ATTACHMENT NO. 1
TO CITY COUNCIL LETTER FOR
OCTOBER 19, 2004 HEARING

PLANNING COMMISSION STAFF
REPORTS
AND ATTACHMENTS

Agenda No. **Case No. 0401-09**
CE 04-06

CITY OF LONG BEACH

DEPARTMENT OF PLANNING & BUILDING
333 W. Ocean Boulevard Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

September 2, 2004

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Standards Variance for Construction of a Two Story Single Family Residence with an Attached Two Car Garage and Approval of an Oak Tree Permit.
(Council District 8)

LOCATION: 56 La Linda Drive

APPLICANT: Charles Belak-Berger
118 S. Catalina Avenue
Suite D
Redondo Beach, CA 90277

RECOMMENDATION

1. Approve the following code exceptions, subject to conditions:

   a. First and second stories located 10 feet from the front property line on Bixby Road (instead of not less than 20 feet); and

   b. First and second stories located 3 feet from the western side property line (instead of not less than 6 feet).

2. Make a positive recommendation allowing the Director of Planning and Building to issue an Oak Tree Permit for this project in full compliance with all requirements set forth in Ordinance No. C-7940.

REASON FOR RECOMMENDATION

1. The proposed residence would not have any adverse effects to the protected oak tree or to the surrounding neighborhood.

2. Findings can be made to support the Standards Variance request due to the uniqueness of the lot and the presence of the protected oak tree.

BACKGROUND

The Planning Commission held a public hearing on this Standards Variance request at its regular meeting of May 6, 2004. During this public hearing, the Commission heard testimony from several concerned neighbors and citizens expressing opposition to the proposed project. The primary issues of concern involved the health and preservation of the project site oak tree, reduced setbacks from Bixby Road and the western side property line, and possible removal of the hedge fronting Bixby Road.

The Commission approved a motion to continue this hearing to its June 3, 2004 meeting date in order to give the applicant and concerned parties an opportunity to find a mutually acceptable alternative project design. The applicant subsequently requested an additional continuation of this item until further notice in order to allow for more time to meet with the concerned parties and consider possible design alternatives. At its June 3, 2004 meeting, the Planning Commission approved a motion allowing an extended continuation for this project request, not to exceed a six month period from the date of such action and return to the Commission no later than the December 2, 2004 Commission meeting date.

At staff's request, an informal meeting was held at City Hall on June 15, 2004 with the applicant and concerned neighbors/citizens to explore mutually acceptable design options. Regarding preservation of the oak tree, staff recommended a covenant be recorded on the subject property to prohibit removal without first obtaining written permission by the City. Such permission would be limited to irreversible health conditions only, verified in a written assessment prepared by a qualified arborist, and replacement with a mature tree to the satisfaction of the City. The applicant agreed to this restriction as part of the recommended conditions of approval (see Condition No. 23).

Regarding the western side yard setbacks, the applicant is now requesting a minimum setback of three feet for both first and second stories (the previous request for this side yard was a three foot first story setback and a six inch second story setback). At the end of this June 15, 2004 community meeting, the issue of the setback from Bixby Road had not been resolved between the parties.

In exploring a mutually acceptable front yard setback, staff researched nearby properties along Bixby Road to determine if existing residences comply with the current 20 foot front yard setback requirement of the subject R-1-L district. Based on a review of building permit files for properties along both sides of Bixby Road between Long Beach Boulevard and Weston Place, staff found several properties with front yard setbacks between 15 and 18 feet (140, 180, 201, 230-232, 240-242, 250-252 and 261 E. Bixby Road) and two properties with a front yard setback of less than 15 feet (10 feet for 170 E. Bixby Road and 13 feet for 2 La Linda Drive). Therefore, the existing development pattern for this block is characterized by front yard setbacks less than the current R-1-L standard of 20 feet.

On June 21, 2004, the applicant submitted revised project plans for the July 1, 2004 Commission meeting that provided an increased setback of 10 feet from the Bixby Road frontage for both the first and second stories as well as a three foot western side yard setback for both stories.

On June 22, 2004, the City Council adopted a minute order requesting the Planning Commission to initiate a study for protection of all oak trees in the City which are of historic significance. As part of this action, the City Council approved an interim moratorium period prohibiting the issuance or approval of any City permit or entitlement allowing or facilitating any alteration or destruction of any oak tree of historical significance. Since no entitlement action could occur during this moratorium period, the Planning Commission at their July 1, 2004 meeting continued this matter indefinitely until the moratorium has either been lifted or modified to allow this project to proceed.

On August 10, 2004, the City Council adopted Ordinance No. C-7940, placing a temporary limitation on the removal of "protected oak trees" such as the project site oak tree (see Attachment No. 7). This ordinance requires issuance of an Oak Tree Permit by the Director of Planning and Building pursuant to a positive recommendation by the Planning Commission at a duly noticed public hearing. An approved Oak Tree Permit is required prior to any pruning (including root pruning), trimming, removal of dead branches, or removal of any live or dead wood or branches necessary for residential or commercial development that would not jeopardize the long term viability, preservation or survivability of such tree. Since this project will require substantial tree pruning as described in the arborist report (see Attachment No. 8), an approved Oak Tree Permit would be a requirement of project approval (see Condition No. 24).

Due to neighborhood concerns regarding the security and aesthetic benefits of the front yard hedge, Condition No. 23 has been revised to include this hedge in the preservation covenant. The hedge provides not only an attractive greenscape buffer between the proposed residence and Bixby Road, but also acts as a security fence similar to the fence on the opposite side of the La Linda Drive entrance. If this hedge were removed, a Standards Variance would need to be approved for any new front yard fence greater than three feet in height.

During this interim moratorium period, staff received an arborist report prepared at the applicant's request by Greg Applegate in July 2004 (the previous arborist report, prepared by Alden Kelley in February 2004, was prepared at the request of a La Linda Drive resident rather than the project applicant). Staff forwarded copies of both arborist reports to a staff arborist in the City's Department of Public Works to review and assess these documents. The conclusion of Public Works was that while the two reports are essentially similar in the scope and nature of recommended construction protection measures, the Applegate report provides a slight degree of additional protection, particularly with the recommendation to install a six foot high chain link fence around the oak tree during the construction process. Staff therefore has modified Condition No. 10 to reference the Applegate report instead of the earlier report.

The Director of Planning and Building must place sufficient conditions of approval on an Oak Tree Permit to adequately insure tree protection. Staff believes the requirements set forth in Condition No. 10 for construction safeguards and Condition No. 23 for a covenant prohibiting any future intentional damage or unauthorized removal would constitute a preservation plan needed to qualify for this exemption. Staff therefore recommends that the Planning Commission make a positive recommendation allowing the Director of Planning and Building to issue an Oak Tree Permit for this project in full compliance with all requirements set forth in Ordinance No. C-7940.

CURRENT ACTION REQUESTED

In addition to a positive recommendation on issuance of an Oak Tree Permit, the applicant requests approval of a Standards Variance to allow code exceptions for the front yard and western side yard setbacks.

In order to take an action on the Standards Variance request, the Planning Commission is required to make certain findings either in support or opposition of the approval request. These findings along with staff analysis are presented below for consideration, adoption and incorporation into the record of proceedings.

STANDARDS VARIANCE FINDINGS

Pursuant to Chapter 21.25, Division III of the Long Beach Municipal Code, the variance procedure is established to allow for flexibility in the Zoning Regulations. This flexibility is necessary because not all circumstances relative to all lots can be foreseen and evaluated in the writing of such regulations. In order to prevent abuse of this flexibility, certain specific findings of fact must be made before any variance can be granted. These findings have been incorporated into the Long Beach Municipal Code.

A. THE SITE OR THE IMPROVEMENTS ON THE SITE ARE PHYSICALLY UNIQUE WHEN COMPARED TO OTHER SITES IN THE SAME ZONE;

The vacant site is located within the La Linda Drive gated residential community. The site is irregular in dimensions with a somewhat L-shaped western side property line and an eastern side property line that follows the curvature of La Linda Drive, meeting the western property line at the northern tip of this configuration. The site is also substandard in area at 5,239 square feet, less than half the minimum 12,000 square feet required for all new subdivisions of land area in the subject R-1-L district. A mature oak tree has a trunk location at the southeastern portion of this site, but has a canopy spread of 70-75 feet.

B. THE UNIQUE SITUATION CAUSES THE APPLICANT TO EXPERIENCE HARDSHIP THAT DEPRIVES THE APPLICANT OF A SUBSTANTIAL RIGHT TO USE OF THE PROPERTY AS OTHER PROPERTIES IN THE SAME ZONE ARE

USED AND WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH LIMITATIONS IMPOSED ON SIMILARLY ZONED PROPERTIES OR INCONSISTENT WITH THE PURPOSE OF THE ZONING REGULATIONS;

Due to the irregular dimensions, substandard lot area and presence of a mature oak tree with a wide canopy spread, the site presents a unique situation that severely limits improvement for residential uses in a manner similar to other properties in the subject R-1-L district. The site cannot reasonably be improved for residential uses while not endangering this oak tree unless there is some building encroachment into the required front and side yard setback areas.

C. THE VARIANCE WILL NOT CAUSE SUBSTANTIAL ADVERSE EFFECTS UPON THE COMMUNITY; AND

The front and western side yard building encroachments will not have substantial adverse effects upon the surrounding community. The front yard encroachment will be partially screened from Bixby Road by the oak tree as well as an existing hedge approximately eight feet in height running along the entire street frontage. As part of project approval, the applicant shall record a covenant that prohibits intentional damage or removal of the oak tree or hedge without explicit written authorization by the City and replacement with a similar plant species of comparable size (see Condition No. 23). The western side yard encroachment will bring this residential structure closer to the neighboring property to the west (54 La Linda Drive), but will not impact any other surrounding properties. By preserving the mature oak tree and moving the building footprint to primarily the western half of this site, the applicant has provided a substantial open space buffer between the residence and La Linda Drive.

The project will not create any new curb-cuts on Bixby Road or result in the loss of existing on-street parking spaces. There would be no creation of any illegal land uses or any undesirable land use impacts to the neighborhood in terms of increased density, noise, or loitering.

D. IN THE COASTAL ZONE, THE VARIANCE WILL CARRY OUT THE LOCAL COASTAL PROGRAM AND WILL NOT INTERFERE WITH PHYSICAL, VISUAL AND PSYCHOLOGICAL ASPECTS OF ACCESS TO OR ALONG THE COAST.

The subject site is not located in the Coastal Zone.

PUBLIC HEARING NOTICE

A total of 52 Public Hearing Notices were mailed on August 17, 2004 to all owners of properties within a 300 foot radius of the project site, as well as to the Los Cerritos Improvement Association and the elected representative of the 8th Council District.

REDEVELOPMENT REVIEW

The project site is not located in a redevelopment area.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 04-06) was prepared for this project on April 20, 2004 (see Attachment No. 6).

IT IS RECOMMENDED THAT THE PLANNING COMMISSION:

1. Approve the following code exceptions, subject to conditions:

    a. First and second stories located 10 feet from the front property line on Bixby Road (instead of not less than 20 feet); and

    b. First and second stories located 3 feet from the western side property line (instead of not less than 6 feet).

2. Make a positive recommendation allowing the Director of Planning and Building to issue an Oak Tree Permit for this project in full compliance with all requirements set forth in Ordinance No. C-7940.

Respectfully submitted,

FADY MATTAR
ACTING DIRECTOR OF PLANNING AND BUILDING

By: _____
CRAIG CHALFANT
PLANNER III

Approved: _____
GREG CARPENTER
ZONING ADMINISTRATOR

GC:cc

Attachments:

1. Project Vicinity Map
2. Conditions of Approval
3. Project Plans
4. Project Photos
5. May 6, 2004 Staff Report
6. CE 04-06
7. Ordinance No. C-7940
8. Applegate Arborist Report

ATTACHMENT #1

PROJECT VICINITY MAP

Department of Plan

Property Address:

AIN: 7139021029

Zoning Classification: R-1-L

Zoning Overlay: NONE

General Plan: LUD# 1
SINGLE FAMII

Special Setback(s): NO

Historical District: NO HISTORIC/

Historical Building: NONE

Parking Impacted Area: NO

Special Fence Height Area: NO

Coastal Zone District: NO

Redevelopment Area: NO

Legend

Text Lot Dimensions
Text Curb Dimensions
Text Street Dimensions
Vacated Streets
Special Setback
Assessor Parcels
Curblines

This is a general purpose map compiled from various sources.

ATTACHMENT #2

CONDITIONS OF APPROVAL

STANDARDS VARIANCE
CONDITIONS OF APPROVAL
Case No. 0401-09
Date: September 2, 2004

1. This permit and all development rights hereunder shall **terminate one year** from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.

2. The **code exceptions approved** for this project are as follows:

   a. First and second stories located 10 feet from the front property line (instead of not less than 20 feet); and

   b. First and second stories located 3 feet from the western side property line (instead of not less than 6 feet).

3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return **written acknowledgment** of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days form the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.

4. If, for any reason, there is a **violation of any of the conditions** of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.

5. In the event of **transfer of ownership** of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.

6. All conditions of approval **must be printed** verbatim on all plans submitted for plan review to the Planning and Building Department. These conditions must be printed on the site plan or a subsequent reference page.

7. All plans submitted for plan review must explicitly call out and describe all materials, textures, and colors approved by the Planning Commission. No substantial changes shall be made without prior written approval of the Planning Commission or Zoning Administrator, respectively.

8. The Director of Planning and Building is authorized to make **minor modifications** to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Site Plan Review Committee or Planning Commission, respectively.

9. Site development, including landscaping, shall conform to the approved plans on file in the Department of Planning and Building. At least **one set of approved plans** containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps **shall be maintained at the job site,** at all times for reference purposes during construction and final inspection.

10. Prior to the issuance of a building permit, the applicant must submit **complete landscape and irrigation plans for the entire site** subject to the discretionary approval of the Director of Planning and Building. **The landscaping plan shall provide for the preservation, maintenance, and if necessary replacement of the existing Coast live oak and the existing hedge along the Bixby Road frontage.**

    The applicant shall strictly adhere to all construction recommendations and continuously implement all tree care recommendations set forth in the July 2004 report on the Coast live oak prepared by Greg Applegate. The oak tree shall be completely fenced off from the remainder of the project site during the entire duration of project construction activities. This fence shall be a minimum of six (6) feet in height, at least thirty-two (32) feet from the oak trunk and completely surrounding the oak tree trunk. The applicant shall submit a copy of the monthly monitoring report on the oak tree health to the Director of Planning and Building. This monthly monitoring report shall be prepared at commencement of construction activities and continue until a Certificate of Occupancy has been approved by the Director of Planning and Building. Failure to strictly comply with this condition shall be grounds for permit revocation.

11. Where feasible, all landscaped areas shall be planted with drought tolerant plant materials. All landscaped areas shall be provided with water conserving automatic **irrigation systems** designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.

12. All **landscaped areas** must be maintained in a neat and healthy condition. Any dying or dead plants materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.

13. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).

14. Any graffiti found on site must be removed within 24 hours of its appearance.

15. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.

16. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.

17. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.

18. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.

19. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):

a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
b. Saturday: 9:00 a.m. - 6:00 p.m.; and
c. Sundays: not allowed

20. Any **off-site improvements** found to be damaged shall be replaced to the satisfaction of the Director of Public Works.

21. **No portion of the proposed residence or any other structural improvements shall be located within 10 feet of the oak tree trunk. Beyond 10 feet of the oak tree trunk, there shall be no transverse grading (across the radially-growing roots) with an on-grade foundation for any portion of the site less than a 32 foot radius from the oak tree trunk. Any portion of the residential structure within 32 feet of the oak tree trunk shall be solely supported with caissons (pilings) above grade** rather than a foundation on grade, to the satisfaction of the Director of Planning and Building. Failure to comply with this condition may result in permit revocation.

22. The project site **driveway shall be constructed entirely of modular units** (i.e. unmortared brick or paving stones) laid on the soil surface with a minimum amount of grading or fill to the satisfaction of the Director of Planning and Building.

23. Prior to the issuance of a building permit, the applicant shall record a **covenant** on the subject site to prohibit any future intentional damage or removal of either the existing Coast live oak tree or the existing hedge located along the Bixby Road frontage without explicit written authorization by the Director of Planning and Building. Justification for removal shall be limited to irreversible health conditions that would render the oak tree or hedge unsalvageable, which must be based on a written assessment prepared by a qualified professional arborist. City authorization for removal shall require replacement with a similar species of comparable size to the satisfaction of the Director of Planning and Building.

24. The applicant shall obtain approval of an **Oak Tree Permit** in full compliance with all applicable requirements set forth in Ordinance No. C-7940 of the City of Long Beach prior to any pruning (including root pruning), trimming, removal of dead branches, or removal of any live or dead wood or branches necessary for residential development. All activities undertaken pursuant to the approved Oak Tree Permit shall be in strict compliance with all conditions of project approval.

25. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or

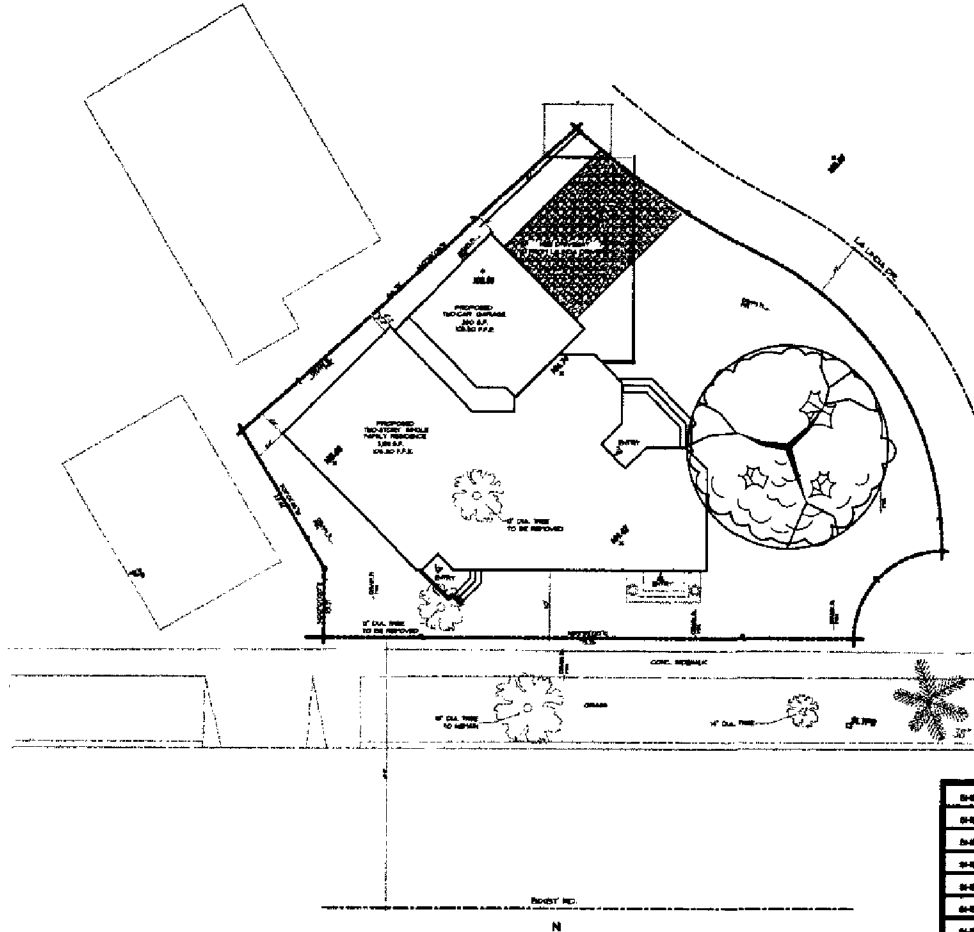
proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.

ATTACHMENT #3

PROJECT PLANS

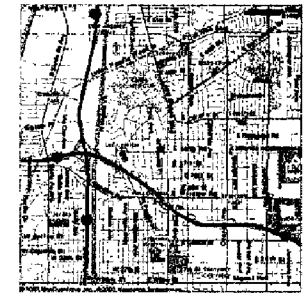
GENERAL CONSTRUCTION NOTES

1. All dimensions featured with these plans must be verified on the field prior to construction and any discrepancies must be reported to the architect immediately for remediation.
2. These plans shall comply with all provisions of the 2001 edition of the California Building Code, the 2001 edition of the C.M.C and C.P.C. codes, the fifth edition of the National Electric Code (N.E.C.) and the 2001 T-24 Energy conservation and/or disabled access requirements.
3. These plans shall comply with all applicable city codes and planning resolutions where applicable.
4. Any changes made to these plans shall be referred to the architect of record, being Charles Belak - Berger, a licensed and registered architect in the state of California and authorised to practice architecture under license number C-O1xxx. These plans remain the property of the architect C.B.B and Associates and have been released to the owner, owners, developers or contractors for the sole purpose of construction. Unauthorised duplication or the use of these plans for any other purpose than the one authorised above is strictly prohibited and will hold the architect harmless in the event.
5. Any excavation in excess of 5 feet shall be subject to the safety requirements as outlined by CAL OSHA. Safe shoring plans and measures shall be implemented in compliance with all CAL OSHA recommendations and a safety plan regarding the protection of any worker or pedestrian shall be conspicuously posted.
6. Provide a approved gas shut off valve in a conspicuous location for quick access in an emergency.
7. PERMITS. The building plancheck and permit fees required to be paid to the city shall be the responsibility of the owner or developer. The final permit for construction shall be issued only to the owner or the owner's contractor. Proof of active workmen's compensation insurance shall be required for any contractor pulling building permits. Specific building permits such as electrical, mechanical and plumbing permits shall be pulled by the contractor or his subcontractors and shall be invoiced to the owner.
8. SUBSTITUTIONS. No substitutions may be made by the building contractor or his subcontractors without approval by the owner and the architect.
9. CHANGES AND CHANGE ORDERS. The owner may order extra work or make changes by altering, modifying, adding or deducting from the work to be done, the contract sum being adjusted accordingly.
10. CUTTING AND PATCHING. All trades shall do their cutting, fitting and patching etc. in a concerted effort for the many integral parts to come together properly and fit, to receive or be received by the work of contingent trades.
11. SCOPE. All trades shall furnish required labor, material and equipment for the performance of all necessary work, indicated or reasonably inferred or required by applicable codes to complete their scope of work, for a complete, thorough, neat and timely job.
12. CLEAN UP. All trades shall at all times keep the work premises free from the accumulation of waste materials and rubbish as may be a result of their work on the project.
13. TEMPORARY TOILET FACILITIES. The general contractor or owner acting in the capacity of the contractor ie. Owner-Builder, shall provide temporary toilet facilities for all trades with in a 100 foot radius of the project site throughout the duration of the same.
14. LINES AND LEVELS. The contractor shall be responsible for the accuracy of the building lines and levels. The contractor shall carefully compare the lines and levels shown on the building documents, plans and specifications with the existing lines and levels for the location and construction of the project. (Work) and shall report all and any noted discrepancies to the architect prior to proceeding with any work for immediate resolution.
15. ON SITE VERIFICATION of all dimensions and conditions shall be the responsibility of the contractor and his sub contractors. Noted dimensions shall always take precedence over scale. The general contractor or any subcontractor shall report any discrepancy or condition which prevents the proper execution of their work to the superintendent on the job, who in turn shall report to the architect.
16. CLIENT'S ARCHITECT OR PROJECT SUPERINTENDENT shall be notified immediately by the general contractor or subcontractors in regard any discrepancy, omission, questions etc. that may arise pertaining to the working drawings or building specifications.
17. SUBCONTRACTORS shall insure that all work performed is done in a professional workmanlike manner by skilled mechanics and shall replace any materials or items damaged or destroyed by the subcontractor or his employees. Subcontractors and suppliers are hereby notified that they are to confer and co-operate fully with each other during the course of construction as concerns the exact extent and overlap of each sub-contractor's work with the intent to successfully complete the execution of all required work.
18. STRUCTURAL. Always refer to structural calculations for any question regarding lumber grades to be used in construction as well as framing member sizing, building and material specifications, foundation and pad sizing and earthquake or wind resisting requirements and assemblies.
a. No deviations shall be made from the structural plans, details or specifications without the written consent of the structural engineer, engineer or architect having prepared the structural calculations, plans and details. Approval for any deviation from the plan regardless of the authority, be it the building inspector, city plan checker etc. does not constitute approval of such deviation as it must be approved by the structural engineer of record alone.
b. Detailed drawings and specifications shall take precedence over any and all general building drawings and specifications. Dimensions shall take precedence over scaled measurements.
c. Should errors, omissions or discrepancies appear in the drawings or specifications for the building or in the work done by others affecting the project, the architect shall be notified immediately and shall issue instructions regarding resolution of same.
d. The contractor shall comply, conform and abide by all local city, county, state or federal building codes as apply to the project including safety and handicapped codes. These codes shall be considered a part of the building specifications for the project. The contractor shall inform the architect if he or she believes or knows that the architect's plans and or specifications are at variance with these codes, laws and regulations. Should the contractor perform any work contrary to these codes and their requirements he shall bear all costs arising there from.
e. All sill plates used in direct contact with concrete or block footings must be pressure treated.
f. All anchor bolts embedded into concrete or block footings must be embedded by no less than 7 inches.
g. U.F.E.R. ground is required with all new electrical service panels.
h. I.A.P.M.O approvals will be required for one piece lavoratories.
i. All WC's to be "water saving" type low flush.
j. Provide smoke detectors with alarms in all corridors and within all bedrooms. Hardwire detectors in new construction. Battery powered smoke detectors may be used in additions.
k. In bathrooms without adequate air ventilation through operable windows to the outside air use mechanical ventilators capable of 5 air changes per hour as a minimum.
l. A weep screed is required around the building perimeter, minimum 4 inches above adjacent natural grade or two inches above a concrete slab or improved walkway with adequate slope for all water to drain.



SITE PLAN

SCALE 1/8" = 1'-0"



SITE VICINITY MAP

PROJECT DATA:

OWNER: MR. PATRICK JONES
ADDRESS: 56 LA LINDA DR. LONG BEACH, CA

LEGAL DESCRIPTION: L & S-R FOR DESC SEE ASSESSOR'S MAPS PORTION OF LOTS 31 AND 44

ASSESSOR'S I.D. # [illegible]

SITE AREA: [illegible] S.F.
BUILDING COVERAGE: 1,[illegible] S.F.
FLOOR AREAS:
2ND FLOOR: [illegible].00 S.F.
1ST FLOOR: 1,4[illegible].00 S.F.
TOTAL LIVING AREA: [illegible].00 S.F.
GARAGE AREA: 360.00 S.F.
TOTAL DECK & BALCONIES: [illegible].00 S.F.

OCCUPANCY - R3
CONSTRUCTION - VN

SHEET INDEX:

SHEET # 1	SITE PLAN, PROJECT DATA, NOTES, SHEET INDEX
SHEET # 2A	ARCHITECTURAL DETAILS
SHEET # 2B	ARCHITECTURAL DETAILS
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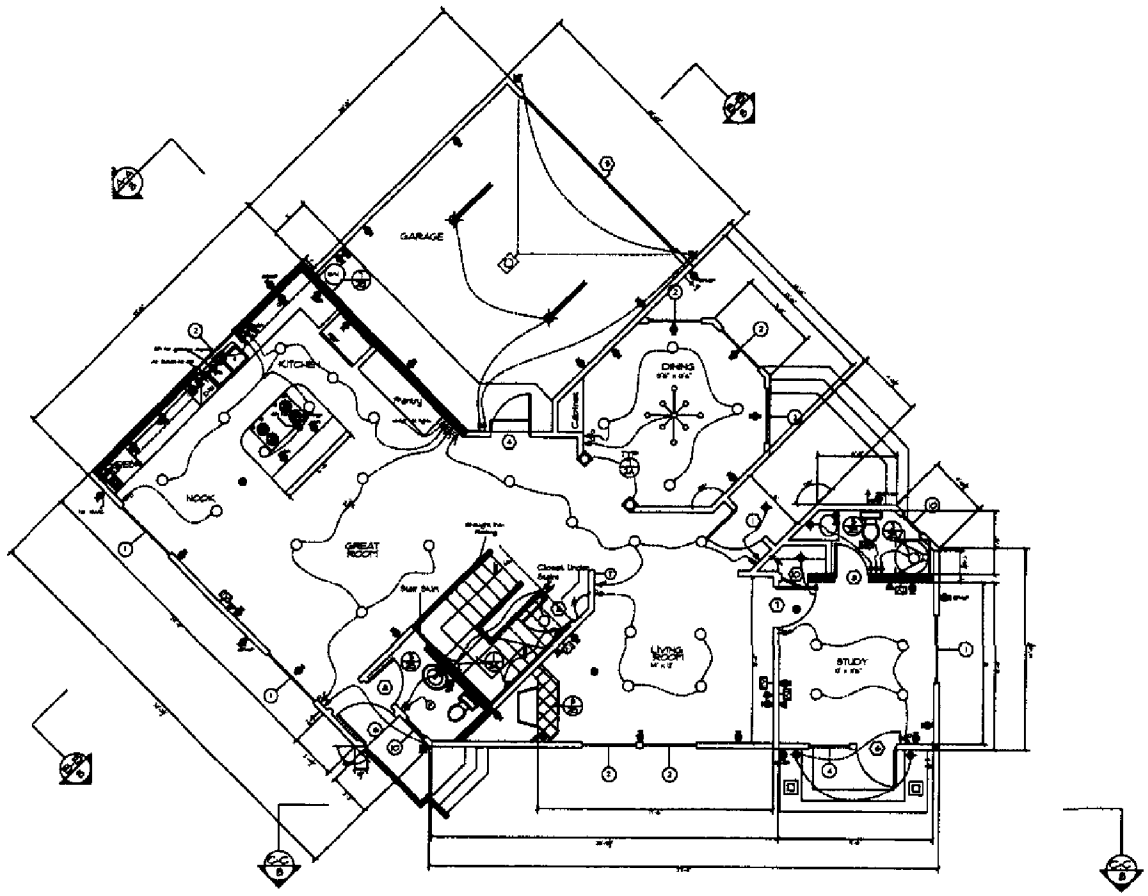
SHEET # 4	FIRST FLOOR PLAN
SHEET # 5	SECOND FLOOR PLAN
SHEET # 6	ELEVATIONS
SHEET # 7	SECTIONS
SHEET # 8	FOUNDATION PLAN & FIRST FLOOR FRAMING
SHEET # 9	SECOND FLOOR FRAMING
SHEET # 10	ROOF FRAMING
SHEET # 11A	STRUCTURAL DETAILS
SHEET # 11B	STRUCTURAL DETAILS
SHEET # 12	GENERAL SPECIFICATIONS

Project Name (Client - Address - City) MR. PATRICK JONES 56 LA LINDA DR. LONG BEACH, CA	BELAK-BERGER CBB Architects 118 South Catalina Ave. · Suite D Redondo Beach, California 90277 Phone & Fax: (310) 379-0882	Sheet 1 of 13
Use Description: SITE PLAN	Date: 06/21/2004 Revision Date: Drawing by: CBB STAFF	

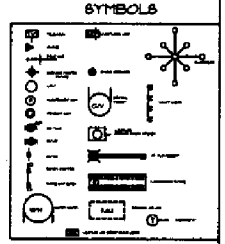


FIRST FLOOR PLAN

1445 S.F. - LIVING
360 S.F. - GARAGE

SCALE: 1/4"=1'-0"

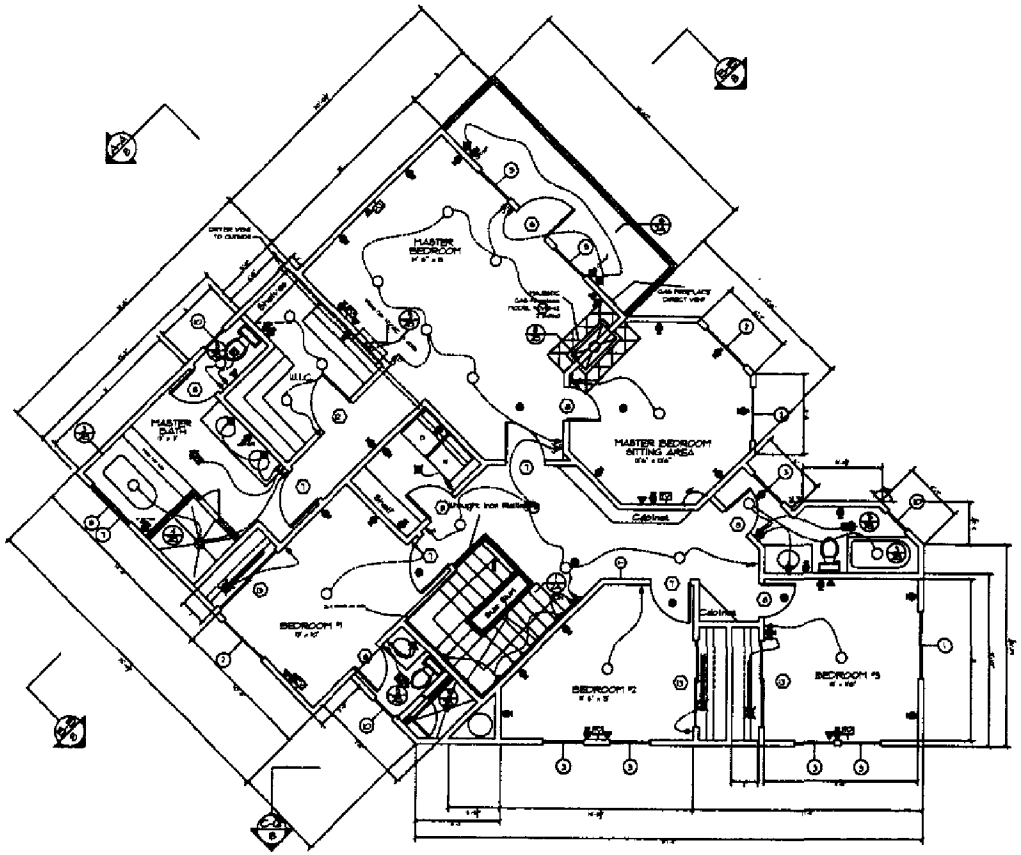
SYMBOLS



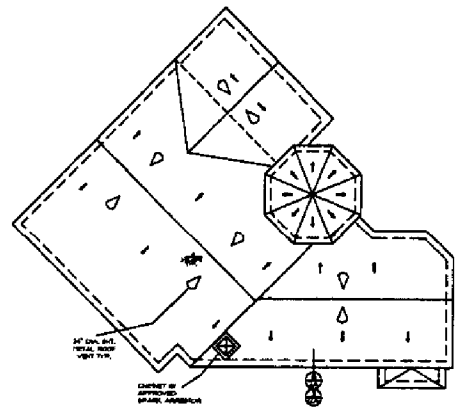
Project Name (Client - Address - City)	MR. PATRICK JONES 58 LA LINDA DR LONG BEACH, CA
Use Description:	FLOOR PLAN
Date:	06/21/04
Revision Date:	
Drawing by:	CBS STAFF

CBS Architects
115 South Catalina Ave. - Suite D
Redondo Beach, California 90277
Phone & Fax (310) 376-0888

Sheet 4 of 13

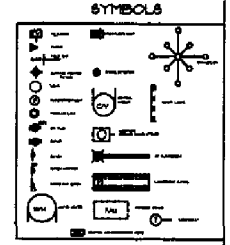


SECOND FLOOR PLAN



ROOF PLAN

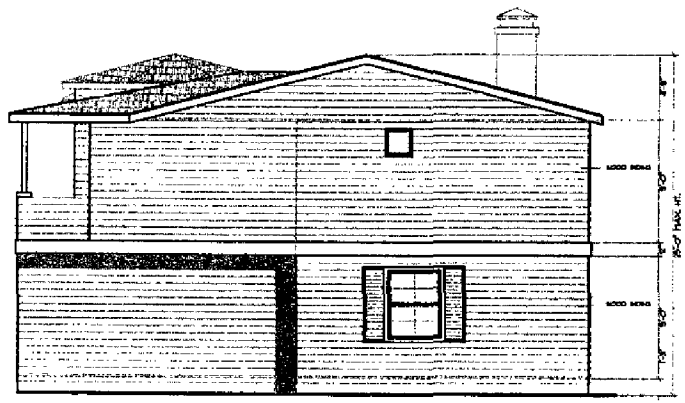
SYMBOLS



Project Name (Client - Address - City): MR. PATRICK JONES, 56 LA LINDA DR, LONG BEACH, CA		Sheet 5 of 13
Use Description: FLOOR PLAN, ROOF PLAN	Date: 06/21/04; Revision Date:; Drawing by: CBB STAFF	CBB Architects, 138 South Catalina Ave. - Suite D, Redondo Beach, California 90277, Phone & Fax (310) 379-9988

WEST ELEVATION

SCALE: 1/4"=1'-0"



NORTH ELEVATION

SCALE: 1/4"=1'-0"

SOUTH ELEVATION

SCALE: 1/4"=1'-0"

EAST ELEVATION

SCALE: 1/4"=1'-0"

Project Name (Client - Address - City) MR. PATRICK JONES 55 LA LINDA DR. LONG BEACH, CA		SELAK-BERGER	Sheet 6
Use Description: ELEVATIONS	Date: 06/21/2004 Revision Date: Drawing by: CBB STAFF	CBB Architects 118 South Catalina Ave. - Suite 3 Redondo Beach, California 90277 Phone & Fax (310) 375-0882	

ATTACHMENT #4

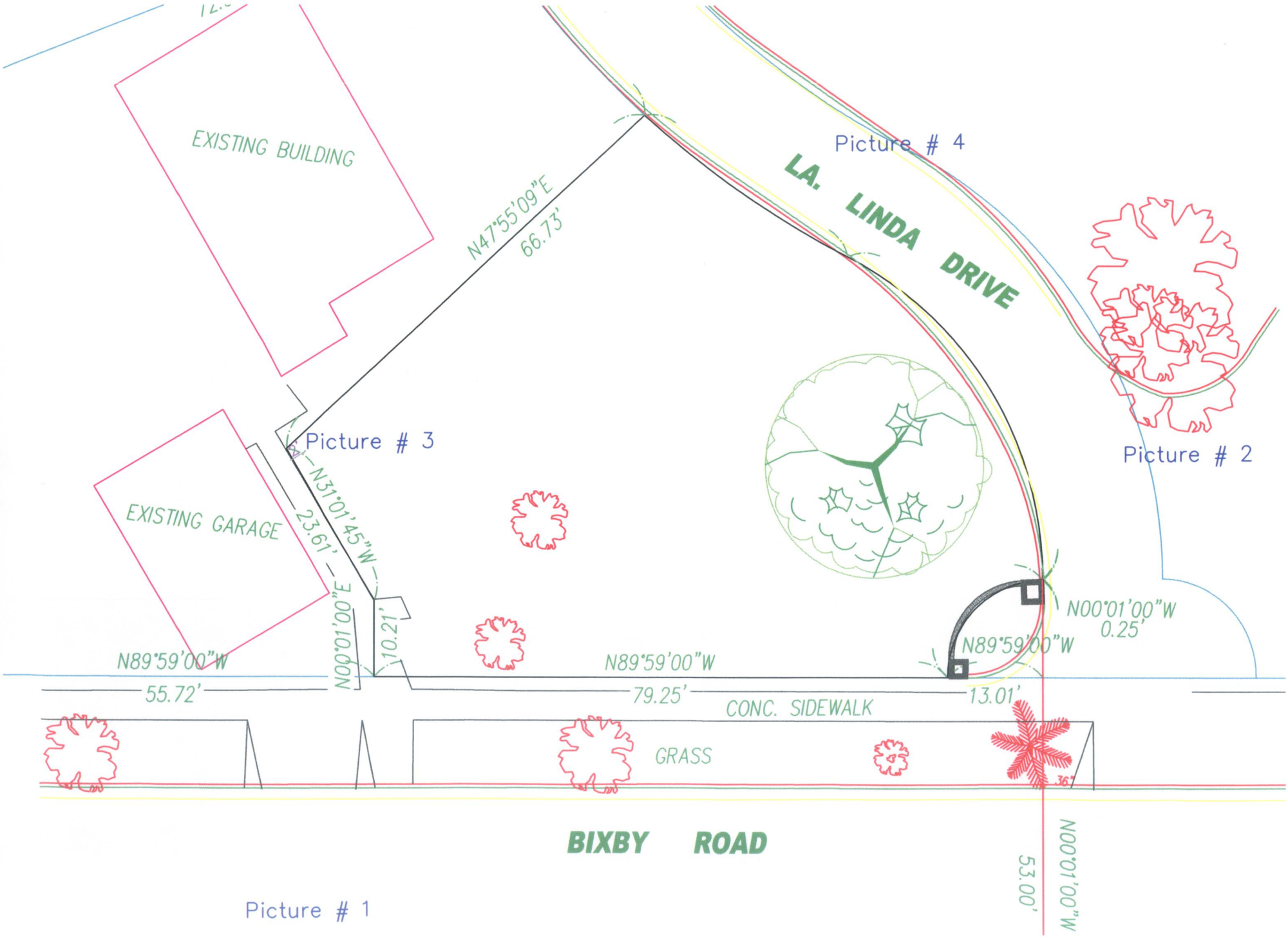
PROJECT PHOTOS

Picture # 1 - Taken from across Bixby Road

Picture # 2 - Taken from across La Linda Drive near main gate

Picture # 3 - Taken from west end of lot

Picture # 4 - Taken from La Linda looking south toward tree


EXISTING BUILDING
EXISTING GARAGE
N47°55'09"E
66.73'
LA. LINDA DRIVE
Picture # 4
Picture # 3
Picture # 2
N31°01'45"W
23.61'
N00°01'00"E
10.21'
N89°59'00"W
55.72'
N89°59'00"W
79.25'
N89°59'00"W
13.01'
N00°01'00"W
0.25'
CONC. SIDEWALK
GRASS
36"
BIXBY ROAD
N00°01'00"W
53.00'
Picture # 1

ATTACHMENT #5

MAY 6, 2004
STAFF REPORT

Agenda No.

Case No. 0401-09
CE 04-06

CITY OF LONG BEACH

DEPARTMENT OF PLANNING & BUILDING
333 W. Ocean Boulevard Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

May 6, 2004

CHAIRMAN AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Standards Variance for Construction of a Two Story Single Family Residence with an Attached Two Car Garage. District 8)

LOCATION: 56 La Linda Drive

APPLICANT: Charles Belak-Berger
118 S. Catalina Avenue
Suite D
Redondo Beach, CA 90277

RECOMMENDATION

Approve the Standards Variance request, subject to conditions of approval.

REASON FOR RECOMMENDATION

1. The proposed residence would not have any adverse effects to the existing project site vegetation or to the surrounding neighborhood.

2. Findings can be made to support the Standards Variance request.

BACKGROUND

The project site is a vacant lot located at the northwest corner of La Linda Drive and Bixby Road, abutting the western side of the La Linda Drive gated community entry off Bixby Road. A mature oak tree occupies most of the eastern site area, with horizontal branches extending to the northern and western portions of the site. An oak tree of this size and maturity is considered rare for the Long Beach area.

The site has an irregular configuration with a lot area of 5,239 square feet. The site is located in the R-1-L zoning district, which requires a minimum area of 12,000 square feet for all newly created lots, making this lot substantially substandard in size.

On September 9,1991, a Lot Line Adjustment (Case No. 9108-13) was approved for the subject property, which then had 185 E. Bixby Road as its address, and the abutting property to the west, 54 La Linda Drive. The approval permitted the common side property line to be reconfigured from a straight line running diagonal between Bixby Road and La Linda Drive to the somewhat L-shaped lot line that characterizes the subject site's western side property line. The two lots had been developed as one lot under common ownership, with the existing garage for 54 La Linda Drive encroaching over this property line. The irregular side property line resulting from this adjustment allowed this garage to be entirely within the 54 La Linda lot, thereby allowing separate sale of the two lots.

A summary of the Zoning, General Plan, and land uses of surrounding properties are as follows:

	ZONING	GENERAL PLAN	LAND USE
SITE	R-1-L	LUD #1 – SINGLE FAMILY	RESIDENTIAL
NORTH	R-1-L	LUD #1 – SINGLE FAMILY	RESIDENTIAL
SOUTH	R-1-N	LUD #1 – SINGLE FAMILY	RESIDENTIAL
EAST	R-1-L	LUD #1 – SINGLE FAMILY	RESIDENTIAL
WEST	R-1-L	LUD #1 – SINGLE FAMILY	RESIDENTIAL

The applicant proposes to construct a two story single family residence with an attached two car garage. The original Standards Variance application had the residence located close to the oak tree and a driveway accessing Bixby Road, which required removal of the existing hedge along this front property line (the Bixby Road frontage is considered the front property line since it has a shorter street frontage than the property line along La Linda Drive) as well as a mature street tree. The variances requested were for front, side and rear yard setbacks, garage setback in the front half of the lot, and building height.

A public hearing was scheduled for the February 9, 2004 Zoning Administrator meeting to consider this request. However, after the public hearings notices were circulated, the Zoning Administrator referred this matter to the Planning Commission at the request of the 8th District Council representative. This request was made pursuant to community concerns regarding the residence location and potential impacts to the oak tree, front hedge and street tree.

In order to determine if this site could be improved for residential uses without threatening the health and longevity of this mature oak tree, the applicant hired Alden Kelley, a consulting arborist, to prepare a report assessing potential impacts and recommending tree

care guidelines (see Attachment No. 5). The tree species is a Coast live oak, a native species considered at risk, although not designated as an endangered species. As reported on page 5, the project site oak tree is at least 55 feet in height with an overall canopy spread of 70-75 feet. It is estimated that this tree is close to 300 years old and could survive another 100-150 years if left undisturbed.

The existing canopy spread, a result of unattended growth over a prolonged period of time, includes westward and northward scaffold branches (branches coming directly from the truck) growing in the direction of the proposed residence building pad. The project site would be undevelopable if no branch pruning occurred. The lower horizontal northerly branch is considered an unavoidable removal if any functional development were to occur. Three additional "at-risk" branches to the west and south were also identified for partial or total removal. Removal of the horizontal northern branch coupled with removal of only the secondary limbs of the three other at-risk branches would constitute about 20% of the existing total mass (see p. 8).

The arborist recommendations are as follows:

1. Restrict removal of live wood to essential clearance only. Any branches with heights that allow for acceptable roof clearance should be retained.

2. All pruning operations should be performed under the direction of the recommended oak tree care specialist.

3. Inoculate the soil with mycorrhizal spores to maintain a healthy root system.

4. Provide mineral enrichment through organic fertilizers pursuant to appropriate soil testing and treatment by a professional operator; do not use high nitrogen chemical fertilizers.

5. Provide mulching soon after mycorrhizal inoculation and before the first stages of construction begin. Mulch should be replenished each year.

6. Cap off or modify nearby sprinkler heads to prevent any irrigation spray against the tree truck. Turn off the entire irrigation system during construction and deep-water the oak tree to a depth of 1.5 to 2 feet every 5 to 8 weeks.

7. Take special precautions during all construction activities: no parking or driving of construction equipment beneath the oak canopy; no stacking of construction materials under the oak tree (unless materials are deposited on support blocks to minimize the area of compaction over the root zone); no dumping of liquid construction wastes anywhere on the lot; and off-site equipment washing only.

8. Monthly monitoring of the oak and its surroundings by a competent arborist.

As added protection to the oak root system, the applicant has proposed using caissons (pilings) to raise the structural foundation above grade in lieu of typical site grading. The applicant's arborist has concluded that caissons are only needed within 10 feet of the oak tree trunk and regular grading with an on-grade foundation would not endanger the root system beyond this 10 foot perimeter. For this reason, the applicant has proposed and staff will recommend as a condition of approval that any portion of the residential structure within 10 feet of the oak tree truck (which includes a portion of the first floor study and bathroom only) be supported by caissons rather than a typical foundation on a graded footprint area (see Condition No. 21).

The revised project has repositioned the residence to be located almost entirely on the western half of this lot while providing overall floor area of 3,144 square feet (which meets the maximum permitted floor area ratio of 0.6 for the subject R-1-L district). In addition, the driveway will now take access from La Linda Drive in order to save the existing front yard hedge and the street tree.

Staff believes the applicant has done a commendable job in redesigning this project to minimize impacts to existing plant life, maintain the limited exposure of this gated community to the Bixby Road frontage, and minimize variance relief requests for setback encroachments on a lot that is both irregular in dimensions and substandard in total area. The applicant has not requested variance relief for building mass or height, and staff would not support requests for more building area/height than permitted in the R-1-L district.

The code exceptions now requested by the applicant are:

1. First and second stories located 5 feet, 6 inches from the front property line (instead of not less than 20 feet);

2. First story located 3 feet from the western side property line (instead of not less than 6 feet); and

3. Second story located 6 inches from the western side property line above the first story garage (instead of not less than 6 feet).

CURRENT ACTION REQUESTED

The applicant requests approval of a Standards Variance to allow code exceptions for the front yard and western side yard setbacks.

In order to take an action on the Standards Variance request, the Planning Commission is required to make certain findings either in support or opposition of the approval request. These findings along with staff analysis are presented below for consideration, adoption and incorporation into the record of proceedings.

STANDARDS VARIANCE FINDINGS

Pursuant to Chapter 21.25, Division III of the Long Beach Municipal Code, the variance procedure is established to allow for flexibility in the Zoning Regulations. This flexibility is necessary because not all circumstances relative to all lots can be foreseen and evaluated in the writing of such regulations. In order to prevent abuse of this flexibility, certain specific findings of fact must be made before any variance can be granted. These findings have been incorporated into the Long Beach Municipal Code.

A. THE SITE OR THE IMPROVEMENTS ON THE SITE ARE PHYSICALLY UNIQUE WHEN COMPARED TO OTHER SITES IN THE SAME ZONE;

The vacant site is located within the La Linda Drive gated residential community. The site is irregular in dimensions with a somewhat L-shaped western side property line and an eastern side property line that follows the curvature of La Linda Drive, meeting the western property line at the northern tip of this configuration. The site is also substandard in area at 5,239 square feet, less than half the minimum 12,000 square feet required for all new subdivisions of land area in the subject R-1-L district. A mature oak tree has a trunk location at the southeastern portion of this site, but has a canopy spread of 70-75 feet.

B. THE UNIQUE SITUATION CAUSES THE APPLICANT TO EXPERIENCE HARDSHIP THAT DEPRIVES THE APPLICANT OF A SUBSTANTIAL RIGHT TO USE OF THE PROPERTY AS OTHER PROPERTIES IN THE SAME ZONE ARE USED AND WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH LIMITATIONS IMPOSED ON SIMILARLY ZONED PROPERTIES OR INCONSISTENT WITH THE PURPOSE OF THE ZONING REGULATIONS;

Due to the irregular dimensions, substandard lot area and presence of a mature oak tree with a wide canopy spread, the site presents a unique situation that severely limits improvement for residential uses in a manner similar to other properties in the subject R-1-L district. The site cannot realistically be improved for residential uses while not endangering this oak tree unless there is some building encroachment into the required front and side yard setback areas.

C. THE VARIANCE WILL NOT CAUSE SUBSTANTIAL ADVERSE EFFECTS UPON THE COMMUNITY; AND

The front and western side yard building encroachments will not have substantial adverse effects upon the surrounding community. The front yard encroachment will be partially screened from Bixby Road by an existing hedge approximately 7.5 feet in height running along the entire street frontage. This hedge shall be preserved and properly maintained as a condition of project approval (see Condition No. 10).

The western side yard encroachment will bring this residential structure closer to the neighboring property to the west (54 La Linda Drive), but will not impact any other surrounding properties. By preserving the mature oak tree and moving the building footprint to primarily the western half of this site, the applicant has provided a substantial open space buffer between the residence and La Linda Drive.

The project will not create any new curb-cuts or result in the loss of existing on-street parking spaces. There would be no creation of any illegal land uses or generate any undesirable land use impacts to the neighborhood in terms of increased density, noise, or loitering.

D. IN THE COASTAL ZONE, THE VARIANCE WILL CARRY OUT THE LOCAL COASTAL PROGRAM AND WILL NOT INTERFERE WITH PHYSICAL, VISUAL AND PSYCHOLOGICAL ASPECTS OF ACCESS TO OR ALONG THE COAST.

The subject site is not located in the Coastal Zone.

PUBLIC HEARING NOTICE

A total of 52 Public Hearing Notices were mailed on April 20, 2004 to all owners of properties within a 300 foot radius of the project site, as well as to the Los Cerritos Improvement Association and the elected representative of the 8th Council District.

REDEVELOPMENT REVIEW

The project site is not located in a redevelopment area.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 04-06) was prepared for this project on April 20, 2004 (see Attachment No. 6).

IT IS RECOMMENDED THAT THE PLANNING COMMISSION:

Approve the Standards Variance request, subject to conditions of approval.

Respectfully submitted,

FADY MATTAR
ACTING DIRECTOR OF PLANNING AND BUILDING

By: _____
CRAIG CHALFANT
PLANNER III

Approved: _____
GREG CARPENTER
ZONING ADMINISTRATOR

GC:cc

Attachments:

1. Project Vicinity Map
2. Conditions of Approval
3. Project Plans
4. Project Photos
5. Arborist Report
6. CE 04-06

ATTACHMENT #6

CE 04-06

FEE $133.13

Categorical Exemption CE-04-06

NOTICE OF EXEMPTION

To: ___ Office of Planning & Research
1400 Tenth street, Room 121
Sacramento, CA 95814

From: Department of Planning & Building
333 W. Ocean Blvd., 5th Floor
Long Beach, CA 90802

_X_ L. A. County Clerk
Environmental Filings
12400 E. Imperial Hwy. 2nd Floor, Rm. 2001
Norwalk, CA 90650

Project Title: S.F.R ON EMPTY LOT W/ ATTACHED TWO CAR GARAGE W/2ND STORY

Project Location – Specific: 56 LA LINDA DRIVE / GOSTER COMMUNITY.

Project – City: LONG BEACH Project Location – County: Los Angeles

Activity Description: NEW CONSTRUCTION

Name of Public Agency Approving Project: LONG BEACH PLANNING

Name of Person or Agency Carrying Out Project: C BB ARCHITECTS
(Printed Name)

118 S. CATALINA AVE #D, REDONDO BEACH, CA
(Mailing Address)

310 493 0882
(Telephone)

(Signature)

LONG BEACH CITY PLANNING COMMISSION

The above project has been found to be exempt from CEQA in accordance with the State Guidelines Section 15303, Class 3

Statement of Support for this finding: Construction of a single family residence in a residential zone.

Lead Agency
Contact Person: Craig Chalfant Area Code/Telephone: 562-570-6194

Signature: Date: 4/20/04 Title: Planner

_X_ Signed by Lead Agency

_____ Signed by Applicant

ATTACHMENT #7

ORDINANCE NO. C-7940

~~ORD-30~~

ORDINANCE NO. C-7940

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

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

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

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

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

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

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

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

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

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

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

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

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

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

An application for an Oak Tree Permit shall include the following

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Long Beach, California 90802-4664
Telephone (562) 570-2200

information and documents:

A. The name and address of the applicant and of all persons owning any or all of the property proposed to be used;

B. Evidence that the applicant:

1. Is the owner of the premises involved, or

2. Has written permission of the owner or owners to make such application;

C. Location of subject property (address or vicinity);

D. 1. A site plan satisfactory to, and in the number of copies prescribed by the Director of Planning and Building or designee ("director"), indicating the location and dimension of all of the following existing and proposed features on the subject property;

a. Lot lines;

b. Streets, highways, access and other major public or private easements;

c. Buildings and/or structures, delineating roof and other projections;

d. Yards;

e. Walls and fences;

f. Parking and other paved areas;

g. Proposed areas to be landscaped and/or irrigated;

h. Proposed construction, excavation, grading and/or landfill. Where a change in grade is proposed, the change in grade within a radius of one foot per inch of truck caliper shall be specified;

i. The location of all oak tress subject to the provisions of this Ordinance. Each tree shall be assigned an identification number on the plan and such identification shall be utilized in the oak tree report and for physical identification on the property where required.

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j. Location of all surface drainage systems;

k. Other development features which the director deems necessary to process the application;

2. Where a concurrent application for a permit, variance, zone change, tentative map for a subdivision, including a minor land division or other approval, is filed providing the information required by this subsection D, the Director may waive such site plan where he or she deems it unnecessary to process the application;

E. 1. An Oak Tree Report, prepared by an individual with expertise acceptable to the Director, and certified to be true and correct, which is acceptable to the Director for each tree shown on the site plan required by subsection D of this section, which shall contain the following information:

a. The name, address and telephone number during business hours of the preparer,

b. Evaluation of the physical structure of each tree as follows:

i. The circumference and diameter of the trunk, measured at the narrowist point between the lowest limb and the root flare;

ii. The diameter of the tree's canopy, plus five feet, establishing the protected zone,

iii. Aesthetic assessment of the tree, considering factors such as, but not limited to, symmetry, broken branches, unbalanced crown, excessive horizontal branching;

iv. Recommendations to remedy structural problems where required.

c. Evaluation of the health of the tree as follows:

i. Evidence of disease, such as slime flux, heart rot, crown rot, armillaria root fungus, exfoliation, leaf scorch and exudations;

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ii. Identification of insect pests, such as galls, twig girdler, borers, termites, pit scale and plant parasites.

iii. Evaluation of vigor such as new tip growth, leaf color, abnormal bark, deadwood and thinning of crown;

iv. Health rating based on the archetype tree of the same species;

v. Recommendations to improve tree health, such as insect or disease control, soil aeration, pruning and fertilization.

d. Evaluation of the applicant's proposal as it impacts each tree shown on the site plan, including suggested mitigating and/or future maintenance measures where required and the anticipated effectiveness thereof;

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

1. That any construction of a proposed use will be accomplished without substantially endangering the health of the subject Oak Tree on the property;

2. That sufficient mitigation measures have been imposed in connection with any construction activity so as to promote the health and longevity of the subject tree and that any construction activity involving or affecting the subject tree be supervised by a registered consulting arborist.

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

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Long Beach, California 90802-4664
Telephone (562) 570-2200

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

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

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

I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of August 3, 2004, the ordinance was declared to be an emergency by the following vote:

Ayes:	Councilmembers:	Lowenthal, Baker, Colonna, O'Donnell, Kell, Reyes Uranga, Gabelich, Lerch.
Noes:	Councilmembers:	None.
Absent:	Councilmembers:	Richardson.

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

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

Noes: Councilmembers: None.

Absent: Councilmembers: Richardson.

I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of _____, 2004, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

_____
Clerk

Approved: _____ _____
(Date) Mayor

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ATTACHMENT #8

APPLEGATE ARBORIST REPORT

Consulting Arborist's Report
July 7, 2004

Oak Tree Preservation Study

Patrick Jones Residence, 56 La Linda Drive, Long Beach, CA

Prepared for:

Mr. Patrick Jones
415 Torrance Blvd
Redondo Beach, CA 90277

Prepared by:

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Introduction

Assignment

I met Mr. Patrick Jones at the 56 La Linda Drive address and discussed his plans for constructing a home near an existing oak tree. After this meeting he asked that I testify at the planning commission meeting on May 6, 2004 regarding my recommendations for preservation of this oak tree. Subsequent to this meeting he asked that I prepare this report documenting my findings and recommendations. One more meeting was held to finalize measurements.

Background

Mr. Patrick Jones is planning to build a residence on the vacant lot at 56 La Linda Drive, Long Beach, Los Angeles County, California. This lot appears to have been vacant since the tract was first developed.

At our meeting on site May 4, 2004 he gave me a copy of Aldin Kelley's report prepared for Harry Pope and his neighborhood committee. At the planning commission meeting he gave me a copy of Aldin Kelley's letter to the planning commission, dated May 5, 2004. When he called and asked for this report he also relayed the fact that Mr. Mike Maze, the City Attorney, wanted to speak to me about using this report for implementing a temporary ordinance to control construction around mature trees and this tree in particular. This report is therefore written both with an intent of discussing Aldin Kelly's recommendations and comments and providing objective information to guide construction around this tree and mature trees in general. Supporting information and copies from tree preservation guides are included in the appendix.

No known historically significant or endangered tree species are on this property. The oak tree covered within this report is considered a native species but has been raised under cultivation. Although the local citizens committee bought a certificate for it from the American Forests Association web site, the certificate is really meaningless.

The construction of the residence and related paving will require the cutting of some roots and minor pruning, but at the same time this can be an opportunity to improve growing conditions. This property is blessed by having, not just a healthy mature oak, but concerned citizens that care about trees in their community. These assets will provide a basis for continuing the beauty and charm of this lovely area.

Although an appraisal was not requested, bear in mind that Mr. Jones' tree is worth in excess of $50,000 if appraised by standard Council of Tree & Landscape Appraisers methods. Many developers would add $10,000 to $15,000 to a home or lot with a tree like this.

Please keep in mind that a report, in itself, does not protect trees. Good protective fences, monitoring, and good communication with the various trades do protect trees.

Executive Summary

Overview of Conditions and Recommendations

The subject tree is a healthy and mature coast live oak, *Quercus agrifolia*. The trunk diameter was measured at 42 inches in diameter. The spread of the tree is about 55 feet along Bixby Road. The overall height is about 45 feet. The tree is growing in a lawn area, near screen shrubs along Bixby Road. Since oaks in irrigated and fertilized locations can grow quite quickly, it would be difficult to accurately estimate the age of this tree. This tree is reported to have been unpruned for the last 20 to 30 years. This is supported by the relative amount of dead wood below the canopy.

Oak trees can tolerate some root loss and damage, less if they are in poor condition – more if they are in good condition. Nursery grown coast live oaks are regularly transplanted, losing over 90 percent of their roots, and yet they survive, recover, and grow well. Transplanted oaks, especially as found in nature, are injured by the transplanting process and take years to recover and fully establish a complete and strong root system. Fortunately, this oak will lose less than fifteen percent of its roots and will have far less stress and risk than an oak found in a natural setting and far less than a transplanted one.

My understanding is that current plans have the nearest caisson 10 feet 9 inches from the trunk and only two of the lowest main limbs to the north are at risk. The home will be about 25 feet tall at the ridgeline and 22 feet tall along the outside edges. Caissons are planned within the protection zone of the tree instead of a raised or slab foundation, although a section of raised foundation that is radial to the trunk could cause little harm. Being a single home, there may be room to explore and locate the main root laterals and adjust the location of caissons to minimize root damage.

Good fencing, plywood for protection from soil compaction, professional and skillful pruning for necessary cutting of limbs and roots, and job site monitoring can keep construction impacts to a minimum and assure the successful retention of this tree. All parties are committed to the successful completion of the home and retention of the tree.

Observations

General

The subject tree is a coast live oak, *Quercus agrifolia.* I measured trunk diameter as 42 inches in diameter just below the main limbs and above the root flare at the narrowest part of the trunk. The spread of the tree is about 55 feet in the direction of Bixby Road. I measured its height at 45 feet using a telescoping pole. Aldin Kelley's height and width measurements were estimates only. The tree is growing in a lawn area, near screen shrubs along Bixby Road. Since oaks in irrigated and fertilized locations can grow quite quickly, it would be difficult to accurately estimate the age of this tree. Growing under cultivation, coast live oaks can add up to an inch of trunk diameter per year during their first ten to fifteen years of growth and then slow to less than half that as they age. I doubt that this tree was alive during the droughts of 1862-1864 and 1897-1898, but until someone takes an increment core and dates this tree such discussions are pure speculation. According to *Trees and Development,* by Matheny and Clark, the typical age of mortality for coast live oaks is about 150 years old (Table 2.2, page 21).

As Aldin Kelley notes, this tree is sound and reasonably healthy. His rating of 60% condition is subjective and unreasonably low. The vigor, as measured by growth increments is good, over ten inches per year. The actual vigor is more representative of the tree's ability to tolerate construction impacts, pruning, and recover, i.e, its effective age as opposed to its chronological age.

My understanding is that, in the present design iteration, the nearest caisson is now 10 feet, 9 inches from the trunk and only two of the lower limbs to the north are at risk. Caissons are planned within the protection zone of the tree instead of a standard raised or slab foundation, although a raised foundation that runs radially to the trunk could cause little harm. Being a single home, there is some room to explore and locate the main root laterals and adjust the location of caissons to minimize root damage.

Photographic Documentation

Note the staked outline of the proposed building below the tree. Only the lowest limb and one above may need to be shortened or removed.

A second view of the proposed building footprint – note the stakes

View out below the lowest limb to the north.

< The limb at left will also need to be removed back to the trunk. It is about 16 inches at its point of attachment. It grows into the projected roofline of the house. Total foliage removal will still be considerably less than a typical recommended limit of twenty percent.

< The small 4 inch diameter limb at left will also need to be removed. Note that it is already being shaded out and would die anyway.

This view is from where the house will be built and shows a natural opening into which most of the house will fit.

In this view the 1st limb at right will need to be shorted or removed, and the 3rd limb up will be removed. The 2nd limb is okay.

Species Characteristics

Quercus agrifolia

Synonym Quercus oxyadenia
Common name California Live Oak, Coast Live Oak
Family Fagaceae (Beech)
Type Tree
Hardy range 8B to 11
Height 30' to 60' / 9.20m to 18.20m
Spread 60' to 100' / 18.20m to 30.40m
Growth rate Average
Form Rounded and spreading or horizontal
Exposure Partial shade or partial sun to full sun
Persistence Evergreen and semi-evergreen
Environment

This tree tolerates drought. This tree will grow in very dry soil. Suitable soil is well-drained/loamy, sandy or clay. The pH preference is an acidic to slightly alkaline (less than 6.8 to 7.7) soil.

Bloom Color Brown
Bloom Time Spring

The flowers are inconspicuous.

Leaf Color Green
Fall Color No change in fall color
Leaf Identification

Type: Simple
Arrangement: Alternate
Venations: Pinnate
Margins: Pectinate and serrate
Shapes: Obovate
Length: Less than 2in./5cm to 4in./10cm

Fruit Brown. The fruit is dry, oval and inconspicuous.
Landscape Uses

Street tree
Park tree
Specimen

Attributes and Features

Pest tolerant

Native Habitat California in Mendocino County, south to Sierra San Padro Martir Mountains in Baja, California.
Native to the following North American locales: California.

Crown, Branch and Twig

This plant is asymmetrical with a medium texture and has a moderately dense crown. The bark is not showy. Branches often droop. Branches or twigs are of medium thickness. This tree is often grown with multiple trunks. Coast live oak is often trained as a single trunk. This tree has low flammability. The national champion is 70 x 150 feet in California.

Culture Notes

This oak is native to the west coast of the US. It is very tolerant of drought and should not be irrigated very often once established. Be sure to keep irrigation away from the trunk as root rot can set in. Irrigation is especially troublesome to this tree when applied in summer. Keep the trees out of the lawn areas of the landscape. The only place you can get away with irrigation in summer appears to be on a slope, but even here it is not advised - keep the trunk dry.

Coast Live Oak is common in California as a landscape plant because so many homes have been carved out of the hillsides with this native oak already present. More recently, communities have realized the potential of this wonderful native and have begun planting it along streets and in parks. The tree is well adapted to street tree planting and has done well there. It also makes a great tree for planting in the yard for shade. Irrigate newly planted trees until they are well established (about 6 months of irrigation per inch trunk diameter). Natural rainfall combined with occasional irrigation in a dry winter is enough to keep plants growing once they are established.

Do not irrigate the plant in the normal summer dry season making certain the trunk stays dry; irrigate in the winter wet season if rain fall is well below normal. On trees infected with twig blight, remove in the dry season all infected twigs back to a living side branch or back to a main branch. Systemic fungicides can provide some control if applied within one week of pruning.

Wood is considered ring porous to semi-ring porous. Trees compartmentalize decay fairly well meaning that once injured, the tree has the ability slow or stop the spread of decay. Pollen can cause significant allergy.

Pests, Diseases and Damaging Agents

Pests: The potential list is long. Usually pest-free. Galls cause homeowners much concern. Twig girdler occasionally kills twig tips causing brown dead twigs throughout the canopy. Recent (1996-present) attacks by three beetle insects including western oak bark beetle (*Pseudopityophthorus pubipennis*), oak ambrosia beetle (*Monarthrum scutellare*), and minor oak ambrosia beetle (*M. detinger*) have killed thousands of trees in northern California. Beetles bore into trunks of stressed trees, but under certain conditions they can attack other apparently healthy ones. Trees showing symptomatic brown foliage should be cut down and the wood covered with clear plastic for six months to prevent emergence of new beetles. Grind the stump to discourage ambrosia beetles.

Diseases: *Discula* and *Cryptocline* fungi cause twig blight - this has been most severe on trees infested with pit scale. California oak worm can cause defoliation. Vigorously growing trees (especially in the nursery) can be infected by a powdery mildew fungus that causes witches broom. The disease is usually of no concern to landscape trees. A beetle combined with a fungus is attacking and killing trees in California. Phytophthora ramorum fungus is causing extensive mortality in northern and bay area coastal California counties.

Analysis

General Tree Preservation

According to *Trees and Development,* by Nelda Matheny and James Clark, and my personal experience, coast live oaks are in the highest category of tolerance to construction impacts. This tolerance of course decreases with increasing age and decreasing health, which are not necessarily directly tied together.

There is some common misinformation about tree structure that is important to clarify when considering oaks for preservation. The root structure of an oak tree is broad and spreading well past the dripline of the tree. It is also surprisingly shallow. Oaks do not have a "tap root", except as small seedlings. In fact, oaks depend on a fine network of feeder roots that develop in relatively well-aerated, naturally irrigated and mulched soil. The roots extend out to form a "mat" – in this case probably only two to three feet deep. They anchor the canopy by holding on to the soil under tension. Protection of a critical amount of roots during construction is vital. They provide the water, nutrients, and support.

Building near oaks requires healthy trees as a starting point, for the ability to recover well. Each change in soil compaction, irrigation, under plantings, etc. takes some of the tree's strength and vigor and further diminishes its health.

Mature oaks take a long time to respond to injury. It could take 10 years for some trees to make a visible improvement in health after treatment. On the other hand it could take ten or more years for a tree to decline after excessive root cutting or changing the grade.

There are few objective predictors of the capacity of an individual oak to survive. Potassium iodide is a starch indicator that turns tissue high in starch a dark purple-black. Starch tests can be a picture of the food available to fuel regrowth and compartmentalization. However, they are only a picture of the season and the portion tested, and do not reflect the amount of starch stored in all the roots and sapwood. A Shigometer measures the electrical conductivity in the trunk of a tree as a factor of how well hydrated the tree is. However, Shigometer testing of vigor in oaks does not give reliable readings, and is only a comparative readings between two points in time. The usual visual indications of health, such as crown density, root health and length of annual growth all indicate a good chance of success in this case.

While the planned construction will impact the root system, it is only about fifteen percent root loss, on one side, and can be kept a safe distance away. It will be necessary to keep as much root space as possible, consistent with the proposed improvements, and to protect and enhance the condition of the soil to the highest level possible. Gardening or ornamental plantings should stay out from under the oak's canopy unless they have similar watering requirements. Some supplemental irrigation during the proper season may be necessary to make up for lost root area. Irrigation lines must be carefully situated beyond the protection zone or tunneled under the main roots.

Preservation should estimate the extra stresses imposed on trees during construction and consider the costs of providing a safe habitat during construction versus the value of the tree.

The main stresses and risks of construction are:

- Soil compaction
- Lack of water
- Change of grade in the root zone
- Physical damage to tree roots and structure
- Dumping of potentially toxic construction wastes
- Lack of pest control and other care
- Dust
- Human error

Soil Compaction

Soil compaction not only stunts and kills roots, it pounds the life out of soil. It kills or reduces the growth of much of the beneficial soil micro-flora. The soil is a living microscopic ecosystem that cooperates with the plants and trees' root systems.

The unseen parts of the tree – the roots – are as important as our "unseen" digestive system. The roots are surprisingly close to the surface. In fact, about 90 percent of the roots are in the top foot to foot and a half of the surface. Trampling and driving over the soil can severely impact the health of trees.

To the experienced eye, the effect of compacted soil on trees is obvious. All the plants rooted in compacted soil, shrubs, annuals, perennials, even turf, suffer from compaction. Gardeners are all familiar with the bare soils on city playgrounds where grass cannot grow back. Root systems are very demanding and simply will not grow in dense soil. Roots can only penetrate up to 300 psi and are noticeably slowed by compaction levels over 150 psi. When soil becomes compacted it is almost impossible to reverse the compaction.

Lack of Water

Although this tree could easily survive if the water was shut off for years, with the other impacts of construction it is always wise to keep stress to a minimum. When roots are cut it is helpful to increase irrigation to the remaining root system. However, proper timing of irrigation is important. Oaks should be watered away from their trunks and mostly in winter and spring. Also remember that moist or wet soil compacts more easily. If the tree needs irrigation, it should be applied away from trafficked areas and away from the trunk. Turf is not a good choice below coast live oaks.

Change of Grade in the Root Zone

Raising or lowering the grade in the root zone of trees can be fatal or ruin the health of trees for years to come. That is because proper air/water relationships in the soil are critical to good root health. Soil is actually a living ecosystem on a microscopic scale. There are a host of symbiotic fungi, bacteria, algae and beneficial organisms that contribute to the health of the soil and the trees. Roots need a balance of air and water in the soil. Healthy soil has nearly 50 percent pore space.

As you go deeper in the soil the amount of available oxygen drops off rapidly. When roots are deprived of adequate oxygen they quickly die. For the fine feeder roots of a tree this can happen in a matter of minutes. When soil is piled on top of the root system, available oxygen is excluded. The soil is also compacted below, so the effect can last even after the pile of soil is removed. Fortunately, no change of grade is proposed in this case, but excess soil from foundation excavation should be removed from the site.

When only small areas of root system are affected, only minor mitigation measures are needed. If the grade will be lowered and it can be kept outside the protection zone of the tree, most healthy trees will survive. Roots larger than one inch encountered inside and outside the protection zone must be cut cleanly and protected from desiccation.

Physical Damage to the Roots and Structure

Trenching within the protection zone must be avoided wherever possible. Most of the oak roots are in the top eighteen inches of soil and trenching will cut off a large percentage of roots. The allowable percentage is variable, but generally staying beyond the protection zone is sufficient. When it is necessary for sewer, gas, irrigation pipes or electrical conduit to come close to the oak, they can be tunneled under the root zone. Remember, most of the roots are in the top eighteen inches of soil. A popular myth still prevails that trees have a large taproot as their foundation and support. In fact, even oak trees are supported primarily by the tensional strength of the lateral roots. If construction activity severs major roots and then covers up the damage, the tree may topple when a major storm blows.

Many times trees that people have gone to great measures to preserve are severely injured in the last phase when landscaping is installed beneath the preserved trees. Digging holes for shrubs and ground covers can injure main lateral roots causing extensive damage. Rototilling can also destroy a large percentage of the feeder roots. The oak thrives when the leaves are left beneath it as a natural mulch.

Damage to the upper structure of trees seems to always happen unless secure fencing is in place. Oaks are actually less hardy than their reputation. They just take longer to show the effects than laypeople expect. During construction many tradesmen pass through the site, and few of them are knowledgeable about tree care. Only physical barriers protect trees, and the barriers need to be supplemented by the cooperation and help of the construction superintendent. When it is necessary for construction equipment to pass below the tree to be preserved, clearance pruning should be done during the best season available and well before access is needed. It takes only one day, or one afternoon's misplaced activity to give an old oak a permanent injury.

Dumping of Potentially Toxic Construction Wastes

Oil from construction equipment, form oil, cement, acid washes, paint and solvents are toxic to tree roots. The cleaning detergents used to clean portable latrines are toxic to roots. Portable latrines should be located far from the protected trees. Signs should be posted on the fencing around trees notifying contractors of fines for dumping outside the prescribed locations or methods.

Pest and Disease Control

Construction may last for more than a year on a project such as this. Trees fenced for protection still need monitoring during that year. Pests can further deplete the reserves of trees and may reduce their chance of survival. Not all pest and disease problems are easily controlled.

Most California native trees have many adapted pests and diseases that feed on them. Typically, as part of a healthy plant community, these pests and diseases are in balance. At this time there are probably close to two thousand pests and diseases that feed on oaks. So we should do the best we can to save this valuable tree, but consider that even if the site is left as it is, the oak tree may soon be in danger from "sudden oak death" (SOD) if it spreads to this area, as it has throughout many areas of northern California.

Dust

Construction creates copious amounts of dust. Dust reduces photosynthesis on all trees. Strict dust control measures will be implemented during construction to minimize this impact, and an occasional rinsing with a solution of water and Insecticidal soap will help control some pests. Due to the lack of grading on this project there should be little dust generated.

Human Error

A pre-start meeting will reduce the potential for mistakes. Good and frequent communication can clear up misunderstandings before damage is done. Any new contractor on site must be made aware of the protection needed for this tree.

Tree Hazards

Being a site with a large mature tree in close proximity, there is an increased risk from limb drop or wind throw. Construction impacts on the root system and being newly exposed to the wind, or exposed from a new direction will necessarily increase tree hazards. As larger species of trees increase in age and size there is an increase in risk, at least as a result of the larger size of parts that can fail. Coast live oaks have strong wood, but are not immune to limb drop problems.

After construction, the tree should be evaluated for potential hazard. I urge you to have the tree evaluated for hazard potential just after construction and prior to occupancy. I cannot predict the future, of course, and the health and condition of the tree may change.

Tree Pruning

The usual goal of pruning is to increase tree health, beauty, safety, and longevity. Proper pruning and care begins with a proper understanding of their individual growth habits, anatomy and phenology. The proper pruning of an old tree is different than a young tree and the pruning of a healthy tree different than that of a weak tree.

At this site only a small amount of pruning is called for to restore safety and provide clearance for construction near and over the future residence. Care will need to be taken that pruning isn't over done, since over-pruning can be very detrimental to the health and longevity of oaks. Care will also need to be taken to make clean and proper cuts in relation to the branch collars. Contrary to Aldin Kelley's recommendation there are no proven compounds that reduce decay when applied to pruning cuts. Dr. Alex Shigo with the USDA Forest Research lab tested various compounds for over 13 years and never found any compound superior to leaving the cut as it was. A well placed pruning cut, done in the right season, needs no further treatment. Mr. Jones' oak is very valuable and irreplaceable. The selection of a tree service is crucial to the long term care of this tree. The selected company must have a certified arborist to supervise the pruning of this tree.

The first priority will be to remove the cracked or dead limbs. Hanging broken limbs or dead wood near the residence or entry areas should be removed immediately. Several limbs will need to be cut back or removed for clearance.

The lowest limb to the north will need to be shortened to the first major side-branch about 18 feet from the trunk. This will require about a 10 inch diameter cut and remove about 50 percent of the foliage on this limb. As a result the canopy above will need to be drop-crotched to allow more sun to strike the remaining foliage. Since this limb passes low in front of the proposed house, total removal should be as least contemplated. However, its total removal is not considered essential at this time.

Just above the low limb to the north a four inch diameter limb should be cut back to its point of attachment. This limb is being shaded out anyway.

The largest cut will be to remove a 16 inch diameter limb that would otherwise be inside the proposed roofline of the house. Because of the size of this pruning cut, it will need to be removed very carefully, with a standard three cut procedure. Care must be taken not to damage the limbs to remain. All pruning should be done according to **ANSI A-300 standards.**

Besides the pruning described above, a number of small limbs, less than 1 inch in diameter, will be cut for head clearance and upper limbs tipped back to provide more sun for lower limbs that are being shaded out or may be shaded out when they are shortened as described above. Upon request, this consultant will provide a list of qualified tree services for pruning.

Construction Near the Oak

Establishing and maintaining an adequate protection zone is important. According to *Trees and Development* (Table 6.2, page 75) coast live oak has good species tolerance and as a healthy mature tree should have a protection radius of .75 feet per inch of trunk diameter. For the subject 42 inch dbh oak that means good protection measures are needed within 32 feet of the trunk. The footings and utility trenching within this 32 feet are tightly controlled and special techniques will be used to minimize injury and stress to the tree. The underground utilities will be on the north side of the garage. Phone and electric service will be above ground. The sewer is planned to be as far north as possible, very near the existing star pine.

By my calculations less than 15 percent of the root zone or canopy will necessarily be impacted. Looking at the plan and drawing a pie shaped wedge out from the trunk, that has each side of the wedge against the foundation of the home, a small fraction of the root zone will be damaged. Using an AirSpade or AirKnife, the main root laterals can be located and avoided. Those roots that need to be cut, if cut cleanly, will compartmentalize well and re-sprout just behind the cuts.

Soil compaction is already high. Additional compaction can be minimized during construction by using one-inch plywood in access areas and by fencing off areas that are not needed for access. Areas that need only occasional access can be mulched to about six inches deep with coarse tree chips. Storage areas must be located away from the tree and by keeping supplies stored on site to a minimum.

Recommendations

Immediate Action Required

- Select an experienced and well trained tree service contractor.
- Prune out all dead and broken branches without injuring live wood.
- Determine all clearance pruning needed and prune accordingly, observing **ANSI A-300 standards**.

Construction Impact Mitigation

- Install 6 foot high chain-link fencing around all non-access or construction areas out to at least 32 feet radius from the trunk. See the map on page 23. This is to prevent use of non-essential areas for parking or storage.
- In all access areas lay 1-inch plywood over a four-inch deep layer of coarse-textured organic mulch (not bark).
- No parking or storage beneath the tree.
- Strong dust control measures should be observed, and dusty foliage rinsed as often as necessary.
- Monitor soil moisture and irrigate as necessary, except in summer months.
- All roots encountered that are over one inch in diameter should be cut cleanly as far from the trunk as possible, and the faces of open trenches should be covered with plastic or mulch to prevent drying.
- Any paving within the protection zone of the oak should use post-tensioned concrete to span the root zone, pavers on sand, and/or the W.A.N.E. Tree Aeration System to reduce the need for compaction and allow for soil aeration.

Construction Accommodations

- A pre-job meeting with the architect, project superintendent and consultant is recommended to answer questions and clarify issues related to specific trees or specific situations.
- Trenching for utilities and footings should be routed away from the tree or tunneled under the root systems where possible.
- If equipment access is necessary within the drip-line of the tree, apply a layer of coarse mulch 8 inches deep or one-inch plywood over 4 inches of mulch under tree's canopy to reduce compaction.

Protection Measures

Prevention of compaction during construction is difficult. Paving and buildings typically require soil compaction beyond the tolerances of trees. Large pavers on sand may be used for walkways, or possibly the driveway to reduce compaction and increase aeration. Since a large oak is near the proposed new home and driveway, a section of post-tensioned concrete spanning the root zone can reduce the need for compaction. When the W.A.N.E. Aeration System or similar system is also installed the need for compaction is reduce and aeration increased.

Prevention of root injury due to trenching is essential. The trenching that is normally done for utilities, curbs and irrigation systems does great damage to root systems, and very little new root initiation will take place in high compaction levels.

Construction equipment and vehicles need to be kept out of the "Protection Zone" of the tree. Old trees have extensive root systems that need to be protected. Their canopies also need protection. The protection zone should go in a complete circle around the tree, however access is needed on one side. Since work will occur within the protection zone, it will need to be carefully controlled. Inside the protection zone there must be no change in grade. Just keeping the root crown at its original grade is not enough; you must avoid changing the grade within the entire protection zone and beyond if possible. No soil or paving can be placed on top of the present soil level without suffocating the roots *to some degree*. Soil compaction and soil pollution must also be avoided within the Protection Zone. Remember, half the tree is out of sight, under ground – the roots.

At some point it may be necessary to irrigate the tree once or twice since it will lose part of its root zone, even with tight controls. If left undisturbed, the tree could survive with nothing but rainfall. However, each additional stress the tree has will increase the chance of failure or at least slow its recovery.

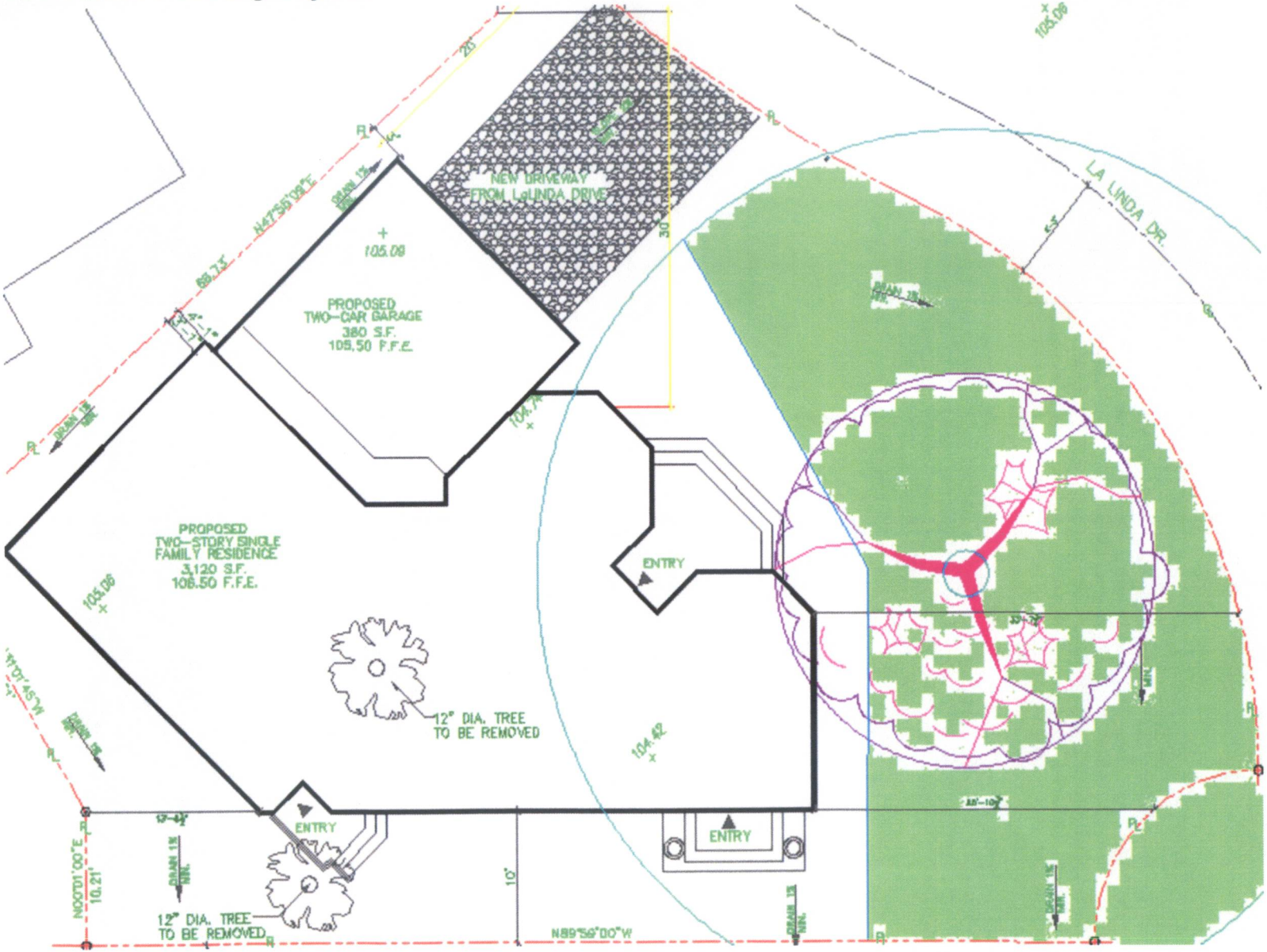
No other single precaution is as effective as early and secure fencing. No job superintendent can watch all parts of a site at all times. New subcontractors and new workers come on to the site throughout the project. A sturdy fence communicates effectively with people of all languages just what you want them to do – stay away from the tree.

Monitoring Schedule

Monitoring of the oak's health, condition and protection should be on at least a quarterly basis.

Additional site visits may be needed for supervision of pruning, set up of temporary irrigation measures, or for unexpected events that need expert advice. At all such occasions the tree will be checked for pests, disease, injuries, need for irrigation, and the condition and effectiveness of protection measures. If there is any change in the tree's condition, any serious injury to the tree, or any sign of pests or disease, this consultant should be contacted.

Protection Zone Fencing Layout



The area in light green should be fenced off and mulched. All other areas within the blue circle should be protected from compaction.

Maintenance Recommendations

- Irrigation of the oak should be monitored by a qualified horticulturist or arborist. One person must be made custodian of the trees. Such a custodian should be appointed to monitor the irrigation and protection of the oak. He should check the irrigation of trees regularly for plugged emitters or spray heads, water penetration and spread. He should also check for signs of pest or disease. Do not irrigate during the summer. Temporary irrigation pipes must be run on the surface, without trenching.
- Incorrect watering is a frequent cause of death in preserved oaks. In the early planning stages arrange to have some source of water in critical areas throughout construction. Even oak trees, if they have lost a large portion of roots, will require supplemental irrigation, especially if they have become accustomed to regular irrigation. Water is also needed to rinse off the foliage.
- The dust of construction is especially stressful to trees. It is well known in agriculture that dust causes mites and reduction in plant health by clogging pores (stomata) in the leaves. Periodically rinse the foliage as necessary to mitigate dust damage.
- Fertilizer is not recommended during construction unless a deficiency becomes visually apparent. A soil laboratory should analyze a one pound sample and any added fertilizer should conform to the lab's findings and recommendations. A 3 to 4 inch layer of mulch will discourage weeds.

Conclusion

Although some construction is inside the "Protection Zone", by following the measures meant to minimize the impact of a normal footing, following the protection measures outlined in this report, and regular monitoring, this tree should have a healthy and attractive future.

After the planned construction, measures to relieve the present soil compaction can begin and improvements can be made to the root system of this tree. This tree very well may be healthier and sounder in a few years than it is now.

All the above observations, mitigations measures and recommendations are based on the plans dated 6-21-04. If these plans are followed and my recommendation are fully implemented, the subject tree can be successfully protected and preserved.

Appendix

A. Resume

B. Tree Location Map

C. W.A.N.E. Tree Aeration System

RESUME: GREGORY W. APPLEGATE, ASCA, ASLA

PROFESSIONAL REGISTRATIONS:
American Society of Consulting Arborists #365
International Society of Arboriculture, Certified Arborist Number WC-180

EXPERIENCE:
Mr. Applegate is an independent consulting arborist. He has been in the horticulture field since 1963, providing professional arboricultural consulting since 1984 within both private and public sectors. His expertise includes appraisal, tree preservation, diagnosis of tree growth problems, construction impact mitigation, environmental assessment, expert witness testimony, hazard evaluation, pruning programs, species selection and tree health monitoring.

Mr. Applegate has consulted for insurance companies, major developers, , theme parks, homeowners, homeowners' associations, landscape architects, landscape contractors, property managers, attorneys and governmental bodies.

Notable projects on which he has consulted are: Disneyland, California Adventure, Disneyland Hotel, Disney's Wild Animal Kingdom, DisneySeas-Tokyo, Knott's Berry Farm, Newport Coast, Crystal Court, Newport Fashion Island, Big Canyon Golf Course, Oakcreek Golf Course, Tustin Ranch windrows, Laguna Canyon Road and Myford Road for The Irvine Company, Loyola Marymount University, UCI, Universal City Station/MTA tree inventory and the State of California review of the Landscape Architecture License exam (plant materials portion)

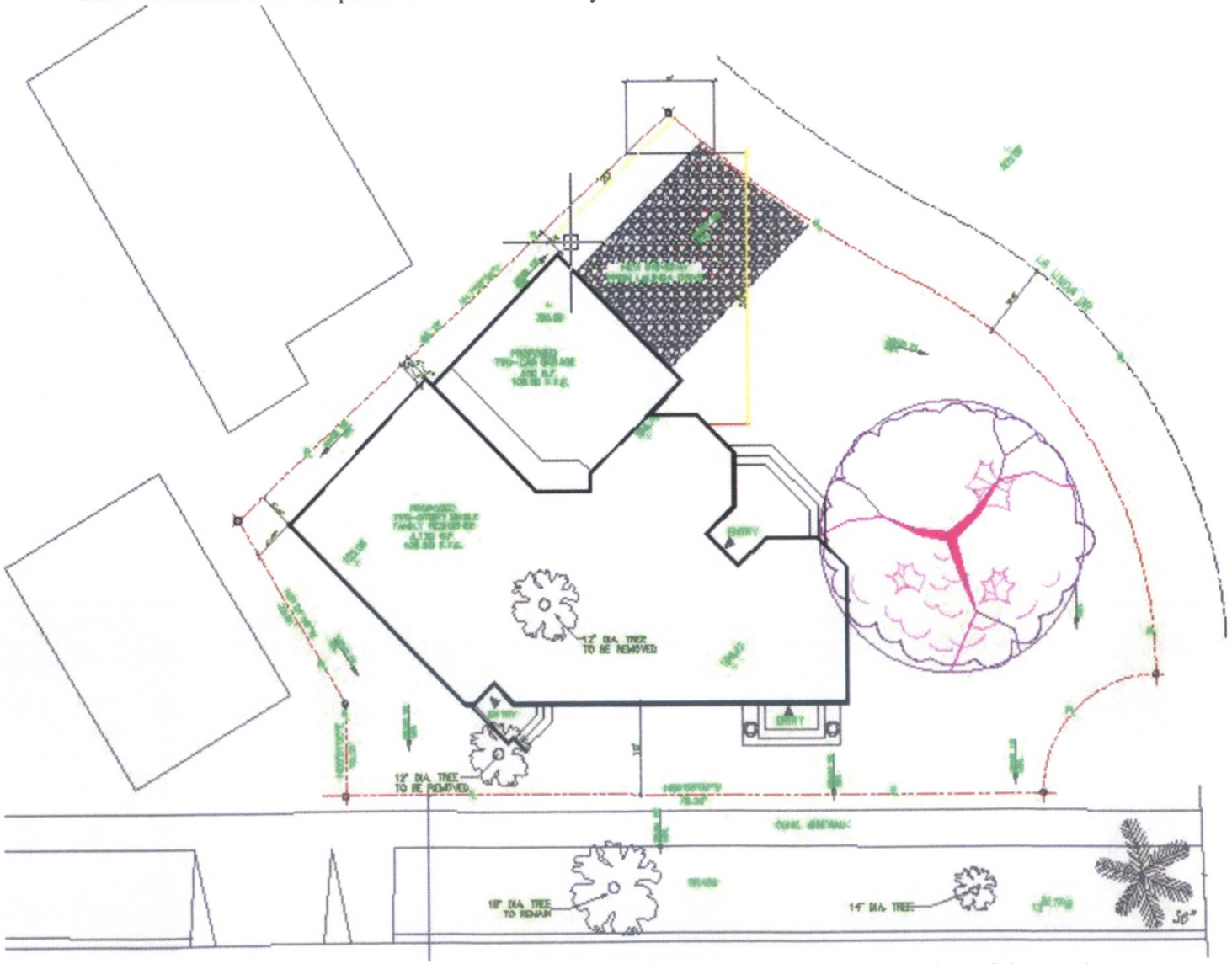
EDUCATION:
Bachelor of Science in Landscape Architecture,
California State Polytechnic University, Pomona 1973
Arboricultural Consulting Academy (by ASCA)
Arbor-Day Farm, Kansas City 1995
Continuing Education Courses in Arboriculture
required to maintain Certified Arborist status and for ASCA membership

PROFESSIONAL AFFILIATIONS:
American Society of Landscape Architects (ASLA), Full Member
American Society of Consulting Arborists (ASCA), Full Member
Diplomate American Board of Forensic Examiners
International Society of Arboriculture (ISA), Regular Member
California Tree Failure Report Program, UC Davis, Participant
Street Tree Seminar (STS), Member

COMMUNITY AFFILIATIONS:
The Tree Society of Orange County (1990 -2000)
Landscape Architecture License Exam, Reviewer, Cal Poly Pomona (1986-90)
American Institute of Landscape Architects (L.A.) Board of Directors (1980-82)
California Landscape Architect Student Scholarship Fund - Chairman (1985)
International Society of Arboriculture - Examiner-tree worker certification (1990)
Guest lecturer at Cal Poly, Saddleback College, & Palomar Junior College

Tree Location Map

This consultant is not responsible for the accuracy of measurements or locations.



In this design rendition the nearest point of the foundation is 10 feet 9 inches from the edge of the trunk.

Assumptions and Limiting Conditions

1. Any legal description provided to this consultant is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in nature. Any and all property is evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations.
3. Care has been taken to obtain as much information as possible from reliable sources. Data has been verified insofar as possible. However, the consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
4. This consultant shall not be required to give testimony or attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule or contract of engagement.
5. Unless required by law otherwise, possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of this consultant.
6. Unless required by law otherwise, neither all nor any part of this report or a copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, new, sales or other media without the prior expressed written consent of this consultant - particularly as to value conclusions, identity of the consultant, or any reference to any professional society or institute or to any initialed designation conferred upon this consultant as stated in his qualifications.
7. Sketches, drawings, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is for the express purposes of coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by Greg Applegate as to the sufficiency or accuracy of said information.
8. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.
9. Loss or alteration of any part of this report invalidates the entire report.
10. This consultant did not survey the tree locations. The trees evaluated in this report were already mapped and located by Grimes Surveying and Mapping. No attempt was made to verify that other trees were on site that needed to be included.
11. Measurements are subject to typical margins of error, considering the oval or asymmetrical cross-section of most trunks. Section 22.56.2060 of Los Angeles County Code was used as the standard for minimum trunk caliper requiring mitigation.

Certification

I, Gregory W. Applegate, certify to the best of my knowledge and belief:

That the statements of fact contained in this report, are true and correct. That the report analysis, opinions, and conclusions are limited only the reported assumptions and limiting conditions, and are my personal unbiased professional analysis, opinions and conclusions.

That I have no present or prospective interest in the vegetation that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.

That my compensation is not contingent upon a reporting that favors the cause of the client or the attainment of stipulated result.

That my analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the standards of arboricultural practice.

That I have made a personal inspection of the tree that is the subject of this report. No one provided significant professional assistance to the person signing this report.

Gregory W. Applegate_____ Date_____
Registered Consulting Arborist #365
Certified Arborist WC-0180

Disclaimer

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that may fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe, or fail for that matter, under all circumstances, or for a given period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatments, pruning and removal of trees may involve considerations beyond the scope of the arborists services such as property boundaries, property ownership, sight lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.

This consultant does not verify the safely or health of any tree for any period of time. Construction activities are hazardous to trees and cause many short and long-term injuries, which can cause trees to die or topple.

Even when every tree is inspected, inspection involves sampling; therefore some areas of decay or weakness may be missed. Weather, winds and the magnitude and direction of storms are not predictable and some failures may still occur despite the best application of high professional standards.

Glossary

ANSI A-300	American National Standards Institute performance standards for the care and maintenance of trees, shrubs and other woody plants.
Arboricultural	Pertaining to the awareness, care, evaluation, identification, growing, maintenance, management, planting, selection, treatment, understanding, valuation and so forth of trees and other woody plants and their growing environments, particularly in shade and ornamental (non-crop/commodity) settings.
Arborist	A person possessing the technical competence through experience and related training to provide for or supervise the management of trees or other woody plants in a landscape setting.
ASCA	The American Society of Consulting Arborists, Inc. a professional society, as described in its by-laws.
Bark	Tissue on the outside of the vascular cambium. Bark is usually divided into inner bark - active phloem and aging and dead crushed phloem - and outer bark.
Branch Collar	Trunk tissue that forms around the base of a branch between the main stem and the branch, or between a main branch and a lateral branch. As a branch decreases in vigor or begins to die, the collar usually becomes more pronounced and more completely encircles the branch.
Caliper	Diameter of a nursery-grown or small size tree trunk. Larger trees are usually measured at 4ð feet (see DBH) Trees with calipers 4 inches and below are measured at 6 inches above grade(ANSI Z60-1-1990) Trees above 4 inches, but still transplantable are measured at 12 inches above grade.
Canker	An area of dead bark caused by certain fungal infections.
Codominant	Leaders equal in size and relative importance, developed from 2 apical buds at the top of a stem. Each codominant stem is an extension of the stem below it. There are no branch collars or trunk collars at the bases of codominant stems.

Compaction	(Soil Compaction) The compression of soil, causing a reduction of pore space and an increase in the bulk density of the soil. Tree roots cannot grow in compacted soil.
Conk	A woody or perennial reproductive organ of certain fungi, usually found on trunks, branches or stumps.
Crotch	The union of two or more branches; the axillary zone between branches.
Crown	The upper portions of a tree or shrub, including the main limbs, branches, and twigs.
DBH	Diameter of the trunk, measured at breast height or 54 inches above the average grade. Syn. = caliper.
Decay	Progressive deterioration of organic tissues, usually caused by fungal or bacterial organisms, resulting in loss of cell structure, strength, and function. In wood, the loss of structural strength.
Decline	Progressive reduction of health or vigor of a plant.
Dripline	A projected line on the ground that corresponds to the spread of branches in the canopy; the farthest spread of branches.
Fertilization	The process of adding nutrients to a tree or plant; usually done by incorporating the nutrients into the soil, but sometimes by foliar application or injection directly into living tissues.
Foliage	The live leaves or needles of the tree; the plant part primarily responsible for photosynthesis.
Fruit	A ripened ovary, together with any other parts which may develop with it, containing one, two or more seeds.
Gall	An abnormal, disorganized growth of plant tissues, caused by parasitic or infectious organisms such as insects, fungi, bacteria, or viruses.
Grading	Also Regrading. Intentional altering of topography and soil levels, using machinery.
Heading	Pruning techniques where the cut is made to a bud, weak lateral branch or stub.
Heartwood	Xylem wood tissue, often slightly discolored, representing the inner growth rings of the wood. Mostly non-reactive wood cells; providing structural strength to the tree. see sapwood
Included bark	The pattern of development at branch junctions where bark is turned inward rather than pushed out forming a branch bark ridge.
Limb	A large lateral branch growing from the main trunk.
Mulch/mulching	Substances spread on top of the ground to conserve water, protect against erosion, retain moisture, and protect the roots of trees from heat, cold or drought. The substances are typically organic, such as compost or bark chips.
Naturalized	A new, introduced plant which is successfully adjusted to a new environment.
Percolation	The downward movement of water through soil.

Resistograph	An instrument used to detect and measure the extent of decay in trees and wood. The resistograph drills a 3 mm hole into the trunk and produces a graph of the resistance encountered.
Root crown	Area at the base of a tree where the roots and stem merge (synonym - root collar)
Root System	The portion of the tree containing the root organs, including buttress roots, transport roots, and fine absorbing roots; all underground parts of the tree.
Root Zone	The area and volume of soil around the tree in which roots are normally found. May extend to three or more times the branch spread of the tree, or several times the height of the tree.
Sapwood	Xylem wood tissue, usually light in color, represents the outer growth rings of the wood. Usually living, reactive wood tissue, in a healthy tree - see heartwood
Scaffold limb	Primary structural branch of the crown.
Shigometer	An electrical instrument developed by Dr. Alex Shigo at the USDA. Used for measuring decay and stress levels in trees as a function of electrical resistance to a pulsed current.
Shrub	A relatively low woody plant with several stems arising near the ground.
Sprout	A shoot or stem that grows from the bark of a tree; adventitious or secondary growth.
Stress	"Stress is a potentially injurious, reversible condition, caused by energy drain, disruption, or blockage, or by life processes operating near the limits for which they were genetically programmed." Alex Shigo
Tap root	A primary root that more or less enlarges and grows downward
Vigor	Active, healthy growth of plants: ability to respond to stress factors.

ATTACHMENT NO. 2
TO CITY COUNCIL LETTER FOR
OCTOBER 19, 2004 HEARING

APPEAL FORMS

October 5, 2004

For the record, I am hereby withdrawing my appeal of the planning commission decision on case number: 0401-09 [56 La Linda Drive].

Sincerely,

Richard Ivey

CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING
333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802 • (562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
( )**Zoning Administrator** on the _____ day of _____19____.
( ) **Planning Commission**

APPELLANT: Richard Ivey

APPLICANT: C. Boiek

Project address: 56 La Linda.

Permits requested: Set Back.

Project description: Construction of R-1 Building

Reason for appeal: Set Back along Bixby Road are not in conformance with Street

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the ( ) **Zoning Administrator** or (X) **Planning Commission** and ( ) **approve** or (X) **deny** this application.

Signature of Appellant: Richard L Ivey

Print name of Appellant: Richard L. Ivey

Mailing Address: 242 E. Bixby Rd

Phone No. Long Beach, CA 90807

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

==========STAFF USE ONLY==========

Counter Staff:_____ Case No._____ Date:_____

Filing Fee Required: ( ) Yes ( ) No Application complete: ( ) Yes ( ) No

FILING INSTRUCTION

I. These instructions apply only when **appealing a denial.** Appeal of Conditions of Approval shall be considered a **denial.**

The following materials shall accompany this appeal:

A. **Filing fees:**

1. Appeal to **PLANNING COMMISSION**
   (See current fee schedule)
2. Appeal to **CITY COUNCIL**
   (See current fee schedule)
3. Appeal by an Aggrieved Person not having an interest in the project (not the Applicant)
   (No fee required)

B. **Sets of plans:**

1. For **PLANNING COMMISSION**: Ten (10) sets of reduced (11" X 17") plans.
2. For **CITY COUNCIL**: Twenty-eight (28) sets of reduced (11" X 17") plans.

C. **Photographs:**

Ten (10) sets of mounted color copied photographs.

II. When the Appellant (Aggrieved Person) is not the Applicant, the Appellant is not required to file the above materials. The Applicant of the Case shall be required to file the above materials.

CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING
333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802 • (562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
( )**Zoning Administrator** on the _____ day of _____19____.
(X)**Planning Commission**

APPELLANT: Jeff Kellogg

APPLICANT: C. Balek

Project address: 56 La Linda

Permits requested: set back

Project description: Construction of R-1 Building

Reason for appeal: Set Back along Bixby Road are not in conformace with Street

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the ( ) **Zoning Administrator** or (X) **Planning Commission** and (X) **approve** or (X) **deny** this application.

Signature of Appellant: JKellogg

Print name of Appellant: Jeff Kellogg

Mailing Address: 212 E Bixby Road

Phone No. (562) 300 5333

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

==========**STAFF USE ONLY**==========

Counter Staff:_____ Case No._____ Date:_____

Filing Fee Required: ( ) Yes ( ) No Application complete: ( ) Yes ( ) No

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CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING
333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802 • (562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
( )~~Zoning Administrator~~ on the 2ND day of SEPT 20 2004
(X)~~Planning Commission~~

APPELLANT: HARRY POPE

APPLICANT: BELAK-BERGER

Project address: 56 LA LINDA DRIVE

Permits requested: CONSTRUCT-SINGLE-FAMILY RESIDENCE

Project description: R-1-L CONSTRUCTION, 2-STORY SFR + OAK TREE PERMIT

Reason for appeal: PROPOSED HOUSE IS TOO LARGE, OUT OF CHARACTER FOR COMMUNITY, OAK TREE PROTECTION IS NOT ASSURED, PARTIES PROVEN UNRELIABLE.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the ( ) **Zoning Administrator** or (X)~~**Planning Commission**~~ and ( ) **approve** or (X)~~**deny**~~ this application.

Signature of Appellant: [signature]

Print name of Appellant: HARRY POPE

Mailing Address: 45 LA LINDA DRIVE

Phone No. 988-0132

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

==========STAFF USE ONLY==========

Counter Staff:_____ Case No._____ Date:_____

Filing Fee Required: ( ) Yes ( ) No Application complete: ( ) Yes ( ) No

FILING INSTRUCTION

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2. Appeal to **CITY COUNCIL**
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   (No fee required)

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CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING
333 West Ocean Boulevard - 5th Floor • Long Beach, CA 90802 • (562) 570-6194
FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the
( )**Zoning Administrator** on the 2nd day of Sept 20 2004
(X) **Planning Commission**

APPELLANT: Mike Kowal, Las Cerritos Improvement Assn.

APPLICANT: Charles Belak-Bersa

Project address: 56 La Linda Drive

Permits requested: Standards Variance 10' setback w/

Project description: 20'. Finding of hardship to owner developer unreasonable

Reason for appeal: 10' setback will forever impair Rixby Road character. 2 story building not appropriate and out of scale. Front yard will be rear yard.

Your appellant herein respectfully requests that Your Honorable Body reject the decision of the ( ) **Zoning Administrator** or (X) **Planning Commission** and ( ) **approve** or (X) **deny** this application.

Signature of Appellant: [signature]

Print name of Appellant: MICHAEL KOWAL

Mailing Address: 3756 Pine

Phone No. (562) 595-1255

Note: Please be sure to review the filing instructions on the reverse side of this form. A filing fee may be required.

==========STAFF USE ONLY==========

Counter Staff:_____ Case No._____ Date:_____

Filing Fee Required: ( ) Yes ( ) No Application complete: ( ) Yes ( ) No

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