



CITY OF LONG BEACH

H-2

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor • Long Beach, CA 90802 • (562) 570-5237

November 15, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and declare the Ordinance adopting and amending the 2016 Edition of the California Building Standards Code and the 1997 Edition of the Uniform Housing Code by amending and restating Title 18 of the Long Beach Municipal Code in its entirety, read for the first time and laid over to the next regular meeting of the City Council for final reading;

Declare the Ordinance amending and restating Title 12, related to Long Beach Oil Code, of the Long Beach Municipal Code in its entirety, read for the first time and laid over to the next regular meeting of the City Council for final reading;

Declare the Ordinance amending Sections 3.90.020.A, 8.76.010.N, 8.76.210.E, 10.46.100, 21.15.330, 21.15.740, 21.15.750, 21.15.2250, 21.21.406.A, 21.31.220.B.4, and amending and restating Chapter 21.42; and adding Sections 21.15.025 and 21.41.232 of the Long Beach Municipal Code, read for the first time and laid over to the next regular meeting of the City Council for final reading;

Adopt a Resolution making express findings and determinations relating to the adoption of more restrictive code provisions where appropriate;

Adopt a Resolution authorizing the Director of Development Services to submit a Zoning Code Amendment and Local Coastal Program Amendment (Application 1608-24) to the California Coastal Commission for approval; and,

Accept Categorical Exemptions CE-16-211 and CE-16-224. (Citywide)

DISCUSSION

Every three years, the State of California ("State") adopts the latest edition of the California Building Standards Code and Uniform Housing Code (herein referred to collectively as the "Code") to establish uniform standards for the construction and maintenance of buildings,

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electrical systems, plumbing systems, mechanical systems, and fire and life safety systems. The 2016 Edition of the California Building Standards Code was adopted by the California Building Standards Commission and published on July 1, 2016. The 1997 Edition of the Uniform Housing Code, which is the last edition, was adopted by the California Department of Housing and Community Development as provided for in the California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1, Article 5, Section 32. The California Health and Safety Code (HSC) Sections 17958, 18938(b) and 18941.5(a) require that the latest edition of the Code apply to local construction 180 days after publication. Therefore, State law requires that the Code become effective at the local level on January 1, 2017.

Prior to the adoption and enforcement of the Code at the local level, State law permits local governments to amend the Code in certain circumstances. Pursuant to HSC Sections 13143.5(a) and (b), 17958.5, 17958.7 and 18941.5(b), such amendments can only be enacted when an express finding and determination is made that such amendments are reasonably necessary because of local climatic, geological, or topographical conditions that affect the local government. Local amendments, ordinances and regulations necessary to implement civil, administrative, or criminal procedures and remedies to enforce the Code, that do not establish Building Standards as defined in the HSC Section 18909(c), can be enacted without the required express finding and determination.

Staff from the Building and Safety Bureau, Fire Prevention Bureau, Code Enforcement Bureau, Planning Bureau and the Office of Sustainability have reviewed the Code and are recommending a number of local amendments in order to address concerns of a local nature. The proposed amendments consist of structural, fire and life safety, green building and sustainability, and administrative provisions or procedures. The majority of the proposed amendments are a continuation of previously adopted amendments from prior code adoption cycles. Furthermore, many of these proposed amendments are consistent with those adopted by other local governments in the Southern California area as part of the Los Angeles Regional Uniform Code Program. It is the intent and purpose of the proposed amendments to (1) minimize, prevent and protect the community from natural hazards (e.g., earthquakes, floods, fires, etc.); and (2) improve the health and welfare of the community through green and sustainable construction practices that support the Sustainable City Action Plan.

Title 18 of the Long Beach Municipal Code (LBMC) is the City's code that regulates the construction of buildings and structures. Title 18 is currently based upon the 2013 Edition of the Code. As required by State law, Title 18 will be amended to update all references from the 2013 Edition to the 2016 Edition of the Code. Additionally, two new chapters will be added and one existing chapter will be replaced in its entirety in Title 18. Chapter 18.49 (Existing Building Code) will be added to the Code that will regulate construction work in existing buildings and structures. Chapter 18.50 (Historical Building Code) will be added to the Code that will regulate construction in qualified historical buildings or structures. Chapter 18.76 (Water Submeters), enacted during the 2013 triennial code update, will be deleted to avoid conflict with State Senate Bill 7 in the 2015-2016 Regular Session and the

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California Health and Safety Code Section 17922.14 relating to the installation of water meters or submeters. The deleted chapter will be replaced with Chapter 18.76 (Expedited and Streamlined Permitting Process for Electric Vehicle Charging Stations) to comply with State Assembly Bill 1236 in the 2015-2016 Regular Session and the California Government Code Section 65850.7 relating to local ordinances for electric vehicle charging stations.

Title 21 of the LBMC is the City's zoning code that regulates land use development within the City. Title 21 contains regulations applied in concert with the Code as part of the development review process. Staff has reviewed those portions of Title 21 that require updating or clarification to maintain consistency with the Code. The proposed changes to Title 21 clarify and update definitions (e.g., decks, balconies, rebuild and demolition), refine the height limit exception for solar collectors, extend entitlement expiration dates, and add a reference to Title 18 regarding electric vehicle charging. In addition, Chapter 21.42 (Landscaping Standards) will be updated to comply with the State's Model Water Efficient Landscape Ordinance approved by the California Water Commission on July 15, 2015. The proposed changes to Title 21 were approved by the Planning Commission on October 6, 2016.

Title 12 of the LBMC is the City's code that regulates the drilling and redrilling for, and the production of, petroleum so that these activities may be conducted in conformance with State statutes, in harmony with other uses of land within the City, and to minimize the economic effect of lessening land values in areas wherein drilling and redrilling for the production of petroleum constitutes an activity which is at variance with the then predominate land use. Title 12 will be amended to update all references to the appropriate State regulations, clarify administrative provisions and procedures necessary to carry out and enforce this title, and establish other land use requirements.

Title 10 of the LBMC is the City's code that regulates vehicles and traffic. Chapter 10.46 (Abandoned Vehicles) will be amended to improve the existing process that City staff utilizes in reducing blight within neighborhoods.

Title 8 of the LBMC is the City's code that regulates the various uses and activities throughout the City to safeguard and protect the health and safety of the community. Chapter 8.76 (Property Maintenance) will be amended to (1) address unapproved materials used on walls, fences or hedges that create blight within neighborhoods; and (2) clarify the City department responsible for ensuring compliance.

Title 3 of the LBMC is the City's code that regulates revenue and finance. Chapter 3.90 (Development Services Center Surcharge) will be amended to delete an obsolete reference to Chapter 18.19 that no longer exists.

The proposed amendments, express findings and determinations, and statement of reasons detailed were presented and discussed at the May 16, 2016, June 20, 2016, July 18, 2016, August 15, 2016, August 29, 2016 and September 19, 2016, meetings of the

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Board of Examiners, Appeals and Condemnation ("Board"). Input was received from the public and members of the Board. The Board approved the recommendations of the Building Official, Fire Marshal, Planning Manager, Code Enforcement Manager and Sustainability Coordinator at their September 19, 2016 meeting and has forwarded this approval to the City Council for their consideration. Additionally, as previously stated, the Planning Commission approved the recommended revisions to Title 21 on October 6, 2016.

Public notice to increase awareness of the Code included posting information on the Department's website and newsletter, distributing flyers at the Development Permit Center's public counter, multiple press releases, posting information on the City's social networking sites (Facebook, Twitter, etc.), sending the news via E-Blasts using various email distribution lists, and posting in local newspapers. Also, public hearing notices were distributed on November 1, 2016 and November 8, 2016, and no responses were received as of the date of preparation of this report.

The proposed amendments are exempt from the provisions of the California Environmental Quality Act (CEQA). The purpose of the State-mandated Code is to provide minimum standards to safeguard health, safety and public welfare for all types of development. The amendments to Title 21 qualify as a Categorical Exemption (Exhibit A - CE-16-211) in that they clarify provisions that govern existing facilities, constitute minor alternations in land use limitations, and are considered actions by a regulatory agency to protect the environment and natural resources. The amendments to Titles 3, 8, 10, 12, and 18 qualify as a Categorical Exemption (Exhibit B - CE-16-224) in that they are considered an action by a regulatory agency to protect the environment.

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 31, 2016 and by Budget Analysis Officer Julissa Jose-Murray on October 25, 2016.

SUSTAINABILITY

State law requires the adoption of the 2016 Edition of the California Green Building Standards Code (CALGreen Code), which will require residential and nonresidential buildings to be designed and constructed utilizing sustainable construction practices. Coupled with the City's existing or updated Model Landscaping Ordinance, Construction and Demolition Debris Recycling Ordinance, Green Building Ordinance, Low Impact Development Standards, and Expedited and Streamlined Permitting Process for Solar PV Systems, the CALGreen Code will help to preserve and protect the community to realize a healthier, cleaner and more viable environment for the City.

On April 1, 2015, Governor Jerry Brown issued Executive Order B-29-15 (EO). The EO directed the California Department of Water Resources to update the Model Water Efficient Landscape Ordinance (MWELo) in response to the continued drought conditions California is facing. The City is required to adopt, implement and report on the MWELo. Chapter 21.42 Landscaping Standards will be updated to comply with the MWELo. The

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Planning Bureau will be responsible for the enforcement of the MWELo, including but not limited to, approval of a permit and plan check or design review of a project, and the Building and Safety Bureau will be responsible for the necessary inspections for the compliance with the MWELo.

To address the impact of imminent water supply shortage as the result of a Statewide, multi-year drought, critically low levels in key State reservoirs and significant pumping restrictions on imported water supplies from the State Water Project, it is necessary to increase water conservation efforts to ensure sufficient water resources are available for current and future residents of the City. In coordination with the Long Beach Water Department, proposed amendments to Chapter 18.47 will encourage water conservation in mixed-use buildings by requiring the installation of water meters for residential and nonresidential occupancies to help building owners or tenants to allocate water costs based upon water consumption and create a financial incentive to conserve water.

On November 3, 2015, the City Council requested that the Sustainable City Commission prepare recommendations on approaches to expand electric vehicle (EV) charging infrastructure in Long Beach. On March 24, 2016, the Sustainable City Commission submitted to the City Council EV charging policy recommendations, including building code revisions, developed from policy research of best practices within other California municipalities completed by the Office of Sustainability. On May 3, 2016, the City Council received the EV recommendations and directed that they be incorporated into the triennial code update to Title 18 of the LBMC.

TIMING CONSIDERATIONS

State law requires that the Code become effective on January 1, 2017. City Council action is requested on November 15, 2016, in order to comply with this State-mandated deadline.

FISCAL IMPACT

A total of four positions will be needed to implement the MWELo and expanded EV charging infrastructure programs. Therefore, the following positions were added in the Development Services Fund (EF 337) in the Development Services Department (DV) as part of the Fiscal Year 2017 Adopted Budget: a Planning Aide in the Planning Bureau, and a Combination Building Inspector Aide, a Combination Building Inspector, and an Electrical Plan Checker in the Building and Safety Bureau. The cost of these positions will be offset by fees charged for the services they will provide. The local job impact is unknown at this time.

SUGGESTED ACTION:

Approve recommendation.

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Long Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTIONS 3.90.020.A,
8.76.010.N, 8.76,210.E, 10.46.100, 21.15.330, 21.15.740,
21.15.750, 21.15.2250, 21.21.406.A, 21.31.220.B.4, AND
AMENDING AND RESTATING CHAPTER 21.42; AND BY
ADDING SECTIONS 21.15.025 AND 21.41.232

The City Council of the City of Long Beach ordains as follows:

Section 1. Subsection 3.90.020.A of the Long Beach Municipal Code
is hereby amended to read as follows:

3.90.020 Surcharge.

A. There shall be added to each fee imposed or authorized by
the provisions of Titles 12, 14, 18, 20 and 21 of this Code; and Part 12.01
of the rules, regulations, and charges governing potable water, reclaimed
water, sewer service, and the emergency water conservation plan adopted
by the Long Beach Board of Water Commissioners, a surcharge in an
amount as set forth in the Schedule of Fees and Charges established by
City Council resolution of such fee. Exception: The surcharge shall not
apply to the fees or charges provided in Chapters 18.17, 18.18, 18.22, and
18.23 of this Code; and Sections 18.20.150, 21.60.650 and 21.61.070 of
this Code.

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1 Section 2. Subsection 8.76.010.N of the Long Beach Municipal Code
2 is hereby amended to read as follows:

3 N. Any wall, fence or hedge maintained in such condition of
4 deterioration, unapproved materials or disrepair as to constitute a hazard to
5 persons or property or to cause depreciation in the value of any adjacent or
6 nearby property.

7
8 Section 3. Subsection 8.76.210.E of the Long Beach Municipal Code
9 is hereby amended to read as follows:

10 E. Those employees of the Department of Development
11 Services designated by the Director of Development Services are
12 authorized and may issue notices of violation of Section 8.76.010 G, Q, R
13 or T pursuant to the applicable provisions of Section 41103 and other
14 sections of the Vehicle Code relating to the standing or parking of a
15 vehicle. If the notice of violation cannot be attached to the vehicle or other
16 personal property, it may be posted on the front door of the involved
17 premises.

18
19 Section 4. Section 10.46.100 of the Long Beach Municipal Code is
20 hereby amended to read as follows:

21 10.46.100 Removal—Authorized when.

22 Five (5) days after adoption of the order declaring the vehicle or
23 parts thereof to be a public nuisance or five (5) days from the date of
24 mailing of notice of the decision, if such notice is required by this Chapter,
25 the vehicle or parts thereof may be disposed of by removal to a scrapyard
26 or automobile dismantler's yard.

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1 Section 5. Section 21.15.330 of the Long Beach Municipal Code is
2 amended to read as follows:

3 21.15.330 Balcony.

4 "Balcony" means an open area located either recessed or projected
5 out from the walls of a building, without support from the ground or floors
6 below. Balconies are four feet (4') or more above grade and are open on
7 one (1) or more sides except for a railing or parapet not more than forty-two
8 inches (42") high. Balcony does not include exterior corridor.

9
10 Section 6. Section 21.15.740 of the Long Beach Municipal Code is
11 amended to read as follows:

12 21.15.740 Deck.

13 "Deck" means an open platform which is either: 1) ground-supported
14 and freestanding or attached to a building; or 2) located upon the roof of a
15 building.

16
17 Section 7. Section 21.15.750 of the Long Beach Municipal Code is
18 amended to read as follows:

19 21.15.750 Demolish.

20 "Demolish" means to remove or modify more than fifty percent
21 (50%) of the exterior walls of an existing building or structure, as measured
22 by the linear length of the walls. For purposes of implementing Chapter
23 21.27 (Nonconformities) of this Title, "Demolish" shall also include any
24 projects meeting the definition of "rebuild" (Section 21.15.2250).

25
26 Section 8. Section 21.15.2250 of the Long Beach Municipal Code is
27 amended to read as follows:

28 21.15.2250 – Rebuild.

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"Rebuild" means:

1. An addition or additions to a building whereby the (non-garage) area of the building is expanded by more than fifty percent (50%) over the building's existing size, such that the expanded structure contains 150 percent (150%) or more of the square footage of the structure prior to expansion. In calculating the fifty percent (50%) expansion, all construction after January 1, 1990, shall be included; or

2. To modify more than fifty percent (50%) of the exterior walls, as measured by the linear length of the walls. "Modify" means removal of both interior and exterior cladding of the wall sections. "Modify" does not include repairs associated with Section 21.27.090 – Restoration, or projects consisting solely of exterior façade remodels with no interior reconfiguration.

"Rebuild" is used in conjunction with "demolish" (Section 21.15.750) for purposes of implementing Chapter 21.27 (Nonconformities) of this Title. On any project meeting the definition of "rebuild," any existing legal nonconformities on the structure may only continue to be maintained if it is not removed or modified as part of the project, intentionally or otherwise.

Section 9. Subsection 21.21.406.A of the Long Beach Municipal Code is amended to read as follows:

A. Except as otherwise provided in the conditions of approval, every right or privilege authorized under this Title shall terminate two years after the granting of the request if the right or privilege has not been commenced within that two (2)-year period. The termination will take effect without further City action if a timely request for extension of time has not been made or is denied. Any interruption or cessation necessitated by fire, flood, earthquake or act of war or vandalism or cessation shall not result in

1 the termination of the right or privilege.

2

3 Section 10. Subsection 21.31.220.B.4 of the Long Beach Municipal
4 Code is amended to read as follows:

5 4. Rooftop solar collectors and associated supporting structures
6 may exceed the applicable height limit only if necessary for the sole
7 purpose of solar collection, and not otherwise installed on any occupiable
8 areas of the roof.

9

10 Section 11. Chapter 21.42 of the Long Beach Municipal Code is
11 amended and restated in its entirety to read as follows:

12

CHAPTER 21.42

13

LANDSCAPING STANDARDS

14

21.42.010 Purpose.

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Landscapes are intended to improve the physical appearance of the
City by providing visual, ecological, and psychological relief in the urban
environment. Successfully designed and maintained landscape areas
provide an attractive living, working, and recreating environment in addition
to their role in reducing water and energy consumption.

20

21.42.020 Landscaping required.

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22

The provisions of this Chapter shall be the minimum requirements
for the provision and maintenance of landscaped areas.

23

21.42.030 General requirements.

24

The following requirements shall apply to all zoning districts:

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A. Landscaped Area. All required yards and setback areas shall
be attractively landscaped primarily with drought tolerant and native plant
materials. Decorative non-living materials such as brick, stone, art,
fountains and ponds may be used within the landscaped area provided

1 such materials present an attractive setting consistent with the intent of
2 these landscaping requirements. All landscape areas shall be completely
3 planted or covered. "Landscape area" means all the planting areas, turf
4 areas, and water features in a landscape design plan subject to the
5 Maximum Applied Water Allowance calculation. The landscape area does
6 not include footprints of buildings or structures, sidewalks, walkways,
7 driveways, parking lots, decks, patios, and other non-irrigated areas
8 designated for non-development (e.g., open spaces and existing native
9 vegetation).

10 1. A complete Landscape Document Package showing
11 the Estimated Total Water Usage (ETWU) of all proposed plantings falling
12 below the property's specific Maximum Applied Water Allowance (MAWA),
13 as specified in the Landscape Document Package application, shall be
14 required. Selected plants shall not cause the estimated water use to
15 exceed the landscape project's water budget.

16 2. Non-permeable paving and non-permeable artificial
17 turf shall not cover more than thirty percent (30%) of on-site area that is not
18 covered by structures, driveways, and approved parking pads. To help with
19 on-site stormwater retention and filtration along with reducing the urban
20 heat island effect, the use of permeable and high reflectance paving
21 materials is encouraged.

22 3. Live plant material shall cover a minimum of fifty
23 percent (50%) of any front setback area.

24 4. Mulch shall be applied on all exposed soil surfaces of
25 planting areas except in turf areas and areas of creeping or rooting
26 groundcovers to retain soil moisture, regulate soil temperature, suppress
27 weed growth, and improve landscape aesthetics.

28 5. Compacted soils shall be transformed to a friable

1 condition prior to any planting to aide proper on-site drainage and soil
2 moisture retention.

3 6. Water-efficient landscape irrigation systems on
4 automated timers and sensors shall be used and abide by all applicable
5 Long Beach Water Department water use prohibitions.

6 7. Large canopy trees shall be used to help minimize
7 urban heat island effect.

8 8. Projects shall be designed to minimize or eliminate use
9 of turf.

10 9. Recirculating water systems shall be used with
11 decorative water features. Where available, recycled water shall be used
12 as a water source.

13 10. Plants with similar water needs shall be planted
14 together in distinct hydrozones based on their water, soil, sun and shade
15 requirements. Where irrigation is required, plants with different water needs
16 shall be irrigated with separate values. Plant groupings that mix high and
17 low water use plants shall not be permitted.

18 11. The use of infiltration beds, swales, and basins that
19 allow water to collect and soak into the ground; and retention ponds that
20 retain water, handle excess flow and filter pollutants are highly encouraged
21 in the landscape design.

22 B. Maintenance. All landscaped and paved areas shall be
23 maintained in a neat, attractive, orderly and water efficient condition. All
24 paved areas, walls and fences shall be in good repair without broken parts,
25 holes or litter. Dead or diseased plants shall be removed and replaced with
26 plant materials that comply with the provisions of this Chapter.

27 C. Plans Required. When applicable, a Landscape Document
28 Package shall be approved prior to the issuance of any planning or building

1 permit. For projects proposing landscape area coverage with a minimum of
2 ninety percent (90%) very low to low water use plantings, ETWU and
3 MAWA calculations are not required in the Landscape Document Package
4 submittal. Applicable landscaping, irrigation, planter drainage, water reuse,
5 retention and filtration improvements shall be implemented before any final
6 building and planning inspection is approved.

7 D. An applicant proposing any new or rehabilitated landscape for
8 a project subject to the requirements of Section 21.42.035 shall prepare
9 and submit a Landscape Document Package at the time of project plan
10 check filing. The Landscape Document Package shall contain the following
11 components:

- 12 1. MWELO Project Checklist
- 13 2. Water Efficient Landscape Worksheet
- 14 3. Landscape Design Plan
- 15 4. Irrigation Design Plan
- 16 5. Grading Plan
- 17 6. Soil Management Report

18 Approval of the Landscape Document Package shall be required
19 prior to the issuance of building permits and before landscaping is installed.
20 Residential and non-residential projects with an aggregate landscape area
21 of two thousand five hundred (2,500) square feet or less may comply with
22 prescriptive compliance measures identified in the MWELO Project
23 Checklist of the Landscape Document Package. Following landscape
24 installation, a Certificate of Completion signed by the professional of record
25 for the landscape and irrigation design certifying that the project was
26 installed per the City-approved Landscape Document Package shall be
27 filed with Development Services. The Certificate of Completion must be
28 deemed approved before a Certificate of Occupancy is issued.

1 21.42.035 Special requirements for Water Efficient Landscaping.

2 The following water efficient landscaping standards are in place to
3 promote the conservation and efficient use of water in response to ongoing
4 drought conditions.

5 A. Applicability.

6 1. Pursuant to the State Water Conservation in
7 Landscaping Act (AB1881), the following projects shall comply with the
8 water efficient landscaping standards set forth by the State Model Water
9 Efficient Landscape Ordinance (MWELO):

10 a. All projects which require the issuance of a Site
11 Plan Review. All projects requiring Site Plan Review shall file a conceptual
12 MWELO Project Checklist, Water Efficient Landscape Worksheet, and
13 Landscape Design Plan at the time of application submittal. Approval of a
14 conceptual landscape proposal demonstrating compliance with all
15 applicable MWELO provisions shall be required prior to the issuance of a
16 Notice of Final Action. Approved conceptual landscape proposals must be
17 developed into final landscape plans subject to the requirements of Section
18 21.42.030 after Notice of Final Action issuance but prior to building permit
19 application filing;

20 b. New residential, commercial, industrial, institutional
21 and public agency landscape projects with an aggregate landscape area
22 equal to or greater than five hundred (500) square feet requiring a
23 landscape plumbing permit;

24 c. Rehabilitated residential, commercial, industrial,
25 institutional and public agency projects with an aggregate landscape area
26 equal to or greater than two thousand five hundred (2,500) square feet
27 requiring a landscape plumbing permit;

28 d. Cemeteries. Recognizing the special landscape

1 management needs of cemeteries, new and rehabilitated cemeteries are
2 limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are
3 limited to Sections 493, 493.1 and 493.2 of the California Code of
4 Regulations Title 23, Chapter 2.7, Model Water Efficient Landscape
5 Ordinance;

6 e. Existing landscapes are limited to Sections 493,
7 493.1 and 493.2 of the California Code of Regulations Title 23, Chapter
8 2.7, Model Water Efficient Landscape Ordinance; and

9 f. Public facilities and public right-of-way.

10 2. The requirements of this Chapter shall not apply to the
11 following projects:

12 a. Registered local, State or federal historical sites;
13 b. Landscape projects not connected to the public
14 water system;

15 c. Ecological restoration projects that do not require a
16 permanent irrigation system; or

17 d. Plant collections, as part of botanical gardens and
18 arboretums open to the public.

19 3. Special landscaped areas including sports fields, golf
20 courses, and playgrounds where turf is the surface utilized for recreational
21 use may require water exceeding the Maximum Applied Water Allowance
22 (MAWA). As such, justification must be provided in the submittal
23 documentation outlining specific hydrozones needed for additional water
24 exceeding the MAWA. Turf shall be limited to areas utilized for high
25 recreation areas while the perimeter areas shall utilize drought-tolerant and
26 native plants in hydrozones (very low water and low water use).

27 4. Orchards, community gardens and nurseries may
28 require water exceeding the MAWA. As such, justification must be provided

1 in the submittal documentation outlining specific hydrozones needed for
2 additional water exceeding the MAWA.

3 5. Edible plant gardens may comprise up to ten percent
4 (10%) of total landscaped area. Edible plant gardens in excess of ten
5 percent (10%) but not exceeding twenty percent (20%) of total landscaped
6 area shall use an adequately sized rain barrel or other water retention
7 system for garden irrigation.

8 21.42.040 Landscaping standards for R-3, R-4 and Nonresidential
9 Districts.

10 A. Applicability. All portions of a lot not paved or occupied by a
11 structure shall be attractively landscaped. All required set back areas shall
12 be landscaped unless used for a permitted use.

13 B. Landscape Area Requirements. A minimum number of plants
14 shall be provided as follows:

15 1. On-Site Street Frontage.

16 a. Within the required setback area along all street
17 frontages, except at driveways, a minimum five-foot (5') wide landscaping
18 strip (inside dimension to planter) shall be provided. This area shall be
19 landscaped with one (1) tree for each fifteen (15) linear feet of street
20 frontage and three (3) shrubs for each tree.

21 b. Sites with more than one hundred feet (100') of
22 street frontage shall also provide one (1) tree of not less than thirty-six inch
23 (36") box size for each one hundred feet (100') of street frontage.

24 c. Planters. All on-site landscaped areas adjoining the
25 public right-of-way shall be located in planters not less than three inches
26 (3") high. The planters shall be designed to drain back onto the private
27 property and not directly onto the public right-of-way. When required, tree-
28 wells shall be sized to allow full growth of proposed trees within the public

1 right-of-way.

2 2. Parking Lots.

3 a. One (1) canopy tree shall be provided for each four
4 (4) open parking spaces. Trees may be clustered provided the fifty percent
5 (50%) tree canopy shade coverage of all parking stall and related drive
6 aisle areas, after ten (10) years of growth, is achieved. A minimum of one
7 (1) cluster for each one hundred feet (100') of a row or double row of
8 parking spaces shall be provided.

9 b. A minimum four foot (4') by four foot (4') planter
10 size shall be provided to allow full growth of proposed trees.

11 c. Screening Required. A three-foot (3') tall masonry
12 wall, landscaped berm, or hedge shall be provided in the event parking
13 areas abut a street frontage. See Subsection 21.41.266.C for
14 requirements.

15 d. Wheel Stops. No vehicles shall be permitted to
16 overhang required landscaped areas behind wheel stops. See Section
17 21.41.269 for requirements.

18 3. Parking Structures.

19 a. An attractive six-foot (6') wide landscaping strip
20 shall be provided on all sides of the structure except at driveways and
21 walkways. One (1) tree shall be provided for each twenty feet (20') of
22 perimeter of the structure in addition to required screening when abutting a
23 residential district, school, or a street frontage. Trees bordering the parking
24 structure shall be of a species that will obtain a mature height of not less
25 than the height of the structure. The trees shall be of a species or shall be
26 located or trimmed in such a way as to prevent people from using them to
27 gain unauthorized access to otherwise secured areas.

28 b. Abutting Residential Zone, School, or Public Street.

1 All sides of a parking structure abutting a residential zone, school or public
2 street shall be screened by vines or other decorative screen approved by
3 the Director of Development Services.

4 c. Wheel Stops. No vehicles shall be permitted to
5 overhang required landscape areas behind wheel stops. See Section
6 21.41.269 for requirements.

7 4. Yards and Parking Lots Near Residential District and
8 Schools.

9 a. Residential (R-3, R-4), Commercial, Mixed-Use,
10 and Light Industrial (IL) Districts. A minimum five foot (5') wide landscaped
11 strip shall be provided as a buffer along all yard areas abutting or adjacent
12 to an alley, a residential district or school. This area shall be planted fifteen
13 feet (15') on center with broad leaf evergreen trees and minimum twenty-
14 four inch (24") box size.

15 b. Medium Industrial (IM), General Industrial (IG) and
16 Port-related Industrial (IP) Districts. A minimum fifteen foot (15') wide
17 landscaped strip shall be provided along the full extent of the property line
18 between the two (2) districts. This area shall be landscaped with one (1)
19 broad leaf evergreen tree, of minimum twenty-four inch (24") box size, for
20 each fifteen (15) linear feet along the property line, as well as appropriate
21 shrubs and groundcover.

22 5. Landscaping Over Parking Garages and Other Green
23 Roofs.

24 a. Landscaped areas on top of parking garages or
25 other green roofs shall factor in the structural integrity of the building;

26 b. The landscaped areas shall be identified as
27 requiring shallow soils (extensive) or deep soils (intensive);

28 c. Extensive green roofs shall contain less than six

1 inches (6") deep of soil to promote plant growth;

2 d. Intensive green roofs shall contain deeper soils to
3 support a deeper layer of growing medium; and

4 e. Landscaping over parking garages and other green
5 roofs shall contain irrigation and maintenance measures.

6 6. Other Yard Areas. There shall be a minimum of one
7 (1) tree provided for each one hundred twenty-five (125) square feet of
8 other required yard area on the lot. In addition, there shall be a minimum of
9 three (3) shrubs provided per tree.

10 7. Fences and retaining walls. All required fences and
11 retaining walls shall be landscaped with vines planted no more than ten
12 feet (10') on center on all accessible sides of a wall or alternative plant
13 materials approved by the Director of Development Services.

14 C. Plant Size. All the required plant materials shall be not less
15 than the following sizes:

16 1. Trees. For required on-site trees, at least twenty-four
17 inch (24") box and seven foot (7') in height;

18 2. Shrubs. For required shrubs, at least five (5) gallons;
19 and

20 3. Mulch. A minimum of three-inch (3") mulch shall be
21 applied on all exposed soil services of landscaped areas.

22 D. Substitutions. The following substitutions for required
23 landscaping materials may be made subject to approval of the Director of
24 Development Services:

25 1. Three (3) fifteen (15) gallon trees for one (1) twenty-
26 four inch (24") box tree;

27 2. One (1) thirty-six inch (36") box tree for two (2) twenty-
28 four inch (24") box trees;

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3. One (1) forty-eight inch (48") box tree for four (4) twenty-four inch (24") box trees;

4. One (1) twenty-four inch (24") box tree for five (5) five (5) gallon shrubs; and

5. Five (5) one (1) gallon shrubs for one (1) five (5) gallon shrub.

E. Planting Distance Between Trees. Adding the diameter of two (2) adjacent tree canopies and dividing by two (2) shall determine planting distance between two (2) trees. Distance between trees shall not be less than fifteen feet (15') or greater than twenty-five feet (25').

F. Plant Height. Plant height shall not exceed three feet (3') in corner cut-off areas.

G. Green Building Development Standards. In addition to the above requirements, projects requiring Site Plan Review shall comply with the Green Building Development Standards located in Section 21.45.400.

H. Exceptions. The Site Plan Review Committee may waive any of the landscape standards if it finds that such changes will create a more functional, water or energy efficient, sustainable or cohesive design.

21.42.050 Landscaping standards—Public right-of-way (Parkway).

A. Responsibility. Pursuant to the requirements of this Chapter, the owner of private property adjoining the public right-of-way shall be responsible to plant, install and maintain landscaping in the area between the curb and the private property line for the entire frontage of the property. For any landscaping or paving in the parkway that does not conform or comply with the requirements of this Chapter, the City of Long Beach shall not be responsible for any loss or damage to such landscaping or paving materials in the parkway, such as cast-in-place concrete or paving units set on concrete, associated with street, curb or sidewalk repairs, or any other

1 municipal repair or maintenance function.

2 B. Street Trees.

3 1. Provision of Trees. One (1) large canopy street tree,
4 of not less than twenty-four inch (24") box size, shall be provided for each
5 twenty-five feet (25') of property line length whenever a new dwelling unit is
6 added to the adjoining property or new development requiring discretionary
7 approval, Site Plan Review, or a fence built under the special fence height
8 provisions. Such street tree shall be of a species approved by the Director
9 of Public Works and shall be provided with root barriers and irrigation
10 according to the specifications of the Director of Public Works.

11 2. Exceptions. Street trees shall be spaced from
12 driveways, light standards, intersections, utility poles and street furniture
13 and shall be located only in the prescribed width of the parkway as
14 provided in Chapter 14.28 of this Code. An in-lieu fee shall be provided for
15 any tree required in Subsection 21.42.050.B.1 that is not allowed by the
16 provisions of Chapter 14.28. Such fee shall be established by the City
17 Council by resolution and shall only be used for planting street trees in
18 other locations that do comply with these standards. Such fee shall be paid
19 to the Director of Public Works, and shall be based on the actual cost to the
20 Department of Public Works to obtain and plant a tree.

21 3. Removal. No street tree shall be removed unless
22 found by the Director of Public Works to be dead, dying, or a public hazard
23 due to damage to curb, gutter, sidewalk or roadway or potential for falling,
24 or for replacement of trees in an approved street tree program. Such
25 approval shall be recorded with the Department of Development Services
26 before the tree is removed.

27 C. Parkway Landscaping.

28 1. Provision of Landscaping. The area between the

1 sidewalk and the curb and between the sidewalk and the private property
2 line, if any, shall be landscaped primarily with live plant material and
3 maintained in a neat and healthy condition. Nonliving material and
4 decorative elements may be used within the parkway in accordance with
5 the provisions of this Chapter. The owner of private property adjoining the
6 public right-of-way shall be responsible for planting and maintaining such
7 landscaping. Sidewalk width shall be four feet (4') or, if adjoining the curb,
8 five feet (5'), as provided in Chapter 20.36.

9 a. Applicability of additional requirements. At the time
10 of new development involving Site Plan Review from the Planning Bureau
11 or when a complete Landscape Document Package submittal is required,
12 the Planning Bureau may place additional requirements for parkway
13 landscaping beyond the above, e.g., requiring low to very low water usage
14 plant materials, as defined by WUCOLS, over at least ninety percent (90%)
15 of the total landscaped area.

16 2. Live Planting Material. Groundcover of not more than
17 eight inches (8") in height, accent plantings or shrubbery not more than
18 thirty-two inches (32") in height and street trees are the only plant materials
19 allowed in the parkway. The planting of low-water demand and drought-
20 tolerant plant materials shall be encouraged by the City of Long Beach.
21 With the exception of trees, turf and other high water use plants,
22 characterized by a WUCOLS plant factor of 0.7 to 1.0, are prohibited in
23 parkways and street medians. Automatic irrigation systems, if installed,
24 shall be maintained so as to conserve water, and shall not cause water to
25 runoff into the sidewalk or street or pond within the parkway.

26 3. Nonliving Material. Permeable groundcovers that
27 accept foot traffic, such as decomposed granite, inorganic and organic
28 mulches, and modular paving units set on sand, are the only nonliving

1 materials allowed in the parkway and shall not cover fifty percent (50%) or
2 more of the total parkway area.

3 4. Decorative Elements. Decorative stone, wood or other
4 elements that are smooth-surfaced are allowed in the parkway, and shall
5 not project more than eight inches (8") above the surface.

6 5. Exceptions. The paving of the parkway shall be
7 prohibited, except as follows:

8 a. Rights-of-way subject to major uses for commercial
9 or retail purposes, or abutting a major arterial or regional corridor street as
10 designated in the Transportation Element of the General Plan, may be
11 paved for the full depth of the curb to property line area as determined by
12 the City Engineer and the Director of Development Services;

13 b. The paving of the parkway is installed by a public
14 utility, the City of Long Beach or another governmental agency for a public
15 purpose;

16 c. The paving of the parkway is for a City-approved
17 driveway;

18 d. A paved parkway was approved with the
19 subdivision map for the property;

20 e. A standards variance is approved. Such standards
21 variance shall not require public notice and shall be charged the "mini-
22 variance" fee.

23 6. Approval of Paving. If an exception is allowed, the
24 parkway may be paved according to the specification of the Director of
25 Development Services. Prior to paving the parkway, the adjoining property
26 owner must obtain a street improvement permit from the Director of Public
27 Works as provided in Chapter 14.08 of this Code.

28 D. Parkway Maintenance and Access.

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1. Maintenance of Landscaping. The owner of private property adjoining the public right-of-way shall be responsible for planting and maintaining parkway landscaping free and clear of refuse, noxious weeds, hazardous materials and plants bearing thorns, stickers or other potentially injurious parts. Plants, mulches and inorganic groundcover materials shall not be allowed to overgrow or spill over the edge of the sidewalk or curb.

2. Maintenance of Traffic Lines of Sight. For purposes of pedestrian and vehicular safety, all parkway landscaping shall be maintained so as not to interfere with necessary vehicular or pedestrian traffic lines of sight, including views of traffic signage and signals and clear views of vehicles within the roadbed or exiting driveways. Such standards, which include limitations on taller landscape elements within street intersection areas, shall be determined by the City Engineer.

3. Access through Parkways.

a. In order to maintain access between the sidewalk and legally parked cars on the curb, a minimum eighteen-inch (18") wide strip or path that accepts foot traffic shall be maintained abutting and parallel to the curb adjacent to legal parking spaces. Additional space may be required as needed at public transit stops at the direction of the City Engineer.

b. In order to prevent obstructions to public access across parkways, continuous hedge-like plantings shall be prohibited. Single specimen shrubs or groupings of elevated landscape materials, including accent plantings or shrubbery of more than eight inches (8") in height, decorative rock and other elements, shall not extend more than six feet (6') along a parkway as measured parallel to the curb, and must be spaced at least thirty-six inches (36") apart as measured parallel to the

1 curb.

2 c. The berming of earth or other landscape materials
3 of more than twelve inches (12") in height above the sidewalk at its highest
4 point, or the creation of a bioswale or depression of more than twelve
5 inches (12") in depth at its lowest point, shall be prohibited.

6 d. Fencing of any kind shall be prohibited in parkways,
7 except for curbing of not more than six inches (6") in height intended to
8 contain groundcover material.

9

10 Section 12. Section 21.15.025 is added to the Long Beach Municipal
11 Code to read as follows:

12 21.15.025 Terms not defined.

13 Where terms are not defined through the methods authorized by this
14 Section, such terms shall have ordinarily accepted meanings such as the
15 context implies. Webster's Third New International Dictionary of the
16 English Language, Unabridged, shall be considered as providing ordinarily
17 accepted meanings.

18

19 Section 13. Section 21.41.232 is added to the Long Beach Municipal
20 Code to read as follows:

21 21.41.232 Parking – Electric vehicle space and charging station
22 requirements.

23 Parking shall comply with Chapter 18.47 of the Long Beach
24 Municipal Code with regard to electric vehicle space and charging station
25 requirements.

26

27 Section 14. The City Clerk shall certify to the passage of this ordinance
28 by the City Council and cause it to be posted in three (3) conspicuous places in the City

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by
2 the Mayor, but in no event prior to January 1, 2017.

3

4 I hereby certify that the foregoing ordinance was adopted by the City
5 Council of the City of Long Beach at its meeting of _____, 20__ by the
6 following vote:

7 Ayes: Councilmembers: _____
8 _____
9 _____
10 _____

11 Noes: Councilmembers: _____
12 _____

13 Absent: Councilmembers: _____
14 _____

15 _____
16 _____
17 _____

City Clerk

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19

20 Approved: _____
21 (Date) Mayor

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PROPOSED AMENDMENTS:

- Section 3.90.020 of the Long Beach Municipal Code is amended to read as follows:

3.90.020 – Surcharge.

A. There shall be added to each fee imposed or authorized by the provisions of Titles 12, 14, 18, 20 and 21 of this Code; and Part 12.01 of the rules, regulations, and charges governing potable water, reclaimed water, sewer service, and the emergency water conservation plan adopted by the Long Beach Board of Water Commissioners, a surcharge in an amount as set forth in the Schedule of Fees and Charges established by City Council resolution of such fee. Exception. The surcharge shall not apply to the fees or charges provided in Chapters 18.17, 18.18, ~~18.19~~, 18.22, and 18.23 of this Code; and Sections 18.20.150, 21.60.650 and 21.61.070 of this Code.

- Subsection 8.76.010.N of the Long Beach Municipal Code is amended to read as follows:

N. Any wall, fence or hedge maintained in such condition of deterioration, unapproved materials or disrepair as to constitute a hazard to persons or property or to cause depreciation in the value of any adjacent or nearby property;

- Subsection 8.76.210.E of the Long Beach Municipal Code is amended to read as follows:

E. Those employees of the ~~d~~Department of ~~planning and building~~ Development Services designated by the Director of ~~Planning and Building~~ Development Services are authorized and may issue notices of violation of Section 8.76.010 G, Q, R or T pursuant to the applicable provisions of Section 41103 and other sections of the Vehicle Code relating to the standing or parking of a vehicle. If the notice of violation cannot be attached to the vehicle or other personal property, it may be posted on the front door of the involved premises.

- Section 10.46.100 of the Long Beach Municipal Code is amended to read as follows:

10.46.100 - Removal—Authorized when.

Five (5) days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance or five (5) days from the date of mailing of notice of the decision, if such notice is required by this Chapter, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. ~~After a vehicle has been removed, it shall not thereafter be reconstructed or made operable.~~

- Section 21.15.025 is added to Chapter 21.15 of the Long Beach Municipal Code to read as follows:

21.15.025 – Terms Not Defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged shall be considered as providing ordinarily accepted meanings.

- Sections 21.15.330 of the Long Beach Municipal Code is amended to read as follows:

21.15.330 - Balcony.

"Balcony" means an open area located either recessed or projected out from the walls of a building, without support from the ground or floors below. Balconies are four feet (4') or more above grade and are open on one (1) or more sides except for a railing or parapet not more than forty-two inches (42") high. Balcony does not include exterior corridor.

- Sections 21.15.740 of the Long Beach Municipal Code is amended to read as follows:

21.15.740 - Deck.

"Deck" means an open platform which is either: 1) ground-supported and freestanding or attached to a building; 2) located or upon the roof of a building.

- Sections 21.15.750 of the Long Beach Municipal Code is amended to read as follows:

21.15.750 - Demolish.

"Demolish" means to remove or modify more than fifty percent (50%) of the exterior walls ~~(structural framing)~~ of an existing building or structure, as measured by the linear length of the walls. ~~Where windows, doors and/or partial wall sections are removed, the corresponding amount of linear length of wall removed shall be calculated on a pro-rata basis.~~ For purposes of implementing Chapter 21.27 (Nonconformities) of this Title, "Demolish" shall also include any projects meeting the definition of "rebuild" (21.15.2250).

- Sections 21.15.2250 of the Long Beach Municipal Code is amended to read as follows:

21.15.2250 – Rebuild.

"Rebuild" means:

- 1) aAn addition or additions to a building whereby the (non-garage) area of the building is expanded by more than fifty percent (50%) by construction over an existing the building's existing size, such that the expanded structure contains 150 percent (150%) or more of the square footage of the structure prior to expansion. In calculating the fifty percent (50%) expansion, all construction after January 1, 1990, shall be included.; or
- 2) To modify more than fifty percent (50%) of the exterior walls, as measured by the linear length of the walls. "Modify" means removal of both interior and exterior cladding of the wall sections. "Modify" does not include repairs associated with 21.27.090 – Restoration, or projects consisting solely of exterior façade remodels with no interior reconfiguration.

"Rebuild" is used in conjunction with "demolish" (21.15.750) for purposes of implementing Chapter 21.27 (Nonconformities) of this Title. On any project meeting the definition of "rebuild", any existing legal nonconformities on the structure may only continue to be maintained if it is not removed or modified as part of the project, intentionally or otherwise.

- Subsection 21.21.406.A of the Long Beach Municipal Code is amended to read as follows:

21.21.406 – Expiration.

A. Except as otherwise provided in the conditions of approval, every right or privilege authorized under this Title shall terminate ~~one~~ two years after the granting of the request if the right or privilege has not been ~~exercised in good faith~~ commenced within that two-year period. The termination will take effect without further City action if a timely request for extension of time has not been made or is denied. Any interruption or cessation necessitated by fire, flood, earthquake or act of war or vandalism or cessation shall not result in the termination of the right or privilege.

- Section 21.31.220.B.4 of the Long Beach Municipal Code is amended to read as follows:

4. Solar-Rooftop solar collectors and associated supporting structures may exceed the applicable height limit only if necessary for the sole purpose of solar collection, and not otherwise installed on any occupiable areas of the roof.

- Section 21.41.232 is added to Chapter 21.41 of the Long Beach Municipal Code to read as follows:

21.41.232 – Parking – Electric Vehicle Space and Charging Station Requirements.

Parking shall comply with Chapter 18.47 of the Long Beach Municipal Code with regard to electric vehicle space and charging station requirements.



AMENDED AND RESTATED CHAPTER 21.42 LANDSCAPING STANDARDS

THE 2017 PROPOSED AMENDMENTS
TO THE LONG BEACH MUNICIPAL CODE

PREPARED BY

LBD **DEVELOPMENT SERVICES**



SUSTAINABLE
LONG BEACH

CHAPTER 12.42 LANDSCAPING STANDARDS

21.42.010 – Purpose.

21.42.020 – Landscaping required.

21.42.030 – General requirements.

21.42.035 – Special requirements for Water Efficient Landscaping.

21.42.040 – Landscaping standards for R-3, R-4 and Nonresidential Districts.

21.42.050 – Landscaping standards – Public right-of-way (Parkway).

CHAPTER 12.42 LANDSCAPING STANDARDS

21.42.010 - Purpose.

Landscapes are intended to improve the physical appearance of the City by providing visual, ecological, and psychological relief in the urban environment. Successfully designed and maintained landscape areas provide an attractive living, working, and recreating environment in addition to their role in reducing water and energy consumption.

21.42.020 - Landscaping required.

The provisions of this Chapter shall be the minimum requirements for the provision and maintenance of landscaped areas.

21.42.030 - General requirements.

The following requirements shall apply to all zoning districts:

A. **Landscaped Area.** All required yards and setback areas shall be attractively landscaped primarily with drought tolerant and native plant materials. Decorative non-living materials such as brick, stone, art, fountains and ponds may be used within the landscaped area provided such materials present an attractive setting consistent with the intent of these landscaping requirements. All landscape areas shall be completely planted or covered. "Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, walkways, driveways, parking lots, decks, patios, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

~~1. A minimum of ninety percent (90%) of total landscape area shall consist of very low to low water usage plantings based on plant species classifications provided by the State's Water Use Classifications of Landscape Species (WUCOLS) document. Planted areas containing less than ninety percent (90%) of land covered with very low to low water use planting shall require submittal of a A complete Landscape Document Package showing the Estimated Total Water Usage (ETWU) of all proposed plantings falling below the property's specific Maximum Applied Water Allowance (MAWA), as specified in the Landscape Document Package application, shall be required. Selected plants shall not cause the estimated water use to exceed the landscape project's water budget.~~

~~2. Non-permeable paving and non-permeable artificial turf shall not cover more than thirty percent (30%) of on-site area that is not covered by structures, driveways, and approved parking pads. To help with on-site stormwater retention and filtration along with reducing the urban heat island effect, the use of permeable and high reflectance paving materials are encouraged.~~

~~3. Live plant material shall cover a minimum of fifty percent (50%) of any front setback area.~~

~~4. Mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas and areas of creeping or rooting groundcovers to retain soil moisture, regulate soil temperature, suppress weed growth, and improve landscape aesthetics.~~

~~2.5. Compacted soils shall be transformed to a friable condition prior to any planting to aide proper on-site drainage and soil moisture retention.~~

3.6. Water-efficient landscape irrigation systems on automated timers and sensors shall be used and abide by all applicable Long Beach Water Department water use prohibitions.

4.7. Large canopy trees shall be used to help minimize urban heat island effect.

5.8. Projects shall be designed to minimize or eliminate use of turf.

6.9. Recirculating water systems shall be used with decorative water features. Where available, recycled water shall be used as a water source.

7.10. Plants with similar water needs shall be planted together in distinct hydrozones based on their water, soil, sun and shade requirements. Where irrigation is required, plants with different water needs shall be irrigated with separate valves. Plant groupings that mix high and low water use plants shall not be permitted.

8.11. The use of infiltration beds, swales, and basins that allow water to collect and soak into the ground; and retention ponds that retain water, handle excess flow and filter pollutants are highly encouraged in the landscape design.

B. **Maintenance.** All landscaped and paved areas shall be maintained in a neat, attractive, orderly and water efficient condition. All paved areas, walls and fences shall be in good repair without broken parts, holes or litter. Dead or diseased plants shall be removed and replaced with plant materials that comply with the provisions of this Chapter.

C. **Plans Required.** When applicable, a Landscape Document Package shall be approved prior to the issuance of any planning or building permit. For projects proposing landscape area coverage with a minimum of ninety percent (90%) very low to low water use plantings, ETWU and MAWA calculations are not required in the Landscape Document Package submittal. Applicable landscaping, irrigation, planter drainage, water reuse, retention and filtration improvements shall be implemented before any final building and planning inspection is approved.

D-C. An applicant proposing any new or rehabilitated landscape for a project subject to the requirements of Section 21.42.035 shall prepare and submit a Landscape Document Package at the time of project plan check filing. The Landscape Document Package shall contain the following components:

1. MWELO Project Checklist
2. Water Efficient Landscape Worksheet
3. Landscape Design Plan
4. Irrigation Design Plan
5. Grading Plan
6. Soil Management Report

Approval of the Landscape Document Package shall be required prior to the issuance of building permits and before landscaping is installed. Residential and non-residential projects with an aggregate landscape area of two thousand five hundred (2,500) square feet or less may comply with prescriptive compliance measures identified in the MWELO Project Checklist of the Landscape Document Package. Following landscape installation, a Certificate of Completion signed by the professional of record for the landscape and irrigation design certifying that the project was installed per the City-approved Landscape Document Package shall be filed with Development Services. The Certificate of Completion must be deemed approved before a Certificate of Occupancy is issued.

21.42.035 - Special requirements for Water Efficient Landscaping.

The following water efficient landscaping standards are in place to promote the conservation and efficient use of water in response to ongoing drought conditions.

A. Applicability.

1. The requirements of this Chapter shall apply to the following projects Pursuant to the State Water Conservation in Landscaping Act (AB1881), the following projects shall comply with the water efficient landscaping standards set forth by the State Model Water Efficient Landscape Ordinance (MWELO):
 - a. All projects which require the issuance of a Site Plan Review; All projects requiring Site Plan Review shall file a conceptual MWELO Project Checklist, Water Efficient Landscape Worksheet, and Landscape Design Plan at the time of application submittal. Approval of a conceptual landscape proposal demonstrating compliance with all applicable MWELO provisions shall be required prior to the issuance of a Notice of Final Action. Approved conceptual landscape proposals must be developed into final landscape plans subject to the requirements of Section 21.42.030 after Notice of Final Action issuance but prior to building permit application filing
 - b. New residential, commercial, industrial, institutional and public agency landscape construction and rehabilitated landscapes for public agency projects and private development projects with an aggregate landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check or design review landscape plumbing permit;
 - c. New construction and Rehabilitated residential, commercial, industrial, institutional and public agency landscapes which are developer-installed in single-family and multifamily projects with an aggregate landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check, or design review landscape plumbing permit;
 - d. New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multifamily residential projects with a total project landscape area equal to or greater than five thousand (5,000) square feet requiring a building or landscape permit, plan check or design review;
 - e.d. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4, 492.11 and 492.12; and existing cemeteries are limited to Sections 493, 493.1 and 493.2 of the California Code of Regulations Title 23, Chapter 2.7, Model Water Efficient Landscape Ordinance;
 - f.e. Existing landscapes are limited to Sections 493, 493.1 and 493.2 of the California Code of Regulations Title 23, Chapter 2.7, Model Water Efficient Landscape Ordinance; and
 - g.f. Public facilities and public right-of-way.
2. The requirements of this Chapter shall not apply to the following projects:
 - a. Registered local, State or federal historical sites;
 - b. Landscape projects not connected to the public water system;
 - c. Ecological restoration projects that do not require a permanent irrigation system;
or
 - d. Plant collections, as part of botanical gardens and arboretums open to the public.

3. Special landscaped areas including sports fields, golf courses, and playgrounds where turf is the surface utilized for recreational use may require water exceeding the Maximum Applied Water Allowance (MAWA). As such, justification must be provided in the submittal documentation outlining specific hydrozones needed for additional water exceeding the MAWA. Turf shall be limited to areas utilized for high recreation areas while the perimeter areas shall utilize drought-tolerant and native plants in hydrozones (very low water and low water use).
4. Orchards, community gardens and nurseries may require water exceeding the MAWA. As such, justification must be provided in the submittal documentation outlining specific hydrozones needed for additional water exceeding the MAWA.
5. Edible plant gardens may comprise up to ten percent (10%) of total landscaped area. Edible plant gardens in excess of ten percent (10%) but not exceeding twenty percent (20%) of total landscaped area shall use an adequately sized rain barrel or other water retention system for garden irrigation.

21.42.040 - Landscaping standards for R-3, R-4 and Nonresidential Districts.

A. **Applicability.** All portions of a lot not paved or occupied by a structure shall be attractively landscaped. All required set back areas shall be landscaped unless used for a permitted use.

B. **Landscape Area Requirements.** A minimum number of plants shall be provided as follows:

1. **On-Site Street Frontage.**

- a. Within the required setback area along all street frontages, except at driveways, a minimum five-foot (5') wide landscaping strip (inside dimension to planter) shall be provided. This area shall be landscaped with one (1) tree for each fifteen (15) linear feet of street frontage and three (3) shrubs for each tree.
- b. Sites with more than one hundred feet (100') of street frontage shall also provide one (1) tree of not less than thirty-six inch (36") box size for each one hundred feet (100') of street frontage.
- c. Planters. All on-site landscaped areas adjoining the public right-of-way shall be located in planters not less than three inches (3") high. The planters shall be designed to drain back onto the private property and not directly onto the public right-of-way. When required, tree-wells shall be sized to allow full growth of proposed trees within the public right-of-way.

2. **Parking Lots.**

- a. One (1) canopy tree shall be provided for each four (4) open parking spaces. Trees may be clustered provided the fifty percent (50%) tree canopy shade coverage of all parking stall and related drive aisle areas, after ten (10) years of growth, is achieved. A minimum of one (1) cluster for each one hundred feet (100') of a row or double row of parking spaces shall be provided.
- b. A minimum four foot (4') by four foot (4') planter size shall be provided to allow full growth of proposed trees.
- c. **Sreening Required.** A three-foot (3') tall masonry wall, landscaped berm, or hedge shall be provided in the event parking areas abut a street frontage. See Subsection 21.41.266.C for requirements.

- d. **Wheel Stops.** No vehicles shall be permitted to overhang required landscaped areas behind wheel stops. See Section 21.41.269 for requirements.

3. Parking Structures.

- a. An attractive six-foot (6') wide landscaping strip shall be provided on all sides of the structure except at driveways and walkways. One (1) tree shall be provided for each twenty feet (20') of perimeter of the structure in addition to required screening when abutting a residential district, school, or a street frontage. Trees bordering the parking structure shall be of a species that will obtain a mature height of not less than the height of the structure. The trees shall be of a species or shall be located or trimmed in such a way as to prevent people from using them to gain unauthorized access to otherwise secured areas.
- b. **Abutting Residential Zone, School, or Public Street.** All sides of a parking structure abutting a residential zone, school or public street shall be screened by vines or other decorative screen approved by the Director of Development Services.
- c. **Wheel Stops.** No vehicles shall be permitted to overhang required landscape areas behind wheel stops. See Section 21.41.269 for requirements.

4. Yards and Parking Lots Near Residential District and Schools.

- a. **Residential (R-3, R-4), Commercial, Mixed-Use, and Light Industrial (IL) Districts.** A minimum five foot (5') wide landscaped strip shall be provided as a buffer along all yard areas abutting or adjacent to an alley, a residential district or school. This area shall be planted fifteen feet (15') on center with broad leaf evergreen trees and minimum twenty-four inch (24") box size.
- b. **Medium Industrial (IM), General Industrial (IG) and Port-related Industrial (IP) Districts.** A minimum fifteen foot (15') wide landscaped strip shall be provided along the full extent of the property line between the two (2) districts. This area shall be landscaped with one broad leaf evergreen tree, of minimum twenty-four inch (24") box size, for each fifteen (15) linear feet along the property line, as well as appropriate shrubs and groundcover.

5. Landscaping Over Parking Garages and Other Green Roofs.

- a. Landscaped areas on top of parking garages or other green roofs shall factor in the structural integrity of the building;
- b. The landscaped areas shall be identified as requiring shallow soils (extensive) or deep soils (intensive);
- c. Extensive green roofs shall contain less than six inches (6") deep of soil to promote plant growth;
- d. Intensive green roofs shall contain deeper soils to support a deeper layer of growing medium; and
- e. Landscaping over parking garages and other green roofs shall contain irrigation and maintenance measures.

- 6. **Other Yard Areas.** There shall be a minimum of one (1) tree provided for each one hundred twenty-five (125) square feet of other required yard area on the lot. In addition, there shall be a minimum of three (3) shrubs provided per tree.

7. Fences and retaining walls. All required fences and retaining walls shall be landscaped with vines planted no more than ten feet (10') on center on all accessible sides of a wall or alternative plant materials approved by the Director of Development Services.

C. Plant Size. All the required plant materials shall be not less than the following sizes:

- 1. Trees.** For required on-site trees, at least twenty-four inch (24") box and seven foot (7') in height;
- 2. Shrubs.** For required shrubs, at least five (5) gallons; and
- 3. Mulch.** A minimum of three-inch (3") mulch shall be applied on all exposed soil services of landscaped areas.

D. Substitutions. The following substitutions for required landscaping materials may be made subject to approval of the Director of Development Services:

1. Three (3) fifteen (15) gallon trees for one (1) twenty-four inch (24") box tree;
2. One (1) thirty-six inch (36") box tree for two (2) twenty-four inch (24") box trees;
3. One (1) forty-eight inch (48") box tree for four (4) twenty-four inch (24") box trees;
4. One (1) twenty-four inch (24") box tree for five (5) five (5) gallon shrubs; and
5. Five (5) one (1) gallon shrubs for one (1) five (5) gallon shrub.

E. Planting Distance Between Trees. Adding the diameter of two (2) adjacent tree canopies and dividing by two (2) shall determine planting distance between two (2) trees. Distance between trees shall not be less than fifteen feet (15') or greater than twenty-five feet (25').

F. Plant Height. Plant height shall not exceed three feet (3') in corner cut-off areas.

G. Green Building Development Standards. In addition to the above requirements, projects requiring Site Plan Review shall comply with the Green Building Development Standards located in Section 21.45.400.

H. Exceptions. The Site Plan Review Committee may waive any of the landscape standards if it finds that such changes will create a more functional, water or energy efficient, sustainable or cohesive design.

21.42.050 - Landscaping standards—Public right-of-way (Parkway).

A. Responsibility. Pursuant to the requirements of this Chapter, the owner of private property adjoining the public right-of-way shall be responsible to plant, install and maintain landscaping in the area between the curb and the private property line for the entire frontage of the property. For any landscaping or paving in the parkway that does not conform or comply with the requirements of this Chapter, the City of Long Beach shall not be responsible for any loss or damage to such landscaping or paving materials in the parkway, such as cast-in-place concrete or paving units set on concrete, associated with street, curb or sidewalk repairs, or any other municipal repair or maintenance function.

B. Street Trees.

- 1. Provision of Trees.** One (1) large canopy street tree, of not less than twenty-four inch (24") box size, shall be provided for each twenty-five feet (25') of property line length whenever a new dwelling unit is added to the adjoining property or new development requiring discretionary approval, Site Plan Review, or a fence built under the special fence height provisions. Such street tree shall be of a species approved by the Director of Public Works and shall be provided with root barriers and irrigation according to the specifications of the Director of Public Works.

2. **Exceptions.** Street trees shall be spaced from driveways, light standards, intersections, utility poles and street furniture and shall be located only in the prescribed width of parkway as provided in Chapter 14.28 of this Code. An in-lieu fee shall be provided for any tree required in Subsection 21.42.050.B.1 that is not allowed by the provisions of Chapter 14.28. Such fee shall be established by the City Council by resolution and shall only be used for planting street trees in other locations that do comply with these standards. Such fee shall be paid to the Director of Public Works, and shall be based on the actual cost to the Department of Public Works to obtain and plant a tree.
3. **Removal.** No street tree shall be removed unless found by the Director of Public Works to be dead, dying, or a public hazard due to damage to curb, gutter, sidewalk or roadway or potential for falling, or for replacement of trees in an approved street tree program. Such approval shall be recorded with the Department of Development Services before the tree is removed.

C. Parkway Landscaping.

1. **Provision of Landscaping.** The area between the sidewalk and the curb and between the sidewalk and the private property line, if any, shall be landscaped primarily with live plant material and maintained in a neat and healthy condition. Nonliving material and decorative elements may be used within the parkway in accordance with the provisions of this Chapter. The owner of private property adjoining the public right-of-way shall be responsible for planting and maintaining such landscaping. Sidewalk width shall be four feet (4') or, if adjoining the curb, five feet (5'), as provided in Chapter 20.36.
 - a. **Applicability of additional requirements.** At the time of new development involving Site Plan Review from the Planning Bureau or when a complete Landscape Plan-Document Package submittal is required, the Planning Bureau may place additional requirements for parkway landscaping beyond the above, e.g., requiring low to very low water usage plant materials, as defined by WUCOLS, over at least ninety percent (90%) of the total landscaped area.
2. **Live Planting Material.** Groundcover of not more than eight inches (8") in height, accent plantings or shrubbery not more than thirty-two inches (32") in height and street trees are the only plant materials allowed in the parkway. The planting of low-water demand and drought-tolerant plant materials shall be encouraged by the City of Long Beach. ~~High-water demand plant material that require, at maturity, one inch (1") or more of irrigation water per week shall be prohibited. With the exception of trees, turf and other high water use plants, characterized by a WUCOLS plant factor of 0.7 to 1.0, are prohibited in parkways and street medians.~~ Automatic irrigation systems, if installed, shall be maintained so as to conserve water, and shall not cause water to runoff into the sidewalk or street or pond within the parkway.
3. **Nonliving Material.** Permeable groundcovers that accept foot traffic, such as decomposed granite, inorganic and organic mulches, and modular paving units set on sand, are the only nonliving materials allowed in the parkway and shall not cover fifty percent (50%) or more of the total parkway area.
4. **Decorative Elements.** Decorative stone, wood or other elements that are smooth-surfaced are allowed in the parkway, and shall not project more than eight inches (8") above the surface.
5. **Exceptions.** The paving of the parkway shall be prohibited, except as follows:
 - a. Rights-of-way subject to major uses for commercial or retail purposes, or abutting a major arterial or regional corridor street as designated in the Transportation Element of the General Plan, may be paved for the full depth of the curb to

property line area as determined by the City Engineer and the Director of Development Services;

- b. The paving of the parkway is installed by a public utility, the City of Long Beach or another governmental agency for a public purpose;
- c. The paving of the parkway is for a City-approved driveway;
- d. A paved parkway was approved with the subdivision map for the property;
- e. A standards variance is approved. Such standards variance shall not require public notice and shall be charged the "mini-variance" fee.

6. **Approval of Paving.** If an exception is allowed, the parkway may be paved according to the specification of the Director of Development Services. Prior to paving the parkway, the adjoining property owner must obtain a street improvement permit from the Director of Public Works as provided in Chapter 14.08 of this Code.

D. Parkway Maintenance and Access.

1. **Maintenance of Landscaping.** The owner of private property adjoining the public right-of-way shall be responsible for planting and maintaining parkway landscaping free and clear of refuse, noxious weeds, hazardous materials and plants bearing thorns, stickers or other potentially injurious parts. Plants, mulches and inorganic groundcover materials shall not be allowed to overgrow or spill over the edge of the sidewalk or curb.

2. **Maintenance of Traffic Lines of Sight.** For purposes of pedestrian and vehicular safety, all parkway landscaping shall be maintained so as not to interfere with necessary vehicular or pedestrian traffic lines of sight, including views of traffic signage and signals and clear views of vehicles within the roadbed or exiting driveways. Such standards, which include limitations on taller landscape elements within street intersection areas, shall be determined by the City Engineer.

3. **Access through Parkways.**

- a. In order to maintain access between the sidewalk and legally parked cars on the curb, a minimum eighteen-inch (18") wide strip or path that accepts foot traffic shall be maintained abutting and parallel to the curb adjacent to legal parking spaces. Additional space may be required as needed at public transit stops at the direction of the City Engineer.
- b. In order to prevent obstructions to public access across parkways, continuous hedge-like plantings shall be prohibited. Single specimen shrubs or groupings of elevated landscape materials, including accent plantings or shrubbery of more than eight inches (8") in height, decorative rock and other elements, shall not extend more than six feet (6') along a parkway as measured parallel to the curb, and must be spaced at least thirty-six inches (36") apart as measured parallel to the curb.
- c. The berming of earth or other landscape materials of more than twelve inches (12") in height above the sidewalk at its highest point, or the creation of a bioswale or depression of more than twelve inches (12") in depth at its lowest point, shall be prohibited.
- d. Fencing of any kind shall be prohibited in parkways, except for curbing of not more than six inches (6") in height intended to contain groundcover material.