and after pruning or trimming activity. Further, any pruning would be required to be supervised by a certified arborist.

The draft ordinance has been prepared as an "urgency" measure as prescribed in Section 211 of the City's Charter. If adopted, the ordinance would become effective immediately in order to preserve the status quo and to insure that protected trees are not destroyed during the proposed study period.

Recommended Action:

- 1) Receive the supporting documentation into the record, and continue the hearing to August 3, 2004;
- 2) Conclude the public hearing on August 3, 2004, and declare the emergency to exist; and
- 3) Declare the Ordinance read, adopted as read, and laid over to the next regular meeting of the City Council for final reading.

Very truly yours,

ROBERT E. SHANNON, City Attorney

BY   
MICHAEL J. MAIS  
Assistant City Attorney

MJM:kjm

L:\APPS\CtyLaw32\WPDOCS\ID013\IP003\00062576.WPD  
#04-02710