



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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October 6, 2016

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council accept Categorical Exemption 16-211, approve Zoning Code Amendment No. 1608-24 to amend portions of Title 21 (Zoning) of the Long Beach Municipal Code on matters related to the triennial Building Code update, and to update Chapter 21.42 (Landscaping Standards) to comply with the State Model Water Efficient Landscape Ordinance. (Citywide)

APPLICANT: City of Long Beach
Department of Development Services
333 West Ocean Boulevard
Long Beach, CA 90802
(Application No. 1608-24)

DISCUSSION

Title 21 Updates

The California Building Standards Commission updates the California Building Standards Code every three years. The California Building Standards Code contains, among others, the California Building Code, California Green Code, and California Fire Code and applies to every jurisdiction in California. California jurisdictions are required to adopt the California Building Standards Code, but may adopt local amendments to customize provisions to better fit the characteristics of that City. The City of Long Beach is currently preparing local amendments to Title 18, contained within the Long Beach Municipal Code (LBMC). Title 21 (Zoning) also contains regulations applied in concert with the Building Standards Codes as part of the development review process. Staff has reviewed Title 21 for provisions that relate to the Building Code that require updating or clarification to maintain consistency with Building Code provisions. The Planning Commission is required to review all proposed amendments to Title 21 and forward a recommendation to the City Council, who is the decision maker on all changes to the Municipal Code.

This item was originally scheduled for the September 15, 2016, Planning Commission meeting; however, staff requested a continuation of this item to allow additional time for further refinements resulting from coordination with the City's Building Bureau.

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The proposed Title 21 Changes are described briefly as follows:

- Amend 21.15.025 (Definitions) to add a dictionary reference to the Zoning Code, where there is no definition present in the Zoning Code.
- Amend Sections 21.15.330 and 21.15.740 (Definitions) to clarify the definitions for “Deck” and “Balcony”. Currently, the definition of balcony lacks specificity and can be misconstrued as a deck. During review of structures, proper labelling is necessary to ensure that the correct standards are applied.
- Amend 21.15.750 (Definitions) to redefine the term “demolish.” Currently, to “demolish” means to remove more than 50 percent of the exterior walls (structural framing) of a building. Once a building is demolished, it no longer retains any legal nonconforming rights. “Demolish” would be redefined to include projects qualifying as “rebuild”, which constitute substantial modifications to the building in a manner that nonconformities should be rectified to meet current standards.
- Amend 21.15.2250 (Definitions) to redefine the term “rebuild” to decrease the square footage addition threshold from 50 percent to 40 percent and to include substantial modifications of exterior walls. This threshold would be used to determine when projects are considered a rebuild of an existing nonconforming building, which then must come into compliance with current standards.
- Amend 21.21.406 (Entitlement Expiration) to extend standard expiration dates for land use entitlement approvals from one (1) year to two (2) years. Given the new complexities of the Building Standards Code and the construction industry, additional time is needed for the preparation and review of construction documents.
- Amend 21.31.220 (Residential Development Standards) to clarify an existing height limit exception for solar collectors (panels) to specify situations where the height limit exception can be applied and to ensure that only solar panels are exceeding the height limit.
- Amend 21.41.232 (Parking) to add a reference to Chapter 18.47, with regard to electric vehicle parking spaces and charging stations. This reference informs users of Chapter 21.41, pertaining to parking, that there are electric vehicle charging requirements.

Chapter 21.42 Landscape Standards Amendments

Since 1993, the State of California has mandated that local jurisdictions comply with the Model Water Efficient Landscape Ordinance (MWELO), a document authored by the Department of Water Resources promoting the conservation and efficient use of water in public and private landscape projects. In order to address the ongoing drought and rebuild depleted water reserves, Governor Brown issued Executive Order B-29-15 in April

2015, directing the Department of Water Resources to update the MWELO. The new MWELO was approved by the California Water Commission on July 15, 2015, and published by the State Office of Administrative Law in October 2015. It specifically regulates the budgeting and allocation of water used for the irrigation of landscape projects, as well as the design of irrigation systems used.

The State of California requires that all local jurisdictions adopt the updated MWELO or an equivalent ordinance that either meets or exceeds MWELO requirements. The proposed amendments to Chapter 21.42 – Landscaping Standards, reflect the provisions of the updated MWELO, including:

- Reducing the size of new landscape projects subject to MWELO from 2,500 square feet to 500 square feet.
- Eliminating the City's current MWELO exemption for homeowner-provided and/or homeowner-hired residential landscape projects less than 5,000 square feet.
- Introducing a streamlined prescriptive compliance option for new and rehabilitated landscapes less than 2,500 square feet subject to MWELO to reduce the complexity and costs for smaller landscape projects now subject to the Ordinance.

The updated MWELO allocates approximately 20 percent less water from the prior MWELO, which the Long Beach City Council adopted, with modifications, in 2010. The reduced water allowance will result in a Citywide increase in the usage of drought-tolerant plants and the installation of more efficient irrigation systems.

The proposed amendments will bring our landscaping regulations into compliance with State law and further the City's sustainability goals. Key objectives of the City's Sustainable City Action Plan, such as the goal of reducing per capita use of potable water by 20 percent over the next 10 years, and the Low Impact Development Ordinance are furthered through the proposed amendments.

The Municipal Code does not set forth required findings for approval of a Zoning Code Amendment. However, this change is consistent with the General Plan, specifically Land Use Element goals regarding managing growth, ensuring quality development and public safety, and preserving an adequate water supply. Staff recommends that the Planning Commission recommend that the City Council approve Zoning Code Amendment No. 1608-24 to modify portions of Title 21 (Zoning) of the Long Beach Municipal Code pertaining to the triennial Building Code adoption, as well as update the City's Water Efficiency Landscape Standards. Should the Planning Commission recommend City Council approval of these amendments, staff anticipates that this item will be presented for a City Council hearing in November.

PUBLIC HEARING NOTICE

The required public hearing notice was provided in accordance with the Municipal Code. A public hearing notice was published in the Long Beach Press-Telegram, public hearing

notices were mailed to the California Coastal Commission and all City libraries, and three public hearing notices were posted in public places within the City.

ENVIRONMENTAL REVIEW

This project qualifies for a categorical exemption per Sections 15301, 15305, 15307, and 15308 of the California Environmental Quality Act Guidelines (Exhibit B - Categorical Exemption CE 16-211).

Respectfully submitted,



LINDA F.TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:ct/mh

Attachments: Exhibit A – Draft Code Amendment with redlines
Exhibit B – Categorical Exemption CE 16-211

EXHIBIT A

Proposed Title 21 Changes

(Underline means to add – strikethrough means to delete).

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.

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.

21.15.740 - Deck.

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

21.15.750 - Demolish.

"Demolish" means to remove 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).

21.15.2250 – Rebuild.

"Rebuild" means:

- 1) An addition or additions to a building whereby the (non-garage) area of the building is expanded by more than forty fifty percent (5040%) by construction over an existing the building's existing size, such that the expanded structure contains 140 percent (140%) or more of the square footage of the structure prior to expansion. In calculating the fifty forty percent (5040%) 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.

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:

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.~~

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

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

DRAFT

- **CHAPTER 21.42 - LANDSCAPING STANDARDS^[6]**

- **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.

(ORD-10-0031, § 6, 2010)

- **21.42.020 - Landscaping required.**

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

(ORD-10-0031, § 6, 2010)

- **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 plans 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 and parking. 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.
5. Compacted soils shall be transformed to a friable condition prior to any planting to aide proper on-site drainage and soil moisture retention.

36.

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.

47.

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

58.

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

69.

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

710.

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.

811.

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. 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

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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. Applicable landscaping, irrigation, planter drainage, water reuse, retention and filtration improvements shall be implemented before any final building and planning inspection is approved.

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(ORD-10-0031, § 6, 2010)

- **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 landscape plumbing permit, building or landscape permit, plan check or design review;

c.

New construction and rehabilitation residential, commercial, industrial, institutional, and public agency landscape 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 landscape plumbing permit, building or landscape permit, plan check, or design review;

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;

ed.

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;

fe.

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

gf.

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.

(ORD-10-0031, § 6, 2010)

- **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.

Screening 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 surfaces 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.

(ORD-10-0031, § 6, 2010)

- **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; or

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.

(ORD-10-0031, § 6, 2010)



EXHIBIT B

NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbds.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Filings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: CE-16-211

Project Location/Address: Citywide

Project Activity/Description: Zoning Code Amendment to clarify and update definitions, refine the height limit exception for solar collectors, extend entitlement expiration dates, and add and update references, on matters related to the City's triennial Building Code adoption.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: Carrie Tai, Planning Bureau

Mailing Address: 333 West Ocean Blvd, 5th Floor, Long Beach, CA

Phone Number: 562-570-6194 Applicant Signature: _____

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1608-24 Planner's Initials: CT

Required Permits: Zoning Code Amendment, Local Coastal Program Amendment

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15301, 15305, 15307, and 15308

Statement of support for this finding: The proposed Zoning Code Amendments are for clarification of existing provisions in Title 21 governing existing facilities, and constitute minor alterations in land use limitations, and actions by regulatory agencies to protect the environment and natural resources.

Contact Person: Carrie Tai Contact Phone: 562-570-6411

Signature: [Signature] Date: 9/8/2016