

OFFICE OF THE CITY ATTORNEY
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Long Beach, CA 90802-4664

ORDINANCE NO. ORD-09-0013

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING SUBSECTIONS
21.25.206.D, 21.25.407.D, 21.25.506.6, 21.25.508.A.3, AND
SECTION 21.25.400, ALL RELATED TO GREEN BUILDING
CONSTRUCTION

WHEREAS, the City of Long Beach (City) General Plan sets forth goals for preserving and improving the City's natural and built environment, protecting the health of its residents and visitors, and fostering its economy; and

WHEREAS, the City finds that the design, construction, and maintenance of buildings and landscapes within the City can have a significant impact on the City's environmental sustainability, resource usage and efficiency, waste management, and the health and productivity of residents, workers, and visitors to the City; and

WHEREAS, the City finds that green building design, construction, operation and maintenance can have a significant positive effect on energy, water and resource efficiency, waste and pollution generation, wildlife habitat and the health and productivity of a property's occupants over the life of the building and/or landscape; and

WHEREAS, the City finds that green building and landscape design and construction decisions made by the City in the construction and remodeling of City buildings and/or landscapes can result in significant cost savings to the City over the life of the projects; and

WHEREAS, the City finds it is critical to both the economic and environmental health of the City that the City provide leadership to both the private and public sectors in the area of green building construction; and

WHEREAS, the most immediate and meaningful way to do so is to include

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.

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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)

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.

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

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

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

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

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

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

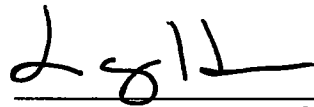
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1 I hereby certify that the foregoing ordinance was adopted by the City
2 Council of the City of Long Beach at its meeting of May 5, 2009, by the
3 following votes:

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

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9 Noes: Councilmembers: None.

10
11 Absent: Councilmembers: Garcia, O'Donnell.

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15 _____
City Clerk

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18 Approved: 5/12/09
19 (Date)

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23 _____
24 Mayor