

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802-4325
Voice (562) 590- 5071



Th12e/Th13a

A-5-LOB-20-0043/5-20-0508 (Belmont Pier Plaza)

October 8, 2020

EXHIBITS

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EXHIBIT 2 – APPEALS

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California Coastal Commission
A-5-LOB-20-0043/5-20-0508
Exhibit 1
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Appeal of local CDP decision
Page 2

1. Appellant information¹

Name: Ann Cantrell, Citizens About Responsible Planning/CARP
Mailing address: 3106 Claremore Ave. Long Beach, CA 90808
Phone number: 562/596-7288
Email address: anngadfly@aol.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: Submitted comments prior to the Zoning Administrator hearing on June 22,
22, 2020 and testified at teleconference meeting.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Long Beach charges a fee of \$112 to appeal the Zoning Administrator's
decision to the Planning Commission so did not appeal.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: CITY OF LONG BEACH
Local government approval body: Zoning Administrator
Local government CDP application number: 5-LOB-20-0592
Local government CDP decision: ☒ CDP approval ☐ CDP denial³
Date of local government CDP decision: June 22, 2020

Please identify the location and description of the development that was approved or denied by the local government.

Describe: City project to revitalize Belmont Pier Plaza by removing one unhealthy Coral Tree and replacing with two native trees, and providing the following: replacement LED lighting, new planter palette, interpretive and wayfinding signage, walkway mural, relocated bicycle racks, and refreshed paint, located in the Park (P) and Belmont Pier Planned Development District (PD2)
Location APN(s): 7256041901

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision
Page 4

3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: Please see attached sheet. Also, as a member of the Sierra Club Los Cerritos
Cerritos Wetlands Task Force, I agree with the grounds for appeal submitted
submitted by Anna Christensen on behalf of that organization.

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision
Page 5

5. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Ann Cantrell

Ann Cantrell
Signature

Date of Signature 8/12/2020

5. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

^s If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

^e If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

City project to revitalize Belmont Pier Plaza by removing one unhealthy Coral Tree and replacement LED lighting, new planter palette, interpretive and wayfinding signage walkway mural, relocated bicycle racks and refreshed paint, located in the Park © and Belmont Pier Planned Development District (PD-2)

In 2009, the CA Coastal Commission and the City of Long Beach approved application 5-08-187 which is a tree trimming policy for all state tidelands and beaches within the City of Long Beach. This policy states that no tree used for nesting within the last 5 years shall be trimmed or removed unless it is a danger to public safety. Photos taken by me on June 22 show what appears to be a nest in the tree to be removed. There were also numerous bird droppings around the tree, indicating it is being used for nesting and roosting.

The City proposes to remove this mature Coral tree which Psomas, the arborists hired by the City, found to have a healthy root system; a leafy 45 foot canopy and no visible pests. There was concern about a crack in one branch and bark sloughing, with a moderate likelihood of tree failure on a scale of low, moderate, high or extreme. Their suggested solution was to put a fence within the drip-line of the tree to prevent any risk to the public. Additional options to removing the tree included pruning all weakly attached and overextended branches; install a cable and bracing system; or retain the tree and monitor its condition once a year. The Zoning Administrator stated the other options were too expensive, although monitoring the condition is less costly than removing the tree. We ask that other options be tried before removing this important coastal LED. (Please see attached photo of this magnificent Coral tree.)

All of the other 'sprucing up' activities of the Belmont Pier can be achieved without removing this tree. However, the LED lighting should not be placed under the trees. This light shining up into the trees is disrupting to nesting and roosting birds. (See *Ecological Consequences of Artificial Night Lighting*, edited by C. Rich and Travis Longcore.) In a recent e-mail from Dr. Longcore, he states "The only real way to fix uplighting is to not have uplighting. It is not good for birds to have lights shining up at their nests.

Some research was just published that shows that a change in color of the lights can help for some bird species but not others. Here is a press release for the paper."

<https://www.sciencedaily.com/releases/2020/07/200723115902.htm>

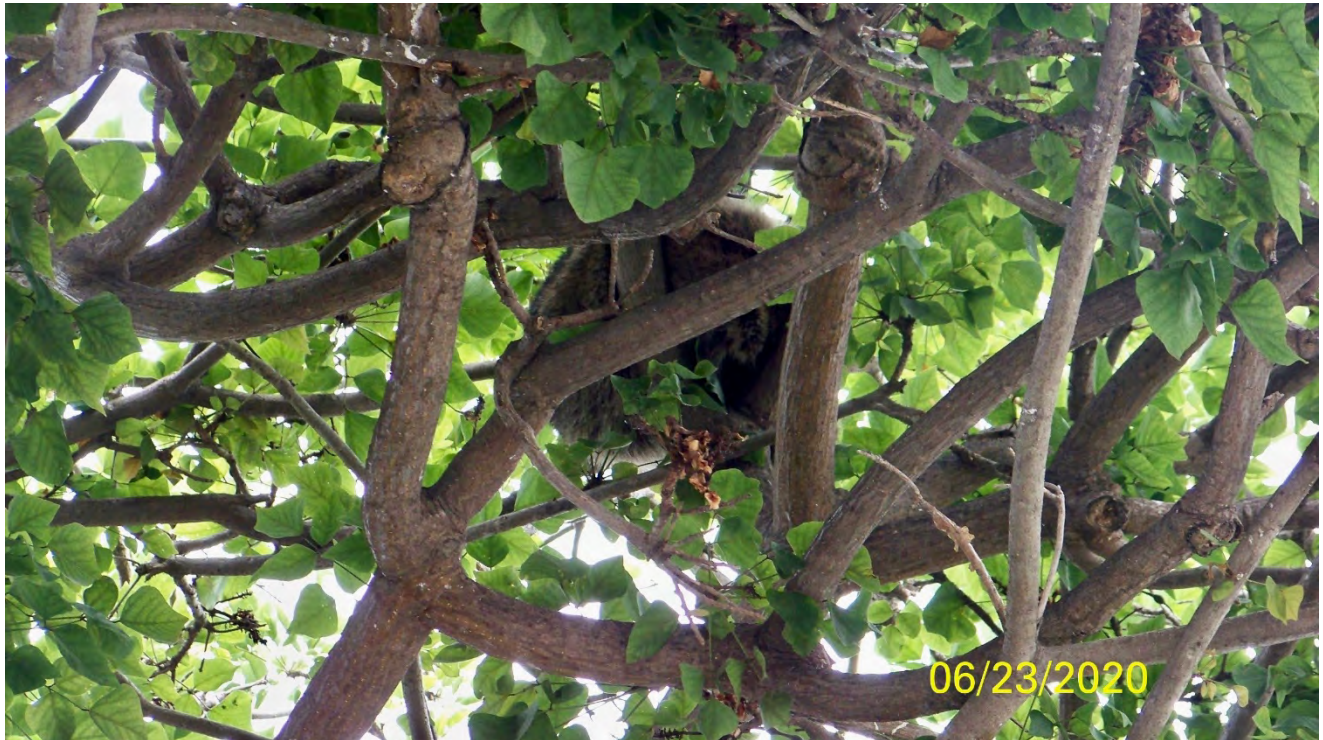
and the paper:

[https://www.cell.com/current-biology/fulltext/S0960-9822\(20\)30937-4](https://www.cell.com/current-biology/fulltext/S0960-9822(20)30937-4)

We suggest that if this permit is approved that it be stipulated the LED lights not be placed to shine up into the trees and the color be amber, not white.

Ann Cantrell, Treasurer,
Citizens About Responsible Planning/CARP

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CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
(562) 590-5071
SOUTHCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: South Coast

Appeal Number: _____

Date Filed: 8/12/2020Appellant Name(s): Sierra Club Los Cerritos Wetlands Task Force, Anna Christensen**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the South Coast district office, the email address is SouthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

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Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Sierra Club Los Cerritos Wetlands Task Force, Anna Christensen

Mailing address: 259 Termino Ave, Long Beach, Ca 90803

Phone number: (562) 434 0220

Email address: achris259@yahoo.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☐ Submitted comment ☒ Testified at hearing ☐ Other

Describe: Testified at City of Long Beach Zoning Commission Hearing

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Engaged in dialogue (via email) with City of Long Beach staff and local

Coastal Commission staff regarding this project before Zoning Commission

hearing

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed²

Local government name: City of Long Beach

Local government approval body: _____

Local government CDP application number: 2004-14 (LCDP20-013, SPR20-017)

Local government CDP decision: ☒ CDP approval ☐ CDP denial³

Date of local government CDP decision: 6/22/2020

Please identify the location and description of the development that was approved or denied by the local government.

Describe: City project to revitalize Belmont Pier Plaza by removing one unhealthy
Coral Tree and replacing with two native trees, and providing the following:
replacement LED lighting, new planter palette, interpretive and wayfinding
signage, walkway mural, relocated bicycle racks, and refreshed paint,
located in the Park (P) and Belmont Pier Planned Development District)
(PD-2)

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Describe: See attached.


⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision
Page 5

5. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Anna Christensen


Signature

Date of Signature 8/12/2020

5. Representative authorization

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☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

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s If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Re: Appeal of Local Government Coastal Development Permit
City of Long Beach: 2004-14 (LCDP20-013, SPR20-017)
Attachment to pg 4: Grounds for Appeal

Dear California Coastal Commission,

The City of Long Beach Public Works is seeking Coastal Commission approval for a project which includes the removal of a mature Coral Tree. We find this tree to be within the Tidelands Area subject to CDP 5-08-187, a Tree Trimming and Removal Plan established specifically to protect trees providing habitat for coastal birds in the Tidelands Area in Long Beach. Trees falling under this Tree Trimming and Removal Plan may only be removed or trimmed during nesting season if they present an imminent threat to public safety, which this tree does not. The Department of Parks, Recreation, and Marine, not Public Works, maintains this Coral tree as it is in a public park and beach area subject to CDP 5-08-187. However, we are certain that Public Works is aware of CDP 5-08-187, as well as of the Coastal Commission's designation of all trees which provide habitat for coastal birds in our wetlands, and along our bays, marinas, beaches, and bluffs as "significant vegetation" under the Coastal Act. Yet again, the Department of Public Works is pushing for the arbitrary removal of a protected coastal tree as well as a project timeline that would allow its removal during nesting season.

To argue that this Coral Tree needs to be cut down is to ignore Trevor Bristle, the Arborist who works for PSOMAS who the City paid to assess the health of this particular tree. Trevor Bristle finds the tree to be in "good health" and recommends FOUR options other than tree removal, including simply checking on it ONCE A YEAR! His assessment concludes that the tree presents a "Moderate" level of risk (all trees present a "Low" level), and further states that the risk to the public is neither "High" or "Extreme." His report defines "Extreme" as meaning that "Immanent failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load. This is a rare occurrence for a risk assessor to encounter, and it may require immediate action to protect people from harm."

Yet, Mr. Aquirre, our Public Works Department Arborist, has overridden Trevor Bristle's assessment and has ruled that the tree does present an imminent danger to the public and can be chopped down during nesting season (but not just yet, as the project requires both a zoning and Coastal permit). The City presents Mr. Bristle's thorough and science based tree assessment of risk (Moderate), which it asks the Coastal Commission staff to ignore in favor of arbitrary decisions by Mr. Aquirre and the Zoning Commissioner which should necessitate immediate action but apparently require none until the project is shovel ready. It is worth noting that the City's application does not state that the Coral Tree is "significant vegetation" under the Coastal Act, even there is clear evidence, including large quantities of bird droppings under multiple

branches, that it provides roosting and nesting sites for shore and wading birds. Nor does the City note that this mature Coral tree contributes to the scenic coastal view.

The City of Long Beach continues to design, promote, and approve projects that erase habitat for birds and other wildlife, in violation of laws meant to ensure their survival. Coastal Commission Enforcement has repeatedly charged the City with violations and has required that the Department of Public Works make amends for the illegal removal and trimming of palms on Marina Drive and the illegal trimming of palms on Ocean Blvd. Both of these projects resulted in the destruction of multiple nests and death of birds including Great Blue Herons. Residents and environmental organizations continue to sound the alarm, to the Zoning Administrator, the Planning Commission, to City Council, and the Coastal Commission, or, when these destructive operations are in progress, rush into the street to confront those doing the cutting and chopping.

We ask that Coastal Commission staff consider the attached letter from Enforcement Officer Jordan Sanchez to the Public Works Department, pointing out the need to protect "major vegetation." Staff may also want to review Agenda Item 16a at the June 12th Coastal Commission meeting. Commissioners ignored the City of Long Beach and their own Commission staff's approval of a project that would have removed twenty trees on Marina Drive, and granted the Appeal of a single resident of Marina Pacific who did not think the trees should be cut down to build a new fence. Due to the Commissioners' concerns, the Marina Pacifica Homeowners Association has now decided not to move forward with the project.

Accommodating development at the expense of nature, should no longer be considered automatic. The assumption of City Staff that replacement is equivalent to sustaining existing populations fails to recognize the inherent right to life of individual beings, including this Coral tree. We ask that Coastal Commission staff challenge this erase and replace mentality, and be a good steward of our existing coastal resources.

Anna Christensen,
Conservation Chair, Long Beach Area Group, Sierra Club
Los Cerritos Wetlands Task Force, Sierra Club

Please note that the Los Cerritos Wetlands Task Force fully supports the appeal of Citizens About Responsible Planning submitted by Ann Cantrell.

**NOTICE OF FINAL LOCAL ACTION**

Application No.: 2004-14 (LCDP20-013, SPR20-017)

Project Location: Belmont Pier Plaza at 39th Place

Applicant: Brian Polivka, Capital Projects Coordinator
City of Long Beach Public Works Department
411 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

Permit(s) Requested: Site Plan Review, Local Coastal Development Permit

Project Description: City project to revitalize Belmont Pier Plaza by removing one unhealthy Coral Tree and replacing with two native trees, and providing the following: replacement LED lighting, new planter palette, interpretive and wayfinding signage, walkway mural, relocated bicycle racks, and refreshed paint, located in the Park (P) and Belmont Pier Planned Development District (PD-2).

Action was taken by the: Site Plan Review Committee on May 13, 2020
Zoning Administrator: June 22, 2020

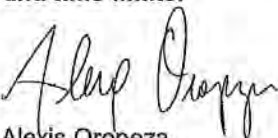
Decision: Conditionally Approved


Action is final on: July 2, 2020

This project **IS** in the Coastal Zone and **IS** appealable to the Coastal Commission. A portion of the project site is located in the State Original Permit Jurisdiction and is subject to review by 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.


Alexis Oropeza
Current Planning Officer


Jennifer Ly, Planner
Phone No.: (562) 570-6368

District: 3

California Coastal Commission
A-5-LOB-20-0043/5-20-0508

Exhibit 3
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APPEALS TO THE CITY PLANNING COMMISSION AND/OR TO THE CITY COUNCIL

- A. Any aggrieved person may appeal a decision on a project that required a public hearing.
- B. An appeal must be filed within ten (10) calendar days after decision.
- C. An appeal shall be filed with Long Beach Development Services on a form provided by that Department with the appropriate filing fee.
- D. A public hearing on an appeal shall be held within sixty (60) calendar days after Long Beach Development Services receives a completed appeal form or after the City Clerk receives the appeal from Long Beach Development Services.
- E. A notice of the public hearing on the appeal shall be mailed by Long Beach Development Services to the applicant, all persons entitled to mailed notice, and any known aggrieved person not less than fourteen (14) calendar days prior to the hearing.
- F. The Planning Commission shall have jurisdiction on appeals from the decisions of the Current Planning Officer and the City Council shall have jurisdiction on appeals from the Planning Commission.
- G. Except for appeals to the Coastal Commission for projects located seaward of the appealable area boundary and appeals to the City Council of local coastal development permits on developments regulated under the City's Oil Code, there shall be no further appeals after a decision on an appeal.
- H. You are hereby provided notice that the time within which judicial review of the herein reported decision must be sought is governed by Section 1094.6 of the California Code of Civil Procedure.

APPEALS TO THE COASTAL COMMISSION

All actions on local coastal development permits seaward of the appealable area boundary may be appealed by any aggrieved person to the Coastal Commission according to the procedures of the Coastal Commission, provided that all local appeals have been exhausted and no fee was charged the appellant for such appeal, by filing such appeal at the Coastal Commission offices, 301 E. Ocean Blvd., Suite 300, Long Beach, CA 90802.

LONG BEACH DEVELOPMENT SERVICES
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802



JL

Conditions of Approval Acknowledgement

July 2, 2020

Application No.: 2004-14 (LCDP20-013, SPR20-017)

Project address: Belmont Pier Plaza at 39th Place

Brian Polivka, Capital Projects Coordinator
City of Long Beach Public Works Department
411 W. Ocean Boulevard, 5th Floor
Long Beach, CA 90802

Dear Applicant:

Please have the owner(s) of the property sign this document. It is vital to your project that this form be returned promptly to the project planner so that it can be placed in the case file and you can initiate the plan review process. Please feel free to make a copy for your files.

"We have read the attached Conditions of Approval and will comply with all such conditions. I realize that violation of any of the conditions is cause for revocation of the approval. I also realize that the approval is based on specific building plans, as indicated in the Conditions of Approval, and that any deviation from these plans without prior written approval from the Site Plan Review Committee will result in denial of final construction approval until such time that the construction is restored to the approved design. Finally, I will notify all architects, designers, contractors, sub-contractors employed by me, and I will notify any successors in interest of all these conditions and of this acknowledgement."

Brian Polivka
Applicant's Signature

7/23/20
Date

Brian Polivka
Owner's Signature

7/23/20
Date

Owner's Signature

Date

California Coastal Commission
A-5-LOB-20-0043/5-20-0508

Exhibit 3
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BELMONT PIER PLAZA REFRESH - PLAN VIEW

CONCEPT 'D'
LONG BEACH, CA
April 20, 2020

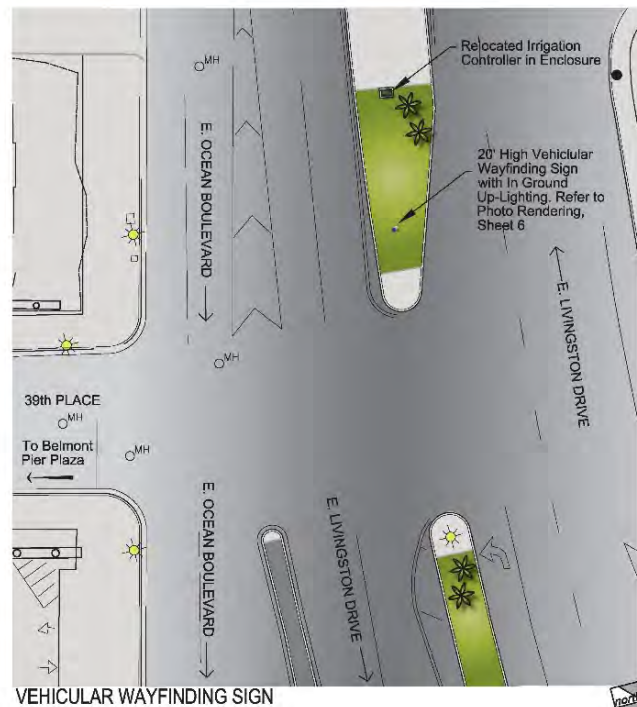
CITY OF
LONG BEACH

HAI HIRSCH & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE & PLANNING
2221 East Western Road, Suite A
Long Beach, California 90804
Phone 562-738-0340 Fax 562-738-0399
www.haichicago.com LATT1718

SCALE: 1" = 20'
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PEDESTRIAN WAYFINDING SIGN



VEHICULAR WAYFINDING SIGN

BELMONT PIER PLAZA REFRESH - PLAN VIEW

CONCEPT 'D'
LONG BEACH, CA
February 27, 2020

CITY OF
LONG BEACH

HAI HIRSCH & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE & PLANNING
2221 East Western Road, Suite A
Long Beach, California 90804
Phone 562-738-0340 Fax 562-738-0399
www.haichicago.com LATT1718

SCALE: 1" = 20'
PAGE 2 OF 9

