

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST AREA OFFICE  
200 OCEANGATE, SUITE 1000  
LONG BEACH, CA 90802-4302  
(562) 590-5071



**W20a**

**A-5-LOB-19-0005 (City of Long Beach)**

**March 6, 2019**

**EXHIBITS**

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# Exhibit 2 - Appeals

## Appeal by CARP (Ann Cantrell et. al.)

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

### CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE 45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5260

FAX (415) 904-5400 TDD (415) 597-5885

### **APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

**Decision Being Appealed: City of Long Beach Application for Local Coastal Development Permit 18-033; and Categorical Exemption 18-237**

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### **SECTION I.**

Name: Ann Cantrell, Citizens About Responsible Planning  
Mailing Address: 3106 Claremore

City: Long Beach, CA 90808

### **SECTION II.**

**Appellant(s) Citizens About Responsible Planning/CARP**

**Joe Weinstein, Corliss Lee, Susan Miller, Melinda Cotton, Rae Gabelich, Tami Bennett, Renee Lawler, Ann Cantrell**

Phone: 562/596-7288

1. Name of local/port government: **Long Beach**
  
2. Brief description of development being appealed: **TRIMMING AND ON- SITE RELOCATION OF EXISTING STREET TREES AND ADDITION OF NEW STREET TREES IN THE PUBLIC RIGHT-OF-WAY IN CONJUNCTION WITH A SEPARATELY PERMITTED STREET IMPROVEMENT PROJECT. Categorical Exemption 18-237 for the Configuration of Marina Drive.**
  
3. Development's location (street address, assessor's parcel no., cross street, etc.): **Segment of Marina Drive between 2nd Street and Studebaker Road, Long Beach, 90803.**
  
4. Description of decision being appealed (check one.):  
Approval; no special conditions

X Approval with special conditions:

Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

☐ ☐ ☐  
☐ ☐

APPEAL NO: DATE FILED: DISTRICT:

\_\_\_\_\_  
 \_\_\_\_\_

**TO BE COMPLETED BY COMMISSION:**

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

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1. Decision being appealed was made by (check one):  
☒ Planning Director/Zoning Administrator  
City Council/Board of Supervisors  
☒ Planning Commission
2. Date of local government's decision: Zoning Administrator  
11/19/18; Planning Commission 12/20/18
3. Local government's file number (if any): 18-033

### SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

☐ ☐ ☐ ☐ \_\_\_\_\_

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- a. Name and mailing address of permit applicant: Erik Lopez
- b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Anna Christensen 259 Termino LB 90803

# APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

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## SECTION IV. Reasons Supporting This Appeal

### PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
  - State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
  - This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.
1. **The illegal removal of 22 Palm Trees on Marina Dr. between 2nd St. and Studebaker Rd. was not mentioned by the staff during the Planning Commission appeal. The Commissioners were not made aware that developer was required to replace 41 trees as the Coastal Commission Staff Nov. 21, 2018 letter to the City was not available in the Planning Commission staff report.**
  2. **No public hearings on this project prior to Zoning Administrator hearing.**
  3. **Change in the project 3 times for the same Local Coastal Development Permit.**  
The Notice of Hearing, The Zoning Administrator agenda, and Planning Commission agenda all contain different wording in the request for the same LCDP. The project has changed from removal of existing street palms to relocation of some the public right of way

trees, to ON-SITE RELOCATION OF EXISTING STREET TREES AND ADDITION OF NEW STREET TREES. There is a big difference between cutting down all the trees and moving some of them.

#### **4. Addition of Categorical Exemption 18-237 to Planning Commission appeal.**

**The Local Coastal Development Permit Findings, Exhibit E states: The trees are to be trimmed or relocated in conjunction with a separately-permitted street improvement project (see plans in project file for "Marina Drive Complete Streets Project") that requires alterations to existing landscaped street medians, sidewalks, curbs, and bike lanes on Marina Drive. This street improvement project qualifies for a Coastal Permit Categorical Exclusion (CPCE), as authorized by Section 21.25.903.C.3 of the Zoning Regulations. This CPCE was approved previously (see CPCE18-10).**

The minutes of the Zoning hearing show that Categorical Exemption paperwork was submitted to the Coastal Commission on 10/30/18 but "the status was unknown". The minutes do not show the Zoning Administrator's acceptance of CE 18-237. Planning Commission's staff report, Exhibit K shows the CEQA exemption was filed on Nov. 20, 2018, the day after the Zoning hearing.

CE 18-237 was not approved by the Zoning Administrator, was not part of the appeal and should not have been approved by the Planning Commission on 12/20.

#### **5. Changes of the approved 2nd & PCH Development EIR.**

Marina Dr. traffic plans have been changed to a Complete Streets Project with no public hearings.

**The 2nd & PCH EIR stated all Mall entrances and exits on Marina Dr. would be right hand turns only.**

**Adhering to the EIR would eliminate any left-hand turn lanes, reconfiguration of the medians and relocation of trees.**

**Christopher Koontz testified at the Planning Commission hearing that the Complete Streets Plan for Marina Dr. was approved in SEASP,**

however, SEASP has not yet been approved by the CCC. The current zoning for this area is SEADIP, which does not address Complete Streets.

**6. No information on success of relocation of mature palm trees**

City claims a 98% success rate for relocating mature palm trees, but provided no proof of these statistics.

CARP believes there are less damaging methods of solving the problem of adding an ADA sidewalk, **such as having the walk go around the trees; or move the sidewalk to the east side of the Palm trees. We suggest the developer deed that portion of land to the City as public right of way as mitigation for cutting down 22 trees during nesting season. The developer should also be required to replace the 22 trees with those of equal size and species.**

**7. Narrowing Marina Dr. from 4 lanes to 2 lanes will result in a more than 10% loss of access to the coast. City staff argued that additional sidewalks, bus stops and bicycle lane will provide more access, but most people get to this area by car.**

**Marina Dr. is an important emergency exit from Belmont Shore, Naples and Marina Pacifica.**

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

*Ann Cantrell* Citizens About Responsible Planning

Date: Dec. 31, 2018

Amended on January 23, 2019

**Note:** If signed by agent, appellant(s) must also sign below.



## **Section VI. Agent Authorization**

I/We hereby authorize  
to act as my/our representative and to bind me/us in all matters  
concerning this appeal.

Signature of Appellant(s)

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Date:

# Appeal by Anna Christensen

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

### SECTION I. Appellant(s)

Name: Anna Christensen for Protect the Long Beach/Los Cerritos Wetlands

Mailing Address: 259 Termino Ave.

City: Long Beach

Zip Code: 90803

Phone: (562) 4343 0229

### SECTION II. Decision Being Appealed

1. Name of local/port government: City of Long Beach
2. Brief description of development being appealed: Palm tree removal/relocation in conjunction with Marina Drive Complete Street Project and 2nd & PCH Project
3. Development's location (street address, assessor's parcel no., cross street, etc.): Marina Drive between 2nd St and Studebaker Ave, Long Beach, 90803
4. Description of decision being appealed (check one.):

☒ Approval; no special conditions

☐ Approval with special conditions:

☐ Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

### **. TO BE COMPLETED BY COMMISSION:**

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

## **APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Pg 2)**

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☒ Planning Commission
- ☐ Other

6. Date of local government's decision: December 20, 2018

7. Local government's file number (if any): Application No. 1810-12 (LCDP 18-033

### **SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant

City of Long Beach, Department of Development Services

333 W. Ocean Blvd., Long Beach, Calif. 90803

att: Christopher Koontz

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Ann Cantrell, 3106 Claremore Ave, Long Beach, CA 90808 [anngadfly@aol.com](mailto:anngadfly@aol.com)

(2) Leslie Rash, Long Beach CA. [leslierash.lb@gmail.com](mailto:leslierash.lb@gmail.com)

(3) Alex Cross, Long Beach, CA [adcross48@gmail.com](mailto:adcross48@gmail.com)

(4)

## **APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Pg 3)**

### **SECTION IV. Reasons Supporting This Appeal**

#### **PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SEE ATTACHED SUPPORTING ARGUMENTS AND ADDITIONAL DOCUMENTS

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Pg 4)**

**SECTION V.        Certification**

The information and facts stated above are correct to the best of my/our knowledge.

\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: December 29, 2018

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI.        Agent Authorization**

I/We hereby authorize \_\_\_\_\_  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

Anna Christensen, Protect the Long Beach/Los Cerritos Wetlands Coalition, appeals

City of Long Beach

Notice of Final Action

Application No. 1810-12 (LCDP 18-033)

Permit Requested: Local Coastal Development Permit

Exhibit E: LCDP Findings

1. The Proposed Development Conforms to the Local Coastal Program

- We do agree that the “separately-permitted street improvement project” is the only reason that the palm trees are being relocated.
- We do not agree that the project “requires” that the trees be relocated - we ask that it be redesigned to avoid relocating the trees.
- We do not agree that the street improvement project qualified for a CPCE permit and ask that it be revoked.
- An LCDP should be required for the street improvement project.
- No action should be taken on relocating the trees until the LCDP on the street improvement project is approved.
- We do not support the relocation of the palms as follows: “Where existing trees conflict with **required** right-of-way improvements, Public Works intends to relocate all existing trees.” The “right-of-way improvements” as currently proposed, are arbitrary, not required. They are the result of shifting agreements between the developer of the 2nd & PCH project and the City of Long Beach as to both design and financing. A new sidewalk fronting the 2nd & PCH Project along Marina Drive does not **require** the relocation of existing palms since the project is set back from the street far enough to allow both an ADA sidewalk and a parkway strip for the palms. The existing sidewalk plans could easily be reconfigured (possibly partially onto the “landscaped area of the 2nd & PCH project). Nor are the relocation of existing trees in the medians, **required**, other than to allow for left turn lanes servicing the the 2nd & PCH Project.
- While the removal/relocation of the palms and the changes to Marina Drive (including the left turn lanes) are being carried out in conjunction with and partially funded by the construction of the 2nd & PCH Project, the project EIR does not reference them, nor does it refer to the status of the palms as heron nesting sites, as part of the Marina rookery, or as wildlife habitat.
- City staff and public officials have denied multiple requests to hold community meetings regarding the destruction/removal/relocation of palms, and the street redo. The City has ignored overwhelming public support for the palms to remain in place, and has failed to acknowledge that their permitting and public hearing process lacks transparency and has failed to follow the law.
- We question the statement that “The project will be carried out in accordance with the regulations, standards and best practices of City’s Department of Public Works with regards to street trees. The Public Works Department intends to preserve as many trees as possible.” The Public Works Department illegally authorized the removal of 22 street palms along Marina Drive so that the developer could move his temporary fencing, lied about this to the public, and stated that the remaining palms had to be removed due to the street improvement project. Under public pressure that resulted in



a special meeting of the City's Tree Committee, the Public Works Department previewed two amended plans calling for the relocation, rather than the removal of the palms. "Best practices" and City Tree Policy require that all healthy street trees be left in place. Neither the developer nor the City appear to have believed that this policy applied to their projects. The LCP is an attempt to pacify public outcry that continues to put the trees, and the heron rookery at risk.

- By referencing the palm trees only as "street trees," the LCP Application ignores the contribution of the existing palms to the status of Marina Drive as an official Scenic Route. It also fails to acknowledge their status as part of the Alamitos Bay heron rookery, and the importance of their proximity to the Los Cerritos Wetlands, where the nesting herons feed.
- Bird study requirements fail to acknowledge that Marina rookery palms are considered nesting sites if they have been occupied within a 5 year period. Also not acknowledged is the impact of the lengthy period of demolition and construction on the 2nd and PCH property in discouraging the herons from selecting the Marina Drive palms as nesting sites. Nor is any effort made to address the consequences of the loss of many palms on the 2nd and PCH property and the twenty-two street palms, as well as over-trimming of Marina palms by City crews.
- Failure to protect shorebird nesting sites and rookeries has led to colony collapse in other areas of Long Beach. Failure to comply with the City Tree Policy and City Coastal Zone are ongoing resulting in continued loss of nesting sites and habitat.
- The "best practices" and best time for transplanting palms (in the summer) are in conflict with nesting season (January through September) - either the palms or the herons will be on the losing end.
- Relocating mature palms must be done by an experienced arborist. Size of rootball, manner of replanting, and care are critical. The City acknowledges some palms will not survive. Palms damaged during removal may develop diseases. Palms must be stabilized by 2'x4's for a period of a year, which could put pedestrians at risk.

## 2. The Proposed Development Conforms to the Public Access

- We do not agree that "The **project** involves only trimming and/or relocation of existing street trees" because, as stated in this LCP, the trees are being relocated in conjunction with a street improvement "**project.**" In other words, there is really only one project, the LCP for the trees is not really a separate project at all but part of the street improvement project. While correct in not accepting the City's original CPCE, the Coastal Commission staff's comment that only the palms required a LCP was incorrect. The impact on the public access of relocating the palms must be addressed in relation to the complete streets project. Also, see above, re the 2'x4's.

## 3. Marina Drive is an important route south across the San Gabriel River and an alternate to PCH in an emergency. One of only two routes out of the City south of the Newport Inglewood fault. This does not appear to have been a factor in the street project, nor to have been considered in granting the street project a CPCE.

4. All prior objections and concerns raised by myself, Leslie Rash, Protect the Long Beach/Los Cerritos Wetlands Coalition, Ann Cantrell, CARP and members of the general public are included assumed valid in this appeal including
- prior appeal form and documentation submitted the the California Coastal Commission
  - correspondence with Coastal Commission staff
  - testimony, written statements and appeals, and documentation submitted to the City of Long Beach (Tree Committee Appeal/meeting, Zoning Commission hearing, Planning Commission appeal.
  - petitions and commentary from citizens objecting to tree removal and Marina Drive Street project (ongoing).

### **Asks of Long Beach Planning Commission**

1. Deny the Zoning Commissioner's request for an LCP to "remove" 44 existing palms in advance of the Marina Dr. "Complete Street" Improvement Project
2. Leave palms in place. No reason to move them and risk injuring/killing them for left turn lanes into mall and paid diagonal parking
3. Re-evaluate current Marina Drive "Complete Street" Improvement Project proposed by Public Works, allow public input: community meeting and conduct online surveys
4. Order developer, who is responsible for palms on the 2nd & PCH site, to clean up trash, building and toxic materials around palms and provide a safety buffer
5. Per Coastal Development Permit 5-08-07, comply with all requirements, requests and mitigation measures from the California Coastal Commission, California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment.

### **Parameters for transplanting palms (Palm Tree Society of Southern California)**

1. Do not move before April, slow or no root growth in colder months
2. Size of rootball matters. Do not reduce, damage, or bury roots too deep
3. Move in a sling
4. Do not leave in boxes
5. Maintain watering schedule
6. Hire a private contractor with experience in moving palms

### **Special Consideration: Herons and Egrets (John Kelly (Audubon Canyon Ranch)**

Colonies of herons are frequently located in areas isolated from human disturbance. However, herons have adapted to human activity and may build their nests near buildings that have large trees. Herons are especially vulnerable to human disturbance and habitat destruction during the breeding season (mid-November to September of the following year) and tend to desert nests and entire colonies if disturbed during these times. Colonies have even been deserted after destruction or alteration of their habitat during the non-nesting season. Consequences include fragmentation of breeding populations, total reproductive failure in colonies, reduced number of breeding pairs, and reduced reproductive output per pair. Ultimately this can affect the stability of the entire regional population. Herons are unpredictable in their response to disruption of a colony and the severity of the response does not always correspond to the magnitude of the disturbance (seemingly innocuous activities can produce serious results). Density of vegetation within and surrounding the colony can influence the impact of disturbances. Tree trimming should not remove more than the minimum of foliage necessary for human health and safety, and should be done, where it is permitted, in a manner that does not discourage herons and egrets from returning to their altered (trimmed) habitat during the next breeding cycle.

**From:** Ziff, Dani@Coastal  
**To:** ["Anna Christensen"; anngadfly@aol.com; Willis, Andrew@Coastal; Hudson, Steve@Coastal](#)  
**Cc:** [Posner, Chuck@Coastal; tami\\_bennett@hotmail.com; mbcotton@hotmail.com; Hoorae1@aol.com; renee\\_matt@live.com; corlisslee@aol.com; mpshogrl@msn.com; jweins123@hotmail.com; leslieash.lb@gmail.com; Sanchez, Jordan@Coastal; 6102ka@gmail.com](#)  
**Subject:** RE: Marina Drive tree LCDP  
**Date:** Tuesday, January 22, 2019 3:00:00 PM

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Hello Anna,

To answer your questions:

1. No, the plans for the second CPCE were reviewed during a meeting between Coastal Commission and City of Long Beach staff. We just do not have a physical copy of the plans. To be clear, the scope of the second CPCE was for the development described on the CPCE form. I stated in my previous email "for restriping only" merely as a mechanism to clarify that the second CPCE did not include work on the trees. I apologize for the confusion.
2. Our staff became aware of the street and median changes when we received the first CPCE. You may want to ask the City about the incorporation of the left hand turn lanes into the Complete Streets Project.
3. Your email has been included in the appeal file.

dani

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**From:** Anna Christensen [mailto:[achris259@yahoo.com](mailto:achris259@yahoo.com)]  
**Sent:** Thursday, January 17, 2019 6:00 PM  
**To:** Ziff, Dani@Coastal; anngadfly@aol.com; Willis, Andrew@Coastal; Hudson, Steve@Coastal  
**Cc:** Posner, Chuck@Coastal; tami\_bennett@hotmail.com; mbcotton@hotmail.com; Hoorae1@aol.com; renee\_matt@live.com; corlisslee@aol.com; mpshogrl@msn.com; jweins123@hotmail.com; leslieash.lb@gmail.com; Sanchez, Jordan@Coastal; 6102ka@gmail.com  
**Subject:** Re: Marina Drive tree LCDP

A few questions and comments. Dani, are you saying that the second CPCE was accepted by Coastal Commission staff without staff seeing/reviewing the plans for the Marina Drive Complete Streets Project ("we do not yet have the plans")? If so, it would appear that the City was not all that forthcoming in describing the Complete Streets project as being street restriping only: "However, when the City sent us the new CPCE determination on the Complete Streets project (for the street restriping only; no tree work)". The Marina Drive Complete Street Project plans that Craig Beck of Public Works presented to Ann Cantrell and myself were never limited to "restriping." They included new sidewalks which bulb out into the roadway and, as currently proposed, require many additional street palm trees to be removed/relocated. The plans also include new left-turn lanes into the mall cut from existing medians resulting in the need to remove/relocate many more palm trees. When, if ever, did Coastal Commission staff become aware of these sidewalk and median changes? Since the left turn lanes were not part of the 2nd & PCH Project EIR, when did the left turn lanes become part of the Complete Streets Project?

The 2nd & PCH Project developer, LB Public Works, and LBDS have partnered and continue to collaborate on planning/financing changes to our public right of way. We proposed to the City (Craig Beck, Public Works) and do still recommend that the large setback for landscaping facing Marina Drive accommodate the extra width of an ADA compliant sidewalk, thereby eliminating the need to remove/relocate any of the remaining street palms. We also find that the addition of left-turn lanes will make Marina Drive the primary access road to the mall. This increased traffic along with diagonal street parking and fewer traffic lanes will result in traffic congestion and

hazards to bicyclists and pedestrians.

Given the mutual culpability of the City and the developer in the illegal destruction of twenty-eight public palms, it would seem that the Coastal Commission is in a position to require that the remaining palms not be moved. The LCP for the palms, while presented as a separate permit is, as stated, being submitted in connection with the CPCE for the Marina Drive Complete Streets Project. It cannot be evaluated or decided upon without reference to the problematic CPCE, to the 2nd & PCH Project, to the Complete Streets Project, to bad deals and illegal decisions made without the public's knowledge, and to the citizens' continued effort to resist and remedy this situation on behalf of the palms and the herons who will pay the ultimate price.

Anna Christensen

\*please include these email in my appeal info.

On Thursday, January 17, 2019 2:38 PM, "Ziff, Dani@Coastal" <dani.ziff@coastal.ca.gov> wrote:

Hello again,

1. I think the excerpt you are pointing to on page three is referring to the previous CPCE (the one that included work on the trees). Our office received a letter on October 30<sup>th</sup>, 2018 from the City to rescind that CPCE because, as you and our staff agreed, the trimming and replacement of trees requires a CDP. Maybe the letter was the "paperwork" she was referring to. Then the City issued a new CPCE that did not include the tree work, which was the one I sent you.

2. As we discussed previously, the Coastal Commission does not have a formal review process for City CPCEs and does not approve them. However, when the City sent us the new CPCE determination on the Complete Streets project (for the street restriping only; no tree work) later in November, we did not disagree with or appeal their action.

3. As far as the plans go, we do not yet have the City record and, therefore, do not yet have the plans. You can either ask the City for a copy or wait until we have them.

I hope this clarifies things.

dani

**From:** anngadfly@aol.com [mailto:anngadfly@aol.com]

**Sent:** Thursday, January 17, 2019 1:57 PM

**To:** Ziff, Dani@Coastal; achris259@yahoo.com

**Cc:** Posner, Chuck@Coastal; tami\_bennett@hotmail.com; mbcotton@hotmail.com; Hoorae1@aol.com; renee\_matt@live.com; corlisslee@aol.com; mpshogrl@msn.com; jweins123@hotmail.com; leslierash.lb@gmail.com; Sanchez, Jordan@Coastal; 6102ka@gmail.com

**Subject:** Re: Marina Drive tree LCDP

Dear Dani,

I am attaching the minutes of the Zoning Administrator minutes for Nov. 19, 2018. (The mistaken date of Nov. 12 was corrected in a later document.) You will see on the middle of pg. 3 when it is stated by M. Cronin that the paperwork for the CPCE was submitted on Oct. 30, 2018, but the status was unknown. It was suggested that the public contact the CCC. which I have been doing for weeks. All I get in response is a copy of the submitted document.

Was this CPCE approved by the CCC staff? Is there any document showing this? If so, may I have a copy?

Also, the city's LCDP states: See plans in project file for "Marina Drive Complete Streets Project". These are the plans I would like to see--I have the other documents.

Gratefully,  
Ann Cantrell

-----Original Message-----

From: Ziff, Dani@Coastal <dani.ziff@coastal.ca.gov>  
To: anngadfly@aol.com <anngadfly@aol.com>; achris259@yahoo.com <achris259@yahoo.com>  
Cc: Posner, Chuck@Coastal <Chuck.Posner@coastal.ca.gov>; tami\_bennett@hotmail.com <tami\_bennett@hotmail.com>; mbcotton@hotmail.com <mbcotton@hotmail.com>; Hoorae1@aol.com <Hoorae1@aol.com>; renee\_matt@live.com <renee\_matt@live.com>; corlisslee@aol.com <corlisslee@aol.com>; mpshogrl@msn.com <mpshogrl@msn.com>; jweins123@hotmail.com <jweins123@hotmail.com>; leslierash.lb@gmail.com <leslierash.lb@gmail.com>; Sanchez, Jordan@Coastal <Jordan.Sanchez@coastal.ca.gov>; 6102ka@gmail.com <6102ka@gmail.com>  
Sent: Thu, Jan 17, 2019 12:16 pm  
Subject: RE: Marina Drive tree LCDP

Hi Ann,

The CPCE that I attached to the last email was for the Marina Drive Complete Streets Project. I believe it is dated in the bottom right-hand corner of the 1<sup>st</sup> page: 10/30/18.

dani

**From:** anngadfly@aol.com [mailto:anngadfly@aol.com]  
**Sent:** Thursday, January 17, 2019 12:02 PM  
**To:** Ziff, Dani@Coastal; achris259@yahoo.com  
**Cc:** Posner, Chuck@Coastal; tami\_bennett@hotmail.com; mbcotton@hotmail.com; Hoorae1@aol.com; renee\_matt@live.com; corlisslee@aol.com; mpshogrl@msn.com; jweins123@hotmail.com; leslierash.lb@gmail.com; Sanchez, Jordan@Coastal; 6102ka@gmail.com  
**Subject:** Re: Marina Drive tree LCDP

Thank you for sending these, Dani. I do have further questions.

The Local Coastal Development Permit Findings, Exhibit E states in part:

"The trees are to be trimmed or relocated in conjunction with a separately-permitted street improvement project (see plans in project file for "Marina Drive Complete Streets Project") that requires alterations to existing landscaped street medians, sidewalks, curbs, and bike lanes on Marina Drive. This street improvement project qualifies for a Coastal Permit Categorical Exclusion (CPCE), as authorized by Section 21.25.903.C.3 of the Zoning Regulations. This CPCE was approved previously (see CPCE18-10). However, the tree trimming and relocation cannot be categorically excluded with the street improvements, and is the subject of this Local Coastal Development Permit."

At one time, Christopher Koontz said the Complete Streets Plan was in the 2nd and PCH EIR. When that was shown to be inaccurate, he told the Planning Commission it was in SEASIP, which has not yet been approved by the CCC. Now this document states it is in the Marina Dr. Complete Streets Project.

Several of us have searched for the Marina Drive Complete Streets Project without success. Could



you please tell me where to find it?

Also, the permit states the CPCE 18-10 was approved previously. Could you please tell me the date it was approved and by whom?

Gratefully,  
Ann Cantrell

-----Original Message-----

From: Ziff, Dani@Coastal <dani.ziff@coastal.ca.gov>  
To: anngadfly@aol.com <anngadfly@aol.com>; achris259@yahoo.com <achris259@yahoo.com>  
Cc: Posner, Chuck@Coastal <Chuck.Posner@coastal.ca.gov>; tami\_bennett@hotmail.com <tami\_bennett@hotmail.com>; mbcotton@hotmail.com <mbcotton@hotmail.com>; Hoorae1@aol.com <Hoorae1@aol.com>; renee\_matt@live.com <renee\_matt@live.com>; corlisslee@aol.com <corlisslee@aol.com>; mpshogrl@msn.com <mpshogrl@msn.com>; jweins123@hotmail.com <jweins123@hotmail.com>; leslierash.lb@gmail.com <leslierash.lb@gmail.com>; Sanchez, Jordan@Coastal <Jordan.Sanchez@coastal.ca.gov>  
Sent: Thu, Jan 17, 2019 9:50 am  
Subject: RE: Marina Drive tree LCDP

Good morning,

It was nice meeting you on Tuesday. As promised, I have attached to this email a copy of the CPCE, the Coastal Commission's Tree Trimming and Removal Policy for Long Beach, and the City's Final Action. Let me know if there is anything else you need.

dani

**From:** anngadfly@aol.com [mailto:anngadfly@aol.com]  
**Sent:** Wednesday, January 16, 2019 11:17 AM  
**To:** Ziff, Dani@Coastal; achris259@yahoo.com  
**Cc:** Posner, Chuck@Coastal; tami\_bennett@hotmail.com; mbcotton@hotmail.com; Hoorae1@aol.com; renee\_matt@live.com; corlisslee@aol.com; mpshogrl@msn.com; jweins123@hotmail.com; leslierash.lb@gmail.com; Sanchez, Jordan@Coastal  
**Subject:** Re: Marina Drive tree LCDP

Dear Dani, Chuck and Jordan,

Thank you for meeting with Anna and me yesterday. I have found the city's application in my e-mails. I do not see a date on the application, but am happy to hear that the appeal time is now Jan. 23. CARP will be amending their appeal by that date. Please alert us when this issue is on the CCC agenda.

Regards,  
Ann Cantrell

-----Original Message-----

From: Ziff, Dani@Coastal <dani.ziff@coastal.ca.gov>  
To: anngadfly@aol.com <anngadfly@aol.com>; Anna Christensen <achris259@yahoo.com>  
Cc: Posner, Chuck@Coastal <Chuck.Posner@coastal.ca.gov>; tami\_bennett@hotmail.com <tami\_bennett@hotmail.com>; mbcotton@hotmail.com <mbcotton@hotmail.com>; Hoorae1@aol.com <Hoorae1@aol.com>; renee\_matt@live.com <renee\_matt@live.com>; corlisslee@aol.com <corlisslee@aol.com>; mpshogrl@msn.com <mpshogrl@msn.com>; jweins123@hotmail.com <jweins123@hotmail.com>; leslierash.lb@gmail.com <leslierash.lb@gmail.com>  
Sent: Thu, Jan 10, 2019 1:35 pm  
Subject: RE: Marina Drive tree LCDP

Hello again,

Please find the City's Notice of Final Action attached. You are welcome to amend your appeals while the appeal period is open.

dani

**From:** anngadfly@aol.com [mailto:anngadfly@aol.com]

**Sent:** Wednesday, January 09, 2019 8:09 PM

**To:** Ziff, Dani@Coastal

**Cc:** Posner, Chuck@Coastal; tami\_bennett@hotmail.com; mbcotton@hotmail.com; Hoorae1@aol.com; renee\_matt@live.com; corlisslee@aol.com; mpshogrl@msn.com; jweins123@hotmail.com; achris259@yahoo.com; leslierash.lb@gmail.com

**Subject:** Re: Marina Drive tree LCDP

Dear Dani,

Thank you for letting me know that the City has filed for a LCD Permit for Marina Dr. I would appreciate if you would send me a copy of the City's Notice of Final Action..

I filed the appeal on behalf of CARP because we thought it had to be filed within 10 working days of the Planning Commission's approval. I assume that if there is any additional information, CARP can amend the original appeal.

Gratefully,  
Ann Cantrell

-----Original Message-----

From: Ziff, Dani@Coastal <dani.ziff@coastal.ca.gov>

To: Ann Cantrell <AnnGadfly@aol.com>

Cc: Posner, Chuck@Coastal <Chuck.Posner@coastal.ca.gov>

Sent: Wed, Jan 9, 2019 4:52 pm

Subject: Marina Drive tree LCDP

Hello Ann,

I have been speaking with Anna Christensen about the City of Long Beach's tree trimming and relocation project along Marina Drive and told her I would reach out when we opened the appeal period for the City's action on Local Coastal Development Permit No. 18-033. We received the Notice of Final Action from the City of Long Beach for LCDP 18-033 and opened the appeal period today. The appeal period will close at 5pm on January 23<sup>rd</sup>, 2019. We have already filed your appeal.

Let me know if you have any questions.

Sincerely,

Dani Ziff

*Coastal Program Analyst  
California Coastal Commission  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802  
(562) 590-5071*



Some palm trees are native to California and continue to grow in Palm Canyon, near Palm Springs,





others originate in Baja California, just south of San Diego.



The Baja palms now line our streets and have become the iconic tree of Southern Calif, including Long Beach.





Palms were planted in the Seaport Marina Hotel gardens, in the Marina and along Marina Dr, an official scenic highway.





Great Blue Herons built nests in the tall Marina Drive palms, close to the wetlands, where they could find food.





Developers arrived with other ideas, 2nd & PCH would be a shopping mall, but it would still be surrounded by lots of palms.





The old Marina Drive palms survived the demolition of the hotel, but the herons flew off, too much noise.

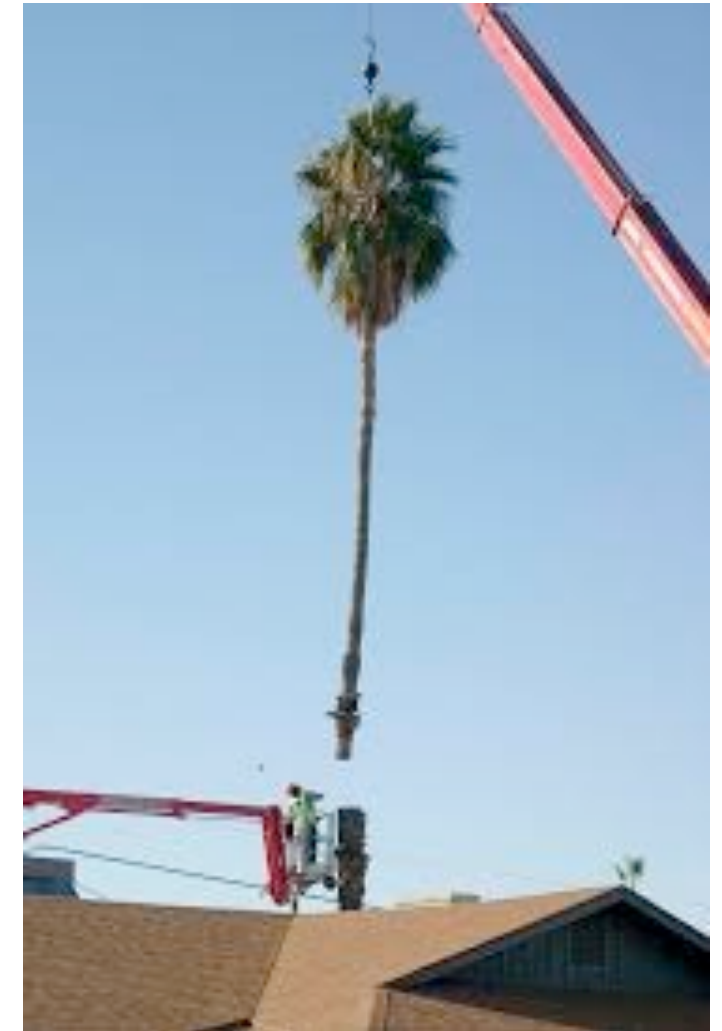


The mall plans did not include the old Marina Drive palms, which were being chopped down to be replaced by new ones.





People who loved the palms protested, the chop was stopped.  
Some palms will be left in place but 40+ palms will be moved



The city will replant them a few feet away or down the street, some will not survive. Paid diagonal parking and left turn lanes into the mall matter more than saving the palms.





We wondered how the palms were doing, behind the contractors fence, a month ago we took a look .....





The palms were being neglected and abused, sitting under piles of building materials.....so we complained





City staff has visited the site, yet a month later barrels and leaking containers of toxic materials remain against the palms





The developer and city share responsibility for the fate of the palms. We value them and want them to stay where they are.





The palms and the herons are not disposable, they are part of our community. Do not move the palms, re-do the street plan.

# Appeal by Melinda Cotton

STATE OF CALIFORNIA – THE RESOURCES AGENCY

GAVIN NEWSOM, Governor

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE

200 OCEANGATE, 10TH FLOOR

LONG BEACH, CA 90802-4416

VOICE (562) 590-5071 FAX (562) 590-5084



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

### SECTION I. Appellant(s)

Name: Melinda Cotton

Mailing Address: PO Box 3310

City: Long Beach

Zip Code: 90803

Phone: 562.433.2795

### SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Long Beach

2. Brief description of development being appealed:

Marina Dr., right-of-way between 2nd St. and Studebaker Rd. (1810-12)  
(LCDP18-033) and and by inclusion CPCE 18-10 Marina Drive Complete Streets  
(LCDP 18-033 is part of the CPCE 18-10 Marina Drive Complete Streets)

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Marina Dr. between 2nd St. and Studebaker Rd.

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions  
☒ Approval with special conditions:  
☐ Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

### TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☒ Planning Commission
- ☐ Other

6. Date of local government's decision: Dec. 20, 2018

7. Local government's file number (if any): 1810-12 NoFA findings and conditions (to CCC)

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

City of Long Beach

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

### **SECTION IV. Reasons Supporting This Appeal**

#### **PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The City of Long Beach "Project Description" clearly states this is "A Local Coastal Development Permit (LCDP18-033) ...in conjunction with a separately-permitted street improvement project, located on the segment of Marina Drive, between 2nd Street and Studebaker Rd." The 'street tree' issue is reliant on changes included in "CPCE 18-10 Marina Drive Complete Streets". Other appellants are describing the tree/heron and other problems with CPCE 18-12, I will focus on the inaccuracies and irregularities involved with CPCE 18-10 (which we were told required no City or Coastal public notice, no City or Coastal public hearings, no local appeal process, and no Coastal Commission meeting approval."

1. CPCE 18-10 (attached) is inaccurate in stating that the narrowing of Marina Drive between 2nd St. and Studebaker Rd. by one lane in each direction would not "...alter roadway or intersection capacity by more than ten per cent (10%)...." or "Impair access to the coast." Losing one lane in each direction reduces the 'roadway and intersection capacity' by removing half or 50% of the traffic (i.e. vehicle capacity). This was pointed out to Commission Staff in a 11/27/18 e-mail (see attached addendum e-mails Public Works Misinformation re Marina Drive). In addition, other pending new projects (including the proposed 500 seat San Pedro Fish Co. in the Joe's Crab Shack location in the Bay adjacent parking lot) will increase traffic on Marina Drive further impairing access to the coast.

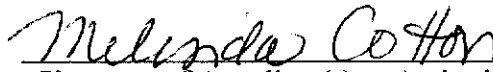
2. I and other members of the Public were prevented from knowing about the CPCE 18-10 'Exclusion Application', despite my very best efforts in e-mails to City Planning Staff requesting details about the Local Coastal Development Permit (LCDP 18-033). (Please see attached e-mail exchange with City Planner Scott Kinsey sent to Coastal Staff on 1/3/19.) Although I repeatedly asked for additional information about the "...separately-permitted street improvement project" located on Marina Drive, Mr. Kinsey failed to respond or tell me about CPCE 18-10. If I had known about this Permit Application to Coastal Commission, I could have asked Coastal Staff, learned of the Appeal Process and submitted an Appeal in a timely fashion. (In fact the CPCE 18-20 permit document was not provided to us (by Planner Maryanne Cronin) until several days after the Nov. 19th Zoning Administrator's hearing). Due to the total lack of information about the Permit Exemption application, neither I nor anyone else was able to submit an Appeal. I am hugely disappointed that the Coastal Commission approves Permits of this type without Public Notice and Public Involvement at a local of Commission stage.



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.



\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: 1/23/19 Melinda Cotton

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby  
authorize \_\_\_\_\_

to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

## Public Works Misinformation re proposed Marina Dr. Traffic Lanes

MC

Melinda Cotton

Tue 11/27/2018, 2:01 PM

Chuck.Posner@coastal.ca.gov; anngadfly@aol.com; achris259@yahoo.com; Hoorae1@aol.com; renee\_matt@live.com; corlisslee@aol.com +3 others

pdf

1810-12\_ZA Mins 11-19-...

260 KB

pdf

Marina Dr. & Studebaker ...

3 MB

pdf

Marina Dr. & New constr...

3 MB

Show all 6 attachments (15 MB)

Download all

Save all to OneDrive

Hi **Chuck**,

In the Nov. 19th Minutes of the Zoning Administrative Hearing Eric Lopez is quoted as stating "...that the [Marina Dr] project, developed in accordance with the City's Complete Streets Policy will improve access and mobility around the area..." That cannot be true for vehicle access and mobility given that the 'project' plans to **reduce** Marina Drive between 2nd St. and Studebaker to one lane in each direction, (where it is now mainly two lanes) and be required to serve the very large, new 2nd & PCH shopping center and a new Whole Foods, and serve a new San Pedro Fish Co. restaurant with some 500 customers plus staff. Coastal access will be severely affected by reduced vehicle traffic and new impacts on parking. (Lopez gave Ann Cantrell a flash drive with the Marina Drive 'Complete Streets' design and I have legal size paper (3 pages) with the full design that we can get to you).

Public Works Staff at the Zoning Administrative hearing repeatedly stated that Marina Drive between 2nd Street and Studebaker was 'currently only one lane'. That is not correct. Marina Drive is two lanes the full length of this road traveling North as the attached Google views show. Traveling South it is two lanes for about 7/8th the distance. I believe City Staff is also telling Coastal Commission that there will be no change in public access, level of service, etc. with the planned changes to Marina Drive (narrowing it to one lane in each direction, etc.) This would not be accurate. When 2nd & PCH opens next summer with its multitude of new stores, restaurants, new Whole Foods Market, etc. and the San Pedro Fish Co. restaurant opens (with approx 500 customers + staff) vehicle traffic jams and parking conflicts will be likely.

I've attached Google map photos taken in January and April of 2018 of this stretch of Marina Dr. The photos show that heading from the intersection of Studebaker & Marina Drive north there are two lanes (plus a bike lane) the entire stretch to 2nd Street. (When you reach 2nd Street there are a total of four lanes in width - 2 left turn lanes, two straight ahead lanes (into Marina Pacifica Condos) and a right turn lane.)

Heading southbound from the intersection of 2nd St. and Marina Drive - Marina has two lanes southbound (plus a skimpy bike lane). The two lanes southbound on Marina Drive continue almost to the left turn entry to the Whole Foods back delivery area. So southbound about 7/8ths of the distance has two lanes. There are also several wide right turn entries into the coastal access parking lot (boat owners and visitors, Farmers Market, restaurants, coastal serving retail also use this parking lot - and it has been severely affected already by the Ballast Point restaurant.) Please be sure to read Tim Grobaty's article below. Thanks...Melinda

<https://lbpost.com/business/development/alamitos-bay-parking-why-itll-get-worse-and-what-the-city-is-doing-about-it/>



### Alamitos Bay parking: Why it'll get worse, and what the city is doing about it • Long Beach Post - lbpost.com

lbpost.com

When the restaurants in Alamitos Bay Landing and along the stretch of Marina Drive south of Second Street are busy, parking is a nightmare. And they're usually busy.

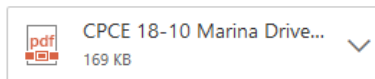
## CPCE- 18-10 Marina Drive Complete Streets



Melinda Cotton

Thu 1/3/2019, 11:58 AM

Chuck.Posner@coastal.ca.gov; Ziff; Maryanne Cronin; anngadfly@aol.com; leslierash.lb@gmail.com; Anna Christensen



Download Save to OneDrive

Hello **Chuck**,

I looked back through my e-mail exchanges with Scott Kinsey concerning the Marina Drive street improvement project. Scott Kinsey signed the above attached CPCE 18-10 permit exemption to Coastal Commission on October 29, 2018 (Christopher Koontz signed the Permit document on October 30<sup>th</sup>).

On November 7<sup>th</sup>, 2018 – 7 working days after Kinsey signed the Permit, I had the e-mail exchange below with Scott Kinsey. In my e-mail below, I specifically and explicitly asked Scott Kinsey for complete details on the 'separately permitted street improvement project'. Scott's reply **failed** to include the above CPCE 18-10 permit. (In fact the permit document was not provided to us (by Maryanne Cronin) until several days **after** the Nov. 19<sup>th</sup> Zoning Administrator's hearing).

From my Nov. 7<sup>th</sup> e-mail to Scott Kinsey (below) I excerpted the notice wording and then requested: **"...in conjunction with a separately-permitted street improvement project that will include installation and replacement of street trees, located on the segment of Marina Drive between 2<sup>nd</sup> Street and Studebaker Road. (District 3) "**

Has the 'separately-permitted street improvement project' already come to Zoning or Planning? Where could we find details and the design of this 'separately-permitted' street improvement? They seem to all go together."

And in a follow up e-mail to Scott on November 8<sup>th</sup>, I again asked for project details. Kinsey again **failed** to send to me the CPCE 18-10 permit document!!! Scott referred me to Joshua Hickman in Public Works for information.

**Chuck**, in your e-mail to me yesterday, you stated that Coastal "does not require a public hearing or notice" on coastal permit exemptions.. but that a challenge may occur if somehow the public discovers the Permit exists. Is there no way the City of Long Beach is expected/required to notify the public of the existence of such permit filings? – even when specific requests are submitted in writing within the Appeal period??? If I had received the CPCE 18-10 document, I could have appealed it to you and the Commission in a timely fashion (within the ten day appeal period). But it does appear that Scott Kinsey had a dereliction in duty and common sense expectation by failing to send to me the information I clearly requested. Does Coastal Commission offer no recourse to those of us who have so clearly been kept in the dark???

I've always believed that the intent of the California Coastal Act is to provide transparency about issues brought to the Commission, and to allow the public to be aware of and participate in decisions made by the Coastal Staff and Commission.

Please let me know if you need any additional information from me.  
Sincerely, Melinda Cotton

PS: (Statement from your e-mail of January 2<sup>nd</sup>: "A coastal permit exemption is not a coastal development permit and does not require a public hearing or public notice. A coastal permit exemption can be challenged, however, any challenge must occur within the 10 working day appeal period. The appeal period for CPCE 18-10 has expired."

\*\*\*\*\*

**From:** Scott Kinsey <Scott.Kinsey@longbeach.gov>  
**Sent:** Wednesday, November 7, 2018 5:13 PM  
**To:** Melinda Cotton <mbcotton@hotmail.com>  
**Subject:** RE: 1810-12 (LCDP18-033) Application Date: 10/17/18

Melinda,

Both the tree work and the street improvements are part of a Public Works Department "complete streets" project for Marina Drive. The street improvements don't require a Local Coastal Development Permit—street improvements are specifically excluded from LCDPs by code. The tree trimming/removal/relocation does require an LCDP, which is why it's coming before the Zoning Administrator.

**Scott Kinsey, AICP**  
*Planner V*

**Department of Development Services | Planning Bureau**  
333 West Ocean Blvd., 5th Fl. | Long Beach, CA 90802  
Office: (562) 570-6461 Fax: (562) 570-6068  
[scott.kinsey@longbeach.gov](mailto:scott.kinsey@longbeach.gov)

---

**From:** Melinda Cotton [<mailto:mbcotton@hotmail.com>]  
**Sent:** Wednesday, November 07, 2018 12:17 PM  
**To:** Scott Kinsey <[Scott.Kinsey@longbeach.gov](mailto:Scott.Kinsey@longbeach.gov)>  
**Subject:** Re: 1810-12 (LCDP18-033) Application Date: 10/17/18

Thanks for the map, Scott, that helps...it was hard to find on Google.

The hearing item "Proposed Project" mentions:

**"...in conjunction with a separately-permitted street improvement project that will include installation and replacement of street trees, located on the segment of Marina Drive between 2<sup>nd</sup> Street and Studebaker Road. (District 3) "**

Has the 'separately-permitted street improvement project' already come to Zoning or Planning? Where could we find details and the design of this 'separately-permitted' street improvement? They seem to all go together.

\*\*\*\*\*

"Proposed Project: A Local Coastal Development Permit request for the trimming and removal of existing street trees in the public right-of-way, in conjunction with a separately-permitted street improvement project that will include installation and replacement of street trees, located on the segment of Marina Drive between 2<sup>nd</sup> Street and Studebaker Road. (District 3)"

---

**From:** Scott Kinsey <[Scott.Kinsey@longbeach.gov](mailto:Scott.Kinsey@longbeach.gov)>  
**Sent:** Wednesday, November 7, 2018 9:16 AM  
**To:** Melinda Cotton  
**Subject:** RE: 1810-12 (LCDP18-033) Application Date: 10/17/18

Melinda,

Please see the attached GIS map. There is a short segment of Studebaker Rd. between Marina Dr. and Pacific Coast Hwy.

Please let me know if you have any other questions.

Thank you,

**Scott Kinsey, AICP**  
*Planner V*

**Department of Development Services | Planning Bureau**  
333 West Ocean Blvd., 5th Fl. | Long Beach, CA 90802  
Office: (562) 570-6461 Fax: (562) 570-6068  
[scott.kinsey@longbeach.gov](mailto:scott.kinsey@longbeach.gov)

---

**From:** Melinda Cotton [<mailto:mbcotton@hotmail.com>]  
**Sent:** Wednesday, November 07, 2018 9:06 AM  
**To:** Scott Kinsey <[Scott.Kinsey@longbeach.gov](mailto:Scott.Kinsey@longbeach.gov)>  
**Subject:** 1810-12 (LCDP18-033) Application Date: 10/17/18




"Project Location: Marina Drive (a public right-of-way) between 2nd Street and Studebaker Road"

Hi Scott,


I'd appreciate it if you would send me the official map that shows Marina Drive connecting 2nd Street and Studebaker Road...

Thanks.


Melinda




GREEN BICYCLE CROSSING




EXISTING TREE TO REMAIN  
(142 TOTAL)

  
PT-XX


EXISTING TREE TO BE RELOCATED  
(44 TOTAL)

  
PT-XX

RELOCATED TREE NEW LOCATION  
(44 TOTAL)


  
NEW

PROPOSED MEXICAN FAN PALM  
(22 TOTAL)




PROPOSED CANOPY TREE  
(17 TOTAL)


LEGEND





5' WIDE PARKWAY CULVERT




NEW CURB / MEDIAN / LANDSCAPING




"NO PARKING" / BUFFER / BUS LOADING AREA



BIKE LANE



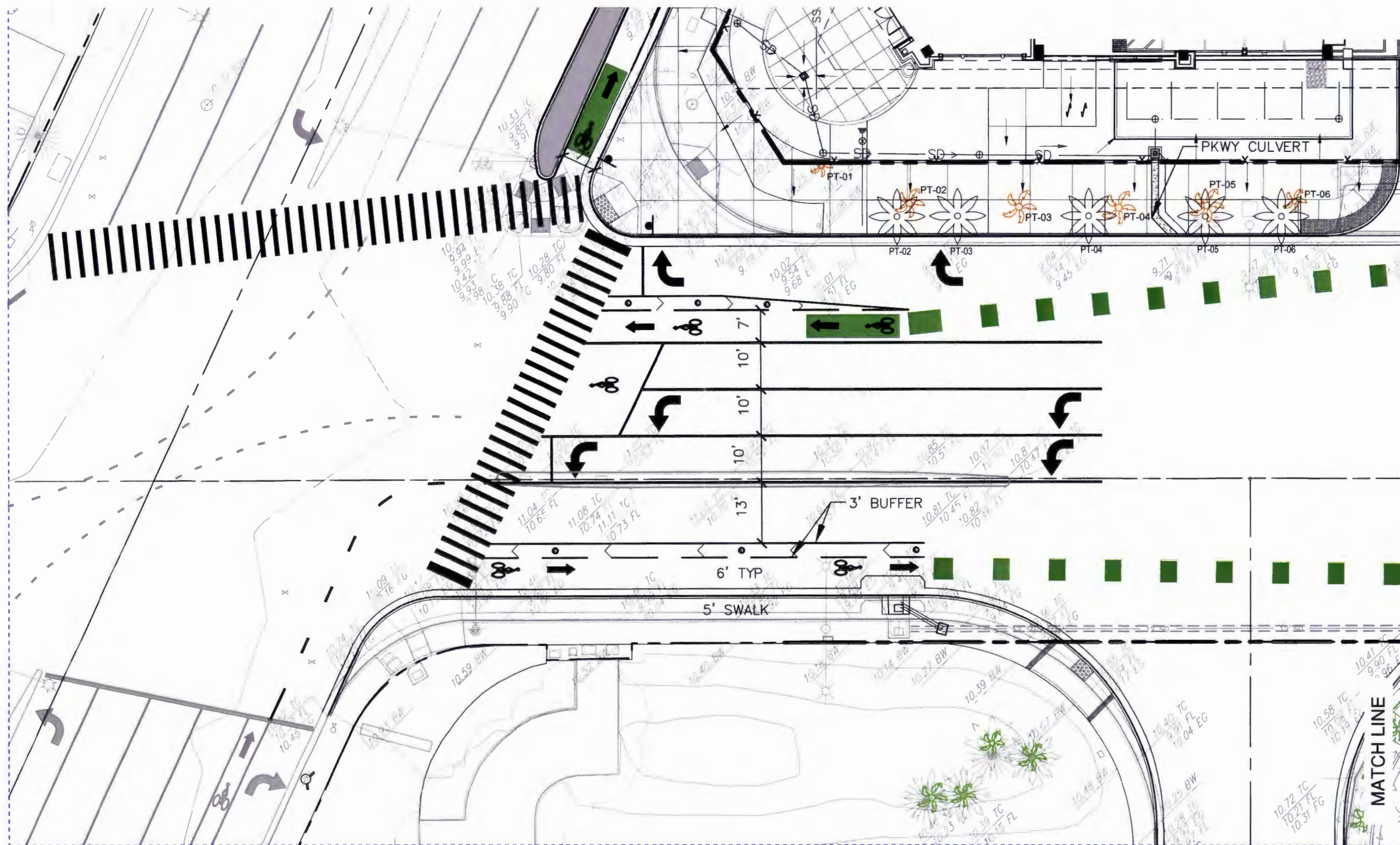
PARKING METERS



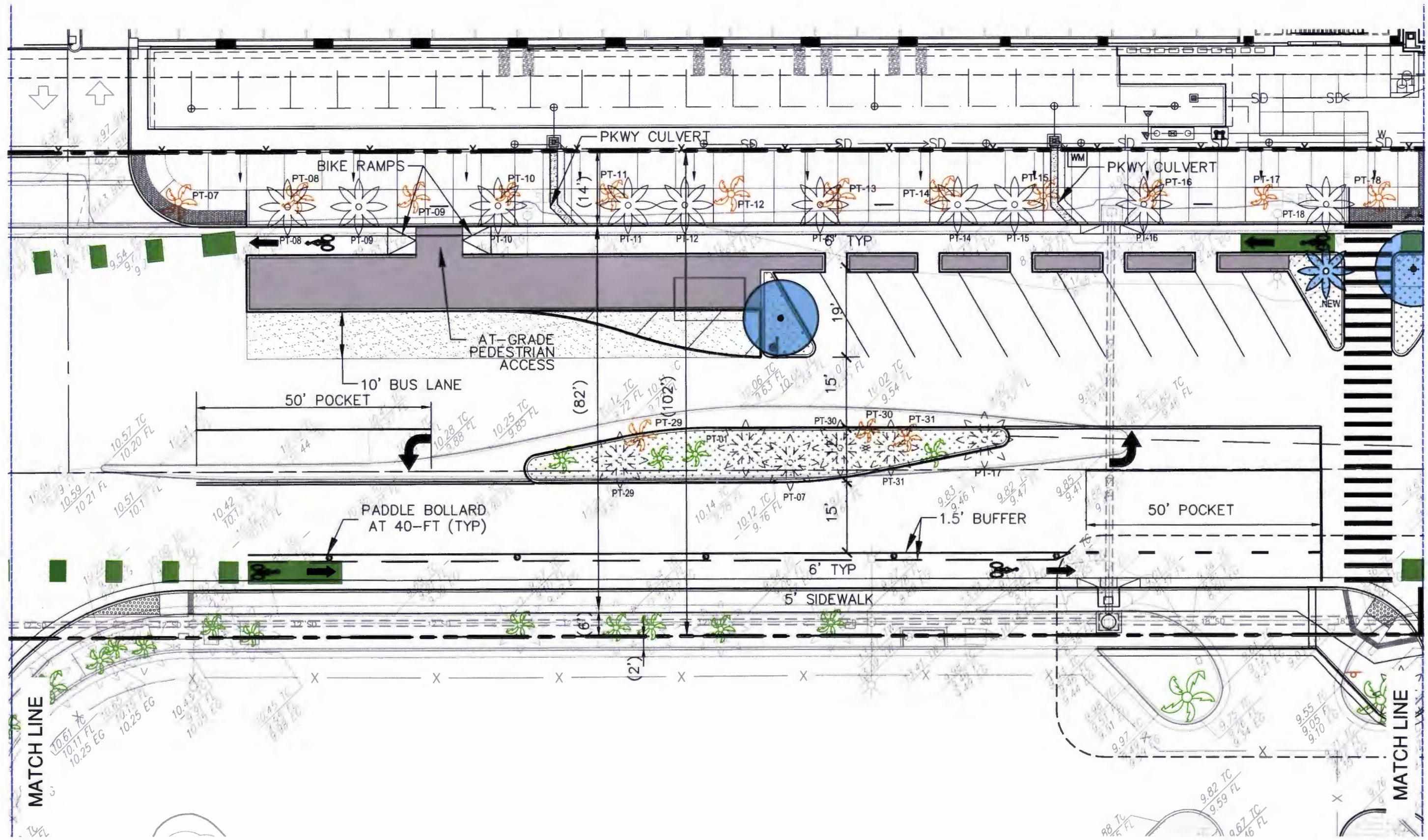
PADDLE BOLLARDS

RECEIVED  
South Coast Region  
  
JAN 23 2019  
  
CALIFORNIA  
COASTAL COMMISSION





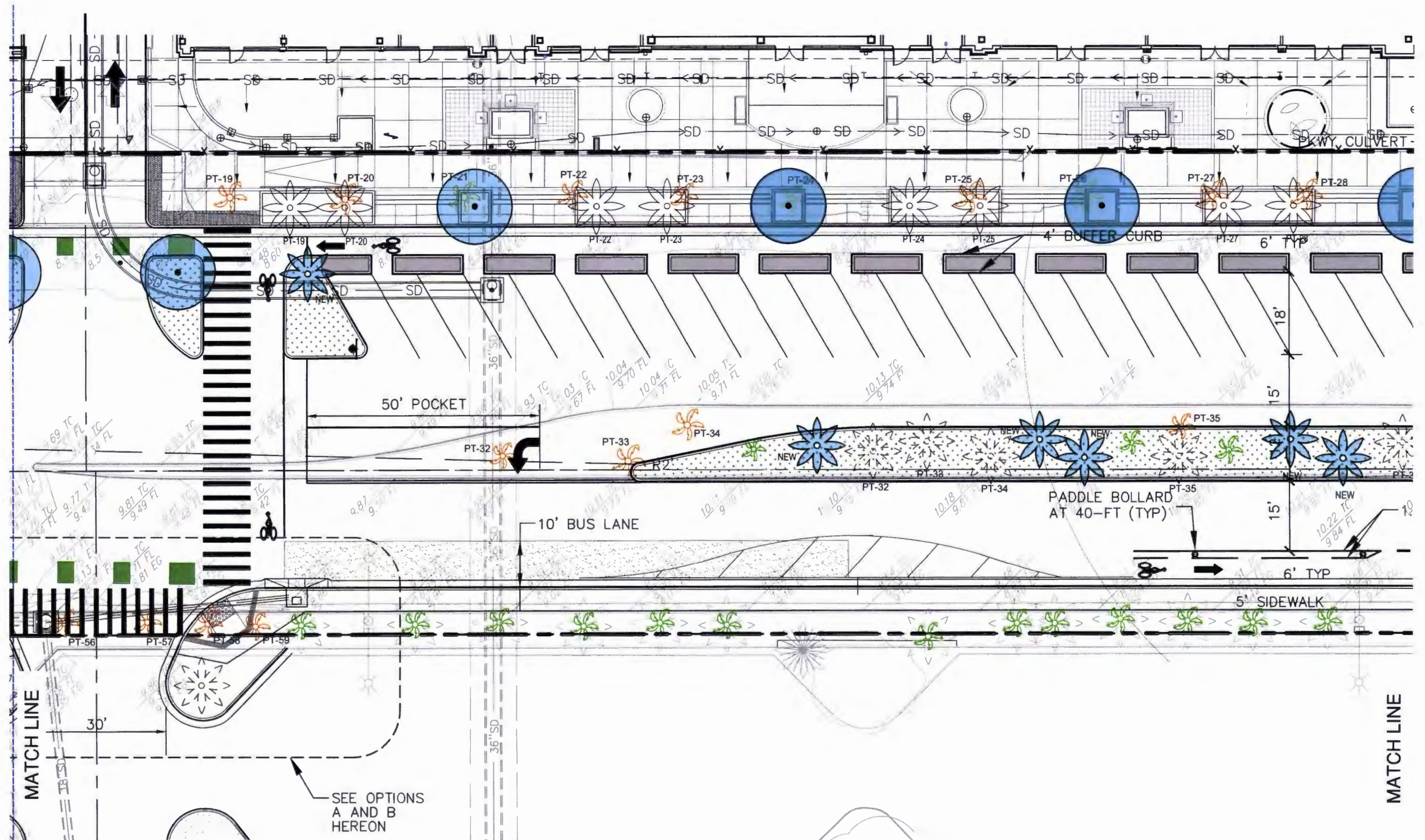




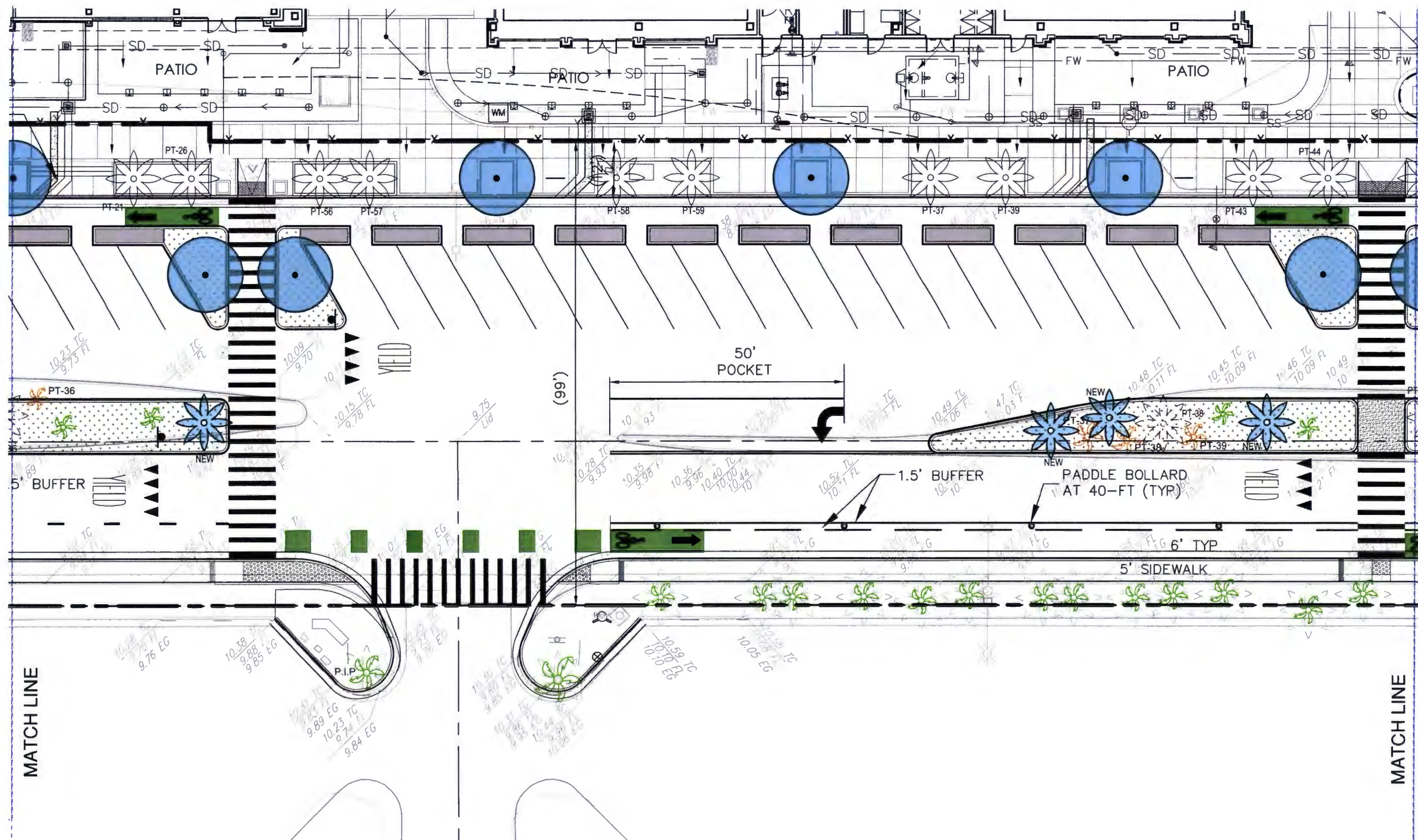
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MATCH LINE

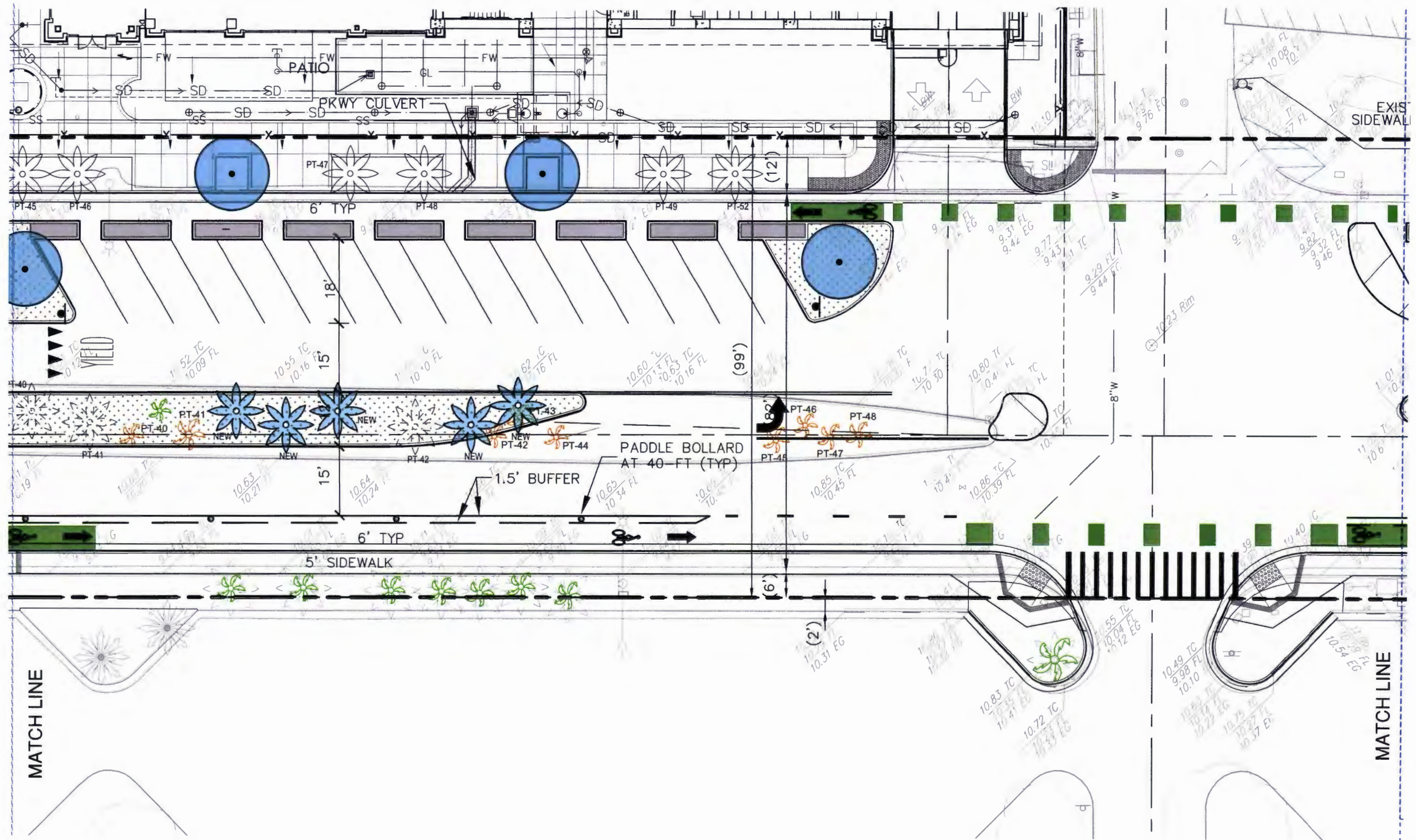




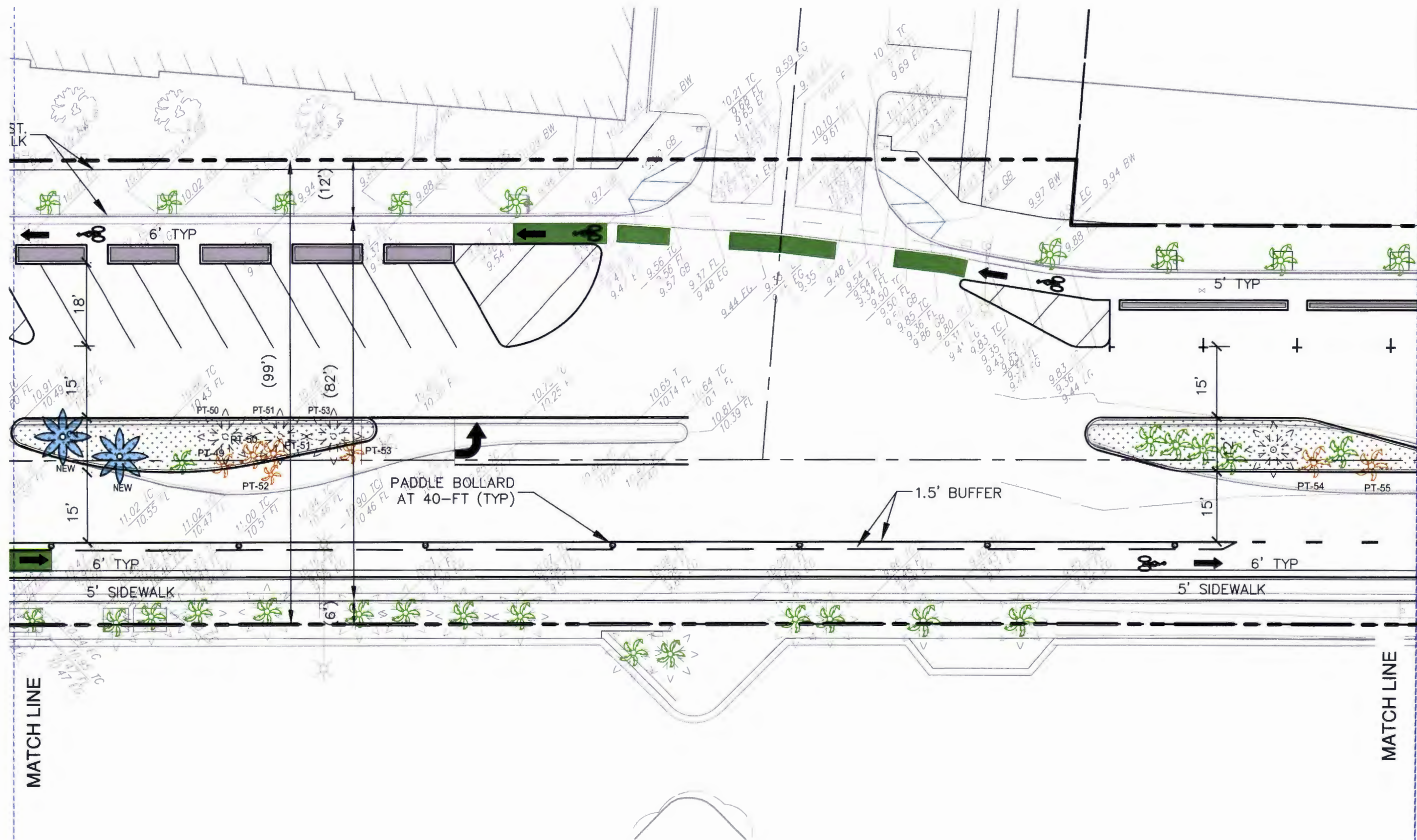




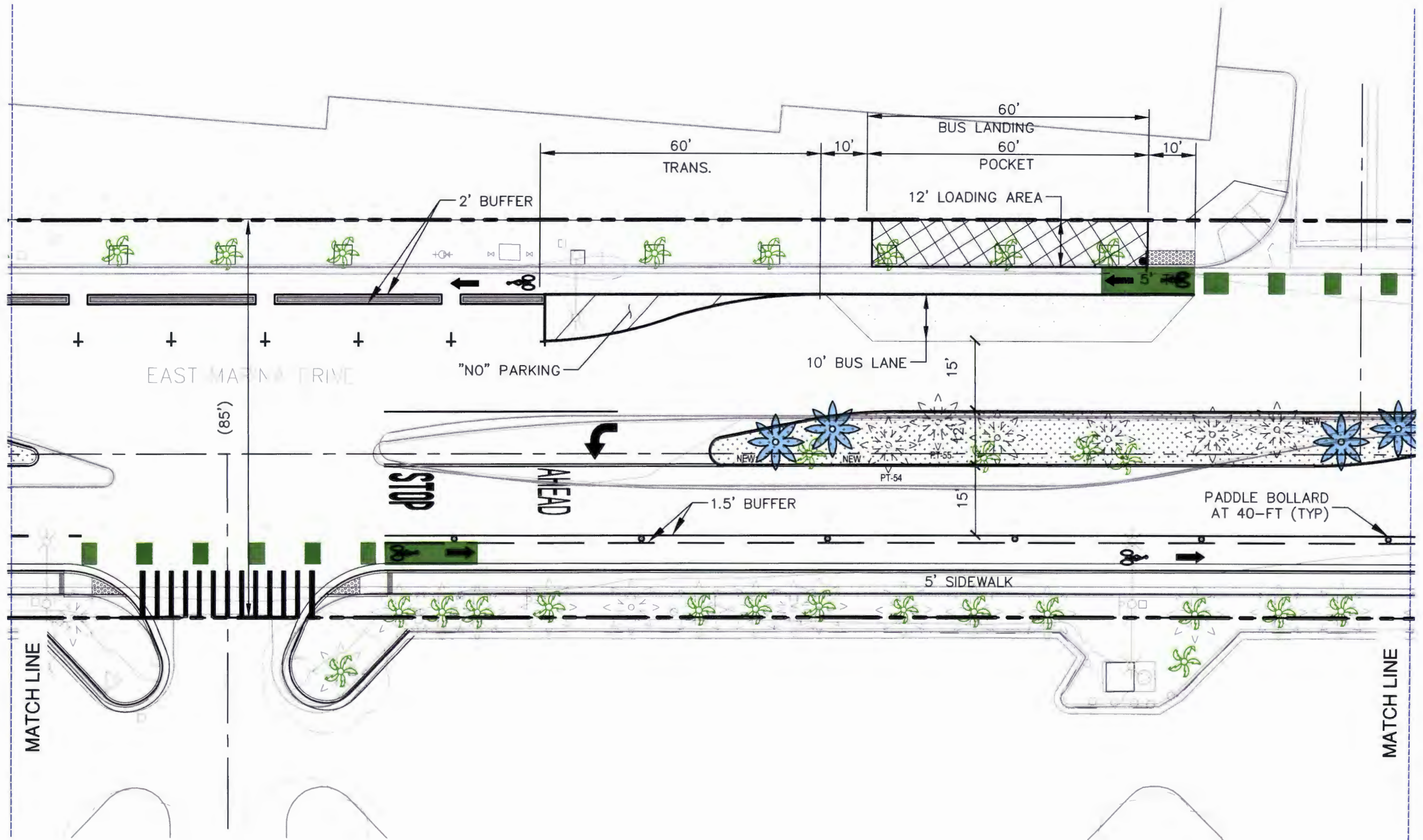




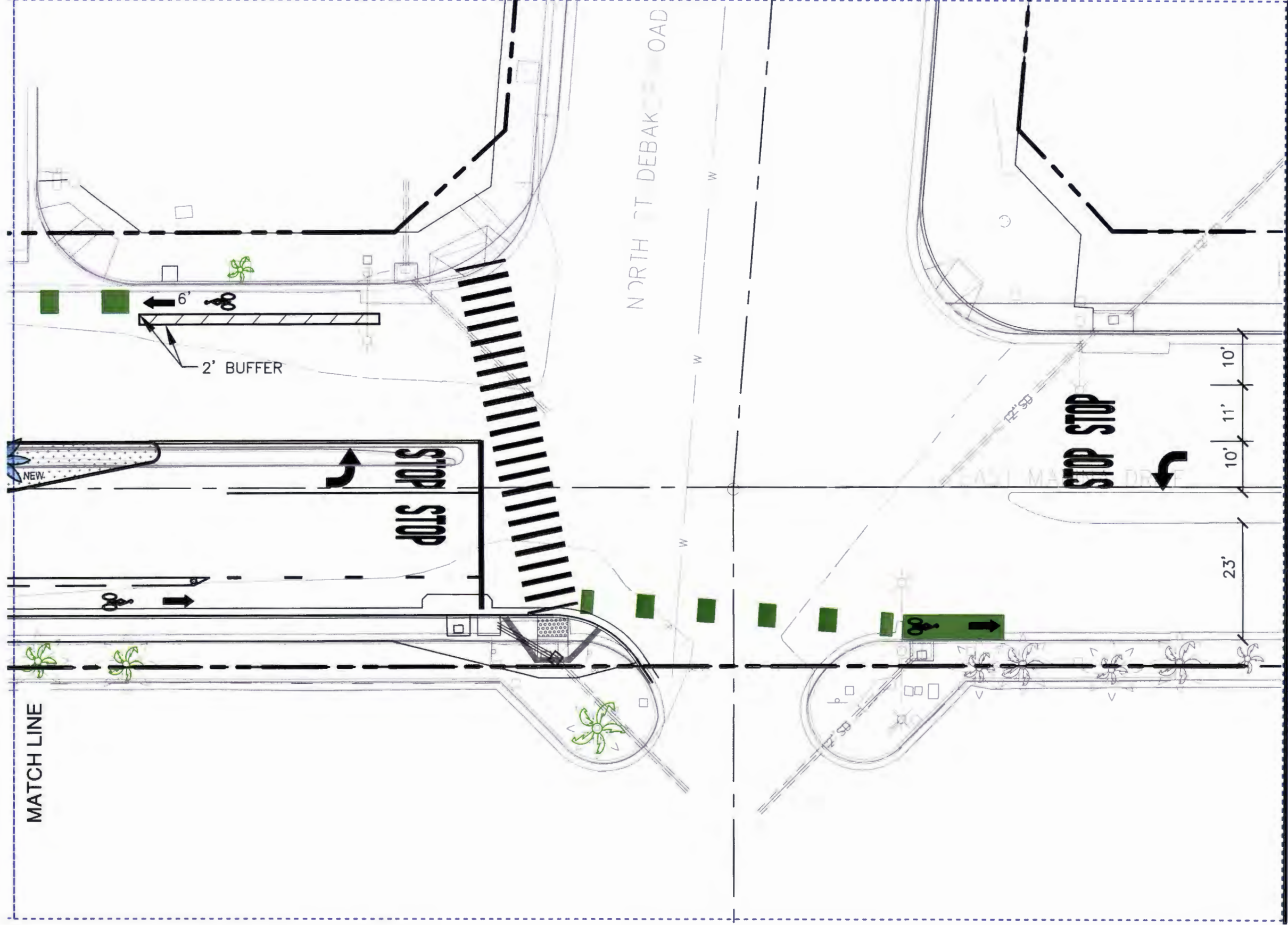














## Initial Design



### Existing Trees:

 TREES TO REMOVE	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	84
 TREES TO REMAIN	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	15

### New Trees:

	ARBITUS MARINA	STRAWBERRY TREE	36" BOX	7
	CASSIA LEPTOPHYLLA	GOLD MEDALLION TREE	36" BOX	10
	METROSIDEROS EXCELSA	NEW ZEALAND CHRISTMAS TREE	36" BOX	13
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	30' BTH	56
TOTAL NEW TREES:				86

## Adjustment to Medians




 TREES TO REMOVE	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	72
 TREES TO REMAIN	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	27

	CASSIA LEPTOPHYLLA	GOLD MEDALLION TREE	36" BOX	10
	CHAMAEROPS HUMILIS	MEDITERRANEAN FAN PALM	10' BTH	9
	METROSIDEROS EXCELSA	NEW ZEALAND CHRISTMAS TREE	36" BOX	13
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	30' BTH	40
TOTAL NEW TREES:				72

## Adjustments and Relocations




## Current Project

### Existing Trees:

 TREES TO REMOVE	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	32
 TREES TO RELOCATE	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	22
 TREES TO REMAIN	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	132

### New Trees:

	ARBITUS MARINA	STRAWBERRY TREE	36" BOX	5
	CASSIA LEPTOPHYLLA	GOLD MEDALLION TREE	36" BOX	10
	METROSIDEROS EXCELSA	NEW ZEALAND CHRISTMAS TREE	36" BOX	13
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	30' BTH	42
TOTAL NEW TREES:				70

 TREES TO REMOVE	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	0
 TREES TO RELOCATE	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	44
 TREES TO REMAIN	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	142

	CASSIA LEPTOPHYLLA	GOLD MEDALLION TREE	36" BOX	10
	METROSIDEROS EXCELSA	NEW ZEALAND CHRISTMAS TREE	36" BOX	9
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	30' BTH	22
TOTAL NEW TREES:				41

# Exhibit 4 - Tree Trimming and Tree Removal Policy

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

## CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

Filed: 7/1/2008  
180th Day: Waived  
270th Day: 3/28/2009  
Staff: Charles Posner - LB  
Staff Report: 1/15/2009  
Hearing Date: February 4, 2009  
Commission Action:



# W23b

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NUMBER:** 5-08-187

**APPLICANT:** City of Long Beach

**AGENT:** Phil Hester, Director of Parks, Recreation & Marine

**PROJECT LOCATION:** Downtown Shoreline, Alamitos Bay Marina, Marine Stadium, Colorado Lagoon, and other state tidelands and beaches within the City of Long Beach, Los Angeles County.

**PROJECT DESCRIPTION:** Conduct annual and emergency tree trimming activities consistent with the City of Long Beach Tree Trimming and Tree Removal Policy.

### SUMMARY OF STAFF RECOMMENDATION

The City of Long Beach Department of Parks, Recreation and Marine routinely conducts annual and emergency tree trimming activities throughout the shoreline areas of the City. The project area is the State Tidelands administered by the City of Long Beach, which are within the Commission's original permit jurisdiction. The City has recognized the need to establish a policy in order to ensure that the tree trimming activities are conducted in an environmentally friendly manner that minimizes disturbance of bird habitat and that complies with environmental regulations, including the Migratory Bird Treaty Act and the California Coastal Act. The City's proposed Tree Trimming Policy was developed with the cooperation of the California Department of Fish and Game, the Audubon Society, the City Council, interested citizen groups, and Coastal Commission staff (Exhibit #3). The City's originally proposed policy has been substantially revised with the assistance of Commission staff in order to include some of the provisions set forth in the Tree Trimming and Tree Removal Policy that the Commission approved in October 2008 for Channel Islands Harbor (See Special Condition One).

The City has agreed to implement the Tree Trimming and Tree Removal Policy set forth in Special Condition One of this permit, as recommended by staff (See Page Three). Therefore, staff is recommending that the Commission **APPROVE** the coastal development permit for the City's tree trimming activities throughout the shoreline areas of the City, consistent with the policy set forth in Special Condition One. As conditioned, this permit for the City's tree trimming activities complies with the habitat protection policies of the Coastal Act. **See Page Two for the motion to carry out the staff recommendation.**



**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit application with special conditions:

**MOTION:** *"I move that the Commission approve with special conditions Coastal Development Permit 5-08-187 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

**I. Resolution: Approval with Conditions**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. Special Conditions**

#### **1. Tree Trimming and Tree Removal Policy**

Coastal Development Permit 5-08-187 approves annual and emergency tree trimming activities consistent with the following policy:

The purpose of this policy is to ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act and the long-term protection of breeding, roosting, and nesting habitat of state and federally listed bird species, California bird species of special concern, and bird species that play an especially valuable role in the ecosystem. The City of Long Beach Department of Parks, Recreation and Marine is obligated to trim trees within the marine environment for the safety of the public and the protection of property. The trimming or removal of any tree that has been used for breeding and nesting within the past five years, determined by a qualified biologist, shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act, and shall be conducted under the parameters described below.

Tree trimming or tree removal shall be prohibited during the breeding and nesting season of the bird species referenced above (January through September) unless the City of Long Beach Department of Parks, Recreation and Marine, in consultation with a qualified arborist, determines that a tree causes danger to public health and safety. A health and safety danger exists if a tree or branch is dead, diseased, dying, or injured and said tree or branch is in imminent danger of collapse or breaking away. The City shall be proactive in identifying and addressing diseased, dying or injured trees as soon as possible in order to avoid habitat disturbances during the nesting season. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.

The removal of any breeding and nesting tree shall require mitigation at a 1:1 ratio. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards. An annual monitoring report for tree replacement shall be submitted for the review and approval of the Executive Director of the Coastal Commission, the Director of the Parks, Recreation and Marine, and a representative of the Audubon Society. The Department of Parks, Recreation and Marine shall maintain the annual reports on file as public information and to be used for future tree trimming and removal decisions.

#### **A. Tree Trimming During Non-Breeding and Non-Nesting Season (October through December)**

1. Prior to tree trimming or removal, a qualified biologist or ornithologist shall survey the trees to be trimmed or removed to detect nests and submit a survey report to the City of Long Beach Department of Parks, Recreation and Marine, a representative of the Audubon Society, and the Executive Director of the Coastal Commission. The survey report shall include identification of all

trees with nests. The Department of Parks, Recreation and Marine shall maintain a database of survey reports that includes a record of nesting trees that is available as public information and to be used for future tree trimming and removal decisions.

2. Any trimming of trees with nests shall be supervised by a qualified biologist or ornithologist and a qualified arborist to ensure that adequate nest support and foliage coverage is maintained in the tree, to the maximum extent feasible, in order to preserve the nesting habitat. Trimming of any nesting trees shall occur in such a way that the support structure of existing nests will not be trimmed and existing nests will be preserved, unless the Department of Parks, Recreation and Marine, in consultation with a qualified arborist, determines that such trimming is necessary to protect the health and safety of the public. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.

3. Trimming may not proceed if a nest is found and evidence of courtship or nesting behavior is observed at the site. In the event that any birds continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet of any occupied tree.

B. Tree Trimming or Removal During Breeding and Nesting Season (January through September). If tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, the following guidelines must be followed:

1. A qualified biologist or ornithologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet of the work area. A tree trimming and/or removal plan shall be prepared by an arborist in consultation with the qualified biologist or ornithologist and a representative of the Audubon Society. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Executive Director of the Coastal Commission, the Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Director of the Parks, Recreation and Marine. The Department of Parks, Recreation and Marine shall maintain the plans on file as public information and to be used for future tree trimming and removal decisions. The plan shall incorporate the following:

- a. A description of how work will occur.
- b. Work must be performed using non-mechanized hand tools to the maximum extent feasible.



c. Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.

d. Steps shall be taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting birds and their habitat.

2. Prior to commencement of tree trimming and/or removal the City of Long Beach Department of Parks, Recreation and Marine shall notify in writing the Executive Director of the Coastal Commission, the Department of Fish and Game, and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.

All tree trimming and tree removal shall be conducted in strict compliance with this policy. All trimmings must be removed from the site at the end of the business day and disposed of at an appropriate location. Any proposed change or deviation from the approved policy must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

## 2. Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description**

The City of Long Beach proposes to establish a Tree Trimming and Tree Removal Policy for its annual and emergency tree trimming activities that are conducted throughout the shoreline areas of the City. The project area is the State Tidelands administered by the City of Long Beach, which are within the Commission's original permit jurisdiction (Exhibit #2). The City has recognized the need to establish a policy in order to ensure that the tree trimming activities are conducted in an environmentally friendly manner that minimizes disturbance of bird habitat and that complies with environmental regulations, including the Migratory Bird Treaty Act and the California Coastal Act. The City's proposed Tree Trimming Policy has been developed with the cooperation of the California Department of Fish and Game, the Audubon Society, the City Council, interested citizen groups, and Coastal Commission staff.

##### **B. Marine Resources/Environmentally Sensitive Habitat Areas**

The policy for the City's annual and emergency tree trimming activities, as set forth in Special Condition One, is protective of nesting birds and their habitat and is in compliance with the following Coastal Act policies that protect marine resources and sensitive habitats.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Trees used by birds (e.g., herons, egrets, raptors, Savannah Sparrows and Loggerhead Shrikes, etc. ) for nesting have special biological and economic significance. The City recognizes this fact and has agreed to conduct its tree trimming activities in compliance with a policy that has been developed in consultation with the Audubon Society, Commission staff and the California Department of Fish and Game.

The policy, set forth in Special Condition One of this permit, will ensure that the tree trimming activities are conducted in an environmentally friendly manner that minimizes disturbance of bird habitat and that complies with environmental regulations, including the Migratory Bird Treaty Act and the California Coastal Act. The policy requires that bird nests be identified and that adequate nest support and foliage coverage shall be maintained in the tree, to the maximum extent feasible, in order to preserve the nesting habitat. The seasonal restrictions on tree trimming and tree removal, and the one-to-one mitigation ration for removed trees, will protect the bird habitat in the City's shoreline areas from being degraded and will allow the continuance of the habitat. Therefore, as conditioned, the permit for the City's tree trimming activities complies with the habitat protection policies of the Coastal Act.

**C. Public Access and Recreation**

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities be provided and that development shall not interfere with public access. The proposed development, as conditioned, will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**D. Development**

The proposed development is located within existing developed areas and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

**E. Local Coastal Program**

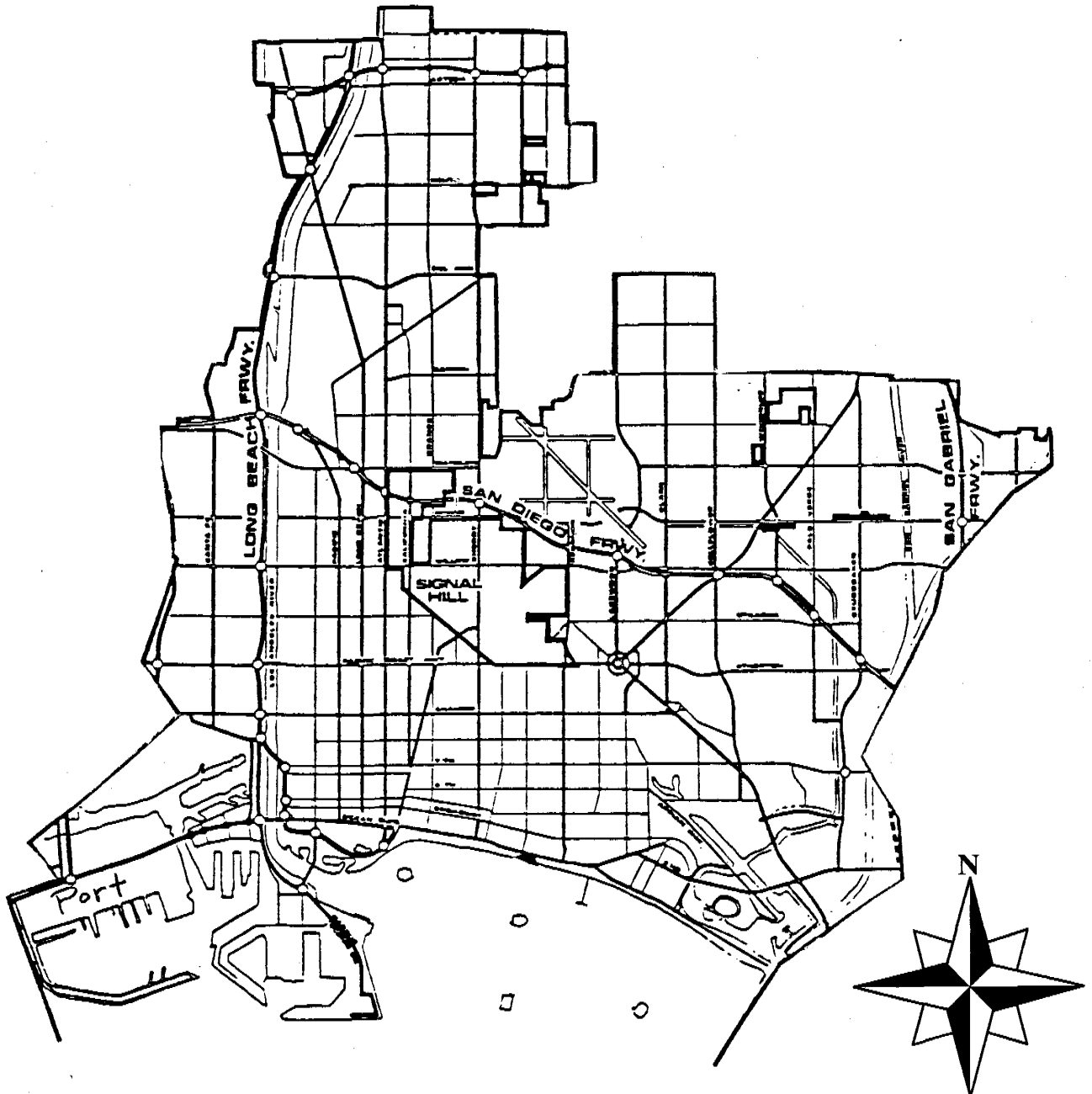
A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

**F. California Environmental Quality Act (CEQA)**

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



# City of Long Beach



**COASTAL COMMISSION**  
**5-08-187**

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PAGE 1 OF 1

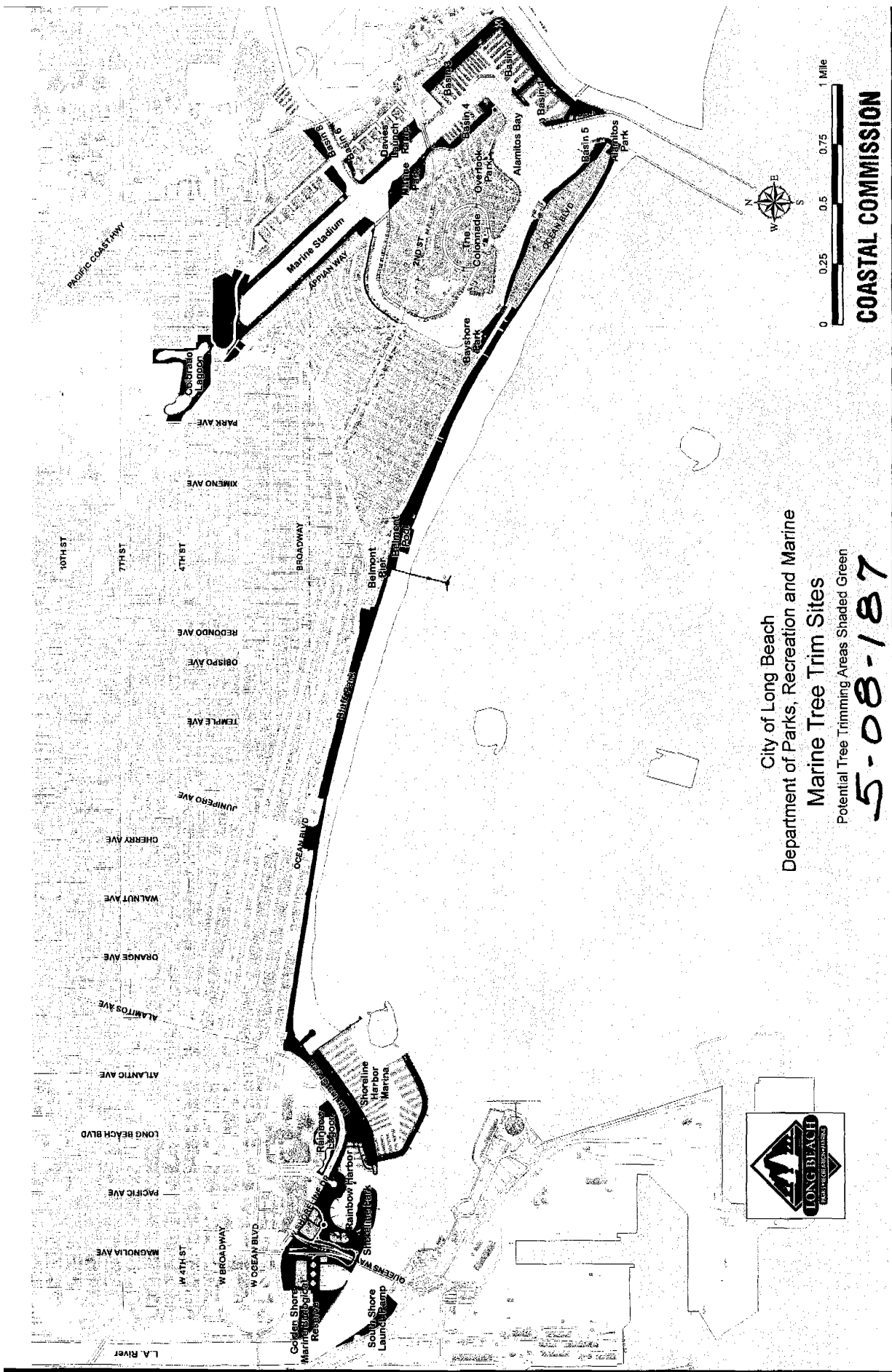


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PAGE 1 OF 1

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Tree Trimming and Removal Policy  
Coastal Development Permit No. 5-08-187

City of Long Beach Department of Parks, Recreation, and Marine

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**1.0 TIDELAND AREA TREE TRIMMING**

**1.1 PURPOSE**

- 1.1.1 The Purpose of this policy is to ensure the long-term protection of breeding and nesting habitat of birds protected by the Fish and Game Code, the Migratory Bird Treaty Act, and all bird species of special concern.

**1.2 BACKGROUND**

- 1.2.1 The Department of Parks, Recreations, and Marine is obligated to trim trees within the marine environment for the safety of the public and the protection of property. The trimming or removal of any tree that has been used for breeding and nesting within the past 5 years, determined by a qualified biologist, shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act, and shall be conducted under the parameters described below. Issuance of the Coastal Development Permit constitutes approval during the lifetime of the permit of these activities as conditioned.

**1.3 POLICY**

- 1.3.1 Department policy requires that all tree trimming and removal conducted in or adjacent to the marinas, beaches, and other city properties in the Tidelands area adhere to the procedures outlined in this document.
- 1.3.2 Tree trimming or tree removal shall be prohibited during the breeding and nesting season of the bird species referenced above (January to September) unless the Department of Parks, Recreations, and Marine, in consultation with a qualified arborist, determines that a tree causes danger to public health and safety. A health and safety danger exists if a tree or branch is dead, diseased, dying, or injured and said tree or branch is in imminent danger of collapse or breaking away. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed during the breeding and nesting season unless a health and safety danger exists.
- 1.3.3 The removal of any breeding and nesting tree shall require mitigation at a 1:1 ratio. Replacement trees shall consist of native or non-native, non-invasive tree species. A tree replacement planting plan for each tree

EXHIBIT # 3  
PAGE 1 OF 4



replacement shall be developed to specify replacement tree locations, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards. An annual monitoring report shall be submitted for the review and approval of the Director of the Department of Parks, Recreation, and Marine and a representative of the Audubon Society, and maintained with the Executive Director of the California Coastal Commission (CCC) on file as public information to determine baseline data for future tree trimming and removal decision making.

#### 1.4 PROCEDURES

##### 1.4.1 Tree Trimming or Removal During Non-Breeding and Non-Nesting Season (October through December)

- 1.4.1.1 Prior to tree trimming or removal, a qualified biologist shall survey the trees to be trimmed or removed to detect nests and submit the survey(s) to the Department of Parks, Recreation, and Marine and the designated representative of the Audubon Society. Tree trimming or removal may proceed if a nest is found and no courtship or nesting behavior is observed.
- 1.4.1.2 In the event that any of the bird species referenced above return or continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist has assessed the site, determined that courtship behavior has not commenced, and given approval to proceed within 300 feet of any occupied tree.
- 1.4.1.3 Trimming of nesting trees shall occur in such a way that the support structure of existing nests will not be trimmed unless a health and safety danger to the public health exists. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat.

##### 1.4.2 Tree Trimming or Removal During Breeding and Nesting Season (January through September). If tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, the following guidelines must be followed.

- 1.4.2.1 A qualified biologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or

EXHIBIT # 3  
PAGE 2 OF 4

nesting behavior in or within 300 feet of the work area. A tree trimming and/ or removal plan shall be prepared by an arborist in consultation with the qualified biologist and representative of the Audubon Society. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Director of the Department of Parks, Recreation, and Marine and maintained on file with the California Coastal Commission as public information. The plan shall incorporate the following:

- a. A description of how work will occur (work must be performed using non-mechanized hand tools to the maximum extent feasible).
- b. Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.
- c. Steps shall be taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting birds and their habitat.

1.4.2.2 Prior to commencement of tree trimming and/or removal, the qualified biologist shall notify in writing the Department of Fish and Game and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.

## 1.5 COMPLIANCE

All tree trimming and tree removal shall be conducted in strict compliance with this policy. All trimmings must be removed from the site at the end of the business day and disposed of at an appropriate location. Any proposed change or deviation from the approved policy must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit or a permit from the U.S. Fish and Wildlife Services is required.

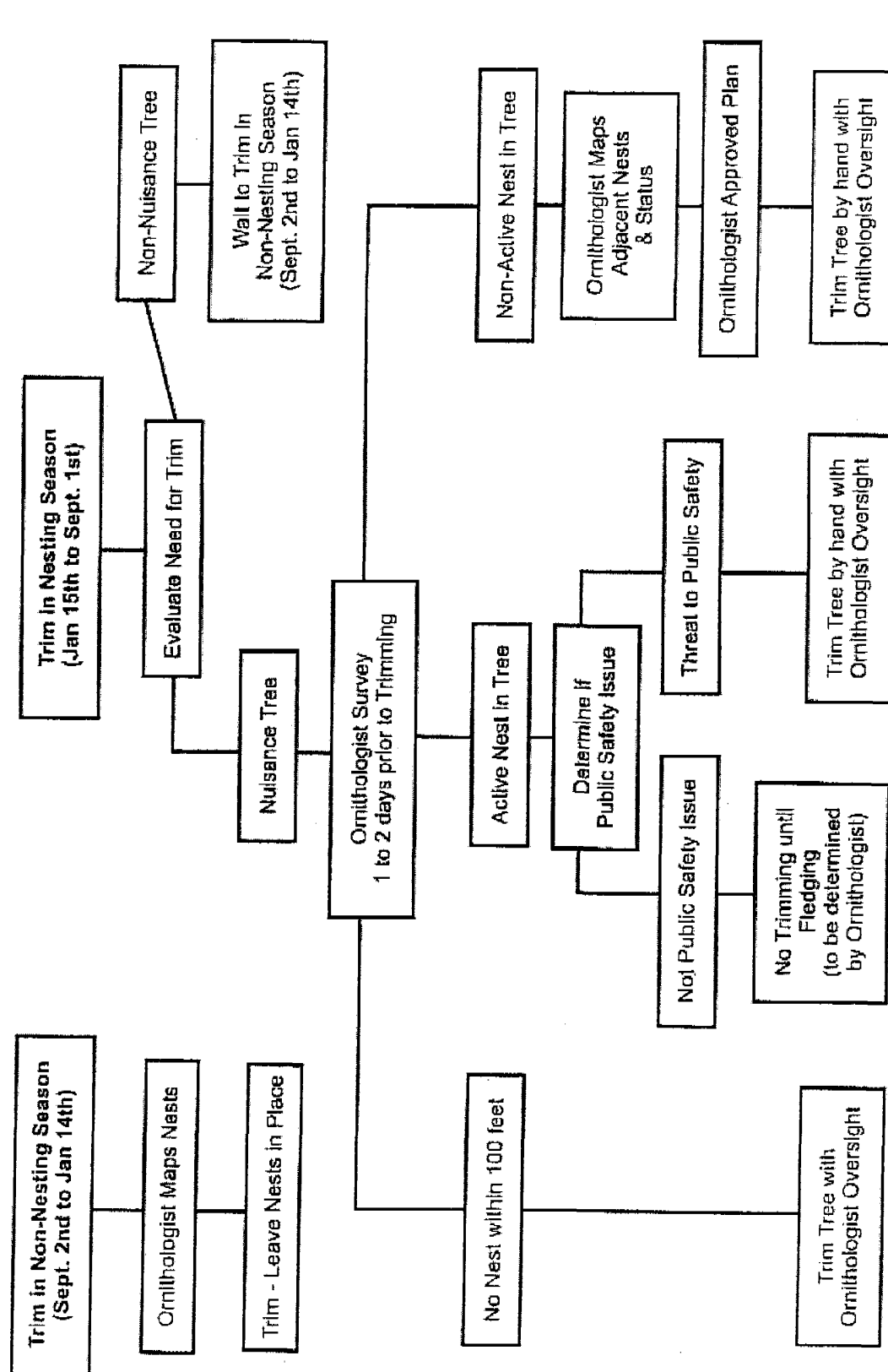
## 1.6 REVIEW AND REVISIONS

1.6.1 It is the responsibility of the Manager of Maintenance Operations to review and update this policy and procedure on an annual basis or when City policies or procedures change.

**COASTAL COMMISSION**

EXHIBIT # 3  
PAGE 3 OF 4

**CITY OF LONG BEACH**  
**TIDELANDS TREE TRIMMING POLICY FLOW CHART**



**COASTAL COMMISSION**  
**5-08-187**  
 EXHIBIT # 3  
 PAGE 4 OF 4





Sea &  
Sage Audubon

P.O. BOX 6447, BEVING, CA 92616-6447

AUDUBON



**RECEIVED**  
South Coast Region

JAN 6 - 2009

CALIFORNIA  
COASTAL COMMISSION

January 6, 2009

Coastal Commission  
Attn: Jack Ainsworth  
South Coast Deputy Director (Los Angeles County)  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4416  
(562) 590-5071 California  
FAX (562) 590-5084

Dear Mr. Ainsworth:

The following organizations are writing to express our support for the Staff Report and Recommendations, Application Number 5-08-187, concerning the City of Long Beach tree trimming policies. El Dorado Audubon Society, Los Angeles Audubon Society, and Sea and Sage Audubon Society very much appreciate the protection this policy will provide for nesting birds.

As you know the issue of tree trimming and other nesting disturbances are of high importance to Audubon and all of our members. The California Coastal Commission's (CCC) attention to this topic is critical. We believe the clear guidelines set forth in this report will be beneficial to both wildlife and the entities charged with scheduling and performing tree maintenance. As included in the Channel Island Harbor Policy, we would like to suggest that reports regarding tree removal be noticed to The Department of Fish and Game and US Fish and Wildlife Service as well as CCC and Audubon.

Additionally, we hope that the final policy for tree trimming will stress the responsibility of the City of Long Beach to identify and address diseased, weakened, and otherwise damaged trees and limbs proactively and prior to each year's nesting season whenever possible. While we fully support the need to address safety issues as they arise, we expect that the city take every opportunity to identify safety threats early on, in order to avoid unnecessary emergencies during the breeding season.

On behalf of our organizations we thank you for your work and attention to this issue. Please contact any of us if there are any questions or assistance we can offer regarding tree trimming and other policies that effect birds and wildlife.

Sincerely

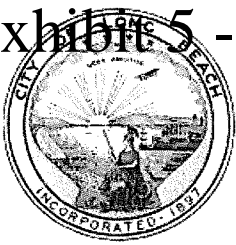
Scott Thomas  
Conservation Director, Sea and Sage Audubon  
(949) 261-7962

COASTAL COMMISSION

5-08-187

EXHIBIT # 4

PAGE 1 OF 1



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • FAX (562) 570-6068

## NOTICE OF FINAL LOCAL ACTION

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

**Project Location:** Marina Dr., right-of-way between 2<sup>nd</sup> St. and Studebaker Rd.

**Applicant:** City of Long Beach Department of Public Works  
333 W. Ocean Blvd., 9<sup>th</sup> Floor  
Long Beach, CA 90802

**Permit(s) Requested:** Local Coastal Development Permit

**Project Description:** A Local Coastal Development Permit (LCDP18-033) request for the trimming and on-site relocation of existing street trees, and the installation of new street trees in the public right-of-way, in conjunction with a separately-permitted street improvement project, located on the segment of Marina Drive, between 2<sup>nd</sup> Street and Studebaker Rd.

This project was approved at the Zoning Administrator hearing on November 19, 2018, and appealed to the Planning Commission on November 28, 2018. The Planning Commission denied the appeal and upheld the decision of the Zoning Administrator.

**Local action was taken by the:** Planning Commission on:  
December 20, 2018

**Decision:** Conditionally Approved

**Local action is final on:** December 20, 2018

This project is in the Coastal Zone and IS appealable to the Coastal Commission.

*"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing."*

**See other side for City of Long Beach and California Coastal Commission appeal procedures and time limits.**

  
Christopher Koontz, AICP  
Planning Bureau Manager

  
Scott Kinsey, Planner  
Phone No.: (562) 570-6461

**LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS**  
**Marina Drive Public Right-of-Way between 2<sup>nd</sup> Street and Studebaker Road**  
**Application No. 1810-12 (LCDP18-033)**  
**November 19, 2018**

Pursuant to Section 21.25.904 of the Long Beach Municipal Code, a Local Coastal Development Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

**1. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND**

The project conforms to the Certified Local Coastal Program. The proposed project consists of trimming and relocation of trees in the public right-of-way on Marina Drive between 2<sup>nd</sup> Street and Studebaker Road (see project plans in file no. 1810-12). According to the plans on file with the City of Long Beach Planning Bureau, no trees are proposed for removal. If relocated trees are lost in the process of relocation, the trees would be replaced on a one-to-one basis within the project area consistent with the procedures outlined in the conditions of approval. The existing trees consist mainly of the Mexican fan palm (*Washingtonia robusta*) species. The trees are to be trimmed or relocated in conjunction with a separately-permitted street improvement project (see plans in project file for "Marina Drive Complete Streets Project") that requires alterations to existing landscaped street medians, sidewalks, curbs, and bike lanes on Marina Drive. This street improvement project qualifies for a Coastal Permit Categorical Exclusion (CPCE), as authorized by Section 21.25.903.C.3 of the Zoning Regulations. This CPCE was approved previously (see CPCE18-10). However, the tree trimming and relocation cannot be categorically excluded with the street improvements, and is the subject of this Local Coastal Development Permit.

The project is located within the SEADIP area of the Certified Local Coastal Program (LCP) (refer to pages III-S-1 to III-S-11 of the LCP). Marina Drive itself is split near its centerline between PD-1, which is the Southeast Area Development Improvement Plan (SEADIP) planned development district, and PD-4, the Long Beach Marina Planned Development District (see zoning map in project file). The portion of Marina Drive within PD-1 is located in Subarea 17 adjacent to the former Seaport Marina Hotel site, and Subarea 29 for the remainder of Marina Drive. Both PD-1 and PD-4 are adopted Implementing Ordinances of the LCP.

Neither PD-1 nor PD-4 speak directly to standards for street trees within the public right-of-way along the subject section of Marina Drive. The project will be carried out in accordance with the regulations, standards, and best practices of the City's Department of Public Works with regards to street trees. The Public Works Department intends to preserve as many trees as possible in place. Where existing



trees that conflict with required right-of-way improvements, Public Works intends to relocate all existing trees.

All trimming and relocation of trees will be carried out in accordance with the tree trimming policy adopted for the Coastal Zone State Permit Jurisdiction Area within the City, which was approved by the Coastal Commission in 2009 under Coastal Permit No. 5-08-187. Although this adopted policy does not legally apply to the project area, since the project area is located within the City's Coastal Zone (Appealable Area) jurisdiction, the same tree trimming policy will be applied in parallel nonetheless (see conditions of approval of this LCDP). This policy sets forth specific requirements for the trimming and removal of trees during the nesting and non-nesting seasons, and requires a bird survey by a qualified biologist prior to commencement of any tree work. Specific measures must then be followed, depending on whether or not birds or nests are found in the trees that will be trimmed or relocated, as well as nearby trees (see staff report and attachments for Coastal Permit No. 5-08-187, included in this LCDP project file).

The City's tree trimming policy for areas within the State Permit Jurisdiction was developed in consultation with the Audubon Society, Coastal Commission staff and the California Department of Fish and Game. Application of the same policy for tree trimming within the City's Coastal Zone (Appealable Area) jurisdiction will satisfy the same high standards for protection of any potentially-present birds or bird nests in the trees to be trimmed or relocated, which are the subject of this permit.

The project is located solely in the public right-of-way and does not affect any low- or moderate-income housing.

**2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.**

The project site is located seaward of the nearest public highway to the shoreline. The project conforms to the public access and recreation policies of the Coastal Act.

Chapter 3 of the Coastal Act, (Section 30200 *et seq.*) protects the California coast in several aspects, including Public Access (Article 2), and Recreation (Article 3). The project involves only the trimming and/or relocation of existing street trees.

No aspects of public access to the coast or coastal recreation will be affected by the project, since it is limited to tree trimming and relocation of the existing street trees on Marina Drive.

**LOCAL COASTAL DEVELOPMENT PERMIT  
CONDITIONS OF APPROVAL**

**Marina Drive Public Right-of-Way between 2nd Street and Studebaker Road  
Application No. 1810-12 (LCDP18-033)  
November 19, 2018**

**Special Conditions:**

1. The permit approved for this project is a Local Coastal Development Permit for the trimming and relocation of the street trees in the public right-of-way on the segment of Marina Drive between 2<sup>nd</sup> Street and Studebaker Road, in accordance with the requirements of the certified Local Coastal Program. The subject site is located in the City's Coastal Zone (Appealable Area), and not the State Permit Jurisdiction area.
2. All tree work (trimming and relocation, and replacement [if necessary]) shall be carried out in accordance with the City's Tree Trimming Policy adopted for the Tidelands Area in 2009, under Coastal Permit No. 5-08-187. The Tree Trimming Policy is incorporated into these conditions by this reference.
3. All special conditions of Coastal Permit No. 5-08-187 that can feasibly be applied to the project that is the subject of this permit shall be adhered to, in order to conform the tree work activities of this project with the City's and the Coastal Commission's policy objectives for tree work in the Tidelands Area and State Permit Jurisdiction area of the Coastal Zone. However, the subject site is not located in the Tidelands Area or the State Permit Jurisdiction area of the Coastal Zone, and Coastal Permit No. 5-08-187 and its conditions are not legally binding upon the project that is the subject of this permit.
4. For all new trees to be installed as part of this project, the tree species shall be selected by the Director of Public Works from a list of trees that are suitable for nesting use by local coastal bird species. The Department of Public Works shall engage a qualified biologist to provide this list. The biologist shall consider which local coastal bird species are most appropriate to be targeted for provision of nesting habitat when determining which tree species to select for the list. This condition does not include trees relocated as part of this project.
5. All new palm trees shall be of the tree species *Washingtonia robusta*.
6. A monitoring program shall be submitted to the Department of Development Services prior to the commencement of tree trimming or relocation. The monitoring program shall be in place for a minimum of a five (5) year period to monitor the health of the trimmed and relocated trees. If relocated trees require replacement during the five (5) year period, all special conditions of Coastal Permit No. 5-08-187 that can feasibly be applied to the project that is the subject of this permit shall be adhered to.

**Standard Conditions:**

7. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced, or a time extension is granted based on a written request submitted prior to the expiration of the two-year period and approved by the Zoning Administrator, as provided in Section 21.21.406 of the Long Beach Municipal Code.
8. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
9. 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.
10. The Director of Development Services is authorized to approve 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 Zoning Administrator or Planning Commission, respectively.
11. 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.
12. 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.
13. 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
14. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
15. All unused curb cuts shall be replaced with full height curb, gutter and sidewalk and shall be reviewed, approved and constructed to the specifications of the Director of Public Works.



16. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

December 20, 2018

## CHAIR AND PLANNING COMMISSIONERS

City of Long Beach  
California

### RECOMMENDATION:

Recommend that the Planning Commission deny an appeal (APL18-004) and uphold the November 19, 2018 decision of the Zoning Administrator to accept Categorical Exemption CE-18-237 and approve a Local Coastal Development Permit (LCDP18-033) for the trimming and on-site relocation of existing street trees, and the addition of new street trees, in the public right-of-way in conjunction with a separately-permitted street improvement project, located on the segment of Marina Drive between 2nd Street and Studebaker Road. (District 3)

**APPLICANT:** Eric Lopez  
City of Long Beach, Department of Public Works  
333 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802  
(Application No. 1810-12, LCDP18-033)

**APPELLANTS:** Leslie Rash and Anna Christensen for Protect the Long Beach/Los Cerritos Wetlands  
259 Termino Ave.  
Long Beach, CA 90803  
(Appeal APL18-004)

### DISCUSSION

The proposed project is located on Marina Drive between 2nd Street and Studebaker Road. It includes the trimming and on-site relocation of existing street trees and the addition of new street trees in the public right-of-way, in conjunction with a separately-permitted street improvement project. The project area is entirely within the Marina Drive public right-of-way (Exhibit A – Location Map), and does not include any trees on private property (the 2<sup>nd</sup> + PCH development site) or in the Alamitos Bay Marina parking lot.

The project is located within the SEADIP area of the Certified Local Coastal Program (LCP). The application is a request for a Local Coastal Development Permit (LCDP) to find that street tree trimming and relocation and the installation of new street trees in this segment of Marina Drive (between 2nd Street and Studebaker Road) is consistent with the City's Certified LCP.

A public hearing at the Zoning Administrator level was held on November 19, 2018 for this LCDP application. The Zoning Administrator conditionally approved Application No. 1810-12 (LCDP18-033). An appeal of the Zoning Administrator's decision was received by the Planning Bureau on November 29, 2018.

### Project Summary

According to plans prepared by the Public Works Department, the project consists of the trimming and relocation of 44 existing street trees, which are all Mexican fan palms (*Washingtonia robusta*). Another 142 existing Mexican fan palms within the project area will remain undisturbed in their current locations. An additional 22 new Mexican fan palms will be planted within the project area, and 19 additional broad-canopy trees will be planted in the project area as well (Exhibit B – Plans and Photographs).

The project (trimming and relocation of existing street trees and installation of new street trees) will be carried out in conjunction with a separately-permitted street improvement project. The Department of Public Works is carrying out a "complete streets" project on this segment of Marina Drive, which involves:

- A new sidewalk on both the northeast and southwest sides of the street,
- Reconfigured medians to accommodate multi modal transportation,
- New bike lanes on both sides of the street,
- 94 new on-street parking spaces,
- Three new Long Beach Transit bus stops,
- Four new pedestrian crosswalks, and
- Other minor associated street and traffic improvements

The street and traffic improvements are Categorically Excluded from being subject to an LCDP per Section 21.25.903.C.3 of the Zoning Regulations. A Coastal Permit Categorical Exclusion (CPCE) has been issued for the non-tree portion of the "complete streets" project (Exhibit C – CPCE-18-10). Some of the median and sidewalk reconfigurations make it necessary to relocate some of the existing street trees. Since work involving the trees is not Categorically Excluded from an LCDP, the tree portion of the project is subject to an LCDP to determine if the tree work is consistent with the Certified LCP. The scope of the LCDP request includes only the proposed tree work, and does not include the remainder of the "complete streets" project.

The project has been modified by the Department of Public Works based on interest and comments received from the public. Originally, the project included removal of 86 Mexican fan palms, which were to be replaced by 56 new Mexican fan palms and 30 broad-canopy trees. In response to public input, the Department of Public Works has revised the project three times, and now intends to retain all existing Mexican fan palms by relocating them on-site, with the addition of 22 new Mexican fan palms as well as 19 broad-canopy trees. The interested parties' particular concern in retaining Mexican fan palms is due to their potential use as nesting habitat by the great blue heron, a coastal bird species that has been known to nest in these and similar tall trees. However, it should be noted that none



of the four independent bird surveys prepared over the past 12 months for this project indicate that the prescribed work presents a disruption to heron nesting in these trees (Exhibit D – Bird Surveys).

Staff is able to make positive findings to determine that the tree work conforms to the Certified LCP (Exhibit E – Findings), as required by Section 21.25.904 of the Zoning Regulations. The LCP is primarily concerned with maintaining public access to the coast, and maintaining the public recreation opportunities of the coast, in addition to ensuring replacement of any low- and moderate-income housing that may be removed as the result of a project. The project will not affect public access or recreation aspects of the coast, and since it takes place strictly within an existing public right-of-way, does not involve any housing.

In 2009, the City adopted, and the Coastal Commission approved, a tree trimming policy for Tidelands Areas and areas within the State Original Permit Jurisdiction of the Coastal Zone (Exhibit F – Tree Trimming Policy (Coastal Permit No. 5-08-187)). Although the project site is not located within the Tidelands and is not within the State Original Permit Jurisdiction area of the Coastal Zone (instead it is located in the City's permit jurisdiction/Appealable Area of the Coastal Zone), the policies and conditions the Tidelands Area tree trimming policy were incorporated into this project's conditions of approval to ensure that the conservation goals of, and consistency with, the Coastal Act are achieved (Exhibit G – Conditions of Approval).

The Tree Trimming Policy requires that a bird survey be conducted by a qualified biologist prior to any tree work, and sets forth the necessary steps and protections that must be taken if any birds or nests are found in the trees. Under the most recent bird survey prepared for the project, no active or inactive native bird species or special-status bird species nests protected under the Migratory Bird Treaty Act, California Fish and Game Code, or Coastal Development Permit were observed within the subject trees, as evidenced in the four surveys that have been conducted in this segment of Marina Drive over the past 12 months. An additional survey is required to be carried out prior to commencement of any work involving trimming or relocation of the trees. The conditions of approval also stipulate that all new trees to be installed as part of this project shall be selected by the Director of Public Works from a list of trees, prepared by a qualified biologist, which are suitable for nesting use by local coastal bird species. The Zoning Administrator added two conditions of approval at the November 19 hearing, which clarified that all new palm trees shall be Mexican fan palms (*Washingtonia robusta*) and that a five-year monitoring program shall be in place for the relocated trees.

### Appeal

The Zoning Administrator's approval of the LCDP was appealed on November 29, 2018, by Leslie Rash and Anna Christensen of the Protect the Long Beach/Los Cerritos Wetlands organization (Exhibit H – Appeal APL18-004). The issues raised in the appeal can be summarized as follows:

- The appellants oppose the removal and relocation of palm trees on Marina Drive over concerns about the transplanting process upon the trees, and over potential effects upon the migratory patterns of the great blue heron.
- The appellants oppose the issuance of an LCDP prior to preparation of a nesting bird survey (surveys were prepared in January, April, September, and October of 2018, and conditions of approval require preparation of another survey prior to any work).
- The appellants believe the existing palm trees should be considered Environmentally Sensitive Habitat Area for the great blue heron.
- The appellants object to the issuance of a Coastal Permit Categorical Exclusion (CPCE) for the street improvement portion of the project separately from the LCDP request for tree trimming and relocation.
- The appellants accuse the City of insufficient public engagement and procedural errors under the Brown Act in processing the LCDP.

### Conclusion

Staff has determined that all required findings can be made to approve the LCDP for tree trimming and relocation, and that the conditions of approval will provide adequate protections and compliance with all applicable laws, codes, and regulations for the proposed work. Staff finds that the appellants' appeal is without merit on all points, and therefore recommends that the Planning Commission uphold the Zoning Administrator's decision to approve the subject LCDP, and deny the appeal.

### PUBLIC HEARING NOTICE

A total of 436 public hearing notices were distributed on November 5, 2018, for the Zoning Administrator Hearing held on November 19, 2018, in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. Written comments and verbal testimony were received in response to the agenda item (Exhibit I – Public Comment from Zoning Administrator Meeting, and Exhibit J – Zoning Administrator Action Summary).

A total of 539 public hearing notices were distributed on December 4, 2018, in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. No comments addressed to the Planning Commission on this project or the subject of the appeal have been received as of the time of writing of this report. Any comments received will be provided to the Planning Commission prior to the scheduled hearing, or at the beginning of the hearing.

### ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption was prepared for the proposed project (Exhibit L – CE-18-237), finding that this project qualifies for a Categorical Exemption per Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.

CHAIR AND PLANNING COMMISSIONERS

December 20, 2018

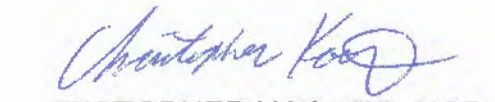
Page 5 of 5

Respectfully submitted,

  
SCOTT KINSEY, AICP  
PROJECT PLANNER

  
MARYANNE CRONIN  
PROJECT PLANNER

  
ALEXIS OROPEZA  
SENIOR PLANNER

  
CHRISTOPHER KOONTZ, AICP  
PLANNING BUREAU MANAGER

  
LINDA F. TATUM, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

LFT:CK:SK:MC

P:\Planning\Entitlement Applications\2018\1810-12 Marina Dr betwn 2nd St and Studebaker\Reports\1810-12 PC Staff Report for Appeal 2018-12-20.docx

Attachments:

- Exhibit A – Location Map
- Exhibit B – Plans and Photographs
- Exhibit C – Coastal Permit Categorical Exclusion CPCE-18-10
- Exhibit D – Bird Surveys
- Exhibit E – Findings
- Exhibit F – Tree Trimming Policy (Coastal Permit No. 5-08-187)
- Exhibit G – Conditions of Approval
- Exhibit H – Appeal APL18-004
- Exhibit I – Public Comment from Zoning Administrator Meeting
- Exhibit J – Zoning Administrator Action Summary
- Exhibit K – Categorical Exemption CE-18-237



# Exhibit 6 - CPCEs 18-10 & 18-09 (revoked)



## CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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

PLANNING BUREAU

### COASTAL PERMIT CATEGORICAL EXCLUSION (CPCE) APPLICATION

Project Address or Location: Marina Drive in Long Beach, between 2nd Street and Studebaker Ave.

Long Beach, CA 908 03

Applicant Name: City of Long Beach, Attn: Nick King

Ph: 562 570 5000

Mailing Address: 333 W. Ocean Dr. 9th Floor

City: Long Beach

State: CA

ZIP: 90803

Email: nick.king@psomas.com

Applicant Signature(s): \_\_\_\_\_

Property Owner: City of Long Beach, Attn: Nick King

Ph: \_\_\_\_\_

Address: 333 W. Ocean Dr. 9th Floor

City: Long Beach

State: CA

ZIP: 90803

(I/We), the undersigned, declare under penalty of perjury under the laws of the State of California that (I am/We are) the owner(s) of the property involved in this application; that the information on all plans, drawings and sketches attached hereto and all the statements and answers contained herein are in all respects true and correct.

Property Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

#### Check Exemption Requested per Section 21.25.903.C of the Zoning Regulations (Title 21 LBMC):

- ☐ Minor additions on existing single-family residences for the first lot located on, adjacent to, across the street from, or abutting the beach, bay ocean or tidelands. Such addition must be less than ten percent (10%) of the existing floor area and shall not create an additional story or loft.
- ☐ All projects (excluding those requiring a Local Coastal Development Permit per Section 21.25.903.B—see reverse of this form) which are consistent with the Zoning Regulations and which do not require any discretionary review (e.g., conditional use permit, subdivision map).
- ☒ Traffic improvements which do not:
  - Alter roadway or intersection capacity by more than ten percent (10%) (except stop signs and stop lights); or
  - Decrease parking (except by establishing a red curb next to a corner); or
  - Impair access to the coast.
- ☐ Public works projects (excluding traffic improvements) with an estimated cost of forty-nine thousand nine hundred ninety-nine dollars (\$49,999.00) or less.

**Project Description:** A Complete Streets project to improve pedestrian access, provide protected bike lanes, add a bus stop, and add parking. The project will improve access to access adjacent coastal areas for visitors and residents, particularly pedestrians and cyclists. This CPCE does not include any tree trimming or removal.

#### BELOW THIS LINE FOR STAFF USE ONLY

<b>CPCE No.:</b> <u>18-10</u>	<b>Building Permit No(s).:</b> _____	<b>DEPARTMENTAL REVIEW</b> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Not Approved By: <u>Scott Kinsey</u> Date: <u>10/29/18</u> Planner By: <u>Christopher King</u> Date: <u>10/30/18</u> Zoning Administrator
<b>Filing Date:</b> <u>10/26/18</u>	_____	
<b>Project No.:</b> _____	<b>Related Addresses:</b> _____	
<b>Received by:</b> <u>SK</u>	_____	
<b>Council District:</b> <u>3</u>	<b>Assigned Planner:</b> <u>SK</u>	

A Coastal Permit Categorical Exclusion (CPCE) is issued in accordance with Division IX – Local Coastal Development Permits of Chapter 21.25 – Specific Procedures of the Zoning Regulations, Title 21, LBMC.

See reverse of this form for statutory provisions.

## Statutory Provisions for Coastal Permits

### Excerpts from Chapter 21.25, Division IX – Local Coastal Development Permits

#### 21.25.903 – Permit required.

All development in the coastal zone shall be required to obtain either a coastal permit pursuant to Section 21.25.904 or a coastal permit categorical exclusion pursuant to Section 21.25.906. Such approval must be issued prior to the start of development and shall be required in addition to any other permits or approvals required by the City.

A. Coastal Permit Issued by the Coastal Commission. Developments on tidelands and submerged lands require a permit issued by the California Coastal Commission in accordance with the procedure as specified by the California Coastal Commission.

B. Coastal Permits Issued by the City. The following categories of projects require coastal permits in accordance with the procedures set forth in this Division:

1. Development on the first lot located on, adjacent to, across the street from, or abutting the beach, bay, ocean or tidelands, except minor addition to a single-family residence as specified in Subsection 21.25.903.C (categorical exclusion).

2. All development projects which require additional discretionary review (such as a conditional use permit, subdivision map or standards variance).

3. Traffic improvements which do not qualify for categorical exclusion.

4. Public works projects, excluding traffic improvement projects, with an estimated cost of fifty thousand dollars (\$50,000.00) or more.

C. Exemptions. The following categories of projects are exempt from the coastal permit requirement. However, a coastal permit categorical exclusion (CPCE) shall be obtained pursuant to the procedures indicated in Section 21.25.906.

1. Minor additions on existing single-family residences for the first lot located on, adjacent to, across the street from, or abutting the beach, bay ocean or tidelands. Such addition must be less than ten percent (10%) of the existing floor area and shall not create an additional story or loft.

2. All projects (excluding the above) which are consistent with the Zoning Regulations and which do not require any discretionary review (e.g., conditional use permit, subdivision map).

3. Traffic improvements which do not:

- a. Alter roadway or intersection capacity by more than ten percent (10%) (except stop signs and stop lights); or

- b. Decrease parking (except by establishing a red curb next to a corner); or

- c. Impair access to the coast.

4. Public works projects (excluding traffic improvements) with an estimated cost of forty-nine thousand nine hundred ninety-nine dollars (\$49,999.00) or less.

#### 21.25.906 – Procedures—Categorical exclusion.

This Section outlines the procedures for processing developments exempt from local coastal permit requirements.

A. Jurisdiction. The Zoning Administrator, or his designee, shall determine whether a proposed development is exempt, as provided for in Subsection 21.25.903.C of this Chapter.

B. Means of Determination. Determination that a proposed development is exempt shall be made by checking the proposed development with the certified local coastal program, including all maps, land use designations, implementing zoning regulations and guidelines for exemption.

C. No Hearing Required. No public hearing or notice shall be required for a project determined to be exempt.

D. Appeal of Determination. Any person may appeal the Zoning Administrator's determination by requesting a referral of the matter to the Executive Director of the Coastal Commission. If the determination of the Executive Director of the Coastal Commission differs from that of the Zoning Administrator, then the matter shall be resolved by a hearing before the Coastal Commission.

E. Effective Date. A decision that a development is exempt shall be effective when such a decision is made by the Zoning Administrator, or his designee, unless the decision is appealed.

F. Records Required. A public record, including the applicant's name, the location and brief description of the development shall be kept for all developments determined to be exempt.



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU

October 26, 2018

Charles R. Posner  
Supervisor of Planning  
California Coastal Commission  
200 Oceangate – Tenth Floor  
Long Beach, CA 90802

Dear Mr. Posner:

Please let this letter serve to notify you that the City of Long Beach officially rescinds the Coastal Permit Categorical Exclusion (CPCE) approval issued to the City of Long Beach Department of Public Works for the Marina Drive complete streets project (CPCE 18-09).

This CPCE will be re-approved with a reduced scope of work that includes the street and traffic improvements only, and specifically excludes any tree trimming or removal.

The City notes that a Local Coastal Development Permit (LCDP) will be processed for the tree trimming and removal portion of the project.

Please contact me with any questions or comments.

Sincerely,

Scott Kinsey, AICP  
Planner V

SK



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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

South Coast Region

OCT 08 2018

CALIFORNIA  
COASTAL COMMISSION

PLANNING BUREAU

## COASTAL PERMIT CATEGORICAL EXCLUSION (CPCE) APPLICATION

Project Address or Location: Marina Drive in Long Beach, between 2nd Street and Studebaker Ave.

Long Beach, CA 908 03

Applicant Name: City of Long Beach, Attn: Nick King

Ph: 562 570 5000

Mailing Address: 333 W. Ocean Dr. 9th Floor

City: Long Beach

State: CA

ZIP: 90803

Email: nick.king@psomas.com

Applicant Signature(s): \_\_\_\_\_

Property Owner: City of Long Beach, Attn: Nick King

Ph: \_\_\_\_\_

Address: 333 W. Ocean Dr. 9th Floor

City: Long Beach

State: CA

ZIP: 90803

(I/We), the undersigned, declare under penalty of perjury under the laws of the State of California that (I am/We are) the owner(s) of the property involved in this application; that the information on all plans, drawings and sketches attached hereto and all the statements and answers contained herein are in all respects true and correct.

Property Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### Check Exemption Requested per Section 21.25.903.C of the Zoning Regulations (Title 21 LBMC):

- ☐ Minor additions on existing single-family residences for the first lot located on, adjacent to, across the street from, or abutting the beach, bay ocean or tidelands. Such addition must be less than ten percent (10%) of the existing floor area and shall not create an additional story or loft.
- ☐ All projects (excluding those requiring a Local Coastal Development Permit per Section 21.25.903.B—see reverse of this form) which are consistent with the Zoning Regulations and which do not require any discretionary review (e.g., conditional use permit, subdivision map).
- ☒ Traffic improvements which do not:
- Alter roadway or intersection capacity by more than ten percent (10%) (except stop signs and stop lights); or
  - Decrease parking (except by establishing a red curb next to a corner); or
  - Impair access to the coast.
- ☐ Public works projects (excluding traffic improvements) with an estimated cost of forty-nine thousand nine hundred ninety-nine dollars (\$49,999.00) or less.

**Project Description:** A Complete Streets project to improve pedestrian access, provide protected bike lanes, add a bus stop, and add parking. The project will improve access to access adjacent coastal areas for visitors and residents, particularly

pedestrians and cyclists. Project also includes the trimming, removal, and replacement of street trees as shown on plans.

BELOW THIS LINE FOR STAFF USE ONLY

CPCE No.: <u>18-9</u>	Building Permit No(s): _____	<b>DEPARTMENTAL REVIEW</b>	
Filing Date: <u>7/26/18</u>	Related Addresses: _____	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Not Approved	
Project No.: _____	Assigned Planner: <u>SK</u>	By: <u>SK</u> Planner	Date: <u>9/5/18</u>
Received by: <u>SK</u>		By: <u>[Signature]</u> Zoning Administrator	Date: <u>9/27/18</u>
Council District: <u>3</u>			

A Coastal Permit Categorical Exclusion (CPCE) is issued in accordance with Division IX – Local Coastal Development Permits of Chapter 21.25 – Specific Procedures of the Zoning Regulations, Title 21, LBMC.

See reverse of this form for statutory provisions.



## Statutory Provisions for Coastal Permits

### Excerpts from Chapter 21.25, Division IX – Local Coastal Development Permits

#### 21.25.903 – Permit required.

All development in the coastal zone shall be required to obtain either a coastal permit pursuant to Section 21.25.904 or a coastal permit categorical exclusion pursuant to Section 21.25.906. Such approval must be issued prior to the start of development and shall be required in addition to any other permits or approvals required by the City.

A. Coastal Permit Issued by the Coastal Commission. Developments on tidelands and submerged lands require a permit issued by the California Coastal Commission in accordance with the procedure as specified by the California Coastal Commission.

B. Coastal Permits Issued by the City. The following categories of projects require coastal permits in accordance with the procedures set forth in this Division:

1. Development on the first lot located on, adjacent to, across the street from, or abutting the beach, bay, ocean or tidelands, except minor addition to a single-family residence as specified in Subsection 21.25.903.C (categorical exclusion).

2. All development projects which require additional discretionary review (such as a conditional use permit, subdivision map or standards variance).

3. Traffic improvements which do not qualify for categorical exclusion.

4. Public works projects, excluding traffic improvement projects, with an estimated cost of fifty thousand dollars (\$50,000.00) or more.

C. Exemptions. The following categories of projects are exempt from the coastal permit requirement. However, a coastal permit categorical exclusion (CPCE) shall be obtained pursuant to the procedures indicated in Section 21.25.906.

1. Minor additions on existing single-family residences for the first lot located on, adjacent to, across the street from, or abutting the beach, bay ocean or tidelands. Such addition must be less than ten percent (10%) of the existing floor area and shall not create an additional story or loft.

2. All projects (excluding the above) which are consistent with the Zoning Regulations and which do not require any discretionary review (e.g., conditional use permit, subdivision map).

3. Traffic improvements which do not:

- a. Alter roadway or intersection capacity by more than ten percent (10%) (except stop signs and stop lights); or

- b. Decrease parking (except by establishing a red curb next to a corner); or

- c. Impair access to the coast.

4. Public works projects (excluding traffic improvements) with an estimated cost of forty-nine thousand nine hundred ninety-nine dollars (\$49,999.00) or less.

#### 21.25.906 – Procedures—Categorical exclusion.

This Section outlines the procedures for processing developments exempt from local coastal permit requirements.

A. Jurisdiction. The Zoning Administrator, or his designee, shall determine whether a proposed development is exempt, as provided for in Subsection 21.25.903.C of this Chapter.

B. Means of Determination. Determination that a proposed development is exempt shall be made by checking the proposed development with the certified local coastal program, including all maps, land use designations, implementing zoning regulations and guidelines for exemption.

C. No Hearing Required. No public hearing or notice shall be required for a project determined to be exempt.

D. Appeal of Determination. Any person may appeal the Zoning Administrator's determination by requesting a referral of the matter to the Executive Director of the Coastal Commission. If the determination of the Executive Director of the Coastal Commission differs from that of the Zoning Administrator, then the matter shall be resolved by a hearing before the Coastal Commission.

E. Effective Date. A decision that a development is exempt shall be effective when such a decision is made by the Zoning Administrator, or his designee, unless the decision is appealed.

F. Records Required. A public record, including the applicant's name, the location and brief description of the development shall be kept for all developments determined to be exempt.



ABBREVIATIONS					
ABV	ABOVE	F.L.	FLOW LINE	PLAS.	PLASTER
A.C.	ASPHALTIC CONCRETE	FLASH.	FLASHING	P.O.B.	POINT OF BEGINNING
AC	AIR CONDITIONING	FLR.	FLOOR	P.O.C.	POINT OF CONNECTION
A.D.	AREA DRAIN	F.O.B.	FACE OF BUILDING	PR.	PAIR
ADJ.	ADJACENT	F.O.C.	FACE OF CURB	PREFAB.	PREFABRICATED
AGGR.	AGGREGATE	F.O.W.	FACE OF WALL	P.T.	PRESSURE TREATED
	AUGN	F.S.	FINISH SURFACE	R	RISER
APPROX.	APPROXIMATE	FT.	FEET	R.D.	RADIUS
ARCH.	ARCHITECTURE	FTG.	FOOTING	R.D.R.	ROOF DRAIN
ASPH.	ASPHALT	GA.	GAUGE	R.D.W.	REDWOOD
A.T.	ARTIFICIAL TURF	GALL.	GALLON	REF.	REFERENCE
AUTO.	AUTOMATIC	GALV.	GALVANIZED	REINF.	REINFORCING
BLDG.	BLDG.	G.C.	GROUND COVER	REV.	REVISION
BLK	BLOCK	GL.	GLASS	R.W.	RIGHT OF WAY
BC	BACK OF CURB	GR.	GRADE	SCHED.	SCHEDULE
BOT.	BOTTOM	H.B.	HOSE BIB	SECT.	SECTION
BS	BACK OF STEP	HDR.	HEADER	S.F.	SQUARE FEET
B.B.	BOTTOM OF RAMP	HORIZ.	HORIZONTAL	SHT.	SHEET
C.B.	CATCH BASIN	H.P.	HIGH POINT	SM.	SIMILAR
C.J.	COLD JOINT	HT.	HEIGHT	SPEC.	SPECIFICATION
	CENTERLINE	I.D.	INSIDE DIAMETER	S.L.	SCORE LINE
CLR.	CLEAR	IE.	INVERT ELEVATION	SQ.	SQUARE
CMU	CONC. MASONRY UNIT	IN.	INCH	S.S.	STAINLESS STEEL
COL.	COLUMN	INFO.	INFORMATION	STD.	STANDARD
CONC.	CONCRETE	INT.	INTERIOR	STRUCT.	STRUCTURE
CONST.	CONSTRUCTION	JT.	JOINT	SYMM.	SYMMETRICAL
CONT.	CONTINUOUS	L.O.W.	LIMIT OF WORK	T.	TREAD
DBL.	DOUBLE	L.T.	LIGHT	TB	TOP OF BEAM
D.D.	DECK DRAIN	MAX.	MAXIMUM	TC	TOP OF CURB
DET.	DETAIL	MECH.	MECHANICAL	T.COP.	TOP OF COPING
D.F.	DRINKING FOUNTAIN	MEO.	MEDIUM	TF	TOP OF FOOTING
DIA.	DIAMETER	MET.	METAL	TG	TOP OF GRATE
DM.	DIMENSION	MFR.	MANUFACTURER	THK.	THICK
D.L.	DRAIN LINE	MH.	MANHOLE	TP	TOP OF PILASTER
DN.	DOWN	MIN.	MINIMUM	TR	TOP OF RAMP
D.S.	DOWN SPOUT	MISC.	MISCELLANEOUS	TS	TOP OF STEP
DWG.	DRAWING	M.T.	MULTI-TRUNK	TW	TOP OF WALL
EA.	EACH	MTD.	MOUNTED	TYP.	TYPICAL
E.J.	EXPANSION JOINT	NAT.	NATURAL	UNF.	UNFINISHED
ELEC.	ELECTRICAL	N.A.P.	NOT A PART	U.N.O.	UNLESS NOTED OTHERWISE
EL.	ELEVATION	N.I.C.	NOT IN CONTRACT	V.F.	VERTICAL
ENCL.	ENCLOSURE	NO.	NUMBER	V.F.T.	VERTICAL IN FIELD
ESP.	ESPALIER	NOM.	NOMINAL	WD	WITH
EQ.	EQUAL	N.T.S.	NOT TO SCALE	WO	WOOD
EQUIP.	EQUIPMENT	O.C.	ON CENTER	WO	WROUGHT IRON
E.W.	EACH WAY	O.D.	OUTSIDE DIAMETER	WO	WITHOUT
EXIST.	EXISTING	OPNG.	OPENING	WP.	WATERPROOF
EXT.	EXTERIOR	OPP.	OPPOSITE	WS.	WATER SURFACE
F.F.	FINISH FLOOR	P.A.	PLANTING AREA	WGT.	WEIGHT
F.G.	FINISH GRADE	P.E.	PAD ELEVATION	W.W.	WELDED WIRE MESH
FIN.	FINISH	P.L.	PLYSTONE LINE		
FIX.	FIXTURE	PL.	PLATE		
F.J.	FOUNTAIN JET	PLYWD.	PLYWOOD		

## VINE PLANTING NOTES

1. GENERAL: ALL VINES SHALL BE PLANTED PER THE VINE PLANTING DETAIL, AND THE WOOD SUPPORT STAKE SHALL BE CAREFULLY REMOVED WITHOUT DAMAGE TO THE ROOTBALL.
2. WOOD FENCES: VINES ATTACHED TO WOOD FENCES SHALL BE SECURED WITH GALVANIZED NAILS OR GALVANIZED EYE SCREWS AND HEAVY DUTY VINE TIES.
3. MASONRY WALLS: ON MASONRY WALLS ATTACHED WITH ADHESIVE TYPE VINE SUPPORTS WITH SILICONE ADHESIVE OR GALVANIZED EYE SCREWS AND WIRE (PER DETAIL), ATTACH VINES WITH HEAVY DUTY VINE TIES.

## MAINTENANCE NOTES

1. MAINTENANCE PERIOD: THE MAINTENANCE PERIOD SHALL BE FOR 90 CALENDAR DAYS BEGINNING ON THE DAY OF THE CHECK INSPECTION AFTER ALL WORK HAS BEEN INSTALLED AND APPROVED BY THE LANDSCAPE ARCHITECT. THE MAINTENANCE PERIOD MAY BE REQUIRED TO MEET THE REQUIREMENTS OF THE WORK SPECIFIED.
2. GENERAL: THE GENERAL CARE AND MAINTENANCE OF ALL AREAS SHALL CONSIST OF PROPER WATERING, FERTILIZATION, WEEDING, RODENT CONTROL, CLEAN UP, ETC.
3. SAFETY: ALL PLANT MATERIALS SHALL BE CHECKED AND MAINTAINED AS REQUIRED IN AN ONGOING PROGRAM TO ASSURE A SAFE ENVIRONMENT.
4. WATERING: WATER ALL PLANTINGS TO ASSURE COMPLETE GERMINATION OF ALL SEEDING AREAS AND CONTINUED GROWTH OF THE PLANTS. AREAS THAT DO NOT HAVE ADEQUATE IRRIGATION COVERAGE OR WHICH MAY REQUIRE ADDITIONAL DEEP WATERING SHALL BE WATERED BY HAND AS REQUIRED.
5. IRRIGATION COVERAGE: ADJUST ALL IRRIGATION HEADS IN EACH AREA AND ZONE OF EXPOSURE SO THAT THE OPTIMUM AMOUNT OF WATER IS APPLIED AT THE PROPER TIMES WITHOUT OVERTHROW ONTO WALLS, WALKWAYS, ETC.

# FIELD OBSERVATION

1. **REQUIRED FIELD OBSERVATION:** THESE PLANS WERE PREPARED WITH THE UNDERSTANDING THAT EACH OF SAID PLANS WILL USE PROFESSIONAL DESIGN ASSOCIATES TO PROVIDE FULL CONTRACT SERVICES INCLUDING FIELD OBSERVATION SERVICES DURING CONSTRUCTION. FAILURE TO USE PROFESSIONAL DESIGN ASSOCIATES TO PROVIDE AND COMPLETE THE FIELD OBSERVATION SERVICES SET FORTH HEREIN WILL SIGNIFICANTLY INCREASE THE MISINTERPRETATION OF THE INTENT OF THE DESIGN. ANY UNAUTHORIZED MODIFICATIONS THERETO, AND FAILURE TO DETECT ERRORS AND OMISSIONS IN THE PLANS AND SPECIFICATIONS AND SPECIFICATION CAN BECOME COSTLY MISTAKES BUILT INTO THE PROJECT. THEREFORE, IN THE EVENT THAT PROFESSIONAL DESIGN ASSOCIATES ARE OTHERWISE PRECLUDED FROM COMPLETING THE FIELD OBSERVATION SERVICES SET FORTH HEREIN, THE OWNER, OR SUBSEQUENT OWNER (INDIVIDUALS OR CORPORATIONS WHO HAVE PURCHASED THESE PLANS WITH THE PROJECT) AGREES TO HOLD HARMLESS, INDEMNIFY, AND DEFEND PROFESSIONAL DESIGN ASSOCIATES AND THEIR CONSULTANTS FROM AND AGAINST ANY AND ALL CLAIMS.
2. **FIELD OBSERVATION COORDINATION:** THE FOLLOWING OBSERVATIONS SHALL BE REQUIRED BY THE CONTRACTOR AND COORDINATED THROUGH THE OWNER (JOB SUPERINTENDENT). THE CONTRACTOR SHALL NOTIFY THE OWNER (JOB SUPERINTENDENT) AND LANDSCAPE ARCHITECT NOT LESS THAN FORTY-EIGHT (48) HOURS IN ADVANCE OF ANY OBSERVATION. CONTINUED WORK WITHOUT OBSERVATION OF ANY REQUIRED CHANGES OR MODIFICATIONS TO BE AT THE CONTRACTOR'S EXPENSE. THE OWNER (JOB SUPERINTENDENT) SHALL INFORM THE LANDSCAPE ARCHITECT AS TO THE PURPOSE AND TIME OF THE OBSERVATION FORTY-EIGHT (48) HOURS IN ADVANCE.
3. **CLOSING OF NOT INSPECTED WORK:** THE CONTRACTOR SHALL NOT ALLOW NOR CAUSE ANY OF THE WORK TO BE COVERED OR ENCLOSED UNTIL IT HAS BEEN INSPECTED, TESTED, AND APPROVED BY THE CONSULTING ENGINEER OR AUTHORIZED REPRESENTATIVE AND THE CONTRACTOR SHALL HAVE WRITTEN JURISDICTION OVER THE WORK. SHOULD ANY OF THE WORK BE ENCLOSED OR COVERED BEFORE SUCH INSPECTION AND TEST, HE SHALL UNCOVER HIS WORK AT HIS OWN EXPENSE. AFTER IT HAS BEEN INSPECTED, TESTED AND APPROVED, THE CONTRACTOR SHALL MAKE ALL REPAIRS NECESSARY TO THE OWNER'S SATISFACTION.
4. **JOB SITE MEETING AND REQUIRED INSPECTIONS:**
  - A. PRE-JOB MEETING ON SITE - PRIOR TO COMMENCEMENT OF WORK.
  - B. DURING SOIL PREPARATION
  - C. AT COMPLETION OF SOIL PREPARATION
  - D. COMPLETION OF WEED CONTROL
  - E. PLANT MATERIAL INSPECTION
  - F. GRADING CHECK PRIOR TO GROUND COVER
  - G. PROGRESS / INSTALLATION INSPECTION
  - H. COMPLETION OF PLANTING
  - I. 30, 60, AND 90 DAY MAINTENANCE INSPECTION
5. **COMPLETION:** WORK SHALL BE COMPLETED UPON FINAL APPROVAL BY OWNER AND LANDSCAPE ARCHITECT. A FINAL INSPECTION SHALL BE HELD UPON THE COMPLETION OF THE WORK PROVIDING THE CONTRACTOR HAS COMPLETED THE INSTALLATION OF ALL PHASES OF THE CONTRACT AND CONFORMED TO ALL REQUIREMENTS OF THESE SPECIFICATIONS.

## TREE AND SHRUB PLANTING NOTES

1. **PLANTING DEPTH:** PLANT ALL PLANTS AT THEIR NATURAL GROWING DEPTH PER DETAIL, IN THE LOCATION SHOWN ON THE DRAWINGS.
2. **EXCAVATED PITS:** EXCAVATED PITS WITH SQUARE AND VERTICAL SIDES, 2 TIMES THE DIAMETER AND 12" GREATER IN DEPTH THAN THE SIZE OF THE PLANT CONTAINERS.
3. **BACKFILL MIXTURE:** BACKFILL TO BOTTOM OF ROOT BALL WITH PREPARED BACKFILL MIXTURE, TAP FIRMLY, SET PLANT IN CENTER OF PIT IN A VERTICAL POSITION, CROWN LEVEL WITH FINISH GRADE. BACKFILL BALANCE OF PIT WITH THE FOLLOWING PREPARED MIXTURE OR PER SOILS REPORT.

TEM (10) PARTS TOP SOIL  
FIVE (5) PARTS REDWOOD SHAVINGS  
QUARTER (1/4) LBS. BONE MEAL  
AGRIFORM PLANT TABLETS - REFER TO MATERIAL NOTES #11.
4. **TREE LOCATIONS:** TREE LOCATIONS TAKE PRECEDENCE OVER IRRIGATION LINES. CONTRACTOR SHALL MAKE FIELD ADJUSTMENTS AS NECESSARY.
5. **TREE WATER BASIN:** CONSTRUCT A SIX (6) INCH DEEP WATER BASIN, MULCH WITH A TWO (2) INCH LAYER OF REDWOOD SHAVINGS, AND WATER THOROUGHLY, BACKFILLING WITH

# LANDSCAPE GRADING NOTES

1. SITE PREPARATION: THE CONTRACTOR SHALL REMOVE ALL WEEDS, ROCKS, DEBRIS, AND OTHER EXTRANEOUS MATERIALS FROM THE JOB SITE PRIOR TO PROCEEDING WITH WORK.
2. SOIL PREPARATION: ALL SOIL PREPARATION SHALL BE INSTALLED AS PER THE SOILS AGRONOMY REPORT TO BE PROVIDED AND PAID FOR BY THE OWNER. SOILS REPORT SHALL CONTAIN FULL SOIL AMENDMENT RECOMMENDATIONS. THE REPORT SHALL BE IMMEDIATELY FORWARDED TO THE LANDSCAPE ARCHITECT UPON COMPLETION.
3. SOIL AMENDMENTS: THE SOIL AMENDMENTS SPECIFIED ARE FOR BIDDING PURPOSES ONLY. THE OWNER SHALL PROVIDE FOR A SOILS AGRONOMY REPORT FROM AN APPROVED SOILS LABORATORY AND/OR ANY ADDITIONAL SPECIFICATION PROVIDED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIALS.
4. CULTIVATION DEPTH: ALL LANDSCAPE AREAS SHALL BE CULTIVATED TO A DEPTH OF 6".
5. AMENDMENT MIX: INCORPORATE THE FOLLOWING SOILS AMENDMENTS, OR PER SOILS REPORT, IN THE UPPER 6" OF ALL TILLING OR DISKING UNTIL ALL POCKETS AND LAYERS OF SOIL AND SOIL CONDITIONS ARE ELIMINATED  

REDWOOD SHAVINGS	6 YARDS PER 1000 SQ. FT.
COMMERCIAL FERTILIZER	20 LBS PER 1000 SQ. FT.
GYPSUM	100 LBS. PER 1000 SQ. FT.
6. FINISH GRADE: FINISH GRADES SHALL BE THOSE INDICATED ON THE DRAWINGS OR AS MAY BE CONTROLLED BY EXISTING INSTALLATIONS. GRADES NOT OTHERWISE INDICATED SHALL BE UNIFORM, STRAIGHT LEVELS BETWEEN POINTS WHERE ELEVATIONS ARE DETERMINED. FINISH GRADES SHALL BE SMOOTH AND EVEN OF A UNIFORM PLANE WITH AN ABRUPT CHANGE IN THE SURFACE. MINOR MODELING OF THE GROUND SURFACE MAY BE REQUIRED. GRADES SHALL PROVIDE FOR THE NATURAL RUN-OFF OF WATER WITHOUT LOW SPOTS OR POCKETS. FLOW LINES SHALL BE SET BY INSTRUMENT AND SHALL BE THE MAXIMUM GRADIENT POSSIBLE.
7. DRAINAGE: THE CONTRACTOR IS RESPONSIBLE FOR POSITIVE DRAINAGE IN ALL PLANTING AREAS IN ACCORDANCE WITH THE PLANS, DETAILS, AND SPECIFICATIONS OR AS SPECIFIED BY THE OWNER.
8. FINISH GRADE AT TURF AREAS: FINISH GRADE AT ALL TURF AREAS SHALL BE ONE INCH BELOW THE GRADE OF ADJACENT WALKS, PAVEMENTS, CURBS, ETC.
9. FINISH GRADE AT SHRUB AREAS: FINISH GRADE OF ALL SHRUBBERY AND GROUND COVER AREAS SHALL BE TWO INCHES BELOW THE GRADE OF ADJACENT WALKS, PAVEMENTS, CURBS, ETC., EXCEPT WHERE WATER FLOWS ACROSS SAME.

# CONCRETE NOTES

1. SCOPE OF WORK: CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS, EQUIPMENT, AND SERVICES FOR THE INSTALLATION OF ALL CONCRETE FLATWORK INDICATED ON THESE PLANS.
2. COORDINATION: CONTRACTOR SHALL COORDINATE WITH APPROPRIATE TRADES TO LOCATE PIPE SLEEVES (IRRIGATION, DRAINAGE, ELECTRICAL, ETC.) BENEATH OR EMBEDDED IN CONCRETE BEFORE STARTING.
3. SOIL PREPARATION: ALL EXCAVATION, GRADING, COMPACTION, ETC. SHALL BE IN ACCORDANCE WITH RECOMMENDATIONS OF THE STRUCTURAL SOILS REPORT. ALL SOIL MODIFICATIONS SHALL BE UNDER THE SUPERVISION OF A SOILS ENGINEER.
4. SUB-GRADE: ALL SUB-GRADE MATERIAL, SAND, CRUSHED AGGREGATE, ETC., AND THEIR COMPACTION SHALL BE PER STRUCTURAL SOILS ENGINEER SPECIFICATIONS.
5. ROCK AND SAND SPECIFICATIONS: SAND AND AGGREGATE FOR CONCRETE SHALL BE CLEAN, NATURAL MATERIALS CONFORMING TO ASTM DESIGNATION C33.
6. WATER: WATER FOR CONCRETE SHALL BE CLEAN AND FREE FROM DELETERIOUS SUBSTANCES.
7. CEMENT: CEMENT SHALL BE PORTLAND CEMENT CONFORMING TO CURRENT REQUIREMENTS OF ASTM C-150, TYPE I OR TYPE II. CEMENT SHALL BE OF THE SAME BRAND AND TYPE USED THROUGHOUT THE PROJECT.
8. MIXING: PROPORTIONING AND MIXING OF CEMENT, AGGREGATE, ADMIXTURES AND WATER TO ATTAIN REQUIRED PLASTICITY AND STRENGTH SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE ACI (AMERICAN CONCRETE INSTITUTE) MANUAL OF CONCRETE PRACTICE AND THE PCA (PORTLAND CEMENT ASSOCIATION) "DESIGN AND CONTROL OF CONCRETE MIXTURES".
9. COMPRESSIVE STRENGTH OF CONCRETE: ALL CONCRETE SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 2,500 P.S.I. AT 28 DAYS WITH A SLUMP NOT TO EXCEED 4" CONFORMING WITH ASTM C-39. CONCRETE SHALL CONSIST OF A MINIMUM 5 SACK PORTLAND CEMENT / SAND / GRAVEL MIX, CONFORMING WITH ASTM C-150.
10. CONCRETE FORMS: OWNER AND LANDSCAPE ARCHITECT SHALL APPROVE ALL CONCRETE FORMS PRIOR TO POURING FLATWORK. FORMS SHALL BE CONSTRUCTED ACCURATELY TO DIMENSIONS, PLUMB AND TRUE TO LINE AND GRADE. FORMS SHALL BE SUBSTANTIAL, NONFATIGUE, BRIGHT, BRACED AND TIED SO AS TO MAINTAIN POSITION AND SHAPE DURING PLACING OF REINFORCING AND CONCRETE. FORMS SHALL BE THOROUGHLY CLEANED OUT BEFORE CONCRETE IS PLACED AND FORMS SHALL BE REMOVED WITHOUT DAMAGE TO CONCRETE. CARE SHALL BE TAKEN IN ALL DETAILS OF FORMING, SETTING, REINFORCING, MIXING, AND PLACING OF CONCRETE EXPOSED IN FINISH WORK TO OBTAIN SMOOTH, EVEN SURFACES OF DENSE CONCRETE, AND CLEAN SHARP INSIDE AND OUTSIDE CORNERS. FORMS SHALL REMAIN IN PLACE LONG ENOUGH TO ALLOW CONCRETE TO SET PROPERLY.
11. CONCRETE REINFORCING STEEL: CONCRETE, AS INDICATED PER PLANS, WITH STEEL SHALL BE GRADE 60, DEFORMED BULLET STEEL CONFORMING TO ASTM A-615. LOCATE IN CENTER OF FOUR TYPICAL WITH 2" MINIMUM CLEARANCE AT ALL EDGES.
12. WIRE MESH REINFORCEMENT: CONCRETE, AS INDICATED PER PLANS, TO HAVE 6 X 6 @ 10 WELDED WIRE MESH OR STEEL AS REQUIRED BY STRUCTURAL ENGINEER. LOCATE IN CENTER OR FOUR TYPICAL WITH 2" MINIMUM CLEARANCE AT ALL EDGES.
13. THICKNESS OF CONCRETE: ALL CONCRETE FLATWORK SHALL HAVE A MINIMUM THICKNESS OF 4". ALL THICKENED EDGES FOR CONCRETE FLATWORK SHALL BE PER PLANS. A 1/2" RADIUS SHALL BE PROVIDED AT ALL EXPOSED EDGES AND/OR CORNERS, UNLESS OTHERWISE NOTED ON PLANS.
14. CONCRETE FINISH: FINISH COURSE SHALL BE BROUGHT TO THE PROPER GRADE AND TO A DRAIN SURFACE. CONCRETE COLORS AND FINISHES WILL BE PER CONSTRUCTION PLAN. ALL NATURAL CONCRETE WITH MEDIUM BROOM FINISH.
15. BROOM FINISH: WHERE INDICATED ON DRAWINGS, APPLY BROOM FINISH AFTER FINISH TRAVELING. BROOM FINISH SHALL BE PERPENDICULAR TO TRAFFIC FLOW OR IN THE DIRECTION AS INDICATED ON THE DRAWINGS.
  - A. FINE BROOM FINISH: FINE OR SOFT TEXTURED BRISTLES
  - B. MEDIUM BROOM FINISH: MEDIUM STIFF BRISTLES
  - C. HEAVY BROOM FINISH: COARSE OR STIFF BRISTLES
16. RETARDANT FINISH: CONCRETE SURFACE SHALL BE EXPOSED USING LITHACHROME CONCRETE SURFACE RETARDER OR APPROVED EQUIV. APPLY IN ACCORDANCE TO ALL SPECIFICATIONS AND RECOMMENDED INSTALLATION PROCEDURES OF MANUFACTURE. AGGREGATE FOR CONCRETE 60-40 PEA GRAVEL BLEND.
17. COLORED CONCRETE: COLORS PER CONSTRUCTION PLAN OR FINISH SCHEDULE. COLORS SHALL BE OF THE INTEGRAL TYPE MANUFACTURED BY L.M. SCOFIELD COMPANY OR APPROVED EQUAL. SURFACES DIRECTED BY LANDSCAPE ARCHITECT SHALL BE SEALED IN ACCORDANCE TO ALL SPECIFICATIONS AND RECOMMENDED INSTALLATION PROCEDURES OF MANUFACTURE.
18. STAMPED CONCRETE: CONTRACTOR SHALL INSTALL STAMP CONCRETE PATTERNS TO


## GROUND COVER PLANTING NOTES

1. **GENERAL:** ALL GROUND COVER AREAS NOTED ON PLANS SHALL BE PLANTED WITH ROOTED CUTTING FROM FLATS. PLANT CONTINUOUSLY UNDER TREES AND SHRUBS AT THE SPACING INDICATED PER PLANS.
2. **SPACING:** INSTALL PLANS IN AREAS AND TO SPACING AS SHOWN ON THE DRAWINGS IN EVENLY TRIANGULAR SPACED ROWS.
3. **EXCAVATION PITS:** EXCAVATE PITS A MINIMUM 3' X 4' WITH SUFFICIENT DEPTH TO ALLOW ROOT SYSTEM TO HANG FREE IN PIT. PLACE EACH PLANT AT ITS NATURAL GROWING DEPTH AND FIRM SOIL AROUND THE BASE OF PLANT WITHOUT PILING AT CROWN.
4. **WATERING:** WATER THOROUGHLY AFTER SUFFICIENT AREA HAS BEEN PLANTED. ANY PLANTINGS SHOWN EVIDENCE OF DRYING OUT OR BADLY WILTING WILL NOT BE ACCEPTED.
5. **PRE-EMERGENT:** APPLY TREFLAN OR APPROVED PRE-EMERGENT IMMEDIATELY AFTER PLANTING TO ALL GROUND COVER AREAS. HYDROSEEDED AREAS NOT INCLUDED.
6. **DEFECTS:** ALL DEFECTS IN GROUND COVER PLANTING SHALL BE CORRECTED THROUGH THE GUARANTEE PERIOD SPECIFIED HEREIN AT THE CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE OWNER.

# SODDED TURF NOTES

1. FINISH GRADE: SOIL SHALL BE LEFT ONE-HALF FOOT (1-1/2") BELOW FINISH GRADE AS THE SOD WILL BRING THE LEVEL UP TO THE PROPER HEIGHT.
2. SITE PREPARATION: AFTER PREPARATION OF SOIL, THE AREA MUST BE PRE-IRRIGATED TO WET IT TO A DEPTH OF FOUR INCHES (4"). IT SHALL BE DAMP BUT NOT MUDDY AND WITHOUT DEPRESSIONS.
3. HANDLING: INITIAL PLACEMENT OF SOD SHALL BE LAID WITHIN TWO (2) DAYS AFTER IT IS DELIVERED. IT SHALL NOT BE LEFT IN THE HOT SUN, IN ROLLS, OR STACKED OVERNIGHT.
4. FERTILIZER: PRIOR TO PLACING OF SOD, BROADCAST 16-20-0 FERTILIZER AT A RATE OF SEVEN (7) LBS. PER 1,000 SQ. FT. OVER SURFACE.
5. LAYOUT: SOD SHALL BE UNROLLED AND PLACED CAREFULLY IN STAGGERED PATTERN. A PIECE OF 2 X 4 SHALL BE USED TO TAMP EACH ROLL BETWEEN THE STRIPS TO ELIMINATE JOINTS AND EDGES.
6. INSTALLATION: AFTER LAYING SOD, IRRIGATE MODERATELY TO INSURE MOISTURE PENETRATION, THEN ROLL WITH A RYAN TYPE SOD ROLLER. SOD SHALL BE FLUSH WITH GRADE OF ADJACENT SIDEWALKS, CURBS, AND HEADER BOARDS. WATER AND ROLL AGAIN IF GRADE DOES NOT MEET THESE CONDITIONS.
7. WATERING: AFTER ROLLING THE SOD, AREAS SHALL BE THOROUGHLY WATERED TO A DEPTH OF SIX INCHES (6") AND KEPT CONTINUALLY MOIST FOR A PERIOD OF TEN (10) DAYS.
8. DEFECTS: ALL EFFECTS IN SOD PLANTING SHALL BE CORRECTED THROUGH THE GUARANTEE PERIOD SPECIFIED HEREIN AT THE CONTRACTOR'S EXPENSE TO THE SATISFACTION OF THE OWNER.

PLANS PREPARED BY:



LANDSCAPE STUDIO

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FN:  
DATE: 11/30/18  
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