



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-20

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Tiffani L. Shin
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Theodore B. Zinger*

November 10, 2009

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 21.42.060, relating to landscaping standards for public rights-of-way, read the first time and laid over to the next regular meeting of the City Council for final reading.

DISCUSSION:

Pursuant to your request on August 11, 2009, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By


LINDA TRANG
Deputy City Attorney

REDLINE

21.42.060 Landscaping standards – Public right-of-way.

A. Responsibility. Pursuant to the requirements of this Chapter, the owner of private property owner 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 length of the property. line, consisting of ground cover and one street tree every twenty five feet (25'). 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 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 site plan review is approved or a fence is 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 21.42.060.B.1 that is not allowed by the provisions of Chapter 14.28. Such fee shall only be used for planting street trees in other locations that do

1 comply with these standards. Such fee shall be paid to the Director of
2 Public Works, and shall be based on the actual cost to the Department of
3 Public Works to obtain and plant a tree.

- 4 3. Removal. No street tree shall be removed unless found by the Director of
5 Public Works to be dead, dying, or a public hazard due to damage to curb,
6 gutter, sidewalk or roadway or potential for falling, or for replacement of
7 trees in an approved street tree program. Such approval shall be recorded
8 with the Planning and Building Department before the tree is removed.

9 C. Parkway Landscaping.

- 10 1. Provision of Landscaping. The area between the sidewalk and the curb
11 and between the sidewalk and the private property line, if any, shall be
12 landscaped primarily with ground-cover live plant material and maintained in
13 a neat and healthy condition. Non-living material and decorative elements
14 may be used within the parkway in accordance with the provisions of this
15 Chapter. The owner of private property owner adjoining the public right-of-
16 way shall be responsible for planting and maintaining such landscaping.
17 Sidewalk width shall be four feet (4') or, if adjoining the curb, five feet (5'),
18 as provided in Chapter 20.36.

- 19 2. Live Planting Material. Groundcover of not more than eight inches (8") in
20 height, accent plantings or shrubbery all that are not more than thirty-two
21 inches (32") in height, flowers and street trees are the only plant materials
22 allowed in the parkway. The planting of low-water demand and drought-
23 tolerant plant materials shall be encouraged by the City of Long Beach.
24 High-water demand plant material that require, at maturity, one inch (1") or
25 more of irrigation water per week shall be prohibited. Automatic irrigation
26 systems, if installed, shall be maintained so as to conserve water, and shall
27 not cause water to runoff into the sidewalk or street or pond within the
28 parkway.

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3. Non-Living 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 non-living 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.
35. Exceptions. The paving of the parkway shall be prohibited, except as follows:
- a. Rights-of-way eighty (80) or more feet in width 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;
 - 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; or
 - e. A standards variance is approved. Such standards variance shall not require public notice and shall be charged the "mini-variance" fee.
46. Approval of Paving. If an exception is allowed, the parkway may be paved according to the specification of the Director of Public Works. 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 with the approval of the Director of Planning and Building.

1 D. Parkway Maintenance and Access.

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

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

15 3. Access Through Parkways.

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

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

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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.

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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 SECTION 21.42.060
RELATING TO LANDSCAPING STANDARDS - PUBLIC
RIGHT-OF-WAY

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

Section 1. Section 21.42.060 of the Long Beach Municipal Code is amended to read as follows:

21.42.060 Landscaping standards – Public right-of-way.

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 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 site plan review is

1 approved or a fence is built under the special fence height provisions. Such
2 street tree shall be of a species approved by the Director of Public Works
3 and shall be provided with root barriers and irrigation according to the
4 specifications of the Director of Public Works.

5 2. Exceptions. Street trees shall be spaced from
6 driveways, light standards, intersections, utility poles and street furniture
7 and shall be located only in the prescribed width of parkway as provided in
8 Chapter 14.28 of this Code. An in-lieu fee shall be provided for any tree
9 required in Subsection 21.42.060.B.1 that is not allowed by the provisions of
10 Chapter 14.28. Such fee shall only be used for planting street trees in other
11 locations that do comply with these standards. Such fee shall be paid to the
12 Director of Public Works, and shall be based on the actual cost to the
13 Department of Public Works to obtain and plant a tree.

14 3. Removal. No street tree shall be removed unless found
15 by the Director of Public Works to be dead, dying, or a public hazard due to
16 damage to curb, gutter, sidewalk or roadway or potential for falling, or for
17 replacement of trees in an approved street tree program. Such approval
18 shall be recorded with the Planning and Building Department before the tree
19 is removed.

20 C. Parkway Landscaping.

21 1. Provision of Landscaping. The area between the
22 sidewalk and the curb and between the sidewalk and the private property
23 line, if any, shall be landscaped primarily with live plant material and
24 maintained in a neat and healthy condition. Non-living material and
25 decorative elements may be used within the parkway in accordance with the
26 provisions of this Chapter. The owner of private property adjoining the
27 public right-of-way shall be responsible for planting and maintaining such
28 landscaping. Sidewalk width shall be four feet (4') or, if adjoining the curb,

1 five feet (5'), as provided in Chapter 20.36.

2 2. Live Planting Material. Groundcover of not more than
3 eight inches (8") in height, accent plantings or shrubbery all that are not
4 more than thirty-two inches (32") in height, and street trees are the only
5 plant materials allowed in the parkway. The planting of low-water demand
6 and drought-tolerant plant materials shall be encouraged by the City of Long
7 Beach. High-water demand plant material that require, at maturity, one inch
8 (1") or more of irrigation water per week shall be prohibited. Automatic
9 irrigation systems, if installed, shall be maintained so as to conserve water,
10 and shall not cause water to runoff into the sidewalk or street or pond within
11 the parkway.

12 3. Non-Living Material. Permeable groundcovers that
13 accept foot traffic, such as decomposed granite, inorganic and organic
14 mulches, and modular paving units set on sand, are the only non-living
15 materials allowed in the parkway and shall not cover fifty percent (50%) or
16 more of the total parkway area.

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

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

22 a. Rights-of-way subject to major uses for
23 commercial or retail purposes, or abutting a major arterial or regional
24 corridor street as designated in the transportation element of the General
25 Plan, may be paved for the full depth of the curb to property line area as
26 determined by the City Engineer;

27 b. The paving of the parkway is installed by a public
28 utility, the City of Long Beach or another governmental agency for a public

1 purpose;

2 c. The paving of the parkway is for a City-approved
3 driveway;

4 d. A paved parkway was approved with the
5 subdivision map for the property; or

6 e. A standards variance is approved. Such
7 standards variance shall not require public notice and shall be charged the
8 "mini-variance" fee.

9 6. Approval of Paving. If an exception is allowed, the
10 parkway may be paved according to the specification of the Director of
11 Public Works. Prior to paving the parkway, the adjoining property owner
12 must obtain a street improvement permit from the Director of Public Works
13 as provided in Chapter 14.08 of this Code with the approval of the Director
14 of Planning and Building.

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

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

1 intersection areas, shall be determined by the City Engineer.

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

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

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

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

23
24 Section 2. The City Clerk shall certify to the passage of this ordinance by
25 the City Council and cause it to be posted in three (3) conspicuous places in the City of
26 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
27 Mayor.

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333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor