

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-09-0036

2
3 A RESOLUTION OF THE CITY OF LONG BEACH
4 AUTHORIZING THE DIRECTOR OF DEVELOPMENT
5 SERVICES TO SUBMIT AMENDMENTS TO THE LONG
6 BEACH ZONING REGULATIONS TO THE CALIFORNIA
7 COASTAL COMMISSION FOR APPROVAL

8
9 WHEREAS, on April 21, 2009, the City Council of the City of Long Beach
10 amended certain provisions of the Long Beach Zoning Regulations of the City of Long
11 Beach related to Green Building construction requirements; and

12 WHEREAS, it is the desire of the City Council to submit the above
13 referenced zoning regulation amendments to the California Coastal Commission for its
14 review as implementing ordinances of the Long Beach Local Coastal Program (LCP); and

15 WHEREAS, the Planning Commission and City Council gave full
16 consideration to all facts and the proposals respecting the amendments to the zoning
17 regulations at a properly noticed and advertised public hearing; and

18 WHEREAS, the City Council approved the proposed changes to the LCP by
19 adopting the amendments to the zoning regulations. The proposed zoning regulation
20 amendments are to be carried out in a manner fully consistent with the Coastal Act and
21 become effective in the Coastal Zone immediately upon Coastal Commission
22 certification; and

23 WHEREAS, environmental documentation has been prepared, certified,
24 received and considered as required by law, and the City Council hereby finds that the
25 proposed amendments will not adversely affect the character, livability or appropriate
26 development of the surrounding properties and that the amendments are consistent with
27 the goals, objectives and provisions of the general plan;

28 NOW, THEREFORE, the City Council of the City of Long Beach resolves as

1 follows:

2 Section 1. The amendment to the Long Beach Zoning Regulations of the
3 City of Long Beach adopted on May 5, 2009, by Ordinance No.
4 ORD-09-0013, a copy of which is attached to and incorporated in this
5 resolution as Exhibit "A" and is hereby submitted to the California Coastal Commission
6 for its earliest review as to that part of the ordinance that directly affects land use matters
7 in that portion of the California Coastal Zone within the City of Long Beach.

8 Section. 2. The Director of Development Services of the City of Long
9 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
10 with appropriate supporting materials, to the California Coastal Commission with a
11 request for its earliest action, as an amendment to the Local Coastal program that will
12 take effect automatically upon Commission approval pursuant to the Public Resources
13 Code or as an amendment that will require formal City Council adoption after Coastal
14 Commission approval.

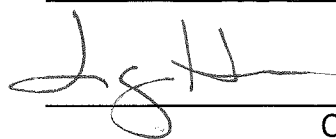
15 Section. 3. This resolution shall take effect immediately upon its adoption
16 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

17 I certify that this resolution was adopted by the City Council of the City of
18 Long Beach at its meeting of April 21, 2009, by the following vote:

19 Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell,
20 Schipske, Andrews, Reyes Uranga,
21 Gabelich, Lerch.

22 Noes: Councilmembers: None.

23 Absent: Councilmembers: None.

24
25
26
27 

City Clerk

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 green building elements in certain City projects and in certain projects built as public-
2 private partnerships, and in certain larger residential and non-residential projects; and

3 WHEREAS, green building and landscaping design, construction,
4 operations and maintenance techniques are increasingly widespread in residential and
5 commercial building construction; and

6 WHEREAS, at the national level, the U.S. Green Building Council has taken
7 the lead in promoting and defining commercial green building by developing the
8 Leadership in Energy and Environmental Design (LEED) TM Rating System; and

9 WHEREAS, the Planning Commission held duly-noticed public hearings
10 and heard public testimony on green building regulations on April 2, 2009; and

11 WHEREAS, the proposed ordinance is categorically exempt from the
12 requirements of California Environmental Quality Act ("CEQA") per Section 15308,
13 "Actions by Regulatory Agencies for Protection of the Environment" of the CEQA
14 Guidelines, which exempts actions taken by regulatory agencies for protection of the
15 environment; and

16 WHEREAS, the Long Beach City Council on April 21, 2009,
17 after due public notice, held a public hearing on the proposed amendment to Title 21
18 regarding green building construction.

19 NOW, THEREFORE, the City Council of the City of Long Beach does
20 hereby ordain as follows:

21 Section 1. Subsection 21.25.206.D is added to the Long Beach Municipal
22 Code to read as follows:

23 D. The related development approval, if applicable, is consistent
24 with the green building standards for public and private development, as
25 listed in Section 21.45.400.

26
27 Section 2. Subsection 21.25.407.D is added to the Long Beach Municipal
28 Code to read as follows:

1 D. The related development approval, if applicable, is consistent
2 with the green building standards for public and private development, as
3 listed in Section 21.45.400.
4

5 Section 3. Subsection 21.25.506.A.6 is added to the Long Beach Municipal
6 Code to read as follows:

7 6. The approval is consistent with the green building standards for
8 public and private development, as listed in Section 21.45.400.
9

10 Section 4. Subsection 21.25.508.A.3 is added to the Long Beach Municipal
11 Code to read as follows:

12 3. LEED Certification. The Director of Development Services may
13 grant a project flexibility with certain development standards provided a
14 commitment to LEED Gold or higher certification is made, as set forth in
15 Section 21.45.400.
16

17 Section 5. Section 21.45.400 is added to the Long Beach Municipal Code
18 to read as follows:

19 21.45.400 Green building standards for public and private development.

20 A. A green building, also known as a sustainable building, is a
21 structure that is designed, built, renovated, operated, or reused in an
22 ecological and resource-efficient manner. Green buildings are designed to
23 meet certain objectives such as protecting occupant health; improving
24 employee productivity; using energy, water, and other resources more
25 efficiently; and reducing the overall impact to the environment. The City of
26 Long Beach recognizes the benefit of green buildings and establishes a
27 Green Building Program.

28 B. The Leadership in Energy and Environmental Design (LEED)

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 Green Building Rating System™ created by the U.S. Green Building
2 Council (USGBC) is hereby established as the rating system the City shall
3 use in administering the Green Building Program. Alternative green
4 building systems may be substituted, at the discretion of the Director of
5 Development Services, if the system can be demonstrated to achieve a
6 comparable standard of achievement as LEED.

7 C. No building permit shall be issued for the types of projects
8 specified in this Section unless the project meets the level of LEED
9 performance specified in this Section. The Director of Development
10 Services shall have the authority to issue a clearance for all projects
11 subject to the provisions of this Section for LEED compliance. Issuance of
12 clearance shall be based on procedures established by the Director of
13 Development Services.

14 1. The following types of projects shall meet the intent of
15 LEED at the Certified level:

- 16 a. A new residential or mixed use building of fifty
17 (50) dwelling units and fifty thousand (50,000) gross square feet or more.
- 18 b. A new mixed use, or non-residential building of
19 fifty thousand (50,000) square feet or more of gross floor area;
- 20 c. The alteration of an existing residential or
21 mixed use building that results in the addition of fifty (50) dwelling units
22 and fifty thousand (50,000) gross square feet or more;
- 23 d. The alteration of an existing mixed use, or non-
24 residential building that results in the expansion of fifty thousand (50,000)
25 gross square feet or more; and
- 26 e. A new construction or substantial rehabilitation
27 project for which the City provides any portion of funding.

28 2. The following type(s) of projects shall obtain LEED

1 Silver certification:

2 a. A new building on City land consisting of seven
3 thousand five hundred (7,500) square feet or more of gross floor area.

4 b. The alteration of an existing building on City
5 land that results in the addition of seven thousand five hundred (7,500)
6 square feet or more of new gross floor area;

7 D. A project may be registered with the USGBC to obtain the
8 required LEED certification, or a project may be certified by a third party
9 as meeting the intent of LEED at the level required by this Section.

10 E. Projects consisting of multiple buildings on one or several
11 lots shall be evaluated based on total gross floor area or number of
12 dwelling units for the entire building footprint to determine applicability of
13 this Section.

14 F. The Director of Development Services shall have the
15 authority to determine if the provisions of this Section apply to a given
16 project in cases of uncertainty.

17 G. Each project shall apply for compliance in whichever LEED
18 rating system the Director of Development Services deems most suitable
19 to the project type. The project shall use the version of the rating system
20 in effect at the time the project is submitted for a building permit unless the
21 project developer has elected to register with the USGBC in which case
22 the project may use the rating system version which was in effect at the
23 time the project registered.

24 H. If a commitment to LEED Gold or higher certification is
25 made, the project may be eligible for flexibility in regard to certain
26 development standards including, but not limited to, usable open space
27 and off-street parking requirements, as determined by the Director of
28 Development Services.

1 I. The following development standards shall apply to all
2 projects requiring Site Plan Review:

3 1. Canopy trees shall provide shade coverage, after five
4 (5) years of growth, of forty percent (40%) of the total area dedicated to
5 parking stalls and associated vehicular circulation, or paving materials with
6 a Solar Reflectance Index of at least twenty-nine (29) shall be used on a
7 minimum of fifty percent (50%) of paving surfaces dedicated to parking
8 stalls and associated vehicular circulation;

9 2. Bicycle parking shall be provided at a minimum of one
10 (1) space for every five (5) residential units, one (1) space for each five
11 thousand (5,000) sq. ft. of commercial building area, one (1) space for
12 each seven thousand five hundred (7,500) sq. ft. of retail building area and
13 one (1) space for each ten thousand (10,000) sq. ft. of industrial building
14 area. Fractions shall be rounded up to whole numbers;

15 3. Roofs shall be designed to be solar-ready by allowing
16 for an additional eight (8) pounds per square foot of dead load and
17 providing a conduit from the electrical panel to the roof; and

18 4. A designated area for the collection of recyclables
19 shall be provided adjacent to the area for the collection of waste.

20
21 Section 6. The City Clerk shall certify to the passage of this ordinance by
22 the City Council and cause it to be posted in three (3) conspicuous places in the City of
23 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
24 Mayor.

25 //
26 //

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

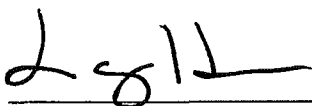
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of May 5, 2009, by the following votes:

Ayes: Councilmembers: S. Lowenthal, DeLong, Schipske,
Andrews, Reyes Uranga, Gabelich.
Lerch.


Noes: Councilmembers: None.

Absent: Councilmembers: Garcia, O'Donnell.



City Clerk

Approved: 5/12/09
(Date)



Mayor