

LONG BEACH MUNICIPAL CODE



Titles 18, 20, & 21

Codified through Ordinance No. ORD-14-0020, enacted
November 18, 2014.

CHAPTER 18.01 - GENERAL PROVISIONS

18.01.010 - Title.

These regulations shall be known as the "Long Beach Building Standards Code," a portion of the "Long Beach Municipal Code," hereinafter referred to as "this title." This title adopts by reference portions of the California Building Standards Code as required by Section 17958 of the California Health and Safety Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.01.020 - Purpose.

The purpose of this title is to:

1. Establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, accessibility, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.
2. Provide minimum provisions considered necessary for safety, efficiency, adequacy and the practical safeguarding of persons and of buildings, structures and their contents from hazards arising from the use of electricity for light, heat, power, radio signaling and for other purposes, as well as some provisions for future expansion of electrical use.
3. Provide minimum requirements and standards for the protection of the public health, safety and welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of plumbing fixture and fixture fittings, water heaters, water supply and distribution system, sanitary drainage, indirect wastes, vents, traps and interceptors, storm drainage, fuel piping, and gray water systems.
4. Provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances.
5. Improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact, or positive environmental impact and encouraging sustainable construction practices in planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality.
6. Ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.
7. Establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

(ORD-13-0024, § 1(exh. A), 2013)

18.01.030 - Scope.

The provisions of this title shall apply to:

1. The site preparation and the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or appertunances connected or attached to such buildings and structures within the City, except work located primarily in a public way other than pedestrian protection structures required by Chapter 32 of the California Building Code adopted in Chapter 18.40, public utility, towers and poles, mechanical equipment not specifically regulated in this title, and hydraulic flood control structures.
2. All electrical systems or equipment installed, used, maintained, rented, leased, or offered for sale or distributed for use in the City, except those electrical systems and equipment exempted from the provisions of this title.
3. The erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of plumbing within the City, except those plumbing and plumbing installations exempted from the provisions of this title.
4. The addition to or erection, installation, alteration, repair, relocation, replacement, use, or maintenance of any heating, ventilating, cooling, refrigeration systems; incinerators; or other miscellaneous heat-producing appliances within the City, except those mechanical systems and equipment exempted from the provisions of this title.

(ORD-13-0024, § 1(exh. A), 2013)

18.01.040 - Work not in scope.

The provisions of this title shall not apply to any of the following:

1. Swings and other playground equipment accessory to detached one- and two-family dwellings.
2. (Reserved).
3. Towers or poles supporting public utility communication lines, antennas, or power transmission lines.
4. Gantry cranes, drill presses, and other similar manufactured machinery or equipment.
5. Water tanks supported on a foundation at grade if the capacity does not exceed five thousand (5,000) gallons (18,927 L) and the ratio of the height to diameter or width does not exceed two to one (2:1).
6. Temporary motion picture, television and theater stage sets and scenery that are not supported by any building.
7. Work in a public way, dams and drainage structures constructed by or under contract with the Department of Public Works, the Department of Water and the County Flood Control District, unless the structure forms a portion of the support for a building or a structure coming within the jurisdiction of the Building Official.
8. Portable amusement devices and structures, including merry-go-rounds, ferris wheels, rotating conveyances, slides, similar devices, and portable accessory structures whose use is necessary for the operation of such amusement devices and structures; any portable accessory structure included in the provisions of this chapter shall be limited to a cover or roof over each device, but shall not include any storage building or detached structure which is not an integral part of the

device; and provided, however, that any electrical installations shall require subtrade permits where applicable and be regulated by this title; and provided further that any special event activity shall require Fire Department's approval.

9. Nothing in this title shall apply to any excavation, removal, fill or deposit of any earth or other materials from individual interment sites, underground crypts or burial vaults within a property which is dedicated or used for cemetery purposes, provided that such work does not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property not owned by the cemetery authority.
10. Any portable metal hangar less than two thousand (2,000) square feet in size, located on the City-owned airport property, used for the parking of aircraft only, and bearing evidence of approval by the California Department of Motor Vehicles for movement on any highway. Such structure shall, as an integral part of its basic construction, be equipped with a hitch or coupling device for towing. It shall accommodate, without further major structural change, wheel and axle assemblies which will provide such structure with a safe means of portability. No water or sanitary facilities shall be permitted in such structure and it shall be equipped with permanent ventilation as required for group S-2 occupancy; and is not in violation of Title 21 Zoning Regulations.

(ORD-13-0024, § 1(exh. A), 2013)

18.01.050 - Referenced codes.

The codes listed in Subsections A through I and referenced elsewhere in this title shall be considered part of the requirements of this title to the prescribed extent of each such reference.

- A. Building. The provisions of the California Building Code adopted in Chapter 18.40 shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
- B. Residential. The provisions of the California Residential Code adopted in Chapter 18.41 shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three (3) stories above grade plane in height with a separate means of egress and their accessory structures.

EXCEPTIONS:

1. Live/work units complying with the requirements of Section 419 of the California Building Code adopted in Chapter 18.40 shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the California Building Code when constructed under the California Residential Code adopted in Chapter 18.41 shall conform to Section R313.
2. Owner-occupied lodging houses with five (5) or fewer guestrooms shall be permitted to be constructed in accordance with the California Residential Code when equipped with a fire sprinkler system in accordance with Section R313.
- C. Electrical. The provisions of the California Electrical Code adopted in Chapter 18.42 shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

D. Plumbing. The provisions of the California Plumbing Code adopted in Chapter 18.43 shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

EXCEPTION: Chapter 18.43 shall not apply to any sewer constructed and maintained by a City department or agency within the public right-of-way.

E. Mechanical. The provisions of the California Mechanical Code adopted in Chapter 18.44 shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

F. Housing. The provisions of the Uniform Housing Code adopted in Chapter 18.45 shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing buildings or portions thereof used, or designed or intended to be used, for human habitation.

G. Energy. The provisions of the California Energy Code adopted in Chapter 18.46 shall apply to all matters governing the design and construction of buildings for energy efficiency.

H. Green building standards. The provisions of the California Green Building Standards Code adopted in Chapter 18.47 shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this title, throughout the City.

I. Fire. The provisions of the California Fire Code adopted in Chapter 18.48 shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(ORD-13-0024, § 1(exh. A), 2013)

18.01.060 - Applicability.

A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different chapters or sections of this title specify different materials, methods of construction or other requirements, the most restrictive shall govern. All the provisions of this title shall be limitations for safeguarding life, limb, health, property and public welfare. If two (2) or more pertinent limitations are not identical, those limitations shall prevail which provide the greater safety to life or limb, health, property or public welfare.

B. Other laws. The provisions of this title shall not be deemed to nullify any provisions of local, State or Federal law.

C. Referenced codes and standards. The codes and standards referenced in this title shall be considered part of the requirements of this title to the prescribed extent of each such reference. Where differences occur between provisions of this title and referenced codes and standards, the provisions

of this title shall apply. Wherever in this title reference is made to the appendix of a referenced code or standard, the provisions in the appendix shall not apply unless specifically adopted by this title.

- D. Partial invalidity. In the event that any part or provision of this title is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.
- E. Addition, alterations or repairs. Additions, alterations or repairs in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise specifically provided in Chapter 34 of the California Building Code adopted in Chapter 18.40.
- F. Change in use or occupancy. No change shall be made in the use or occupancy of any building except as specified in Section 3408 of the California Building Code adopted in Chapter 18.40 and as amended by Section 18.40.380
- G. Existing buildings or structures.
 - 1. Legal occupancy. The legal occupancy of any structure existing on the date of adoption of this title shall be permitted to continue without change, except as is specifically covered in this title, the Uniform Housing Code adopted in Chapter 18.45 or the California Fire Code adopted in Chapter 18.48, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.
 - 2. Responsibility for maintenance. All buildings and structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards that are required by this title shall be maintained in conformance with the code requirements under which it was installed. To determine compliance with this section, the Building Official may cause any building or structure to be reinspected.

Every owner remains liable for violations of duties imposed upon him or her by this title even though an obligation is also imposed on the occupants of his or her building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this title.

Every owner, or his or her agent, in addition to being responsible for maintaining his or her building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he or she occupies or controls in a clean, sanitary and safe condition including the shared or public areas in a building containing two (2) or more dwellings.

- H. Existing subtrade installation.
 - 1. Existing electrical installation. Nothing contained in this title shall be construed to restrict the use, nor to require any person to reinstall, reconstruct, alter, change or remove any electrical wiring or equipment which complied with the laws and regulations of the City in effect before the effective date of this title unless the same is dangerous, unsafe or a hazard to life or property in the judgment of the Building Official. Additions or alterations to, and alterations and renewals of existing installations shall be made in compliance with the provisions of this title.

EXCEPTION: In locations where the existing electrical system was of some other type of approved wiring, an existing circuit may be increased to its maximum safe carrying capacity or with the addition of not to exceed five (5) lights, plugs or switch outlets. Not more than ten (10) such outlets may be added to an existing electrical system unless all new wiring is in conformity with the provisions of this title.

2.

Existing plumbing installation. Nothing contained in this title, with the exception of the change of building occupancy or use, shall be construed to require any plumbing construction or work, regulated by this title to be altered, changed, reconstructed, removed or demolished if such plumbing work was installed which complied with the laws and regulations of the City in effect before the effective date of this title, unless the same is dangerous, unsafe, unsanitary or a menace to life, health or property, in the judgment of the Building Official.

Plumbing systems that are a part of any building or structure undergoing a change in use or occupancy shall comply with all requirements of this title that may be applicable to the new use or occupancy.

3. Existing mechanical installation. Additions, alterations or repairs may be made to any mechanical system without requiring the existing mechanical system to comply with all the requirements of this title, provided the addition, alteration or repair conforms to that required for a new mechanical system. Additions, alterations or repairs shall not cause an existing system to become unsafe, create unhealthy or overloaded conditions.

EXCEPTION: Minor additions, alterations and repairs to existing mechanical systems may be installed in accordance with the law in effect at the time the original installation was made if such mechanical system may be used safely for such purposes, that there is an urgent necessity for such use, and if approved by the Building Official.

Heating, ventilating, cooling, or refrigeration systems, incinerators or other miscellaneous heat producing appliances lawfully installed prior to the effective date of this code may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health or property.

Mechanical systems that are a part of any building or structure undergoing a change in use or occupancy shall comply with all requirements of this title that may be applicable to the new use or occupancy.

All heating, ventilating, cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this title in heating, ventilating, cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances when installed, altered or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances.

- I. Unsafe buildings or structures. The regulations for the abatement of unsafe buildings and structures are enumerated in Chapter 18.20
- J. Long-term boarded or vacated buildings. The regulations for the maintenance of long-term boarded or vacated buildings are enumerated in Chapter 18.21
- K. Temporary structures and uses. The regulations for temporary structures and uses are enumerated in Subsection 18.04.010.F.
- L. Moved buildings or structures. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this title for new buildings or structures. The regulations for moving buildings are enumerated in Chapter 18.60

EXCEPTION: Apartment houses and dwellings shall be allowed the retention of existing materials and methods of construction so long as the apartment house or dwelling complies with the rules and regulations of the California Housing and Community Development Commission, complies with the standards for foundations applicable to new construction, and does not become or continue to be a substandard building.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.02 - DEFINITIONS

18.02.010 - General.

- A. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purpose of this title, have meanings shown in this chapter.
- B. Interchangeability. Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- C. Terms defined in other titles, chapters or codes. Where terms are not defined in this title and are defined in other titles, chapters or codes, such terms shall have the meanings ascribed to them as in those titles, chapters or codes.
- D. 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.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.020 - A definitions.

(Reserved)

18.02.030 - B definitions.

"Building Code" means the code adopted in Chapter 18.40 of this title.

"Building Official" means the Superintendent of Building and Safety for the City of Long Beach Department of Development Services, Building and Safety Bureau, or a duly authorized representative designated by the Director.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.040 - C definitions.

"California Building Code" or "CBC" means the code adopted in Chapter 18.40 of this title.

"California Electrical Code" or "CEC" means the code adopted in Chapter 18.42 of this title.

"California Energy Code" means the code adopted in Chapter 18.46 of this title.

"California Fire Code" or "CBC" means the code adopted in Chapter 18.48 of this title.

"California Green Building Standards Code" or "CGBSC" or "CalGreen Code" means the code adopted in Chapter 18.47 of this title.

"California Mechanical Code" or "CMC" means the code adopted in Chapter 18.44 of this title.

"California Plumbing Code" or "CBC" means the code adopted in Chapter 18.43 of this title.

"California Residential Code" or "CRC" means the code adopted in Chapter 18.41 of this title.

"Certificate of Occupancy" or "Occupancy Certificate" means the certificate issued by the Building Official pursuant to Chapter 18.08 when, after final inspection, it is found that a building or structure complies with all requirements of this title. When used with reference to a building or structure which was constructed and occupied prior to the effective date of any provisions requiring such a certificate, it shall mean the right to occupy such building or structure.

"City" means the City of Long Beach, California.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.050 - D definitions.

"Dangerous building" means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered or persons in the vicinity thereof:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
2. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1-½) times the working stress or stresses allowed in this title for new buildings of similar structure, purpose or location;
3. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of this title for new buildings of similar structure, purpose or location;
4. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
5. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (½) of that specified in this title for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in this title for such buildings;
6. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
7. Whenever the building or structure, or any portion thereof, because of: (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse;
8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- 9.

Whenever the exterior walls or other vertical members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base;

10. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls, or coverings;
11. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become: (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or (c) as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts;
12. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by this title;
13. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the: (a) strength; (b) fire-resisting qualities or characteristics; or (c) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;
14. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidations, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the City Health Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;
15. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Chief of the Fire Department to be a fire hazard;
16. Whenever any building or structure is in such a condition as to constitute a public nuisance under common law or equity jurisprudence;
17. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

"Department" means the City of Long Beach Department of Development Services.

"Director" means the Director of Development Services for the City of Long Beach Department of Development Services or a duly authorized representative.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.060 - E definitions.

"Electrical Code" means the code adopted in Chapter 18.42 of this title.

"Energy Code" means the code adopted in Chapter 18.46 of this title.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.070 - F definitions.

"Fire Chief" means the Fire Chief of the City of Long Beach Fire Department or a duly authorized representative.

"Fire Code" means the code adopted in Chapter 18.48 of this title.

"Fire Code Official" means the Fire Marshal for the City of Long Beach Fire Department or a duly authorized representative designated by the Fire Chief.

"Foundation-only permit" is a building permit issued for that portion of a building which constitutes the footings for the building and which may, subject to the approval of the Building Official, include those portions of the building below the grade level.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.080 - G definitions.

"Green Code" means the code adopted in Chapter 18.47 of this title.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.090 - H definitions.

"Housing Code" means the code adopted in Chapter 18.45 of this title.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.100 - I definitions.

(Reserved)

18.02.110 - J definitions.

(Reserved)

18.02.120 - K definitions.

(Reserved)

18.02.130 - L definitions.

(Reserved)

18.02.140 - M definitions.

"Mechanical Code" means the code adopted in Chapter 18.44 of this title.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.150 - N definitions.

"Nuisance" means:

1. Any public nuisance known at common law or in equity jurisprudence or as declared by ordinance;
- 2.

Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot; this includes any abandoned structure, basement or excavation; any structurally unsound fence or structure; any lumber, trash, fence, debris or vegetation which may prove a hazard for inquisitive minors;

3. Whatever is dangerous to human life or is detrimental to health;
4. Overcrowding a room with occupants;
5. Insufficient ventilation or illumination;
6. Inadequate or unsanitary sewage or plumbing facilities;
7. Uncleanliness, when so determined by the Health Officer;
8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings when so determined by the Health Officer;
9. Dangerous or substandard buildings or conditions as defined in this title.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.160 - O definitions.

"Occupancy Certificate" or "Certificate of Occupancy" means the certificate issued by the Building Official pursuant to Chapter 18.08 when, after final inspection, it is found that a building or structure complies with all requirements of this title. When used with reference to a building or structure which was constructed and occupied prior to the effective date of any provisions requiring such a certificate, it shall mean the right to occupy such building or structure.

"Occupancy" means the purpose for which a building, or part of a building, is used or intended to be used. The term "occupancy" as used in this title shall include the room housing that occupancy and the space immediately above a roof or structure if used or intended to be used for other than a shelter.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.170 - P definitions.

"Permittee" means the person, firm or corporation authorized to obtain a permit pursuant to Subsection 18.04.070.A of this title.

"Plumbing Code" means the code adopted in Chapter 18.43 of this title.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.180 - Q definitions.

(Reserved)

18.02.190 - R definitions.

"Residential Code" means the code adopted in Chapter 18.41 of this title.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.200 - S definitions.

"Substandard building" means any building or other structure, or the premises on which the same is located, where any of the following conditions exist to an extent which, in the opinion of the Building Official, endangers the life, limb, health, property, safety or welfare of the occupants thereof, or of the public:

1. Inadequate sanitation. "Inadequate sanitation" shall include, but not be limited to, the following:
 - a. Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit;
 - b. Lack of or improper water closets, lavatories and bathtubs or showers per number of guests in a hotel;
 - c. Lack of or improper kitchen sink;
 - d. Lack of hot and cold running water to plumbing fixtures in a hotel;
 - e. Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
 - f. Lack of adequate heating;
 - g. Lack of, or improper operation of, required ventilating equipment;
 - h. Lack of minimum amounts of natural light and ventilation required by this code;
 - i. Room and space dimensions less than required by this code;
 - j. Lack of required electrical lighting;
 - k. Dampness of habitable rooms;
 - l. Infestation of insects, vermin or rodents as determined by the Health Officer;
 - m. General dilapidation or improper maintenance;
 - n. Lack of connection to required sewage disposal system;
 - o. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.
2. Structural hazards. "Structural hazards" shall include, but not be limited to, the following:
 - a. Deteriorated or inadequate foundations;
 - b. Defective or deteriorated flooring or floor supports;
 - c. Flooring or floor supports of insufficient size to carry imposed loads with safety;
 - d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 - e. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
 - f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration;
 - g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
 - h. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration;
 - i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
3. Nuisance. Any "nuisance" as defined in this title.
4. Hazardous wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
5. Hazardous plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly and which is free of cross connections and siphonage between fixtures.

6. Hazardous mechanical equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition, or which may not have conformed with all applicable laws in effect at the time of installation but is currently in good and safe condition and working properly.
7. Faulty weather protection, which shall include, but not be limited to, the following:
 - a. Deteriorated, crumbling or loose plaster;
 - b. Deteriorated or ineffective water proofing of exterior walls, roof, foundations or floors, including broken windows or doors;
 - c. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering;
 - d. Broken, rotted, split or buckled exterior wall coverings or roof coverings.
8. Fire hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Chief of the Fire Department or his or her deputy, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
9. Faulty materials of construction. All materials of construction except those which are specifically allowed or approved by this title, and which have been adequately maintained in good and safe condition.
10. Hazardous or unsanitary premises. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards.
11. Inadequate maintenance. Any building or portion thereof which is determined to be dangerous as defined in Section 18.02.050
12. Inadequate exits. All buildings or portions thereof not provided with adequate exit facilities as required by this title except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed.
13. Inadequate fire protection or firefighting equipment. All buildings or portions thereof which are not provided with the fire-resistive construction or fire extinguishing systems, or equipment required by this title, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
14. Improper occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which are not designed or intended to be used for such occupancies.
15. Inadequate structural resistance to horizontal forces.

18.02.210 - T definitions.

(Reserved)

18.02.220 - U definitions.

"Uniform Housing Code" or "UHC" means the code adopted in Chapter 18.45 of this title.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.230 - V definitions.

"Value" or "valuation" means the total value of all construction work, including materials and labor, for which the permit is being issued, including all painting, roofing, electrical, plumbing, gas, mechanical, permanent or fixed heating equipment, elevator equipment, fire sprinkler equipment and any other permanent portions or permanent equipment except as provided in Section 18.04.020; or the estimated cost to replace the building or structure in kind, based on current replacement costs as determined herein.

(ORD-13-0024, § 1(exh. A), 2013)

18.02.240 - W definitions.

(Reserved)

18.02.250 - X definitions.

(Reserved)

18.02.260 - Y definitions.

(Reserved)

18.02.270 - Z definitions.

(Reserved)

CHAPTER 18.03 - ADMINISTRATION AND ENFORCEMENT

18.03.010 - Department of Development Services.

- A. General. There is established in the City a Department known and designated as the Department of Development Services. In addition to the duties imposed upon said Department by the City Charter and other ordinances of the City, the Building and Safety Bureau of said Department is designated to enforce all of the provisions of State law applicable to the erection or construction of buildings or structures, except such provisions relating to maintenance, sanitation, occupancy and use which affect the health and welfare of occupants and which shall be designated by the City Manager as the responsibility of the City Health Officer or a duly authorized representative.
- B. Appointment. The City Manager shall, upon recommendation of the Director, appoint the Building Official as shall be required and shall be authorized from time to time by ordinance.
- C. Deputies. The City Manager shall, upon recommendation of the Director, appoint such officers, inspectors, plans examiners and other employees as shall be required and shall be authorized from time to time by ordinance.
- D. Certification. All construction inspectors, plans examiners and Building Official shall obtain certification when required by Section 18949.28 of the California Health and Safety Code from a recognized state, national, or international association, as determined by the City. The area of certification shall be closely related to the primary job function, as determined by the City.

(ORD-13-0024 , § 1(exh. A), 2013)

18.03.020 - Duties and powers of the Building Official.

- A. General. The Building Official is hereby authorized and directed to enforce the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State and to make all plan examinations and inspections pursuant to the provisions of each such regulation. The Building Official shall also perform such other duties relating to the functions of the Department as may be required of him or her by general law, or by ordinance. For such purpose, the Building Official shall have the powers of a police officer. Any order of the City requiring alterations or repairs to any building shall be issued only by authorization of the Building Official. The Building Official shall have the authority to render interpretations of this title and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this title. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this title, municipal code or other ordinances of the City or laws and statutes of the State.
- B. Applications and permits. The Building Official shall receive applications, examine construction documents and issue permits for the erection, addition, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
- C. Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Every such notice or order shall be in writing, addressed to the owner, agent or

person responsible for the structure or premises in which such violations or unsafe condition exists and shall specify the date or time when such notice or order shall be complied with, which time shall allow a reasonable period in which such notice or order can be complied with by the person, firm or corporation receiving such notice or order in the judgment of the Building Official. No person, firm or corporation shall refuse, fail or neglect to comply with any such notice or order issued by the Building Official.

- D. Inspections. The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspection shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.
- E. Identification. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this title.
- F. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this title, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

When the Building Official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as provided in this section, to properly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this title.

- G. Authority to require exposure of work. Whenever any work on which called inspections are required as enumerated in Chapter 18.07 is covered or concealed by additional work without first having been inspected, the work shall be exposed for inspection upon written notice by the Building Official. The work of exposing and recovering shall not entail expense to the City.
- H. Authority to stop work. Whenever any construction work is being done contrary to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State enforced by the Building Official, the Building Official shall have the authority to issue a written notice to the responsible party to stop work on that portion of the work on which the violation has occurred. The notice shall state the nature of the violation and no work shall be done on that portion until the violation has been rectified and approval obtained from the Building Official.
- I. Authority to stop use or occupancy. Whenever any portion of a building is loaded in excess for which it was constructed, or it houses a use or occupancy other than that for which it was constructed, or is determined to be an unsafe building or structure pursuant to Chapter 18.20, or there is an encroachment upon any required court, yard or easement, the Building Official shall have the authority to order by written notice that such violation be discontinued.

The written notice shall state the nature of the violations and shall fix a time for the abatement thereof. If the violations have not been abated by the expiration of the fixed time, the Certificate of Occupancy shall thereupon be canceled.

- J. Authority to disconnect electrical service. Whenever any electrical installation regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State is found to be defective, the Building Official shall have the authority to disconnect or to order the discontinuance of electrical service to such installation until the installation has been made safe, and any person, firm, corporation, political subdivision or governmental agency ordered to discontinue such electrical service shall do so within twenty-four (24) hours or as determined by the Building Official after the receipt of such notice and shall not reconnect such service or allow the same to be reconnected until notified to do so by the Building Official.
- K. Authority to disconnect utilities. Whenever any mechanical installation regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State is found to be defective that may pose an immediate hazard to life or property, the Building Official shall have the authority to disconnect or to order the discontinuance of fuel-gas utility service, or energy supplies, to the building, structure, premises or equipment in case of emergency. The Building Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter and shall not reconnect such service or allow the same to be reconnected until such installation has been made safe and was notified to do so by the Building Official.
- L. Authority to condemn equipment. Whenever any equipment regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State has become hazardous to life, health, or property, the Building Official shall have the authority to condemn equipment when such equipment cannot be restored to a condition of safety or be dismantled or removed from its present location. The Building Official shall provide written notice to the owner or occupant of the building, structure, premises or equipment of such order and shall fix a time limit for compliance. No person shall use or maintain the defective equipment after receiving such notice.
- M. Authority to discontinue supply gas or water. Whenever any unsanitary conditions exist or that any construction or work regulated by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State is dangerous, unsafe, unsanitary or a menace to life, health or property or is in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, the Building Official, upon determining such information to be fact, shall have the authority to order any person, firm or corporation using or maintaining any such condition, or responsible for the use or maintenance thereof, to discontinue the use or the maintenance thereof or to repair, alter, change, remove or demolish the same as the Building Official may consider necessary for the proper protection of life, health or property; and in the case of any gas piping, gas appliance or water piping and any water-using fixture or device, may order any person, firm or corporation supplying gas or water to such piping, appliance, fixture or device to discontinue supplying gas or water thereto until such piping, appliance, fixture or device is made safe to life, health and property.
- N. Authority to modify grading operation. The Building Official is authorized to require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

(ORD-13-0024, § 1(exh. A), 2013)

18.03.030 - Reports, records and fees.

- A. Reports. The Building Official shall submit a report to the City Manager not less than once a year, covering the work of the Building and Safety Bureau during the preceding period. The Building Official shall incorporate in the report a summary of his or her recommendations as to desirable amendments to the law. The Building Official shall have charge of, and be responsible for, the drafting of recommendations regarding periodic revisions and amendments to the building, residential, electrical, plumbing, mechanical, housing, energy, green building standards and housing regulations of this title, municipal code or other ordinances of the City or laws and statutes of the State.
- B. Records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issues. Such records shall be retained in the official records for the period required for retention of public records.
- C. Fees. The Building Official shall keep a permanent, accurate account of all fees and other monies collected and received under this title, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of building or premises to which they relate.

(ORD-13-0024, § 1(exh. A), 2013)

18.03.040 - Liability.

The Building Official, members of the Board of Appeals or employees charged with the enforcement of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, while acting for the City in good faith and without malice in the discharge of the duties required by this title or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against the Building Official, officer, plans examiner, inspector or other employee because of an act performed by the Building Official, officer, plans examiner, inspector or other employee in the lawful discharge of duties and under the provisions of this title shall be defended by legal representative of the City until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provision of this title.

This title shall not be construed to relieve from or lessen the responsibility of any person, firm or corporation owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the enforcing agency or the City be held as assuming any such liability by reason of the plans examinations or inspections authorized by this title or any permits or certificates issued under this title.

(ORD-13-0024, § 1(exh. A), 2013)

18.03.050 - Modifications.

- A. General. Whenever there are practical difficulties involved in carrying out the provisions of this title, the Building Official shall have the authority to grant modifications for individual cases, upon the application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this title impractical and the modification is in compliance with the intent and purpose of this title and that such modification does not lessen

health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building and Safety Bureau. A written application shall be submitted together with a fee set forth in Section 18.06.160

- B. Expiration. The rights and privileges granted by the Building Official shall be voided if the permit is not secured within twelve (12) months of the date the approval was granted or if the permit or plans examination expires under any of the conditions specified in Sections 18.04.060 or 18.05.060

EXCEPTION: The Building Official may grant extensions of time if a permit applicant submits in writing substantial evidence that unusual condition or circumstances precluded the securing of the permit within the allocated time or caused the permit to expire.

(ORD-13-0024, § 1(exh. A), 2013)

18.03.060 - Alternate materials, design and methods of construction and equipment.

- A. General. The provisions of this title are not intended to prevent the installation of any materials or to prohibit any design or method of construction not specifically prescribed by this title, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this title, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this title in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. A written application shall be submitted together with a fee set forth in Section 18.06.160
- B. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this title, shall consist of valid research reports from approved sources.
- C. Test. Whenever there is insufficient evidence of compliance with the provisions of this title, or evidence that a material or method does not conform to the requirements of this title, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified by this title or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the test procedures. Tests shall be performed by an approved agency. Reports of such test shall be retained by the Building Official for the period required for retention of public records.
- D. Expiration. The rights and privileges granted by the Building Official shall be voided if the permit is not secured within twelve (12) months of the date the approval was granted or if the permit or plans examination expires under any of the conditions specified in Sections 18.04.060 or 18.05.060

EXCEPTION: The Building Official may grant extensions of time if a permit applicant submits in writing substantial evidence that unusual conditions or circumstances precluded the securing of the permit within the allocated time or caused the permit to expire.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.04 - PERMITS

18.04.010 - Permits required.

A. Building permits. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remodel, move, remove, improve, convert or demolish any building or part of a building or structure, or change the character or occupancy or use of any building or structure, or part of a building or structure, in the City without first obtaining a permit covering such work from the Building Official.

A single combined permit may be issued for the construction of any one- or two-family dwelling and related accessory building and structure, or additions or alterations thereto, which includes all building, electrical, plumbing, heating, ventilating and air conditioning work.

B. Grading permits. No person, firm or corporation shall commence or perform any grading, and no person shall import or export any earth materials to or from any grading site, without first having obtained a permit therefore from the Building Official. Any grading project involving more than one hundred (100) cubic yards of excavation and involving an excavation in excess of five (5) feet in vertical depth at its deepest point measured from the original ground surface shall be done by a State of California licensed contractor who is licensed to perform the work described herein. A separate permit shall be required for each grading site. One (1) permit may include the entire grading operation at that site, however.

C. Electrical permits. No new electrical installation shall be made nor any alteration or addition performed to any existing wiring, nor shall any wiring for the placing or installation of any electric light, power or heating device, or any apparatus which generates, transmits, transforms or utilizes electricity operating at a voltage exceeding twenty-five (25) volts between conductors or capable of supplying more than fifty (50) watts, be made without first obtaining an electrical permit. A separate permit shall be obtained for the electrical wiring or installation in each separate building or structure.

EXCEPTION: A separate electrical permit shall not be required for any electrical work involving a one- or two-family dwelling and related accessory building or structure for which a combined permit has been obtained pursuant to Subsection 18.04.010.A.

D. Plumbing permits. No person, firm or corporation shall construct, install or alter any plumbing, water piping, gas piping, water heater, water heater vents, water treating equipment, or any appliance or device regulated by this title without obtaining a plumbing permit approving the proposed quality and character of workmanship and materials. Where a building is demolished or removed from its site, a permit and inspection is required to verify that the building sewer, water and gas service is properly capped to the satisfaction of the Building Official. A separate permit shall be obtained for the plumbing installation in each separate building or structure.

EXCEPTION: A separate plumbing permit shall not be required for any plumbing work involving a one- or two-family dwelling and related accessory building or structure for which a combined permit has been obtained pursuant to Subsection 18.04.010.A.

E.

Mechanical permits. No person, firm or corporation shall install, alter, reconstruct or repair any heating, ventilating, cooling, or refrigeration equipment unless a permit therefore has been obtained from the Building Official except as otherwise provided in this title. A permit shall be obtained for all heating, ventilating, cooling, or refrigeration equipment, moved with, or installed in, any relocated building. A separate permit shall be obtained for the equipment installed in each separate building or structure.

EXCEPTION: A separate mechanical permit shall not be required for any mechanical work involving a one- or two-family dwelling and related accessory building or structure for which a combined permit has been obtained pursuant to Subsection 18.04.010.A.

- F. Temporary permits. Before commencing the construction of any work for temporary structures or uses including but not limited to, reviewing stands, bleachers, tents, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work, and other miscellaneous structures, a temporary permit authorizing such work shall be obtained therefore from the Building Official. Temporary permit may be restricted in the following conditions:
1. Application for permit. Except for canopies or fences used for the protection of the public around and in conjunction with construction work, application for permit shall be filed with and approved by the Building Official prior to the construction, erection or operation of any device, structure, or any work regulated by this title for temporary structure or use.
 2. Time limit. Such construction shall be occupied or used only for the period set forth in Subsection 18.04.060.A.
 3. Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this title as necessary to ensure public health, safety and general welfare. Such temporary structures and temporary uses need not comply with the type of construction or fire-resistive time periods required by this title.
 4. Temporary power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the California Electrical Code adopted in Chapter 18.42.
 5. Inspection. Notwithstanding Chapter 18.07 to the contrary, request for inspection must be received at least five (5) days prior to public use or occupancy.
 6. Removal after expiration. All temporary construction or installations shall be demolished or removed within five (5) days after the expiration of the permit.
 7. Termination of approval. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.
- G. Other permits.
1. Other permits must be obtained as required pursuant to any other provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
 2. No person, firm or corporation shall construct any signs and billboards without first obtaining a permit covering such work from the Building Official.

No person, firm or corporation shall hang, suspend or otherwise affix any sign, street banner, pole banner, flag, pennant or street decoration on any street light pole, traffic signal pole or over and above any street unless a permit to do so is first obtained from the City Manager. Permits issued pursuant to this section shall be in accordance with the provisions of Chapter 16.55 of Title 16, the City's policy on City sponsorship, corporate recognition and advertising, as adopted on July 23, 1996, as amended from time to time, and any guidelines that may from time to time be approved by the City Council.

EXCEPTION: The above provisions shall not apply to any sign or advertising matter lettered upon the surface of any awning, provided the awning is securely attached to a building and is not less than seven (7) feet above the sidewalk level immediately below.

3. No person, firm or corporation shall commence house moving in the City without first obtaining a permit covering such work from the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.04.020 - Exceptions from permit.

Exemption from the permit requirements of this title shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Except for work undertaken to correct conditions determined to be substandard, nonconforming, dangerous or a nuisance under the provisions of Chapter 18.20, permits are not required for the following:

- A. Permits not required. Neither building, grading, subtrade or temporary permits of this title are required for the following:
 1. Buildings or structures placed in public streets, alleys and sidewalks, except those regulated by Chapter 32 of the California Building Code adopted in Chapter 18.40.
 2. Buildings or structures under the auspices of and owned or controlled by the Federal Government, the State of California, the County of Los Angeles, or by a public school district.
 3. Work done by employees of the City on City-owned or leased buildings when approved by the Building Official and justifiable cause is demonstrated.
 4. A temporary shed, office or storage building and other structure incidental to and for work authorized by a valid building, grading or subtrade permit. Such structures must be removed upon expiration of the permit or completion of work covered by the permit.
- B. Building permits not required. Building permits are not required for any of the following:
 1. Where the work regulated by this title is valued at five hundred dollars (\$500.00) or less, unless it affects the fire life-safety, structural stability or required accessible route of a building or structure, or public safety, or is done to make a building conform to the requirements of this title for a change in occupancy or use; and is not in violation of Title 21 Zoning Regulations.
 2. One-story detached accessory structures used as tool and storage sheds, children's playhouses and similar uses, provided that the building or structure is accessory to a dwelling unit; it does not exceed one hundred twenty (120) square feet in area nor eight (8) feet in height from floor to roof; it contains no plumbing, electrical, or mechanical installations regulated by this title; and is not in violation of Title 21 Zoning Regulations.
 - 3.

- Isolated buildings or structures not larger in area than sixteen (16) square feet in size, including roof projections, and not more than eight (8) feet in height, if separated by a distance of twenty (20) feet or more; and is not in violation of Title 21 Zoning Regulations.
4. Fences not over four (4) feet in height above grade; fences not over six (6) feet and six (6) inches in height above grade and not constructed of concrete, masonry, brick or other similar materials; and is not in violation of Title 21 Zoning Regulations.
 5. Retaining walls or planter boxes that are not over four (4) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or sloping earth, or impounding flammable liquids; and is not in violation of Title 21 Zoning Regulations. This exemption shall not apply to retaining walls of any height built on slopes steeper than one (1) unit vertical in five (5) units horizontal (twenty percent (20%) slope).
 6. Unroofed platforms, walks, driveways and decks not more than thirty (30) inches above adjacent grade, not over any basement or story below, and not part of a required accessible route; and is not in violation of Title 21 Zoning Regulations.
 7. Application of hot or cold paint on a roof of a building or structure; and is not in violation of Title 21 Zoning Regulations.
 8. Application of roofing not in excess of five hundred (500) square feet on an existing building or structure within any twelve (12) month period; and is not in violation of Title 21 Zoning Regulations.
 9. Painting, papering, carpeting and similar finish work and are not required to comply with accessibility regulations.
 10. Installation of ceramic tile on floor or countertops and on walls less than forty-eight (48) inches in height.
 11. Replacement of broken or damaged ceramic tile in an existing installation.
 12. Plaster patching not in excess of ten (10) square yards of interior or exterior plaster; and is not in violation of Title 21 Zoning Regulations.
 13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches in height.
 14. Exhibits, booths, partitions and display counters for temporary use not exceeding thirty (30) days in conjunction with an exhibit or show and not exceeding twelve (12) feet in height above the floor.
 15. Window awnings in one- or two-family dwellings and related accessory building or structure supported by an exterior wall that do not project more than fifty-four (54) inches from the exterior wall and do not require additional support; and is not in violation of Title 21 Zoning Regulations.
 16. Swimming, bathing and wading pools not over two (2) feet in depth, provide a distance from the pool to the property lines and buildings or structures not less than the depth of the pool, and not having a surface area exceeding two hundred fifty (250) square feet; there is no electrical or plumbing installation; and is not in violation of Title 21 Zoning Regulations.
 17. Prefabricated swimming pools accessory to a one- or two-family dwelling that are less than twenty-four (24) inches deep, do not exceed five thousand (5,000) gallons and are installed entirely above ground; it contains no plumbing, electrical, or mechanical installations regulated by this title; and is not in violation of Title 21 Zoning Regulations.

18. Veneer less than four (4) feet in height.
 19. Waterproof pointing of joints in masonry or veneer, also cleaning with detergents which are not injurious to clothing or skin of persons and are not removed by liquid washing, provided work is done from safely enclosed scaffolding which will collect any dust, debris or dropped tools and materials in use.
 20. Prefabricated outdoor tents or canopy structures for temporary use not exceeding one hundred eighty (180) days, provided such tents or canopies are accessory to a one- or two-family dwelling on the site; and is not in violation of Title 9 Public Peace, Morals and Welfare, Section 9.65.050 Prohibited Canopy Structure, Title 21 Zoning Regulations or the California Fire Code adopted in Chapter 18.48.
 21. Shade cloth structures constructed for nursery or agricultural purposes, not including service system; and is not in violation of Title 21 Zoning Regulations.
 22. Signs exempt under the provision of Section 21.44.500 of Title 21 Zoning Regulations.
 23. Signs exempt under the provision of Section H101.2 of Appendix H of the California Building Code adopted in Chapter 18.40.
- C. Grading permits not required. Grading permits are not required for any of the following:
1. An excavation which: (a) is less than two (2) feet in depth; or (b) which does not create a cut slope greater than five (5) feet in height and steeper than one (1) unit vertical in two (2) units horizontal (fifty percent (50%) slope). This exception shall not apply to cut which exceeds fifty (50) cubic yards or which changes the existing drainage pattern.
 2. A fill less than one (1) foot in depth and placed on natural terrain with a slope flatter than one (1) unit vertical in ten (10) units horizontal (ten percent (10%) slope). This exception shall not apply when the fill exceeds fifty (50) cubic yards or when the fill changes the existing drainage pattern.
 3. Excavations for caissons or piles under buildings or structures authorized by valid building permits.
 4. Excavations for basements, footings, caissons, piles, swimming pools or underground structures that are authorized by valid building permits.
 5. Excavations for wells or tunnels or utilities, which do not provide vertical or lateral support for buildings, or adversely impact the safety or stability of private or public properties.
 6. Excavation in an isolated, self-contained area if the Building Official finds that by reason of such isolation and self-containment no danger to private or public property can now or thereafter result from grading operations.
 7. Refuse disposal sites controlled by other regulations of local, State or federal departments or agencies.
 8. Cemetery graves.
 9. Exploratory excavation performed under the direction of a registered design professional.
 10. Mining, quarrying, excavation, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations of local, State or federal departments or agencies, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
- D. Electrical permits not required. Electrical permits are not required for any of the following:
- 1.

Electric wiring expressly declared to be exempt from the provisions of this title by any other section thereof.

2. Wiring for temporary theater sets on the theater stages or temporary motion picture or television sets on any property belonging to or under the control of the City, privately owned studios, theaters, or similar locations designed for that usage.
3. Installation of any portable motor or other portable appliance energized by means of a cord or cable having an attachment plug end, when that cord or cable is permitted by this title.
4. Festive temporary decorative lighting in dwelling occupancies only, for a period not to exceed ninety (90) days.
5. Repair or replacement of electrodes or transformers of the same size and capacity for signs or marquees, except for the retrofitting of lighting and exit fixtures that are part of a required emergency lighting system.
6. Removal of electric wiring.
7. Temporary wiring for experimental purposes in suitable experimental laboratories.
8. The following installation and electrical wiring:
 - a. Non-required signaling circuits supplied by an approved Class 2 limited power source, capable of supplying not more than thirty (30) volts and one hundred (100) volt-amperes.
 - b. Non-required communication circuits which have the power limited in accordance with Article 725 of the California Electrical Code adopted in Chapter 18.42.
 - c. Non-required amplifier output circuits which are permitted by Article 640 of the California Electrical Code adopted in Chapter 18.42 to employ Class 2 or Class 3 wiring.
 - d. Any non-required circuit which operates at fifteen (15) volts or less and does not generate, transmit, transform, utilize or control more than twenty-five (25) watts or volt-amperes of electric power.
 - e. Repair or replacement of fixed motors or fixed appliances, supplied by branch circuits not exceeding twenty (20) amperes and not exceeding two hundred forty (240) volts nominal, of the same type and rating in the same location.
 - f. Reinstallation of attachment wall plug receptacles or wall switches but not the outlet therefore.
 - g. Repair or replacement of current carrying parts or any switch, contactor or control device.
 - h. Taping of joints.

Provided the wiring for any of the above items is not located in any of the following locations or conditions:

- i. Area classified as "hazardous" under Article 500 of the California Electrical Code adopted in Chapter 18.42.
 - ii. Appurtenant to a required fire alarm system as classified under Article 760 of the California Electrical Code adopted in Chapter 18.42.
 - iii. Penetrating any fire-resistive wall or floor system.
 - iv. In a plenum, duct or other space used for environmental air including access floors.
- 9.

Any similar minor repair or replacement determined by the Building Official not to involve any hazard to life or property.

10. Repair or replacement of incandescent lighting fixtures in one- or two-family dwelling and related accessory building and structure.
11. Any electric wiring, except wiring located in an area classified as "hazardous" under Article 500 of the California Electrical Code adopted in Chapter 18.42 after the branch circuit distribution panelboards used exclusively to supply or interconnect equipment installed, owned, operated or maintained by a communication public utility and used exclusively for communication purposes, in the exercise of its communication public utility functions within the communication public utility controlled areas.
12. The replacement of defective smoke detectors in a one- or two-family dwelling and related accessory building and structure when the work is performed by a contractor with a valid contractor license issued by the State and a valid business license issued by the City.
13. The installation by Southern California Edison Company of radio controlled relays on privately owned air conditioning equipment in the company's program of energy conservation through electrical load management, entitled "Air Conditioner Cycling Program", provided that:
 - a. The relays shall be tested and labeled by Underwriters' Laboratories, Inc.;
 - b. The Building Official shall approve of specifications for the installation of relays; and
 - c. The relays shall be installed and maintained by Southern California Edison Company or its contractors.
14. Repair or replacement of cords or cables or cord pendants allowed by other sections of this title.

The provisions of the foregoing exceptions shall not apply to any repairs or replacements of electrical devices, apparatus, or appliances which were originally installed without a permit when such permit is required for the original installation, or when energized by, or which is a part of any hazardous or illegal wiring system.

- E. Plumbing permits. Plumbing permits are not required for any of the following:
1. The stopping of leaks or the repair of defects in any plumbing, provided no new materials are used.
 2. The repair of a water heater other than its vents, provided the water heater is not disconnected.
 3. The replacement of exposed traps serving fixtures, provided approved traps are used and are properly installed.
 4. The replacement of defective or unapproved ball cocks in water tanks, provided antisyphon ball cocks are used and properly installed.
 5. The replacement of defective or unapproved faucets serving sinks, lavatories and bathtubs, provided approved type faucets are used and are properly installed.
 6. The replacement of an electric water heater, providing the rough plumbing is not altered.
 7. Any gas piping not more than six (6) feet in length between an approved gas outlet and any gas-fired appliance, provided that any such gas-fired appliance is in the same room as the gas outlet.

8. Any sewer located entirely in the public right-of-way and under the authority of the Department of Public Works or Department of Water.
 9. A plumbing system, or part thereof, set up for exhibition purposes and has no connection with a water or drainage system; and is not in violation of any rules and regulations promulgated by the Department of Health and Human Services or the Department of Water.
- F. Mechanical permits. Mechanical permits are not required for any of the following:
1. Any portable heating appliance.
 2. Any portable ventilating equipment.
 3. Any portable cooling unit.
 4. Any steam, hot, or chilled water piping within any heating or cooling equipment regulated by this title.
 5. Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this title.
 6. Any portable evaporative cooler.
 7. Any refrigerating equipment that is a part of the equipment for which a permit has been issued pursuant to the requirements of this title.
 8. Any unit refrigerating system.

(ORD-13-0024, § 1(exh. A), 2013)

18.04.030 - Permit applications.

- A. Application for permit. To obtain a permit, the permit applicant shall first file an application therefore in writing on a form furnished by the Building Official for that purpose applicant and, in addition to the fee prescribed therefore and at the time of making application for such permit, pay a permit fee as set forth in Section 18.06.010. One (1) complete application for each permit shall be filed. A separate permit shall be obtained for each building or structure, except that a permit for any one- or two-family dwelling may include related accessory building and structure located on the same premises if such building or structure does not contain living quarters provided with cooking facilities. Every such application shall:
1. Identify and describe the work to be covered by the permit for which application is made.
 2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
 3. Indicate the use and occupancy for which the proposed work is intended.
 4. Be accompanied by construction documents and other information as required in Chapter 18.05
 5. State the valuation of the proposed work.
 6. Be signed by the permit applicant, or the applicant's authorized agent, as required in Section 18.04.070
 7. Give such other data and information as required by the Building Official.
 8. State the estimated quantities of excavation and fill, when applicable.
- B. Action on application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the

proposed work conforms to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto, the Building Official shall issue a permit pursuant to Section 18.04.040

- C. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned after the date of filing, unless such application has been pursued in good faith and plans examination have not expired pursuant to Section 18.05.060 or a permit has been issued and have not expired pursuant to Section 18.04.060

(ORD-13-0024, § 1(exh. A), 2013)

18.04.040 - Permit issuance.

- A. Issuance. When the Building Official determines that the proposed work conforms to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto, including receiving approval from other departments or agencies in the City that regulate such proposed work, and that the fees and charges as set forth in Chapter 18.06 and other liens, costs, and/or fees due to the City have been paid, the Building Official shall issue a permit therefore to the permittee meeting the requirement of Section 18.04.070

EXCEPTIONS: The Building Official shall have the authority to withhold the issuance of permits under the following circumstances:

1. Harbor District. No permit shall be issued for the construction, extension, alteration, improvement, erection, remodeling or repair of any pier, slip, basin, wharf, dock or other harbor structure of any building or structure within the Harbor District, unless the Board of Harbor Commissioners has first granted permission authorizing such work to be done as provided in the Charter of the City.
2. Marinas. No permit shall be issued for the construction, extension, alteration, improvement, erection, remodeling or repair of any pier, slip, basin, wharf, dock or other marina structure or any building or structure within the Alamitos Bay Marina, Downtown Shoreline Marina or Shoreline Harbor Marina unless the Manager of the Marine Bureau has first granted permission authorizing such work to be done.
3. Fault studies zone. No permit shall be issued for projects located within a special (fault) studies zone established under Chapter 7.5, Division 2, of the California Public Resources Code unless it can be demonstrated through accepted geologic seismic studies that the proposed structure will be located in a safe manner and not over or astraddle the trace of an active fault. Acceptable geologic seismic studies shall meet the criteria as set forth in rules and regulations established by the Building Official to ensure that such studies are based on sufficient geologic data to determine the location or nonexistence of the active fault trace on a site. Prior to approval of a project, a geologic report defining and delineating any hazard of surface fault rupture shall be required. If the City finds that no undue hazard of this kind exists, the geologic report on such hazard may be waived, with approval of the State Geologist.
4. Fills containing decomposable material. No permit shall be issued for buildings or structures regulated by this title within one thousand (1,000) feet of fills containing rubbish or other decomposable material unless the fill is isolated by approved natural or manmade protective systems or unless designed according to the recommendations contained in a report prepared by a registered design professional licensed in the State of California to practice as such. Such report shall contain a description of the investigation, study and recommendation to minimize the

possible intrusion, and to prevent the accumulation of explosive concentrations of decomposition gases within or under enclosed portions of such building or structure. At the time of the final inspection, the registered design professional shall furnish a signed statement attesting that the building or structure has been constructed in accordance with his or her recommendations as to decomposition gases required herein. Buildings or structures regulated by this title shall not be constructed on fills containing rubbish or other decomposable material unless provision is made to prevent damage to structure, floor, underground piping and utilities due to uneven settlement of the fill. One-story, light frame accessory structures not exceeding four hundred (400) square feet in area nor twelve (12) feet in height may be constructed without special provisions for foundation stability.

- B. Phased approval. The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been approved, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this title. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.
- C. Placement of permit. The permit or copy shall be kept on the site of the work until the completion of the project.

(ORD-13-0024, § 1(exh. A), 2013)

18.04.050 - Validity of permit.

- A. Limit of authorization.
 - 1. The issuance or granting of a permit is not an approval or an authorization of the work specified therein. A permit is merely an application for inspection, the issuance of which entitles the permittee to inspection of the work that is described therein.
 - 2. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data.
 - 3. Permits issued under the requirements of this title shall not relieve the owner of responsibility for securing required permits for work to be done which is regulated by any other title, code or other ordinances of the City or laws and statutes of the State.
 - 4. All work are subject to the following conditions: If the work described by a valid permit is prohibited by a change in the municipal code, then such work may be completed only if the Building Official determines that both substantial liabilities have been incurred, and substantial work has been performed on-site, in accordance with the terms of that permit. Work performed and liabilities incurred pursuant to a demolition or moving permit shall not be considered in determining whether an owner may complete a building or structure for which a permit has been issued.
- B. Validity of other laws. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Permits presuming to give authority to violate or cancel the provisions of this title, municipal code or other ordinances of the City or laws and

statutes of the State shall not be valid. The Building Official is authorized to prevent occupancy or use of a structure pursuant to Section 18.03.020 where in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

- C. Official grades. The permittee shall decide the correctness of proposed structure elevations and locations with respect to the official grades of public streets and to the policy of the Department of Public Works relative to the location and length of curb depressions for driveways.
- D. Easements. Before the issuance or granting of a permit, the Building Official shall require a declaration, under penalty of perjury, from the owner or agent having the property owner's consent stating that: "The proposed work will not destroy or unreasonably interfere with any access or utility easement belonging to others and located on my property, but in the event such work does destroy or unreasonably interfere with such easement, a substitute easement(s) satisfactory to the holder(s) of the easement will be provided."

(ORD-13-0024, § 1(exh. A), 2013)

18.04.060 - Expiration, suspension, revocation and transfer of permit.

- A. Expiration. Every permit issued shall be valid for a period of two (2) years from the date after its issuance; provided however that every permit issued shall expire on the ninetieth (90th) day after its issuance if the work on the site authorized by such permit has not commenced or has not been inspected as required by Chapter 18.07; or shall expire whenever the Building Official determines the work authorized by such permit has been suspended, discontinued or abandoned or has not been inspected as required by Chapter 18.07 for a continuous period of ninety (90) days after the time the work has commenced.

EXCEPTION: If the holder of any permit issued by the Building and Safety Bureau presents satisfactory evidence that unusual construction difficulties has prevented work from being started or continued without being suspended, discontinued or abandoned or the work has not been inspected within the ninetieth (90th) day time period or completed within the two (2) year period of validity, the Building Official may grant extensions of time reasonably necessary because of such difficulties. The extension shall be requested in writing on a form furnished by the Building Official for that purpose and justifiable cause is demonstrated pursuant to Section 18.03.050.

Notwithstanding the provisions of this subsection to the contrary, the time limit of a permit may be further restricted under the following conditions:

1. In the case of a building or structure that has been ordered repaired, rehabilitated, vacated or demolished in accordance with this title; ordered to correct a violation of this title in accordance with Chapters 18.03 and 18.20; or in the case of a responsible person that has been ordered to correct a violation or unsafe condition of a building or structure pursuant to Chapters 8.76, 9.37, or 9.65, such time limits as specified therein shall apply.
2. The Building Official may, because of unusual circumstances or conditions such as, but not limited to, the repair, rehabilitation, vacation or demolition of an imminently hazardous, substandard, or dangerous building or structure, or a grading operation that may be subject to flooding during the rainy season between October 1st to April 15th, impose restrictions upon the time limits for expiration of any permit.
3. Permit issued for temporary structures or uses shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) days within the last twelve (12) months.
- 4.

Permit issued for moving buildings and structures pursuant to Chapter 18.60 shall be limited as specified in Section 18.60.190

5. Permit issued to complete the required work pursuant to Subsection 18.04.060.B shall be limited to thirty (30) days or such time limits as determined by the Building Official from the date of the permit issuance.

- B. Unfinished buildings or structures. Whenever the Building Official determines by inspection that work on any building or structure for which a permit has been issued and the work started thereon has been suspended, discontinued or abandoned for a continuous period of ninety (90) days or more or the permit expired after the two (2) year period of validity, the owner of the property upon which such building or structure is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official to do so, shall, within thirty (30) days or such time limits as specified therein from the date of such written notice, obtain a new permit to complete the required work, pay the fee of one-half (½) the amount required for a new permit for such work, provided no changes have been made or will be made in the original approved construction documents for such work, and diligently pursue the work to completion and provided, further, that such suspension, discontinuance or abandonment has not exceeded one hundred eighty (180) days; or shall remove or demolish the building or structure within ninety (90) days or such time limits as specified therein from the date of the written notice.

- C. Restore to original condition. Permits that have expired shall have the site, building or project restored to the condition that existed immediately prior to the commencement of work described by such permit.

- D. Suspension or revocation. The Building Official shall have the authority to, in writing, suspend or revoke a permit issued under provisions of this title whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information supplied, or in violation of any provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

- E. Transfer of permit. Active permits required by this title may be transferred to a qualified person meeting the requirement of Section 18.04.070 for a fee as set forth in Section 18.06.170

(ORD-13-0024, § 1(exh. A), 2013)

18.04.070 - Requirement and responsibility of permittee.

- A. Permittee. Permits as required by this chapter shall be issued only to the following individuals:
 1. A duly licensed contractor acting in compliance with the provisions of Sections 7000 through 7199 of the California Business and Professions Code and the Business License Regulations set forth in Title 5 of the municipal code, provided a written and signed statement from the duly licensed contractor stating that he or she is licensed, the number of the license and that it is in full force and effect as required by Section 7031.5 of the California Business and Professions Code.
 2. An owner of a one- or two-family dwelling and related accessory building or structure acting in compliance with the provisions of Section 7044 of the California Business and Professions Code; provided however that the improvements of the property are not intended or offered for sale, the owner occupies or intends to occupy one (1) of the units where such permit is to be obtained for the twelve (12) months prior to the completion of the work, and the owner has not performed work on more than two (2) buildings or structures during any three (3) year period.

- 3.

An owner-builder acting in compliance with the provisions of Section 7044 of the California Business and Professions Code; provided however that the owner-builder does the work himself or herself or through his or her own employees, with wages as their sole compensation, and the structure(s) is/are not intended for sale; or the owner-builder contracts with properly licensed subcontractors for the construction of a single-family residential structure and limits the number of structures intended or offered for sale to four (4) or fewer in a calendar year.

4. A responsible person not acting in violation of Chapter 9 (commencing with Section 7000) of Division 3 of the California Business and Professions Code and the Business License Regulations set forth in Title 5 of the municipal code; provided a written and signed statement by the responsible person giving the basis for the alleged exemption from licensure under the Contractors' State License Law.
- B. Workers' compensation insurance verification. The Building Official is required by Section 3800(a) of the California Labor Code to verify workers' compensation insurance prior to issuing a permit. The permittee shall sign a declaration under penalty of perjury verifying Workers' Compensation Coverage or exemption from coverage as required by Section 19825 of the California Health and Safety Code.
- C. Responsibility. Permits shall be presumed to incorporate the provision that the permittee, the permittee's agent, employees, contractors or subcontractors shall carry out the proposed work in accordance with the approved construction documents and with all provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto, whether specified or not. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.05 - SUBMITTAL DOCUMENTS

18.05.010 - General.

Submittal documents consisting of construction documents, written record of computations, statement of special inspections, geotechnical report and other pertinent data shall be submitted with each permit application. The construction documents shall be prepared by a registered design professional licensed in the State of California to practice as such. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

EXCEPTION: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if the Building Official finds that the nature of the work applied for is such that the review of construction documents is not necessary to obtain compliance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

(ORD-13-0024, § 1(exh. A), 2013)

18.05.020 - Number of construction documents.

Each application for a permit shall be accompanied by one (1) set of submittal documents for each type of plan examination or as determined by the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.05.030 - Construction documents.

A. Information on building or structure required.

1. Construction documents shall be dimensioned and drawn with ink or indelible pencil upon suitable material, or shall be made by a reproduction process approved by the Building Official. Electronic media documents are permitted to be submitted when approved by the Building Official. The first sheet of each set of construction documents shall give the street address of the work and the name and address of the owner of the building.
2. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this title and relevant laws, ordinances, rules and regulations, as determined by the Building Official.
3. Construction documents for buildings of other than one- or two-family dwelling and related accessory building and structure shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.
4. In lieu of detailed specifications, the Building Official may approve reference on the construction documents to a specific section, subsection or paragraph of this title, municipal code or other ordinances of the City or laws and statutes of the State.
5. Distances and dimensions on the construction documents, when required to show conformity with the provisions of this title, shall be done in figures.

6. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress, including the path of exit discharge to the public way, in compliance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
7. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. The construction documents shall provided details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.
8. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.
9. When required by Section 1704.3 of the California Building Code adopted in Chapter 18.40, a statement of special inspection prepared by the registered design professional in responsible charge of the project shall be included with the construction documents.
10. The construction documents shall show all mitigation measures required under the National Pollutant Discharge Elimination System (NPDES) permit issued to the City of Long Beach and the requirements of the Standard Urban Storm Water Mitigation Plan (SUSMP) mandated by the California Regional Water Quality Control Board in accordance with Chapter 18.61 NPDES and SUSMP Regulations.
11. For buildings located in whole or in part in flood hazard areas as established in Section 1612 of the California Building Code adopted in Chapter 18.40, Table R301.2(1) of the California Residential Code adopted in Chapter 18.41, or Chapter 18.73 Flood-Resistant Design and Construction, the construction documents shall include flood hazard documentations and design flood elevation information as required by provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
12. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grade and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the locations and size of existing structures and construction that are to remain on the site or plot.

EXCEPTION: The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted. Furthermore, the Building Official is authorized to grant the omission of a site plan when the proposed work is of such a nature that no information is needed to determine compliance with all laws relating to the location of buildings or occupancies.

When a structural design is required for the purpose of obtaining a permit, it shall be justified by a written record of computations filed with the Building Official and each sheet of the construction documents and written record of computations shall be signed by or bear the approved stamp of a registered design professional licensed by the State of California to practice as such. On structures which do not require a registered design professional's signatures according to Article 3, Chapter 7, Division 3, of the California Business and Professions Code but do require some structural design, the person responsible for such design shall sign the calculations and the sheets of the construction documents having engineering details thereon.

14. When reports are required by this subsection, recommendations included in the approved soils engineering report and engineering geology report shall be incorporated into the grading construction documents, including the dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports. A copy of the soils engineering report and engineering geology report shall be attached to the approved set of grading construction documents and kept at the job site. Reports shall be submitted to the Building Official for review and approval in, but not limited to, the following circumstances:
 - a. When required by Section 1803 of the California Building Code adopted in Chapter 18.40.
 - b. When required by Section 1806 of the California Building Code adopted in Chapter 18.40 to determine the classification, strength or compressibility of the soils for the purpose of assigning presumptive load-bearing values of soils and lateral sliding resistance.
 - c. When projects are located on sites designated as Alquist-Priolo (Fault) Studies Zone.
 - d. When previously unknown adverse soils or geologic conditions are revealed during construction.

The soils engineering report required by this section shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

The engineering geology report required by this section shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

EXCEPTIONS:

1. A soils and geological report is not required where the Building Official determines that the nature of the work applied for is such that a report is not necessary.
2. A liquefaction study is not required where the Building Official determines from established local data that the liquefaction potential is low.

All soils engineering and engineering geology reports shall comply with rules and standards established by the Building Official.

The increase in area permitted by Sections 506 and 507 of the California Building Code adopted in Chapter 18.40 shall not be allowed unless or until the owner of the required yard shall file with the Building Official an agreement binding such owner, heirs and assignees, to set aside the required yard as an unobstructed space having no improvements. Such agreement shall be recorded in the County Recorder's Office.

B. Information on grading required.

1. Application for a grading permit shall be accompanied by grading construction documents prepared and signed by a registered design professional licensed by the State of California to practice as such. The first sheet of each set of grading construction documents shall give location of the work, the name and address of the owner and the person by whom they were prepared. The grading construction documents shall include, but not be limited to, the following information:
 - a. General vicinity of the proposed site.
 - b. Property limits and accurate contours of existing ground and details of terrain and area drainage.
 - c. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
 - d. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.
 - e. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within fifteen (15) feet of the property or which may be affected by the proposed grading operations.
 - f. The location of the top and toe of all cuts and fills, the location of all "daylight" lines, the amount of cut and fill, the location of disposal site for excess material, if known, and the estimated dates for starting and completing grading work.
2. Grading construction documents shall be prepared by a registered land surveyor or registered civil engineer licensed in the State of California to practice as such when the property location and its limits are not clear.

EXCEPTION: Portions of the aforementioned grading construction documents requirements may be waived by the Building Official if he or she finds that the information on the application and/or submitted plans is sufficient to show that the work will conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

3. The Building Official is authorized to require professional inspection and testing by the soils engineer. When the Building Official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineering grading.

C. Information on electrical required.

1. When required by the Building Official for the enforcement of any provision of this title, construction documents for the installation of electrical wiring or equipment shall be filed with the Building Official and approved prior to the issuance of any permit.
- 2.

Construction documents shall include sufficient information to demonstrate compliance for installations required to comply with the rules and regulations adopted by the California Energy Commission.

3. The construction documents shall show the following:
 - a. Construction documents shall be of sufficient clarity to show that the proposed electrical installation will conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
 - b. First sheet of each set of construction documents shall show the address of the proposed work and the name and address of the owner or lessee of the premises.
 - c. Layout of the proposed electric systems for each floor or area, including dimensions of all working spaces, a full scope of the project and a legend of all symbols used.
 - d. The type, location and capacity of all service equipment.
 - e. The size and the length of all service raceways to the manhole, vault or pole of the serving agency or to the service head.
 - f. The size of all raceways and the length of all feeder raceways.
 - g. The dimensions of all pull or junction boxes larger than four (4) inches trade size.
 - h. The number, size, and type of all conductors to be installed in wiring enclosures.
 - i. The location of every proposed outlet and switch in all parts of the building or structure including all fixed showcases, wall cases, and similar wiring.
 - j. The wattage or ampere ratings of each outlet for noninductive loads and the volt-ampere rating of each unit or transformer for electric discharge lighting.
 - k. The location, voltage, and H.P. rating of every motor and the K.W. rating of every generator. The type and code letter of every A.C. motor shall be given unless otherwise satisfactory to the Building Official.
 - l. The location and K.V.A., or equivalent rating of each transformer, capacitor, ballast, converter, frequency changer, and similar equipment and the location and ampere or wattage rating of other appliances of the noninductive type.
 - m. Details of panelboard, switchboard, and distribution centers, showing type and arrangement of switches, overcurrent devices, and general control equipment.
 - n. Panelboard and switchboard schedules showing wattage and amperage, the number of active branch circuits to be installed, and the number of spare branch circuits for future use. This shall include identifying the circuits to which the outlets are connected.
 - o. The existing load, as calculated in accordance with Articles 210 and 220 of the California Electrical Code adopted in Chapter 18.42 or by other methods satisfactory to the Building Official, shall be indicated for existing installations having alterations or additions made to them.
 - p. Other additional information as the Building Official may consider necessary for proper enforcement of this title.
 - q. On all occupancies indicating location, rating and method being served for all new and existing power distribution equipment.
 - r. Any or all engineering calculations as applicable for the installation.
 - s. Interconnected wiring between all devices in each branch circuit from any panelboard or switch-board to the last device or load.

- t. Location of grounding and bonding, including but not limited to grounding electrode conductor sizes and length, grounding electrode(s) to be utilized, termination locations of all grounding electrode conductors, main and system bonding jumpers.
 - u. Available fault current and documentation of preliminary design approval from Southern California Edison where the service is new or upgraded.
 - v. Construction documents for buildings more than two (2) stories in height of other than one- or two-family dwelling and related accessory building or structure shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical conduits, pipes and similar systems.
4. All electrical materials, devices, appliances and equipment installed or used in the City shall be in conformity with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Conformity with the standards of the Underwriters' Laboratories, Inc., as approved by the American Standards Association, or other approved testing laboratory, shall be prima facie evidence of conformity with approved standards for safety to life and property. Previously used material shall not be reused in any work without the written approval obtained in advance from the Building Official.
- D. Information on plumbing required.
- 1. When required by the Building Official for the enforcement of any provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, construction documents for the installation of any plumbing, water piping, gas piping, waste and vent piping, water heater, water heater vents, water treating equipment, or any appliance or device shall be filed with the Building Official and approved prior to the issuance of any permit.
 - 2. The construction documents shall show the following:
 - a. Construction documents shall be of sufficient clarity to show that the proposed plumbing installation will conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
 - b. First sheet of each set of construction documents shall show the address of the proposed work and the name and address of the owner or lessee of the premises.
 - c. Layout of the proposed plumbing systems for each floor or area, including dimensions of all working spaces, a full scope of the project and a legend of all symbols used.
 - d. Location, size and material of all plumbing pipes and fixtures.
 - e. System riser or isometric diagrams shall be provided for all drainage, waste and vent, fuel gas, potable water, storm drain, rain water, sump pump, combination waste and vent and standpipe systems.
 - f. Construction documents for buildings more than two (2) stories in height of other than one- or two-family dwelling and related accessory building or structure shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for plumbing pipes and similar systems.
- E. Information on mechanical required.
- 1. When required by the Building Official for the enforcement of any provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, construction documents for the installation of environmental heating or cooling systems, refrigeration

systems, absorption systems, ventilation systems and hoods shall be filed with the Building Official and approved prior to the issuance of any permit.

2. Construction documents shall include sufficient information to demonstrate compliance for installations required to comply with the rules and regulations adopted by the California Energy Commission.
3. The construction documents shall show the following:
 - a. Construction documents shall be of sufficient clarity to show that the proposed mechanical installation will conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
 - b. First sheet of each set of construction documents shall show the address of the proposed work and the name and address of the owner or lessee of the premises.
 - c. Layout for each floor with dimensions of all working spaces and a legend of all symbols used.
 - d. Location, size and materials of all air ducts, air inlets and air outlets.
 - e. Location of all fans, warm-air furnaces, boilers, absorption units, refrigerant compressors and condensers and the weight of all pieces of such equipment weighing two hundred (200) pounds or more.
 - f. Rated capacity or horsepower of all boilers, warm-air furnaces, heat exchangers, blower fans, refrigerant compressors and absorption units.
 - g. Location, size and material of all combustion products, vents and chimneys.
 - h. Location and area of all ventilation and combustion air openings and ducts.
 - i. Location of all air dampers, fire dampers, smoke-control dampers and combustion-products-type smoke detectors.
 - j. The information necessary to show compliance of the mechanical equipment with the California Energy Code adopted in Chapter 18.46.
 - k. The occupancy of each area served by any heating, air conditioning or ventilation system.
 - l. The location of all required fire-resistive separations that are penetrated by ducts or openings of any heating, air conditioning or ventilation system.
 - m. The complete drawings of all commercial hoods and ventilation systems, including the cooking appliances served by the hoods, and verify:
 - i. The interconnection of the fire-extinguishing system and fuel shutoff devices.
 - ii. Compliance with Department of Health and Human Services requirements.
 - iii. Compliance with South Coast Air Quality Management District requirements.
 - n. The weight of any equipment weighing more than that specified in Chapter 13 of ASCE 7.
 - o. Construction documents for buildings more than two (2) stories in height of other than one- or two-family dwelling and related accessory building or structure shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for mechanical conduits, pipes and similar systems.

(ORD-13-0024, § 1(exh. A), 2013)

18.05.040 - Examination of construction documents.

- A. General. When the permit applicant, in addition to the fee prescribed therefore and at the time of making application for such permit, pay a plan examination fee as set forth in Section 18.06.020, the Building Official shall examine or cause to be examined the accompanying submittal documents and

shall ascertain by such examinations whether the construction indicated and described is in accordance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

- B. Approval of construction documents. When the Building Official issues a permit pursuant to Section 18.04.040, the construction documents shall be approved, in writing or by stamp, as "APPROVED." One (1) set of approved construction documents shall be retained and maintained pursuant to Section 18.05.070
- C. Previous approvals. This title shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith and has not been expired, suspended, discontinued or abandoned pursuant to Subsection 18.04.060.A or expired pursuant to Section 18.05.060
- D. Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.
- E. Approved construction documents on job. One (1) set of approved construction documents issued to the permit applicant shall be kept at the site of the construction or work at all times during which the work authorized thereby is in progress and shall be available and open to inspection by the Building Official. Any deviation from the stamped or approved construction documents shall be in accordance with Subsection 18.05.040.D.
- F. Re-examining construction documents.
 - 1. Re-examining construction documents prior to approval. When construction documents have been examined and are subsequently so revised by the permit applicant for reasons other than plan examination correction as to necessitate re-examination, the Building Official shall require the permit applicant to pay a re-examination fee as set forth in Section 18.06.030 which would be required for the cost of that portion of the construction or work which has been revised. No additional permit fee will be required unless the revision increases the total cost of the entire project. In that event, the Building Official shall require the permit applicant to pay an additional permit fee based on the additional cost.

EXCEPTION: No additional plan examination fee shall be charged for verification of the corrections required by the Building Official.
 - 2. Re-examining construction documents after approval. When construction documents are resubmitted for examination of changes made to previously approved construction documents, the permit applicant shall pay a re-examination fee as set forth in Section 18.06.030

(ORD-13-0024, § 1(exh. A), 2013)

18.05.050 - Design professional in responsible charge.

- A. General. When it is required that documents be prepared by a registered design professional licensed in the State of California, the Building Official shall be authorized to require the owner to engage and designate on the permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner may designate a substitute registered design professional in responsible charge who shall perform the duties required

of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

B. Deferred submittals.

1. For the purposes of this section, deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the Building Official within a specified period.
2. Deferral of any submittal items shall have prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.
3. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until the Building Official has approved the deferred submittal documents.

C. Structural observation. Where structural observation is required by Section 1710 of the California Building Code adopted in Chapter 18.40, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

(ORD-13-0024, § 1(exh. A), 2013)

18.05.060 - Expiration of plan examination.

If after a period of one (1) year from date of application for permit, any permit applicant has failed to pay for and obtain a permit pursuant to Subsection 18.04.040.A, such application and examination fee shall become invalid and no permit shall be issued unless a new application is submitted and a new examination fee paid pursuant to Section 18.06.020. Construction documents submitted at the time of application may be destroyed if after a period of one (1) year from date of application no permit has been paid for or issued.

EXCEPTION: The Building Official is authorized to grant one (1) or more extensions of time for additional periods not exceeding one hundred eighty (180) days each. The extension shall be requested in writing on a form furnished by the Building Official for that purpose and justifiable cause is demonstrated pursuant to Section 18.03.050.

(ORD-13-0024, § 1(exh. A), 2013)

18.05.070 - Retention and maintenance of construction documents.

A. Retention of construction documents. The duplicate approved construction documents of every building or structure shall be stamped and retained by the Building Official for a period of not less than one (1) year from the date of completion of the work covered therein, after which time the Building Official may, at his or her discretion, either dispose of the copies or retain them as a part of

the permanent files of the Building Official as required by Section 19850 of the California Health and Safety Code. Before issuing a permit, the Building Official shall collect a fee pursuant to Section 18.06.090 for maintaining construction documents that are required to be retained by this section.

EXCEPTIONS: Construction documents for the following need not be maintained, except where required by the Building Official:

1. Single or multiple dwellings in areas which are not part of a common interest development (as defined in Section 1351 of the California Civil Code), and not more than two (2) stories and basement in height;
 2. Garages and other structures appurtenant to buildings described in Exception 1 of this subsection;
 3. Farm or ranch buildings; and
 4. Any one-story building where the span between bearing walls does not exceed twenty-five (25) feet. This exception does not, however, apply to a steel frame or concrete building.
- B. Inspection of construction documents. The copy of the approved construction documents maintained by the Building Official as provided by Subsection 18.05.070.A may be available for inspection only on the premises of the Building Official.

EXCEPTION: Construction documents for banks, other financial institutions or public utilities that are maintained by the Building Official may not be inspected without written permission from the owner of the building.

- C. Reproduction of construction documents. Construction documents maintained by the Building Official under Subsection 18.05.070.A may not be duplicated in whole or in part except with the written permission of the certified, licensed or registered professional or his or her successor, if any, who signed the original documents, and the written permission of the original or current owner of the building, or, if the building is part of a common interest development, with the written permission of the Board of Directors or governing body of the association established to manage the common interest development; upon request by any State agency; or by order of a proper court. In implementing this provision, the Building Official shall comply with the requirements of Section 19851 of the California Health and Safety Code.

The Building Official shall also furnish the form of an affidavit to be completed and signed by the person requesting to duplicate the official copy of the construction documents, which contains provisions stating the following:

1. That the copy of the construction documents shall only be used for the maintenance, operation and use of the building;
2. That drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed or registered professional of record; and
3. That Sections 5536.25(a) and 6735(b) of the California Business and Professions Code States that a registered design professional who signs construction documents shall not be responsible for damage caused by subsequent changes to, or use of, those construction documents where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the registered design professional who originally

signed the construction documents, provided that the service rendered by the registered design professional who signed the construction documents was not also a proximate cause of the damage.

The fees specified in the following paragraphs 1 or 2 shall be paid by the person requesting duplication of construction documents:

1. Construction documents that have not been microfilmed and are authorized for reproduction to be duplicated by other than City services will be released only to a Department authorized duplicating service. The person requesting duplication shall pay the cost of duplicating the construction documents directly to the duplicating service. That person shall pay a processing fee for each set of construction documents released to the Building Official as determined by Section 18.06.120
2. Construction documents that have been microfilmed and are authorized for reproduction shall be duplicated by City services or vendors. The Building Official shall collect an initial service fee for each request for reproduction of construction documents plus an additional fee for each sheet requested to be photocopied as determined by Section 18.06.120

D. Withdrawal of construction documents. The Building Official shall not permit any original construction documents, or portions thereof upon which a permit has been issued, to be withdrawn from the office of the Building Official, except for official use by representatives of the City.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.06 - FEES

18.06.010 - Permit fees.

A. Building permit fees. A building permit (exclusive of subtrade permits) shall be issued for each building or structure to be erected or upon which work is to be done thereunder when required pursuant to Section 18.04.010 and for each such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the estimated total cost of the work proposed to be done, in accordance with the building permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.73 Flood-Resistant Design and Construction shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.74 Low Impact Development Standards shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Sections 1.8.2.1.2 and 1.9.1 of Title 24, Part 2, of the California Code of Regulations, the State's Disabled Access and Adaptability Requirements, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Section 2700, Chapter 8, Division 2 of the California Public Resources Code, the State's Strong Motion Instrumentation Program, shall pay an additional fee as set forth in Section 2705, Chapter 8, Division 2 of the California Public Resources Code.

In addition to the above, projects regulated under Article 1-10 in Chapter 1 of Title 24, Part 1, of the California Code of Regulations, the State's Building Standards Administration Special Revolving Fund, shall pay an additional fee as set forth in Section 18931.6 of the California Health and Safety Code.

EXCEPTION: A single combined permit may be issued for the following:

1. The construction, addition or alteration of any building or structure of a one- or two-family dwelling and related accessory building and structure, which includes all building, electrical, plumbing, heating, ventilating, and air conditioning work; or
2. The construction, addition or alteration of any sign or sign support structure, which includes all building and electrical work.

The total permit fee for the combined building permit shall be as set forth in the schedule of fees and charges established by City Council resolution.

- B. Grading permit fees. A grading permit shall be issued to each property or site upon which grading work is to be done thereunder when required pursuant to Subsection 18.04.010.B, and for each such permit the permit applicant shall pay a filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a grading permit fee computed on the basis of the estimated total cubic yard of work proposed to be done as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.74 Low Impact Development Standards shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- C. Electrical permit fees. An electrical permit shall be issued for each building or structure upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.C, and for each such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the proposed work to be done in accordance with the electrical permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

NOTE: For any electrical installation for which an electrical permit is required, but for which no fee is provided in this section, the electrical permit fee shall be based on the valuation of the electrical work and determined by Subsection 18.06.010.A.

Each point at which a lamp holding device, or group of lamp holding devices, is attached shall be considered to be an electrical outlet for which a fee is provided and required, and the lamp holding device shall be considered to be an electrical fixture for which a fee is provided and required.

D.

Plumbing permit fees. A plumbing permit shall be issued for each building or structure upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.D, and for each such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the proposed work to be done in accordance with the plumbing permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

NOTE: For the purpose of this subsection, a plumbing outlet to which a fixture may be attached shall be considered a plumbing fixture, and any appliance or device which connects directly or indirectly with the soil, waste or water system, or requires a trap or vent, shall be considered a plumbing fixture, and shall include water heaters, boilers and any type of water treating device.

E. Mechanical permit fees. A mechanical permit shall be issued for each building or structure upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.E, and for each such permit the permit applicant shall pay a permit filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a fee computed on the basis of the proposed work to be done in accordance with the mechanical permit fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

F. Sign permit fees. A sign permit shall be issued for each sign or sign support structure to be erected or upon which work is to be done thereunder when required pursuant to Subsection 18.04.010.G, and for each such permit the permit applicant shall pay a filing fee as set forth in the schedule of fees and charges established by City Council resolution plus a sign permit fee computed on the basis of the estimated total cost of the work proposed to be done as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

G. Determining valuation. The determination of value or valuation under any of the provisions of this title shall be made by the Building Official. The value to be used in computing the permit and plan examination fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

No person shall willfully or negligently withhold from or misrepresent to the Building Official any information he or she may request relative to the estimated cost of any proposed work for which an application for a permit has been filed, or misrepresent the cost of any such work. The determination or collection of fees based upon incorrect information and other data supplied by the permit applicant shall not prevent the Building Official from subsequently requiring the correction of the error in determining or collecting the appropriate fees.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.020 - Plans examination fees.

Except where the Building Official has determined that the submittal of construction documents and other data are not required if the Building Official finds that the nature of the work applied for is such that the examination of construction documents is not necessary to obtain compliance with this title, plans examination and the fees for such examination shall be required for the following:

- A. Buildings and structures plans examination fees. Except as provided in this section, the permit applicant for a building permit shall, in addition to the fee prescribed therefore and at the time of making application for such building permit, pay a plans examination fee as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee. The plans examination fee for a combined permit shall be as set forth in the schedule of fees and charges established by City Council resolution for a building permit of the same valuation.

In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.73 Flood-Resistant Design and Construction shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 18.74 Low Impact Development Standards shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Sections 1.8.2.1.2 and 1.9.1 of Title 24, Part 2, of the California Code of Regulations, the State's Disabled Access and Adaptability Requirements, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code as developed by the California Energy Commission, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

EXCEPTIONS: No plans examination fee shall be required when the Building Official has determined that the submittal of construction documents and other data are not required if it is found that the nature of the work applied for is such that the examination of construction documents is not necessary to obtain compliance with this title.

- B. Grading plans examination fees. The permit applicant for a grading permit shall, in addition to the fee prescribed therefore and at the time of making application for such grading permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Chapter 18.61 NPDES and SUSMP Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- C. Electrical plans examination fees. The permit applicant for an electrical permit shall, in addition to the fee prescribed therefore and at the time of making application for such electrical permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code, developed by the California Energy Commission shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- D. Plumbing plans examination fees. The permit applicant for a plumbing permit shall, in addition to the fee prescribed therefore and at the time of making application for such plumbing permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Sections 1.8.2.1.2 and 1.9.1 of Title 24, Part 2, of the California Code of Regulations, the State's Disabled Access and Adaptability Requirements, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- E. Mechanical plans examination fees. The permit applicant for a mechanical permit shall, in addition to the fee prescribed therefore and at the time of making application for such mechanical permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code, developed by the California Energy Commission shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

In addition to the above, projects regulated under Chapter 1 of Title 24, Part 11, of the California Code of Regulations, the State's Green Building Standards Code, shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- F. Signs and sign support structures plans examination fees. The permit applicant for a sign permit shall, in addition to the fee prescribed therefore and at the time of making application for such sign permit, pay a plans examination fee to the City as set forth in the schedule of fees and charges established by City Council resolution, including the filing fee.

In addition to the above, projects regulated under Title 24, Part 6, of the California Code of Regulations, the State's Building Energy Efficiency Standards Code, developed by the California Energy Commission shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

- G. Express plans examination fees. At the request of the permit applicant, the Building Official may, at his or her discretion, provide plans examination services at other than normal working hours. An express plans examination fee, in addition to the plans examination fees charged elsewhere in this title, as set forth in the schedule of fees and charges established by City Council resolution shall be collected at the time of the request.
- H. Geologic reports review fees. A fee as set forth in the schedule of fees and charges established by City Council resolution shall be charged for the review of geologic, soils engineering or geotechnical engineering reports submitted as required by State law for proposed development in seismic hazard zones, including but not limited to, fault rupture, liquefaction and landslide hazard zones or Subsection 18.05.030.A.14.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.030 - Plans re-examination fees.

When required by Section 18.05.040, the permit applicant shall pay a plan re-examination fee as set forth in the schedule of fees and charges established by City Council resolution. The plan re-examination fee in the case of a building, sign or subtrade permit shall be based on a rate as set forth in the schedule of fees and charges established by City Council resolution and the plan examination fee for a grading permit shall be as set forth in the schedule of fees and charges established by City Council resolution for the number of cubic yards replaced, removed or omitted that were not previously approved.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.040 - Re-inspection fee.

When required by Section 18.07.030, the permit applicant shall pay a re-inspection fee as set forth in the schedule of fees and charges established by City Council resolution.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.050 - Special inspection fee.

- A. General. Upon request, the Building Official will make special inspections provided:
1. The permit applicant makes accessible and exposes elements or structures inspected;
 2. That the permit applicant pays a fee as set forth in the schedule of fees and charges established by City Council resolution for the following:
 - a. Building inspection,
 - b. Plumbing inspection,
 - c. Electrical inspection,
 - d. Mechanical inspection,

- e. Housing inspection (dwellings),
 - f. Code inspection for business license,
 - g. Non-team inspection,
 - h. Team inspection,
 - i. Condominium conversion inspections,
 - j. Site inspection not otherwise covered.
- B. Additional inspection fee. A fee as set forth in the schedule of fees and charges established by City Council resolution per hour or fraction thereof shall be charged for inspections requiring in excess of one (1) hour.

EXCEPTION: Within the scope of the special inspections, the Building Official may approve minor corrections or alterations involving work of a building, plumbing, mechanical or electrical nature with an aggregate total cost of two thousand dollars (\$2,000.00) or less.

- C. Off-hour inspection fee. For inspections performed on request at other than normal office hours, a fee as set forth in the schedule of fees and charges established by City Council resolution.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.060 - Fees for verification of reports.

- A. Special inspection supervision fee. To supervise the performance of registered special inspectors required to be employed for certain types of work as provided by Section 18.07.080, a fee as set forth in the schedule of fees and charges established by City Council resolution for each type of work shall be paid at the time of permit issuance.
- B. Structural observation report fee. To verify that all structural observation reports required by Section 1704.5 of the California Building Code adopted in Chapter 18.40 have been received prior to the issuance of a Certificate of Occupancy, a fee as set forth in the schedule of fees and charges established by City Council resolution shall be paid at the time of permit issuance.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.070 - Investigation fees—Work without a permit.

- A. Investigation. Whenever any work for which a permit is required by this title has been commenced without first obtaining such permit, a special investigation shall be made before a permit may be issued for such work.
- B. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this title with a minimum fee as set forth in the schedule of fees and charges established by City Council resolution. The payment of such investigation fee shall not exempt any person, firm or corporation from compliance with all other provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State nor from any penalty prescribed by law.

EXCEPTION: The investigation fee may be waived for emergency work when it is proved to the satisfaction of the Building Official that such work was urgently needed and it was impractical to obtain a permit prior to commencement of the work.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.080 - Code enforcement fees.

- A. Purpose. The City incurs an extraordinary cost whenever it becomes necessary to undertake code enforcement proceedings to abate a substandard or dangerous property condition. The purpose of the code enforcement fee as required by this section is to recover a portion of these incurred costs.
- B. When required. Whenever a building permit is required to abate a substandard or dangerous condition as ordered by the Building Official, a code enforcement fee shall be paid in addition to the permit fee. The special code enforcement fee shall not be required if the abatement order of the Building Official is reversed on appeal to the Board of Examiners, Appeals and Condemnation, or by subsequent appeal to City Council, or by final subsequent appeal to City Council, or by final judgment of a court of competent jurisdiction.
- C. Fee. The code enforcement fee required by this title is as set forth in the schedule of fees and charges established by City Council resolution. The payment of the code enforcement fee shall not exempt any person, firm or corporation from compliance with all other provisions of this code nor from any penalty prescribed by law.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.090 - Construction document maintenance fee.

Before issuing a permit, the Building Official shall collect a fee for maintaining construction documents that are required to be retained by Section 18.05.070. The amount of the construction document maintenance fee shall be as set forth in the schedule of fees and charges established by City Council resolution and shall be collected for each separate construction documents to be retained by the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.100 - Board of Appeals fees.

- A. Board of Examiners, Appeals and Condemnation fee. A fee as set forth in the schedule of fees and charges established by City Council resolution shall be charged to a person appealing to the Board of Examiners, Appeals and Condemnation pursuant to Section 18.10.020 the action of the Building Official in enforcing or interpreting the provisions of this title, including determinations relative to correction of substandard conditions in buildings and to abate nuisances.

EXCEPTION: For appeal involving condemnations and from corrective notices as provided for in this title, there shall be no required fee.

- B. Disabled Access Appeals Board fee. A fee as set forth in the schedule of fees and charges established by City Council resolution shall be charged to a person appealing to the Disabled Access Appeals Board pursuant to Section 18.10.030 the action of the Building Official in enforcing Title 24, Part 2, of the California Code of Regulations, the State's Disabled Access and Adaptability Requirements.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.110 - Fee for verifying and reproducing permit records.

A fee will be charged to verify permit and inspection records, including age of building. Reproduction of permit records may be obtained for a fee. The fee is as set forth in the schedule of fees and charges established by City Council resolution.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.120 - Processing fee for reproducing construction document records.

A processing fee as set forth in the schedule of fees and charges established by City Council resolution shall be charged to process a request for a copy of construction documents on record. A separate processing fee shall be paid for each construction document or set of construction documents involving a single site. The processing fee shall be in addition to fees charged to cover duplicating costs.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.130 - Oil and gas well record search.

A fee as set forth in the schedule of fees and charges established by City Council resolution for each lot or parcel located in an oil zone shall be charged for a record search to determine the existence and location of subsurface gas or oil wells.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.140 - Oil or gas well abandonment.

A fee as set forth in the schedule of fees and charges established by City Council resolution shall be charged for the inspections required during the abandonment of an oil or gas well.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.150 - Service connection fee.

When electrical connection by the utility company is necessary to supply such temporary use, the owner of the building or a duly authorized representative shall make application and pay a fee as set forth in the schedule of fees and charges established by City Council resolution for each service connection.

Each meter and meter switch is considered a separate service. The Building Official may impose such reasonable requirements and regulations in connection therewith as he or she may deem necessary.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.160 - Code modification and alternate fees.

- A. Code modification fee. A written application for code modification pursuant to Section 18.03.050 shall be submitted together with a filing fee as set forth in the schedule of fees and charges established by City Council resolution. An additional fee as set forth in the schedule of fees and charges established by City Council resolution per hour or fraction thereof shall be charged when staff review time exceeds one (1) hour.
- B. Code alternate fee. A written application for alternate materials, design and methods of construction or equipment pursuant to Section 18.03.060 shall be submitted together with a filing fee as set forth in the schedule of fees and charges established by City Council resolution. An additional fee as set forth in the schedule of fees and charges established by City Council resolution per hour or fraction thereof shall be charged when actual staff review time exceeds one (1) hour.

EXCEPTION: The requirement for application and fees and charges may be waived by the Building Official for materials, products or methods which have been evaluated and listed by the International Code Council, the National Research Board, or other recognized agency.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.170 - Transfer of permit fee.

Active permits transferred pursuant to Subsection 18.04.060.E shall pay a permit transfer fee as set forth in the schedule of fees and charges established by City Council resolution.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.180 - Temporary Certificate of Occupancy fee.

Permit applicants requesting a Temporary Certificate of Occupancy pursuant to Section 18.08.040 shall pay an investigation fee as set forth in the schedule of fees and charges established by City Council resolution for which approval of temporary occupancy is sought with the minimum fee as set forth in the schedule of fees and charges established by City Council resolution. An additional investigation fee shall be paid to extend a Temporary Certificate of Occupancy beyond thirty (30) days in an amount as set forth in the schedule of fees and charges established by City Council resolution of the initial investigation fee as set forth in the schedule of fees and charges established by City Council resolution for each additional thirty (30) day period or fraction thereof.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.190 - Waiver of fees.

The Director may waive any application fee imposed on or after October 1, 1996 pursuant to the provisions of this title or municipal code if the Director first finds as follows:

1. A permit has been issued which does not fully conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State; and
2. There is no evidence that the permit applicant, in seeking the permit intentionally sought to avoid conformance to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State; and
3. Substantial construction commenced in good faith reliance on that permit; and
4. Stoppage has been ordered subsequent to such commencement as a result of the failure of the permit to conform to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State; and
5. The application or applications for which a fee waiver is requested and granted are necessary in order to authorize the issuance of the permit in a manner fully conforming to the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

(ORD-13-0024, § 1(exh. A), 2013)

18.06.200 - Refunds.

- A. General. No portion of any permit as required in this title shall be refunded to the permit applicant unless, prior to commencement of actual work thereunder, the proposal to do such work is abandoned, or it is discovered that such permit is void under provisions of this title, municipal code or other ordinances of the City. No portion of a checking fee shall be refunded to the permit applicant if any checking of the construction documents has been done in the office of the Building Official.
- B. Condition. Refunds shall be made in the calculated amount so determined in this section and under the conditions set forth in Sections 3.48.040 and 3.48.060 of the municipal code.
- C. Administration fee. Before any refund is made under this chapter, the Building Official shall deduct a percent as set forth in the schedule of fees and charges established by City Council resolution of the fee paid to pay for expenses incurred by the City in connection with accepting the construction documents, passing upon the application for or issuance of the permit, and the sum shall be

deducted from the fee so paid and the balance paid to such person. If the person entitled to the refund is an individual and such person becomes deceased, the refund may be made to such person or persons entitled to receive the money.

- D. Expiration. Any application for refund must be filed by the person entitled to receive such refund within the prescribed expiration period in Subsection 18.06.200.B.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.07 - INSPECTIONS

18.07.010 - General.

- A. Inspection. All construction or work for which a permit is required shall be subject to inspection by Section 18.07.050 and such construction or work shall remain accessible and exposed for inspection purposes until approved. Certain types of construction shall have special inspections by registered special inspectors as specified in Section 18.07.080 and Section 1704 of the California Building Code adopted in Chapter 18.40. Prior to the issuance of a Certificate of Occupancy as specified in Section 18.08.010, a final inspection in accordance with Section 18.07.050 shall be made by the Building Official of all construction or work for which a permit has been issued.
- B. Liability. Neither the Building Official, authorized employees of the Department, nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(ORD-13-0024, § 1(exh. A), 2013)

18.07.020 - Inspection record card.

The Building Official shall furnish with each permit an inspection record card to be posted in a conspicuous place on the front premises (or electric meter box) and in such position as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. The inspection record shall show the location, nature of work to be done, the number of the permit and list the required inspections.

When any of the required inspections pursuant to Section 18.07.050 have been made and that portion of the work is approved, the inspector shall so record on the permit card posted on the job.

(ORD-13-0024, § 1(exh. A), 2013)

18.07.030 - Inspection requests.

- A. General inspection request. It is the duty of the permit holder or their duly authorized agent to notify the Building Official when work is ready for inspection and to provide access to and means for inspections of such work that are required by this title. The Building Official may require that every request for inspection be filed at least one (1) working day before such inspection is desired. Such request may be in writing, by telephone or by other means at the option of the Building Official.
- B. Re-inspection request. To obtain a re-inspection, the permit applicant shall request such inspection pursuant to Subsection 18.07.030.A. A re-inspection fee in Section 18.06.040 may be charged for the following:
1. For each inspection or re-inspection when the portion of work for which the inspection or re-inspection is called is not complete or when the correction called for is not made.

NOTE: This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this title, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

2.

When the permit card is not properly posted on the work site, the approved construction documents are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from the approved construction documents requiring the approval of the Building Official.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(ORD-13-0024, § 1(exh. A), 2013)

18.07.040 - Approvals required.

No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. The Building Official, upon notification pursuant to Section 18.07.030 by the person, firm or corporation performing the work, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or their duly authorized agent wherein the same fails to comply with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official. Such written approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required or conditions stipulated in Section 18.07.050. There shall be a final inspection and approval on all buildings or equipment installations when completed and ready for occupancy or use.

EXCEPTIONS:

1. For temporary connection, the Building Official may give written permission to furnish electric current to or the use of electric current through any electrical wiring if such electrical wiring may be used safely for such purposes, and that there exists an urgent necessity for such use.
2. The requirements of this section shall not be considered to prohibit the operation of any heating equipment installed to replace existing heating equipment serving an occupied portion of a building, in the event a request for inspection of such heating equipment has been filed with the Building Official not more than forty-eight (48) hours after such replacement work is completed, and before any portion of such equipment is concealed by any permanent portion of the building.

(ORD-13-0024, § 1(exh. A), 2013)

18.07.050 - Required inspections.

- A. Building. The Building Official, upon notification as specified in Section 18.07.030, shall make the inspections set forth in Subsections A.1. through A.13., if applicable:
 1. Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
 2. Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after all in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is

placed or floor sheathing installed, including the subfloor.

3. Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Chapter 18.73 Flood-Resistant Design and Construction or Section 1612.5 of the California Building Code adopted in Chapter 18.40 shall be submitted to the Building Official. A final elevation certification shall be submitted to the Building Official prior to making a request for final inspection.
 4. Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
 5. Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, are in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
 6. Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.
 7. Energy efficiency inspections. Inspections shall be made to determine compliance with the California Energy Code adopted in Chapter 18.46 and shall include, but not be limited to, inspection for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.
 8. Reinforced concrete. When forms and reinforcing steel are in place ready for concrete.
 9. Reinforced masonry. In grouted masonry when vertical reinforcing steel is in place and other reinforcing steel distributed and ready for placing, but before any units are laid up.
 10. Structural steel. When structural steel members are in place and required connections are complete, but before concealing any members or connection.
 11. Other inspections. In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this title and other laws that are enforced by the Building Official.
 12. Special inspections. For special inspections, see Section 1704 of the California Building Code adopted in Chapter 18.40.
 13. Final inspection. Final inspection shall be made after all work required by the permit is completed and prior to occupancy.
- B. Electrical. The Building Official, upon notification as specified in Section 18.07.030, shall make the inspection and approval of electrical installation as set forth in Subsections B.1. through B.9., if applicable:
1. Inspection required. All electric wiring or installation in or on any building or structure of any nature, or tent, or premises, except as otherwise exempted in this title, for which a permit is required must be inspected and approved by the Building Official before being energized or used.
 2. Prohibited use, operation or maintenance. No person shall use, operate or maintain, or cause or permit to be used, operated or maintained, any such electric wiring until such inspection and approval. No serving agency shall furnish or supply or cause or permit to be furnished or supplied, electric energy to any such electric wiring until such inspection and approval.

3. Prohibited concealment or enclosure of electrical wiring. No person shall conceal, enclose or cover, or cause or permit to be concealed, enclosed or covered, any portion of any electric wiring in any manner that will interfere with or prevent the inspection and approval thereof.
 4. Prohibited obstruction to inspection. Any portion of any floor, ceiling, wall, partitions, roof, finish or other obstruction whatsoever which renders impracticable the making of a complete and thorough inspection of electric wiring shall be removed upon notice to do so, and shall be kept removed until such electric wiring has been inspected and approved.
 5. Removal of foreign material in box and wire enclosure. Before a final inspection of any electric wiring, all plaster, concrete or other foreign material shall be thoroughly removed from every box and wiring enclosure, and not less than six (6) inches of jointless conductors shall extend out of each lighting outlet box for future connection thereto, except when conductors are intended to loop through the lamp holder.
 6. Fixture connection. Fixtures or appliances shall not be connected to electric wiring until the rough wiring has been inspected and approved by the Building Official.
 7. Free of defects. All such wiring shall be free from grounds, shorts, or other defects, before approval thereof.
 8. Exemption. The provisions of this subsection shall not apply to finished work or to conductors inserted in conduit or other wiring enclosures. Nothing contained in this subsection shall be construed to prohibit the temporary use of electric energy when and as specifically provided in this title. Nothing contained in this subsection shall be construed to prohibit the inspection of any electric wiring even though no permit is required therefore.
 9. Final inspection. Final inspection shall be made after all work required by the permit is completed and found to be in compliance with the provisions of this title, the Building Official shall leave a notice at the service switch or other suitable place so stating, and shall issue a certificate of inspection or approval tag when requested, or service permit, authorizing the connection to the electrical service and the energizing of the installation.
- C. Plumbing. The Building Official, upon notification as specified in Section 18.07.030, shall make the inspection and approval of plumbing installation as set forth in Subsections C.1. through C.6., if applicable:
1. Inspection required. All plumbing installation in or on any building or structure of any nature, or tent, or premises, except as otherwise exempted in this title, for which a permit is required must be inspected and approved by the Building Official.
 2. Gas supply or meter. No person shall furnish or supply gas to any gas piping or install any meter therefore until all plumbing as regulated by this title has been installed and approved by the Building Official and a certificate of final inspection has been issued.

EXCEPTION: Notwithstanding anything in this chapter to the contrary, gas service may be supplied to gas piping for construction purposes only and a gas meter may be installed therefore under the following conditions:

 - a. The owner of the building or a duly authorized representative shall apply to the Building Official for such gas service and shall pay a fee as set forth in the schedule of fees and charges established by City Council resolution in connection with such application to the

Building Official. The application for such gas service shall not be granted until all gas piping in the structure affected has been tested and approved pursuant to the California Plumbing Code adopted in Chapter 18.43.

- b. Such service shall not be permitted for an initial period in excess of thirty (30) days. The Building Official may impose such reasonable requirements and regulations in connection therewith as he or she may deem necessary. For good cause, the Building Official may extend such period of time in his or her reasonable discretion.
 3. Prohibited concealment of installation. No person shall fail, neglect or refuse to leave and keep any plumbing, as regulated by this title, open, uncovered and convenient for inspection until such plumbing has been inspected and approved by the Building Official, and any obstruction whatsoever, which interfered with a complete and thorough inspection of any plumbing, shall be removed upon notice so to do, and shall be left and kept removed until such plumbing has been inspected and approved.
 4. Location of installation. Piping, fixtures or equipment shall not be located in such manner as to interfere with the normal operation of windows, doors or other required means of access.
 5. Services to be capped when building removed. Where a building is demolished or removed from its site, the building sewer, water and gas service shall be properly capped to the satisfaction of the Building Official.
 6. Final inspection. Final inspection shall be made after all work required by the permit is completed and found to be in compliance with the provisions of this title, the Building Official shall leave a notice at a suitable place so stating, and when requested shall authorize the furnishing or supplying of gas to any gas piping or the installation of any meter.
- D. Mechanical. The Building Official, upon notification as specified in Section 18.07.030, shall make the inspection and approval of mechanical installation as set forth in Subsections D.1. through D.5., if applicable:
1. Inspection required. All mechanical installation in or on any building or structure of any nature, or tent, or premises, except as otherwise exempted in this title, for which a permit is required must be inspected and approved by the Building Official.
 2. Prohibited concealment of installation. That portion of any equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved by the Building Official.
 3. Connection to fuel or power supply. Equipment regulated by this title shall not be connected to the fuel or power supply until authorized by the Building Official.
 4. Failure to comply. A final inspection approval may, upon notice, be revoked by the Building Official if he or she finds that the heating, ventilating, cooling, or refrigeration equipment fails in any respect to comply with the requirements of this title, or that the installation is unsafe, dangerous, or a hazard to life or property.
 5. Final inspection. Final inspection shall be made after all work required by the permit is completed and found to be in compliance with the provisions of this title, the Building Official shall leave a notice at a suitable place so stating, and shall authorize the connection to the fuel or power supply for the installation.

E.

Grading. The Building Official, upon notification as specified in Section 18.07.030, shall make the inspection and approval of grading, excavations or fills operation as set forth in Subsections E.1. through E.7., if applicable:

1. Initial meeting/inspection. When the permit holder or their duly authorized agent is ready to begin work, but before any grading operation or brushing is started, a meeting shall be held at the project site with the contractor and the inspectors to discuss the approved construction documents, soil reports and the sequence of the grading operations.
2. Toe inspection. After the natural ground is exposed and prepared to receive fill, but before any fill is placed.
3. Excavation inspection. After the excavation is started, but before the vertical depth of the excavation exceeds ten (10) feet.
4. Fill inspection. After the fill placement is started, but before the vertical height of the lifts exceeds ten (10) feet.
5. Drainage device inspection. After forms and pipes are in place, but before any concrete is placed.
6. Rough grading. When all rough grading has been completed. This inspection may be called for at the completion of the rough grading without the necessity of the Building Official having previously reviewed and approved reports.
7. Final. When all work, including installation of all drainage structures or other protective devices, has been completed and the as-graded construction document and required reports have been submitted.

(ORD-13-0024, § 1(exh. A), 2013)

18.07.060 - Surveys.

In the absence of any designation of the proper location of the lot on which a building or structure is to be erected, for which building a permit has been issued, the Building Official may require the permit holder or their duly authorized agent to have the lot surveyed and staked by a registered land surveyor or registered civil engineer licensed in the State of California to practice as such so that the proper location of the building or structure on the lot may be determined and to verify compliance of the building or structure with the approved construction documents.

(ORD-13-0024, § 1(exh. A), 2013)

18.07.070 - Non-inspected work.

No person, firm or corporation shall own, use, occupy or maintain any building or structure on which non-inspected work has been performed. For the purpose of this title, "non-inspected work" shall be defined as and include but not limited to any erection, construction, enlargement, alteration, repair, remodel, movement, removal, improvement, conversion or demolition for which a permit was first obtained, but which has progressed beyond the point indicated in successive inspections, including, but not limited to, inspections as set forth in Section 18.07.050 and Chapter 17 of the California Building Code adopted in Chapter 18.40, without first obtaining inspection by and approval of the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.07.080 - Special inspections.

- A. When required. In addition to the inspections to be made by the Building Official as specified in this chapter, the owner or the registered design professional in responsible charge acting as the owner's agent shall employ one (1) or more special inspectors who shall provide inspections during

construction on the types of work listed under Section 1704 of the California Building Code adopted in Chapter 18.40. The special inspector shall be qualified under Subsection 18.07.080.B. The special inspector may be employed either directly or through the architectural or engineering firm in charge of the design of the structure, or through the geologic or soils engineering firm providing technical design data for the project, or through an independent approved inspection/test firm. In any case, the special inspector shall be approved by and shall be responsible to the architectural or engineering firm in charge of the design of the structure, or the geologic or soils engineering firm providing technical design data for the project.

- B. Qualifications of special inspector. The registered special inspector shall be a qualified person who shall demonstrate his or her competence pursuant to Subsection 18.07.080.C, to the satisfaction of the Building Official, for inspection of the particular type of construction or operation requiring special inspection.
- C. Examination and certificate.
 - 1. Requirement. Any person desiring to be registered as a registered inspector shall first qualify by passing a written or oral examination or both, given by the Building Official. Upon application for such examination, such person shall pay to the City a nonrefundable registration fee as set forth in the schedule of fees and charges established by City Council resolution.
 - 2. Certificate. Every applicant passing such examination shall be issued a certificate as a registered inspector upon payment of a fee as set forth in the schedule of fees and charges established by City Council resolution.
 - 3. Expiration. All certificates issued by the Building Official shall expire three (3) years from the date issued, and may be renewed from year to year upon the payment of an annual fee as set forth in the schedule of fees and charges established by City Council resolution. Application for renewal shall be made within thirty (30) days following the date of expiration. Expired certificates may be renewed within sixty (60) days following the date of expiration; provided, that the renewal fee shall be as set forth in the schedule of fees and charges established by City Council resolution. After a certificate has expired, it shall not be renewed, and an application, nonrefundable fee and a reexamination will be required.
- D. Revocation of registration. The Building Official may revoke the registration of any registered special inspector, or the assignment of such registered special inspector to any particular building or structure, for incompetency or failure to conscientiously carry out his or her duties as specified in Subsection 18.07.080.E, in which event the Building Official may stop all further work upon the building or structure involved until some other person has been qualified, registered and assigned thereto by the Building Official.
- E. Duties of special inspector.
 - 1. Time at the jobsite. The registered special inspector shall be employed on the work, without expense or liability to the City, either on a full-time or part-time basis, depending upon the magnitude of the work as determined by the Building Official. The determination of the percentage of time necessary for the job shall be left to the discretion of the registered special inspector, subject to approval of the Building Official.
 - 2. Responsibility. The registered special inspector shall bear a joint responsibility to the owner, or his or her agent, and the Building Official. He or she shall, for no purpose, be deemed an employee of the City, the contractor, a subcontractor or a material vendor. The assignments of

the registered special inspector to each job shall be reported to the Building Official before commencing work.

3. Duties. In addition to required verification and inspection specified in Section 1704 of the California Building Code adopted in Chapter 18.40, the registered special inspector shall observe the work assigned to be certain it conforms to the approved construction documents. On such building or structure it shall be the duty of every registered special inspector to inspect carefully all materials proposed to be used in connection with any work covered by any permit issued by the Building Official, and the registered special inspector shall obtain full information regarding the strength and durability of new types of materials where their use involves structural safety. He or she shall make such reports in writing as may be required by the Building Official regarding the progress of the work, and any deviations, defects, delays, materials, working conditions and other matters which may in any manner affect the structural safety and strength of the building. He or she shall be directly responsible for enforcing all other ordinances and laws applicable to the work to which he or she is assigned.
 4. Inspection report. The registered special inspector shall furnish inspection reports to the Building Official, the registered design professional in responsible charge and other designated persons. All discrepancies shall be brought to the immediate attention of the contractor for correction; then, if uncorrected, to the proper design authority and to the Building Official. He or she shall notify the Building Official of any attempt to cover, conceal, patch or repair any defect in materials or workmanship, and he or she shall report every infraction of any ruling of the Building Official. In furtherance of his or her aforesaid duties, he or she shall have the authority to compel the removal of defective materials and the correction of defective workmanship, or to suspend or stop further work pending a ruling of the Building Official.
 5. Final report. The registered special inspector shall submit a final signed report stating whether the work requiring special inspection was, to the best of his or her knowledge, in conformance with the approved construction documents and the applicable workmanship provisions of this title.
- F. Termination of duties.
1. Termination. Every registered inspector shall remain constantly upon the work to which he or she is assigned during the process of construction, and unless otherwise removed from the job, his or her duties shall terminate only when a certificate of compliance is issued by him or her and approved by the Building Official. Such certification of compliance shall bear a statement signed by the registered inspector stating that the work upon the building or structure to which he or she has been assigned has been completed in a satisfactory manner and that the regulations of this title affecting the structural features of such building or structure have been fully complied with. If there have been any infractions of this title, they shall be noted in this statement.
 2. Certificate of compliance. The Building Official shall approve such certificate of compliance filed by the registered inspector if after inspection the structural features of such building or structure are found to be in accordance with the provisions of this chapter. Each certificate of compliance shall bear the legal description of the property upon which such building or structure is located and an identifying description of the building.
- G. Waiver of special inspection. The requirement for employment of a registered special inspector may be waived if the Building Official finds that the construction is of minor nature.

CHAPTER 18.08 - CERTIFICATE OF OCCUPANCY

18.08.010 - Certificate required for use or occupancy.

In order to safeguard life and limb, health, property and public welfare, no building or structure shall be used or occupied, and no change in the existing use or occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy therefore as provided in this chapter.

EXCEPTIONS:

1. Unless it is specifically required by the Building Official or other provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, no existing building or portion thereof shall require a Certificate of Occupancy, provided:
 - a. The occupancy and use housed therein is the same for which the original building permit was issued and a final inspection approved,
 - b. Alteration or repair are minor in nature and does not affect fire life-safety or structural stability of a building or portion thereof as determined by the Building Official, and
 - c. The occupancy or use of a building or portion thereof housing a Group A or E occupancy and has not been discontinued for a period of more than six (6) months.
2. No structure, the architecture of which inhibits occupancy, shall require a Certificate of Occupancy.
3. Certificate of Occupancy are not required for work not in scope of this title under Section 18.01.040 or work exempt from permits under Section 18.04.020

Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Certificates presuming to give authority to violate or cancel the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State shall not be valid.

(ORD-13-0024, § 1(exh. A), 2013)

18.08.020 - Issuance of certificates.

When required by Section 18.08.010, after the Building Official inspects the building or structure and finds no violations of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State that are enforced by the Building Official or other departments or agencies within the City, and after other applicable City departments or agencies as determined by the Building Official have reported that all required public improvements have been completed, the Building Official shall issue a Certificate of Occupancy that contains the information specified in Section 18.08.030.

When a Certificate of Occupancy is issued, it shall supersede every certificate previously issued for that portion of the building or structure or portion thereof described thereon.

(ORD-13-0024, § 1(exh. A), 2013)

18.08.030 - Contents of certificate.

Each certificate shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this title for group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3 of the California Building Code adopted in Chapter 18.40.
9. The type of construction as defined in Chapter 6 of the California Building Code adopted in Chapter 18.40.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.
13. The signature of the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.08.040 - Temporary certificate.

Notwithstanding the provisions of Section 18.08.020, if the Building Official finds that no substantial hazard will result from the occupancy of any building, or portion thereof, before the same is completed, and satisfactory evidence is submitted that the work could not have been completed prior to the time such occupancy is desired because of its magnitude or because of unusual construction difficulties, and where other applicable City departments or agencies as determined by the Building Official have reported that all required public improvements have been completed, the Building Official may issue a Temporary Certificate of Occupancy for any building or portion thereof.

The Building Official may issue a Temporary Certificate of Occupancy notwithstanding the fact that all required public improvements have not been completed, if the Building Official finds that the failure to complete the public improvements was due to circumstances over which the person applying for the Certificate of Occupancy had no control.

In addition, the Building Official may issue a Temporary Certificate of Occupancy for an existing building, or portion thereof, provided no substantial hazard will result and satisfactory evidence is submitted justifying the need for such temporary occupancy.

Permit applicants for a Temporary Certificate of Occupancy shall pay an investigation fee as set forth in Section 18.06.180 for which approval of temporary occupancy is sought, including extending a Temporary Certificate of Occupancy beyond thirty (30) days or for each additional thirty (30) day period or fraction thereof.

(ORD-13-0024, § 1(exh. A), 2013)

18.08.050 - Posting.

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

EXCEPTION: One- or two-family dwelling and related accessory building and structure.

(ORD-13-0024, § 1(exh. A), 2013)

18.08.060 - Revocation.

The Building Official may, in writing, suspend or revoke a Certificate of Occupancy or Temporary Certificate of Occupancy issued under the provisions of this title whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the occupancy or the maintenance of any building or structure, or any portion thereof, continues contrary to or in violation of any provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, and such continued occupancy or maintenance will result in the exposure of occupants and/or people in the vicinity to hazardous, dangerous or unsafe conditions. Such suspension or revocation shall be immediate but shall be subject to appeal in accordance with the provisions of Chapter 18.10.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.09 - VIOLATIONS

18.09.010 - General.

It shall be unlawful for any person, firm or corporation to:

1. Erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment in the City regulated by this title, or cause same to be done, in conflict with or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of any building, structure or equipment that was unlawful at the time it was erected, constructed, altered, extended, repaired, moved, removed, demolished or occupied and which would be unlawful under this title if completed after the effective date of this title shall constitute a continuing violation of this title.
2. Grade, excavate or fill any land in the City regulated by this title, or cause same to be done, in conflict with or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.
3. Install, alter, repair, replace, add to, relocate, use or maintain electrical systems, equipments, appliances, fixtures, fittings and appurtenances thereto in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of electrical installation that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.
4. Use or maintain any plumbing, gas piping or water piping or to use, occupy or maintain any building, structure or premises containing any plumbing, gas piping or water piping in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of plumbing or plumbing installation that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.
5. Erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, cooling, or refrigeration equipment in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Maintenance of mechanical equipment that was unlawful at the time it was installed and which would be unlawful under this title if installed after the effective date of this title shall constitute a continuing violation of this title.

The permissive provisions of this title shall not be presumed to waive any limitations imposed by any of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.020 - Notice of violation.

Pursuant to Section 18.03.020, the Building Official is authorized to serve a notice of violation or order on the person, firm or corporation responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State; or in violation of a permit or certificate issued under the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. Such notice or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.030 - Prosecution of violation.

If the notice of violation or order is not complied with promptly or within the time limit specified therein, the Building Official is authorized to request the legal Council of the City to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State or of the order or direction made pursuant thereto.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.040 - Violation penalties.

Any person, firm or corporation who violates the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this title, shall be subject to penalties as prescribed by law.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.050 - Violation for obtaining permit without owner's consent.

Every person, firm or corporation who knowingly and willfully procures a permit without the consent of the owner of record of the property for which the permit is issued, or such person's, firm's or corporation's agent, may be guilty of a misdemeanor as determined by the legal council of the City.

EXCEPTION: This section shall not apply to permits obtained pursuant to and in compliance with an order of a court of law or a governmental agency.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.060 - Making false statement.

Any person, firm or corporation who willfully or knowingly, with the intent to deceive, makes a false statement or representation, or knowingly fails to disclose a material fact in any documentation required by the Building Official to ascertain facts relative to this title, including any oral or written evidence presented, may be guilty of a misdemeanor as determine by the legal Council of the City. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this title whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information supplied, or in violation of any provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

For the purposes of this section, a "person" includes any person who is a registered special inspector, a structural inspector, a certified welder or a certified licensed contractor. The term "writing" shall include, but is not limited to, forms, applications, approvals, reports or certifications required by the Building Official. Every violation of this title may be punishable as a misdemeanor as determine by the legal council of the City.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.070 - Unpermitted structures.

No person, firm or corporation shall own, use, occupy or maintain any "unpermitted structure." For the purpose of this title, "unpermitted structure" shall be defined as any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, remodeled, moved, removed, improved, converted or demolished at any point in time, without the required permit(s) having first been obtained from the Building Official, pursuant to Section 18.04.010.

(ORD-13-0024, § 1(exh. A), 2013)

18.09.080 - Validity of approval.

- A. Approval not a violation of title. Approval as a result of a plan examination or an inspection shall not be construed to be an approval of a violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto. Plan examinations or inspections presuming to give authority to violate or cancel the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto shall not be valid. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this title, municipal code or other ordinances of the City or laws and statutes of the State.
- B. Correction of errors. The issuance of a permit based upon approved construction documents shall not prevent the Building Official from thereafter requiring the correction of errors on the construction documents or from preventing construction being carried on thereunder when in violation of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.10 - BOARD OF APPEALS

18.10.010 - General regulations.

The provisions of Chapter 2.18 provide uniform general regulations applicable to all Boards for the performance of various prescribed duties and functions. In the event any provision of Chapter 2.18 conflicts with a specific provision of this title, such specific provision of this title shall control.

(ORD-13-0024, § 1(exh. A), 2013)

18.10.020 - Board of Examiners, Appeals and Condemnation.

- A. General. In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State, and in order to provide a forum to review the determinations of the Building Official relative thereto as well as to make determinations relative to correction of substandard conditions in buildings and to abate nuisances, and to hear written appeals regarding action taken by the Building Official in its enforcement of State regulations pertaining to access to public accommodations by physically handicapped persons, there is created a Board of Examiners, Appeals and Condemnation established pursuant to Ordinance No. C-5332 in 1977 and amended pursuant to Ordinance No. C-5709 in 1981.
- B. Members. The Board of Examiners, Appeals and Condemnation shall consist of seven (7) members at least five (5) of whom are qualified by experience and training to pass judgment upon matters pertaining to building construction; in accordance with State regulations at least two (2) of the seven (7) members shall be physically handicapped persons; they shall be recommended by the City Manager for appointment by the Mayor and confirmation by the City Council. Members shall serve two (2) year terms and shall be eligible for reappointment if their service does not exceed the eight (8) year maximum established by City Council. The Building Official shall serve as Secretary to the Board.
- C. Duties. The Board of Examiners, Appeals and Condemnation shall conduct hearings on written appeals regarding any action taken by the Building Official in enforcing the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State. In the appeal, the Board of Examiners, Appeals and Condemnation may approve or disapprove interpretations of these regulations and enforcement actions taken by the Building Official. The Board of Examiners, Appeals and Condemnation shall also conduct hearings on written appeals regarding any action taken by the Building Official in enforcing the provisions of State law pertaining to access to public accommodations by physically handicapped persons, including any exceptions contained in Section 19957 of the California Health and Safety Code. In the appeal, the Board may approve or disapprove interpretations of these regulations and enforcement actions taken by the Building Official.
- D. Procedure. The Board of Examiners, Appeals and Condemnation shall adopt reasonable rules and regulations for conducting its investigations and hearings and where not specifically provided otherwise by such rules, Robert's Rules of Order shall govern. All decisions and findings of the Board of Examiners, Appeals and Condemnation shall be in writing and shall be filed with the Secretary with copies to the interested parties. Four (4) members shall constitute a quorum for transaction of business; and each member, including the member serving as Chairman, shall be entitled to vote on

any matter coming before the Board of Examiners, Appeals and Condemnation. For those hearings on written appeals regarding the provisions of State law pertaining to access to public accommodations by physically handicapped persons, at least two (2) members of the Board present and participating in the hearing shall be physically handicapped. All decisions shall be entered upon the minutes of the meetings of the Board, and the Building Official shall be guided in accordance therewith. All decisions of the Board of Examiners, Appeals and Condemnation shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion.

- E. Filing requirement. Any person aggrieved by any ruling of the Building Official interpreting the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State or requiring the doing of any remedial work, or with respect to such person's application for approval of a substitute material or type of construction may appeal to the Board of Examiners, Appeals and Condemnation within thirty (30) days from the date of such ruling or order by serving a written notice upon the Secretary of the Board. A written notice shall be submitted together with a fee as set forth in Section 18.06.100. Such written notice shall state that the applicant is dissatisfied with a ruling or order of the Building Official and shall describe the nature of the complaint. Such appellant shall pay the cost of all tests made or ordered by the Board of Examiners, Appeals and Condemnation. Such notice shall be at once transmitted to the Board of Examiners, Appeals and Condemnation, and the Board of Examiners, Appeals and Condemnation shall thereafter fix a time and place for a hearing, at which time all persons interested in the appeal shall be heard. The Secretary shall give the appellant at least ten (10) days' notice of hearing.
- F. Filing requirement pertaining to public access for handicapped persons. Any person may file a written notice of appeal with the Secretary of the Board within thirty (30) days after an action is taken by the Building Official regarding the regulations pertaining to public access for handicapped persons. A written notice shall be submitted together with a fee as set forth in Section 18.06.100. Such written notice shall state that the applicant is dissatisfied with a ruling or order of the Building Official and shall describe the nature of the complaint. Thereafter, the Disabled Access Appeals Board shall set a time and place for hearing the appeal and all persons interested shall be heard. The Secretary shall give the appellant at least ten (10) days notice of hearing.

(ORD-14-0019, § 1, 2014; ORD-13-0024, § 1(exh. A), 2013)

18.10.030 - Reserved.

Editor's note—

ORD-14-0019, § 2, adopted Nov. 18, 2014, repealed § 18.10.030 entitled "Disabled Access Appeals Board", which derived from: ORD-13-0024, § 1(exh. A), 2013.

18.10.040 - Advisory capacity.

Each Board, upon request of the Building Official, may be called together in an advisory capacity in order to assist the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.10.050 - Limitations on authority.

An application for appeal shall be based on a claim that the true intent of the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State do not fully apply or an equally good or better

form of construction is proposed. Each Board shall have no authority to waive the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State or the rules legally adopted thereunder.

(ORD-13-0024, § 1(exh. A), 2013)

18.10.060 - Compensation.

Each member of all Boards shall be paid by the City, as compensation for his or her services, such sum as may, from time to time, be provided by ordinance. Such compensation shall in no way void a member's eligibility for obtaining any City work in the course of his or her private practice or business.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.17 - TRANSPORTATION IMPROVEMENT FEE

18.17.010 - Short Title.

This chapter shall be known and cited as the Long Beach Transportation Improvement Fee Ordinance or as the Transportation Fee Ordinance. The fees imposed pursuant to this chapter shall be known as "Transportation Improvement Fees."

(ORD-13-0024, § 1(exh. A), 2013)

18.17.020 - Purpose.

A Transportation Improvement Fee is imposed on new development in the City for the purpose of assuring that the transportation level of service goals of the City as set forth in the traffic mitigation program are met with respect to the additional demands placed on the transportation system by traffic generated from such development.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.030 - Affected area—Designation of subareas.

- A. This chapter shall be applicable to all new development in the City including the planned development central business district (CBD) area of the City, except as otherwise provided herein.
- B. In the CBD area of the City, Transportation Improvement Fees shall be imposed on all commercial development, including, but not limited to, office, retail, hotel and movie theaters, as set forth in the fee setting resolution adopted by the City Council pursuant to this chapter.
- C. City-wide, Transportation Improvement Fees shall be imposed on all residential development and on all industrial development as set forth in the fee setting resolution adopted by the City Council pursuant to this chapter.
- D. City-wide, but excluding the CBD area of the City, Transportation Improvement Fees shall be imposed on all commercial development including, but not limited to, office, retail, hotel and movie theaters, as set forth in the fee setting resolution adopted by the City Council pursuant to this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.040 - Definitions.

For purposes of this chapter, the words and terms defined herein shall have the meanings stated, unless another meaning is plainly intended. To the extent that terms utilized in this chapter are not defined herein, but are defined in Title 21 of this code, such terms shall have the meanings stated therein.

- A. "Accessory use" is as defined in Section 21.15.060 of this code.
- B. "Applicant" means the owner of property, or owner's authorized agent for which a request for development approval is received by the City.
- C. "Building permit" means the City permit required for new building construction and/or additions which add square footage pursuant to this title. Neither a grading permit nor a foundation permit shall be considered a building permit for purposes of this chapter.
- D.

"Calculation" means the point in time at which the City calculates the Transportation Improvement Fee to be paid by the applicant. Calculation will generally occur at the time of issuance of a Certificate of Occupancy, but may occur earlier in the development approval process.

- E. "Central business district" area or planned development central business district (CBD) area means the area of the City as delineated on Exhibit 1, attached to the ordinance codified in this chapter and incorporated herein by reference, and which is coterminous with the planned development CBD area as defined in the City of Long Beach general plan land use element.
- F. "Certificate of Occupancy" means the official City certification, issued pursuant to Section 18.08.020 et seq. of this code, that all or a portion of the building, structure or addition is suitable for use or occupancy. For purposes of this chapter, Certificate of Occupancy shall refer to the earlier of, issuance of a Certificate of Occupancy for the building shell or issuance of a Certificate of Occupancy for use or occupancy of all or a portion of the building by a tenant, owner or occupant.
- G. "City-wide" means the entire area of the City including the CBD area, as delineated on Exhibit 1, attached to the ordinance codified in this chapter and incorporated herein by reference.
- H. "Collection" means the point in time at which the Transportation Improvement Fees are paid by the applicant. Collection will generally occur at and as a condition precedent to issuance of the Certificate of Occupancy.
- I. "Commitment" means the earmarking of Transportation Improvement Fees collected to fund or partially fund or to retire debt issued for the funding of transportation improvements serving new residential and nonresidential development.
- J. "Demand" means the portion of transportation capacity that new development will consume measured in PM peak hour trips.
- K. "Development" means the addition of new dwelling units and/or new nonresidential square footage to an undeveloped, partially developed or redeveloped site and involving the issuance of a building permit or Certificate of Occupancy for such construction, reconstruction or use, but not including the following so long as no additional dwelling units or gross floor area is added: (i) a permit to operate, (ii) a permit for the internal alteration, remodeling, rehabilitation, or other improvements or modifications to an existing structure, (iii) the rebuilding of a structure destroyed by an act of God or the rehabilitation or replacement of a building in order to comply with the City seismic safety requirements, (iv) parking facilities, or (v) the rehabilitation or replacement of a building destroyed by imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or civil disturbance except where said destruction was caused or in any manner accomplished, instigated, motivated, prompted, incited, induced, influenced, or participated in by any persons or their agents having any interest in the real or personal property at the location.
- L. "Development approval" means tentative map approval, parcel map approval, or site plan approval if the imposition of the Transportation Improvement Fee could lawfully have been imposed at such time or, building permit issuance if the Transportation Improvement Fee could not be lawfully imposed at tentative map, parcel map or site plan approval or Certificate of Occupancy issuance if the Transportation Improvement Fee could not be lawfully imposed at building permit issuance.
- M. "Dwelling unit" or "DU" is as defined in Section 21.15.910 of this code.

N. "Fee-setting resolution" means and refers to the City resolution specifying the Transportation Improvement Fee per dwelling unit for residential development and per gross square foot of floor area for nonresidential development, by type and by location.

The Transportation Improvement Fees set forth in the fee-setting resolution may be revised pursuant to Section 18.17.060 and applicable State law.

O. "Gross square feet" or "gsf" means the area of a nonresidential development measured from the exterior building lines of each floor with respect to enclosed spaces but excluding parking spaces whether or not enclosed.

P. "Highway capacity manual" means and refers to the report entitled Highway Capacity Manual, Special Report 209 (Transportation Research Board, 1985) or as thereafter amended.

Q. "Imposition" means the determination that the Transportation Improvement Fee is applicable to the development and the attachment of the Transportation Improvement Fee as a specific condition of development approval.

R. "ITE trip generation manual" means and refers to the informational report entitled "Trip Generation" by the Institute of Transportation Engineers, Fourth Edition, 1987, or as thereafter amended.

S. "Level of service" (LOS) means an indicator of the extent or degree of service provided by, or proposed to be provided by, a transportation improvement based upon the relationship of traffic volume to road capacity and related to the operational characteristics of the road as measured by standards set forth in the highway capacity manual.

T. "Long Beach Transportation Study (1989)" means the study performed for the City by Barton-Aschman Associates, Inc., and including Volume I-Traffic, Volume II-Parking, Volume III-Transit, and the Report on the Allocation of Transportation Improvement Costs, which collectively form the basis for travel demand forecasts and transportation improvement plans and recommendations.

U. "Mixed use" is as defined in Section 21.15.1760 of this code.

V. "Nonresidential development" means a development undertaken for the purpose of creating gross floor area, excluding dwelling units, but which includes but is not limited to commercial, industrial, retail, office, hotel/motel, and warehouse uses involving the issuance of a building permit or Certificate of Occupancy for such construction, reconstruction or use.

W. "Parking facility" means the construction of an improvement, whether enclosed or unenclosed, providing parking spaces for vehicles and which may include but is not limited to the installation of ancillary facilities such as sidewalks, drainage improvement, lighting, landscaping, striping, exits and entrances, signage, waiting areas and other project-related improvements.

X. "PM peak hour" means a one (1) hour period of time between 4:00 p.m. and 6:00 p.m., when the development generates the maximum number of trips.

Y. "PM peak hour trips" means the total number of trips generated by a development during the p.m. peak hour.

Z. "Principal use" is as defined in Section 21.15.2170 of this code.

AA. "Residential development" means a development undertaken for the purpose of creating a new dwelling unit or units and involving the issuance of a building permit or Certificate of Occupancy for such construction, reconstruction or use.

BB.

"Road facility" means the construction of a road link or intersection which expands capacity to accommodate additional traffic, and which may include but is not limited to the installation of ancillary facilities such as sidewalks, curbs, gutters, traffic signals, traffic signs, lighting, landscaping, striping, medians, turn lanes and other project-related improvements.

- CC. "Traffic mitigation program of Long Beach" or "traffic mitigation program" means and refers to the City's long range strategic and financing plan for transportation improvements as adopted by resolution of the City Council.
- DD. "Transit facility" means the purchase of buses and/or the construction of an improvement ancillary to the operation of the Long Beach bus system and, which may include but is not limited to, the installation of facilities such as bus shelters, bus turn lanes, lighting, landscaping, signage, and other project-related improvements.
- EE. "Transportation improvement" means and refers to a project identified in the transportation improvement plan and involving the construction of a road facility or portion thereof, the construction of parking facilities, the construction of transit improvements, including the purchase of buses, the construction of other project-related improvements, including, but not limited to, right-of-way and land acquisition, utility relocation, project planning, administrative, legal, engineering, and design services and project contingencies.
- FF. "Transportation Improvement Fee" means a monetary exaction imposed as a condition of development approval in order to assure the provision of transportation improvements needed to serve new development within a reasonable period of time at City level of service goals as set forth in the traffic mitigation program.
- GG. "Transportation improvement plan" means the identification, listing, cost and prioritization of transportation improvements necessary to meet travel demand forecasts through the year 2010 while maintaining the City's level of service for transportation, as set forth in the traffic mitigation program.
- HH. "Transportation services" means and refers to nonphysical, programmatic efforts to reduce traffic including, but not limited to, transportation demand management.
- II. "Accessory use, residential" is as defined in Section 21.15.063. An accessory residential unit which exceeds two hundred twenty (220) square feet of residential dwelling space shall be classified as a single-family dwelling unit for purposes of application of the Transportation Improvement Fee.
- JJ. "Secondary housing unit" is as defined and regulated in Sections 21.15.2400 and 21.51.275. A secondary housing unit which exceeds six hundred forty (640) square feet of residential dwelling space shall be classified as a standard dwelling unit for purposes of application of the Transportation Improvement Fee.
- KK. "Senior citizen housing" is as defined in Section 21.15.2430 of this code. The applicant shall be required to guarantee the units shall be maintained for senior citizen housing whether rented, leased, sold, conveyed or otherwise transferred, for the lesser of a period of thirty (30) years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. The guarantee shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City. The document shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The applicant shall comply with the maintenance of the units for senior citizen housing according to the City's

Housing and Community Improvement Bureau procedures. The Housing and Community Improvement Bureau shall establish a process for monitoring any applicant for any successor-in-interest shall be required to provide annually, or as requested, proof of compliance.

- LL. "Transportation demand management measures" means a program designed to reduce p.m. peak hour existing work trips from a proposed development site by a minimum of twenty percent (20%).

(ORD-13-0024, § 1(exh. A), 2013)

18.17.050 - Transportation Improvement Fee requirements—Imposition—Collection.

- A. All development shall be required to pay a Transportation Improvement Fee at the time of issuance of a Certificate of Occupancy, except as otherwise provided in Subsection 18.17.050.G or Section 18.17.130. The City may, prior to the issuance of a building permit for a development subject to the Transportation Improvement Fee, require that the applicant, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, execute a contract with the City to pay the applicable Transportation Improvement Fee at the time of issuance of the Certificate of Occupancy.
- B. Transportation Improvement Fees shall be imposed at the time of tentative map approval, parcel map approval, site plan approval, building permit issuance or Certificate of Occupancy issuance. The City shall impose the condition of payment of Transportation Improvement Fees at the earliest point in time as such fees could have been lawfully imposed.
- C. Transportation Improvement Fees shall be collected no later than at the time of issuance of a Certificate of Occupancy, except as otherwise provided in Subsection 18.17.050.G.
- D. Whenever a development contains more than one (1) building, the Transportation Improvement Fee shall be paid in a lump sum for all dwelling units or gross floor area in each building of the development for which a Certificate of Occupancy is sought.
- E. Imposition of the Transportation Improvement Fee requirement due shall be a condition of development approval, and no tentative map, parcel map or site plan shall be approved nor shall a building permit or Certificate of Occupancy be issued without compliance with the provisions of this chapter.
- F. The Transportation Improvement Fee requirement shall not apply to applicants who have a valid Certificate of Occupancy on the effective date of the ordinance codified in this chapter.
- G. For developments exceeding one hundred thousand (100,000) gross square feet which have not received a Certificate of Occupancy prior to October 1, 1996, the applicant shall pay the Transportation Improvement Fee either: (1) in full at issuance of the Certificate of Occupancy; or (2) in four (4) installments as set forth herein.

The first payment shall equal twenty-five percent (25%) of the total transportation fee owed and shall be payable at the time of the issuance of the Certificate of Occupancy. The balance of the Transportation Improvement Fee shall accrue interest at a rate equal to that earned on the City's pooled investment funds (which rate shall be published annually by the City Treasurer), and shall be paid in three (3) annual installments, commencing upon the first anniversary of the issuance of the Certificate of Occupancy for the development. The balance of the transportation fee may be prepaid by the applicant at any time. In the event that the applicant (or applicant's successor-in-interest) fails to pay any installment when due, the Certificate of Occupancy issued for the development may be revoked at the option of the City.

Payments pursuant to the installment option and the rights and obligations of the applicant and the City shall be set forth in a contract which shall be executed at and as a condition precedent to issuance of a Certificate of Occupancy. Applicant shall post a bond, certificate of deposit, letter of credit or other instrument acceptable to the City Attorney in an amount equal to the Transportation Improvement Fee calculated to be due and payable by installment at the time of execution of the contract. The City Council authorizes the City Manager to execute such contracts on behalf of the City.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.055 - Transportation Demand Management Measure requirements.

Transportation Demand Management Measure requirements, where applicable, in addition to Transportation Improvement Fees shall be implemented in conjunction with Chapter 21.64.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.060 - Amount of Transportation Improvement Fee.

- A. The Transportation Improvement Fee per p.m. peak hour trip by land use type and, where relevant, by location shall be established by fee-setting resolution of the City Council and may be amended from time to time as set forth in Section 18.17.170
- B. The Transportation Improvement Fee imposed pursuant to this chapter shall not apply to applicants who have a valid building permit on the effective date of the ordinance codified in this section. Applicants who have a valid building permit on the effective date of the ordinance codified in this section and who are not otherwise exempted, shall continue to be subject to the Transportation Improvement Fee imposed pursuant to Ordinance C-6836.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.070 - Calculation of Transportation Improvement Fee.

- A. The Director shall calculate the amount of the applicable Transportation Improvement Fee due at the time of and as a condition precedent to issuance of the Certificate of Occupancy based upon the applicable impact fee rate as specified in the then-current fee-setting resolution.
- B. The Director shall calculate the amount of the applicable Transportation Improvement Fee due by:
 - 1. Determining the number and type of dwelling units in a residential development, and multiplying the same by the Transportation Improvement Fee amount per dwelling unit;
 - 2. Determining the gross square feet of floor area, type of use and location in a nonresidential development, and multiplying the same by the Transportation Improvement Fee amount as established by the fee-setting resolution;
 - 3. Determining the number and type of dwelling units and the nonresidential number of gross square feet of floor area, type of use and location in a structure containing mixed uses which include a residential use, and multiplying the same by the Transportation Improvement Fee amount for each use as established by the fee-setting resolution;
 - 4. Determining the gross square feet of floor area, type of use and location in a structure containing mixed uses which include two (2) or more nonresidential principal uses, and multiplying the same by the Transportation Improvement Fee amount as established by the fee-setting resolution. The gross square feet of floor area of any accessory use will be charged at the same rate as the predominant principal use unless the Director finds that the accessory use is related to another principal use.

C.

The Director shall be responsible for determining the use type of the proposed development. If the Director determines that the proposed development is not in one of the use classifications included in the fee-setting resolution or, if the applicant submits relevant information and documentation acceptable to the Director demonstrating that the proposed development is not in one of the use classifications included in the fee-setting resolution or is a mixed use, the Director of Public Works shall:

1. Determine whether the proposed development has trip generation characteristics similar to a listed use classification;
2. If so, that use classification shall be used in calculating the appropriate Transportation Improvement Fee;
3. If not, identify the trip generation characteristics of the proposed development and, utilizing the ITE trip generation manual, assign the proposed use to the most similar land use type listed in the manual;
4. If there are no similar land use types listed in the ITE trip generation manual, the applicant may be requested to perform, at his or her own expense, a trip generation study or may utilize other statistically valid trip generation data applicable to the proposed use.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.080 - Collection of Transportation Improvement Fee.

The Director shall be responsible for the collection of the Transportation Improvement Fee at and as a condition precedent to the issuance of a Certificate of Occupancy unless:

- A. The applicant is entitled to a full credit pursuant to Section 18.17.110; or
- B. The applicant is exempt pursuant to Section 18.17.130; or
- C. The applicant has taken an appeal pursuant to Section 18.17.150 and a cash deposit, letter of credit, bond or other surety in the amount of the Transportation Improvement Fee, as calculated by the Director, has been posted with the City;
- D. The applicant satisfies the conditions for Transportation Improvement Fee payment by installments pursuant to Subsection 18.17.050.G.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.090 - Establishment of Transportation Improvement Fee account.

The City establishes a segregated Transportation Improvement Fee subfund (hereinafter "subfund") to which all Transportation Improvement Fees collected by the Director shall be deposited. The funds of the subfund shall not be commingled with any other funds or revenues of the City except for purposes of investment; but, provided that all such funds shall be separately accounted for. The subfund shall be interest-bearing and all interest received shall be credited to such subfund and used solely for purposes of the subfund.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.100 - Limitation on use of funds derived from Transportation Improvement Fees.

- A. Funds derived from payment of Transportation Improvement Fees pursuant to this chapter shall be placed in the subfund and shall be used solely and exclusively for the purpose of funding transportation improvements, as defined herein, and as identified in the transportation improvement

plan or to reimburse the City for expenditures, advances or indebtedness incurred for the construction of transportation improvements.

- B. Transportation Improvement Fees shall not be used for the provision of roadway, parking or transit improvements relating to: (i) the needs of existing City residents, (ii) the enhancement of transportation improvements to provide a higher level of service to existing development, (iii) operation and maintenance costs associated with roadway, parking or transit improvements, (iv) repair and/or replacement of existing roadway, parking and transit improvements, or (v) the provision of transportation services, as contrasted with transportation improvements.
- C. The City shall commit or expend Transportation Improvement Fees deposited to the subfund within five (5) years from the date of deposit. The City shall make findings once each fiscal year with respect to any Transportation Improvement Fees remaining unexpended or uncommitted in the subfund five (5) or more years after the deposit of the fee to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.110 - Credits.

- A. Any applicant subject to a Transportation Improvement Fee pursuant to this chapter who constructs, escrows money with the City for the construction of, participates in an assessment district for the construction of or who otherwise contributes funds or improvements to the City for transportation improvements, as herein defined, shall be eligible for a credit for such contribution against the Transportation Improvement Fee otherwise due.
- B. Credit applications shall be made on forms provided by the City and, whenever possible, shall be submitted at or before the time of building permit issuance. The application shall contain a declaration of those facts, under oath, along with relevant documentary evidence which qualifies the applicant for the credit.
- C. The Director of Public Works shall determine whether the proposed construction, escrow payment, assessment district or cash contribution is for a transportation improvement listed in the transportation improvements plan or for a comparable transportation improvement, and is consistent with the project priorities and timing and, if necessary, shall determine the value of the developer contribution.
- D. The Director of Public Works shall forward his report and the credit application and supporting documentary evidence to the City Council, for a determination of Transportation Improvement Fee credit. If the City Council determines that a Transportation Improvement Fee credit is due, said decision shall be confirmed by ordinance and shall be incorporated in a contract between the applicant and the City except as otherwise provided herein.
- E. No credit shall be granted in an amount exceeding the otherwise applicable Transportation Improvement Fee.
- F. Notwithstanding Subsections 18.17.110.A through 18.17.110.D, if an applicant's property is in the airport traffic study area and the applicant has paid Airport Area Traffic Fees, the applicant shall be entitled to a credit in the amount of the Airport Area Traffic Fees paid or the portion of the present value of the total assessment district payment to be used for transportation improvements which the applicant is obligated to pay, without the necessity for a determination by the City Council, the enactment of an ordinance or the execution of a contract between the applicant and the City.
- G.

Notwithstanding Subsections 18.17.110.A through 18.17.110.D, if an applicant's property is in the CBD area, and the applicant has obtained a building permit prior to the effective date of the ordinance codified in this chapter but has not yet received a Certificate of Occupancy, and is subject to an assessment district to mitigate traffic impacts, the applicant shall be entitled to a credit for the full amount of Transportation Improvement Fee otherwise due, without the necessity for a determination by the City Council, the enactment of an ordinance or the execution of a contract between the applicant and the City.

- H. Credits shall be on a building-by-building basis as development approval is sought and not on a development site basis.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.120 - Refunds.

- A. Any applicant who has paid a Transportation Improvement Fee pursuant to this chapter may apply for a full or partial refund of same, if, within one (1) year after collection of the Transportation Improvement Fee: (i) the development has been modified, pursuant to appropriate City ordinances and regulations, resulting in a reduction in the number of dwelling units in a residential project or in a mixed use development including residential uses, and/or the gross floor area of development in a nonresidential or mixed use development or (ii) a change in the type of use occurs which results in a reduction of trips generated by the ultimate use.
- B. Refund applications shall be made on forms provided by the City and shall contain a declaration of those facts, under oath, along with relevant documentary evidence which qualifies the applicant for the refund. In no event may a refund exceed the amount of the Transportation Improvement Fee paid by the applicant.
- C. Except as described in Subsection 18.17.120.E, upon application by the property owner the City shall refund the portions of the Transportation Improvement Fee which have been on deposit over five (5) years and which are unexpended or uncommitted. Refunds shall be made to the then-current record owner or owners of lots or units of the development on a prorated basis, together with accrued interest.
- D. Once each fiscal year the City shall make findings identifying all unexpended or uncommitted Transportation Improvement Fees in the subfund.
- E. With respect to Transportation Improvement Fees unexpended or uncommitted five (5) years after deposit in the subfund, the City may make findings to identify the purpose to which the Transportation Improvement Fee is to be put and to demonstrate a reasonable relationship between the Transportation Improvement Fee and the purpose for which it was charged. If the City makes such findings, the Transportation Improvement Fees are exempt from the refund requirement. The findings need only be made with respect to funds in the possession of the City and need not be made with respect to letters of credit, bonds or other instruments taken to secure payment of Transportation Improvement Fees at a future date.
- F. The City shall refund the unexpended or uncommitted portion of Transportation Improvement Fees by direct payment, by providing a temporary suspension of Transportation Improvement Fees for subsequent development projects of developers entitled to the refund, or by any other means consistent with the intent of this section. The determination by the City Council of the means by which revenues are to be refunded is a legislative act.
- G.

If the City finds that the administrative costs of refunding the unexpended or uncommitted Transportation Improvement Fees exceed the amount to be refunded, the City, after a public hearing, notice of which has been published in accordance with State law and posted in three (3) prominent places within the area of each development subject to a refund, may determine that the funds shall be allocated for other transportation improvements of the type for which the Transportation Improvement Fees were collected and which serve the development.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.130 - Exemptions.

The following uses and types of development are exempt from the payment of Transportation Improvement Fees.

- A. Nonresidential development. Construction or occupancy of a new nonresidential building or structure or an addition to or expansion of an existing nonresidential building or structure of three thousand (3,000) gross square feet or less, or serving a use which generates ten (10) or fewer PM peak hour trips pursuant to the ITE Trip Generation Manual.
- B. Residential development.
 - 1. Construction, replacement or rebuilding of a single-family dwelling (one (1) unit per lot) on an existing lot of record, or the replacement of one (1) mobile home with another on the same pad, or the moving and relocation of a single-family home from one (1) lot within the City to another lot within the City, or the legalization of an illegal dwelling unit existing prior to January 1, 1964, for which an administrative use permit is approved in accordance with Subsection 21.25.403.D. This exemption shall not apply to tract development nor to the development of more than one (1) unit per lot nor to the replacement of a single-family dwelling with more than one (1) dwelling unit.
 - 2. Affordable housing for lower income households. Property rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low income household" as defined in Section 50105 of the California Health and Safety Code. This exemption shall require the applicant to execute an agreement to guarantee the units shall be maintained for lower and very low income households whether as units for rent or for sale or transfer, for the lesser of a period of thirty (30) years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. The agreement shall be in the form of a deed restriction, second trust deed, or other legally binding and enforceable document acceptable to the City Attorney and shall bind the owner and any successor-in-interest to the real property being developed. The agreement shall subordinate, if required, to any State or Federal program providing affordable housing to lower and very low income households. The agreement shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The City's Housing and Community Improvement Bureau shall be notified of pending transfers or purchases and give its approval of the purchaser's qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Community Improvement Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the

names of all tenants or purchasers, current rents, and income certification to insure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the Director and shall require the applicant or any successor-in-interest to pay the then applicable Transportation Improvement Fee at the time of voluntary conversion or as imposed at the time of violation on the unit in violation, plus any attorneys' fees and costs of enforcement if applicable.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.140 - Accounting and audits.

- A. For each subfund established pursuant to Section 18.17.090, the City shall, within sixty (60) days of the close of each fiscal year, make available to the public the beginning and ending balance for the fiscal year, and the Transportation Improvement Fees, interest and other income and the amount of expenditures by public facility and the amount of refunds made during the fiscal year. The City Council shall review this information at the next regularly scheduled public meeting not less than fifteen (15) days after the availability of the information required hereby.
- B. Any applicant may request an audit of the Transportation Improvement Fee in order to determine whether the fee exceeds the amount reasonably necessary to provide the transportation improvements to serve new development at the level of service set forth in the traffic mitigation program. Upon such request for an audit, the City Council may request the City Auditor to conduct an audit to determine whether the Transportation Improvement Fee is reasonable. Any costs incurred by the City in having an audit conducted may be recovered from the applicant who requests the audit.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.150 - Appeals.

- A. An applicant may validly appeal, by protest, any imposition of the Transportation Improvement Fee by filing a notice of appeal with the City Clerk at the time of development approval or conditional development approval or within ninety (90) days after the date of imposition of the Transportation Improvement Fee upon the development.
- B. A valid appeal by protest of the imposition of the Transportation Improvement Fee shall meet both of the following requirements:
 - 1. Tendering any required payment in full or providing satisfactory assurance of payment;
 - 2. Serving written notice on the City including:
 - a. A statement that the required payment has been tendered under protest or that required conditions have been satisfied,
 - b. A statement informing the City of the factual elements of the dispute and the legal theory forming the basis of the protest,
 - c. The name and address of the applicant,
 - d. The name and address of the property owner,
 - e. A description and location of the property,
 - f. The number of residential units or nonresidential gross square footage proposed, by land use or dwelling unit type, as appropriate,
 - g. The date of imposition of the Transportation Improvement Fee upon the development.
- C.

The City Council shall schedule a hearing and render a final decision on the applicant's appeal within one hundred sixty (160) days after the date of the imposition of the Transportation Improvement Fee upon the development.

- D. The City Council hearing shall be administrative. Evidence shall be submitted by the City and by the applicant and testimony shall be taken under oath.
- E. The burden of proof shall be on the applicant to establish that the applicant is not subject to imposition of the Transportation Improvement Fee pursuant to the express terms of this chapter and applicable State law.
- F. If the Transportation Improvement Fee has been paid in full or if the notice of appeal is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the City Attorney in an amount equal to the Transportation Improvement Fee calculated to be due, the application for development approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the Transportation Improvement Fee calculated by the City to be due unless sufficient and acceptable surety has been provided.
- G. If as a result of an appeal pursuant to this section or judicial review pursuant to Section 18.17.160, a Transportation Improvement Fee is reduced or waived, the City Council may determine whether and how such reduction or waiver may impact the Transportation Improvement Fee calculation methodology. If the City Council determines that transportation improvement needs are correspondingly reduced, the City Council may amend the Transportation Improvement Fee calculation methodology, the applicable Transportation Improvement Fee, or take such other action as it may deem appropriate. If the City Council determines that transportation improvement needs remain the same, the City Council shall appropriate funds in an amount equal to the reduction or waiver of Transportation Improvement Fees and shall deposit same to the subfund or take such other action as it may deem appropriate.
- H. Any petition for judicial review of the City Council's final decision shall be made in accordance with applicable State law and pursuant to Section 18.17.160.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.160 - Judicial review.

- A. Any judicial action or proceeding to attack, review, set aside, void or annul the ordinance codified in this chapter, or any provision thereof, or resolution, or amendment thereto, shall be commenced within one hundred twenty (120) days of the effective date of the ordinance codified in this chapter, resolution, or any amendment thereto.
- B. Any judicial action or proceeding to attack, review, set aside or annul the imposition or collection of a Transportation Improvement Fee on a development shall be preceded by a valid appeal by protest pursuant to Section 18.17.150 hereof and a final decision of the City Council pursuant thereto and shall be filed and service of process effected within one hundred eighty (180) days after the date of the imposition of the Transportation Improvement Fee upon the development.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.170 - Annual report and amendment procedures.

- A. At least once each year the Director of Public Works shall evaluate progress in implementation of the transportation improvement plan and the Transportation Improvement Fee and shall prepare a report thereon to the City Council incorporating:
 - 1. The total amount of development granted development approval in the City by type;

2. The estimated increase in PM peak hour trips generated by approved development;
 3. The transportation improvements completed relative to the improvements listed in the transportation improvement plan;
 4. The amount of Transportation Improvement Fees in the subfund; and
 5. Recommended changes to the Transportation Improvement Fee, including but not necessarily limited to, changes in the transportation improvement plan and changes in the Transportation Improvement Fees chapter or fee-setting resolution.
- B. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the ordinance codified in this chapter or the fee-setting resolution implementing this chapter. Changes to Transportation Improvement Fee rates or schedules may be made by amending the fee-setting resolution. Any change which increases the amount of the Transportation Improvement Fee shall be adopted by the City Council only after a noticed public hearing. Nothing herein precludes the City Council or limits its discretion to amend the ordinance codified in this chapter, the Long Beach Transportation Study (1989), the traffic mitigation program, the transportation improvement plan, or the fee-setting resolution establishing Transportation Improvement Fee rates or schedules at such other times as may be deemed necessary.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.180 - Effect of Transportation Improvement Fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the City pursuant to the zoning ordinance, subdivision regulations or other ordinances or regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all residential and nonresidential development.

(ORD-13-0024, § 1(exh. A), 2013)

18.17.190 - Transportation Improvement Fee as additional and supplemental requirement.

The Transportation Improvement Fee imposed by this chapter is a fee imposed on residential and nonresidential development reflecting its proportionate share of the cost of providing transportation improvements necessary to meet the demand created by such development at City level of service goals as set forth in the traffic mitigation program. As such, the Transportation Improvement Fee is additional and supplemental to, and not in substitution of, either on-site transportation improvement requirements or off-site transportation improvement requirements necessary to provide access to the development, which may be imposed by the City pursuant to zoning, subdivision and other City ordinances and regulations. In no event shall an applicant for development approval be obligated to pay a Transportation Improvement Fee in excess of that calculated pursuant to this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.18 - PARK AND RECREATION FACILITIES FEE

18.18.010 - Short title.

This chapter shall be known and cited as the "Long Beach Park and Recreation Facilities Impact Fee Ordinance." The fees imposed pursuant to this chapter shall be known as "Park Fees."

(ORD-13-0024, § 1(exh. A), 2013)

18.18.020 - Purpose.

A Park Fee is hereby imposed on new residential development for the purpose of assuring that the park land and recreational facility standards established by the City are met with respect to the additional needs created by such development.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.030 - Definitions.

For purposes of this chapter, the following words and terms shall have the meanings stated herein, unless another meaning is plainly intended:

- A. "Accessory use, residential" is a dwelling unit as identified in Section 21.15.063 of this code. An accessory residential unit which exceeds two hundred twenty (220) square feet of residential dwelling space shall be classified as a single-family, duplex or multifamily dwelling unit for purposes of application of the Park Fee.
- B. "Applicant" means the property owner, or duly designated agent of the property owner, of land on which a request for development approval is received by the City.
- C. "Building permit" means the City permit required for new building construction and/or additions which add a dwelling unit, pursuant to Title 18 of the municipal code.
- D. "Certificate of Occupancy" means the official certification that a premises conforms to the provisions of the zoning regulations and Building Code and may be used or occupied.
- E. "Collection" means the point at which the Park Fee due is calculated by the City and collected from the applicant.
- F. "Commitment" means the earmarking of Park Fees collected to fund or partially fund or to retire debt issued for the funding of park land acquisition or recreation improvements serving new residential development.
- G. "Development approval" means tentative map or parcel map approval if the imposition of the Park Fee could lawfully have been imposed at such time or, building permit issuance if Park Fees could not be lawfully imposed at tentative map or parcel map approval.
- H. "Dwelling unit" or "DU" is as defined in Section 21.15.910 of this code.
- I. "Duplex" means a building containing two dwelling units.
- J. "Imposition" means the determination that the Park Fee is applicable to the residential development project and the attachment of the Park Fee requirement as a specific condition of development approval.
- K. "Mobile home" is as defined in Section 21.15.1770 of this code.

- L. "Multifamily" means a permanent building designed for or occupied by three (3) or more families living independently of each other. This includes apartment houses and condominiums, but does not include hotels, motels, communal housing, residential care facilities or convalescent hospitals.
- M. "Park Fee" means a monetary exaction imposed as a condition of development approval in connection with a residential development project in order to fund and to assure the provision of park land and recreation improvements needed to serve such development at established City service level standards within a reasonable period of time.
- N. "Park land" means land used or to be used or acquired or to be acquired for use as a City park or open space or property owned by another public entity, such as a public school site, which is improved by the City and designated to meet City park land and recreation improvement needs related to projected residential development.
- O. "Recreation improvement" means the construction of facilities, including, but not limited to, soccer fields, softball fields, lighting, landscaping, bicycle paths, tennis courts, indoor recreational space and related facilities, the expenditure of funds for such facilities and improvements incidental thereto, and the expenditure of funds for the planning, design and engineering of such facilities and improvements and utility relocation ancillary thereto and designed to meet City park land and recreation improvement needs related to projected residential development.
- P. "Residential development project" means any residential development undertaken for the purpose of creating a new dwelling unit or units and involving the issuance of a building permit for such construction, reconstruction or use, but not including the following so long as no additional dwelling units are added: (i) a permit to operate, (ii) a permit issued for the internal alteration, remodeling, rehabilitation or other improvements to an existing structure, (iii) the rebuilding of a structure destroyed by an act of God, (iv) the rehabilitation or replacement of a building in order to comply with the City seismic safety requirements, or (v) the rehabilitation or replacement of a building destroyed by imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or civil disturbance except where said destruction was caused or in any manner accomplished, instigated, motivated, prompted, incited, induced, influenced or participated in by any persons or their agents having any interest in the real or personal property at the location.
- Q. "Secondary housing unit" is as defined and regulated in Sections 21.15.2400 and 21.51.275 of this code. A secondary housing unit which exceeds six hundred forty (640) square feet of residential dwelling space shall be classified as a single-family, duplex or multifamily dwelling unit for purposes of application of the Park Fee.
- R. "Single-family dwelling" means a residential unit designed and intended for occupancy by one (1) family as defined in Section 21.15.2410 of this code.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.040 - Requirement.

- A. All residential development shall be required to pay a Park Fee prior to the issuance of a Certificate of Occupancy. The City may, prior to the issuance of a building permit for a residential development subject to the Park Fee, require that the applicant, as a condition of issuance of the building permit execute a contract with the City to pay the applicable Park Fee prior to issuance of the Certificate of Occupancy.
- B.

Park Fees shall be imposed, where possible, at the time of tentative map approval, parcel map approval or site plan approval of a residential development.

- C. Park Fees shall be collected prior to the issuance of a Certificate of Occupancy for a residential development.
- D. Whenever a residential development project contains more than one (1) dwelling unit, the Park Fee shall be paid in a lump sum for all dwelling units in each phase of a residential development project for which a Certificate of Occupancy is sought.
- E. Payment of the Park Fee due shall be a condition of development approval of all residential development projects, and no tentative map or parcel map or site plan shall be approved nor shall a building permit be issued without compliance with the provisions of this chapter.
- F. The Park Fee requirement shall not apply to applicants who have a valid building permit on the effective date of the ordinance codified in this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.050 - Amount of Park Fee.

- A. The Park Fee per dwelling unit, by type, shall be established by resolution of the City Council and may be amended from time to time as set forth in Section 18.18.160
- B. The Park Fee imposed pursuant to this chapter shall not apply to applicants who have a valid building permit on the effective date of the ordinance codified in this section. Applicants who have a valid building permit on the effective date of the ordinance codified in this section and who are not otherwise exempt, shall continue to be subject to the Park Fee imposed pursuant to Ordinance C-6567.
- C. The fees established by this chapter shall be revised annually by means of an automatic adjustment based on the average percentage change over the previous calendar year in the Construction Cost Index for the Los Angeles metropolitan area. The first fee adjustment shall not be made before October 1, 2008. The fees, as adjusted annually, shall be compiled by the Department of Parks, Recreation and Marine, and shall be included in an annual report to the City Council pertaining to the Park Fee. The annual report shall be presented to the City Council by August 1st of each year, and fee adjustments shall be effective on October 1st of each year. The continued validity of the fee calculation methodology and the automatic adjustment shall be evaluated by a Nexus Study which shall be presented to the City Council for its consideration and action every five (5) years, commencing with the annual report due on or before August 1, 2012.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.060 - Calculation of applicable Park Fee.

Upon receipt of an application for a Certificate of Occupancy, the Director shall calculate the amount of the applicable Park Fee due by determining the number and type of dwelling units in the proposed residential development project and multiplying same by the Park Fee amount per dwelling unit, by type, as established by City Council resolution.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.070 - Collection of Park Fee.

The Director shall be responsible for the collection of the Park Fee prior to the issuance of a Certificate of Occupancy unless:

- A. The applicant is entitled to a full credit pursuant to Section 18.18.100 of this chapter; or

- B. The applicant is exempt pursuant to Section 18.18.120 of this chapter; or
- C. The applicant has taken an appeal pursuant to Section 18.18.140 of this chapter and a bond or other surety in the amount of the fee, as calculated by the Director, has been posted with the City.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.080 - Establishment of Park Fee account.

The City hereby establishes a segregated Park Fee trust fund account (hereinafter "account") to which all Park Fees collected by the Director shall be posted. The funds of the account shall not be commingled with any other funds or revenues of the City and all such funds shall be accounted for. The account shall be an interest bearing account and all interest received shall be credited to such account and used solely for purposes of the account.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.090 - Limitation on use of funds derived from Park Fees.

- A. Funds derived from payment of Park Fees pursuant to this chapter shall be placed in the account and shall be used solely and exclusively for the purpose of funding park land acquisition and recreation improvements, as defined herein, and as identified in the Park Fee report, or to reimburse the City for expenditures, advances or indebtedness incurred for the acquisition of park land or construction of recreation improvements, as defined herein or identified in the Park Fee report. Park Fees shall not be used for the provision of park land or recreation improvements, as defined herein, and as identified in the Park Fee report, or to reimburse the City for expenditures, advances or indebtedness incurred for the acquisition of park land or construction of recreation improvements, as defined herein or identified in the Park Fee report. Park Fees shall not be used for the provision of park land or recreation improvements relating to: (i) the needs of existing City residents, (ii) the enhancement of park and recreation facilities to provide a higher level of service to existing City residents, (iii) operation and maintenance costs associated with City park and recreation facilities, (iv) repair and/or replacement of existing park and recreational facilities, or (v) the provisions of recreational services and programming.
- B. The City shall commit or expend Park Fees deposited to the account within five (5) years from the date of deposit.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.100 - Credits.

- A. Any applicant subject to a Park Fee pursuant to this chapter who constructs, escrows money with the City for the construction of, agrees to participate in an assessment district for the construction of or who otherwise contributes funds or improvements to the City for the acquisition of park land or the construction of recreation improvements as herein defined, may be eligible for a credit for such contribution against the Park Fee otherwise due.
- B. Credit applications shall be made on forms provided by the City and, whenever possible, shall be submitted at or before the time of building permit issuance. The application shall contain a declaration of those facts, under oath, along with relevant documentary evidence which qualifies the applicant for the credit.
- C.

The Director of Parks, Recreation and Marine shall determine whether the proposed construction, escrow payment, assessment district or cash contribution is for a recreation improvement listed in the Park Fee report and is consistent with the project priorities and timing and, if necessary, shall determine the value of the developer contribution.

- D. The Director of Parks, Recreation and Marine shall forward his report and the credit application and supporting documentary evidence to the City Council, for a determination of Park Fee credit. If the City Council determines that a Park Fee credit is due, said decision shall be confirmed by ordinance and shall be incorporated in a contract between the applicant and the City.
- E. No credit shall be granted in an amount exceeding the otherwise applicable Park Fee.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.110 - Refunds.

- A. Any applicant who has paid a Park Fee pursuant to this chapter may apply for a full or partial refund of same, if, within one (1) year after collection of the Park Fee the residential development project has been modified, pursuant to appropriate City ordinances and regulations, resulting in a reduction in the number of dwelling units, a change in the type of dwelling units or the applicability of an exemption pursuant to Section 18.18.120 of this chapter. Refund applications shall be made on forms provided by the City and shall contain a declaration of those facts, under oath, along with relevant documentary evidence which qualifies the applicant for the refund. In no event may a refund exceed the amount of the Park Fee actually paid.
- B. Once each fiscal year the City shall make findings identifying all unexpended or uncommitted fees in the account.
- C. Except as described in Subsection 18.18.110.D, upon application of the property owner the City shall refund the portions of any impact fee which have been on deposit over five (5) years and which are unexpended or uncommitted. Refunds shall be made to the then-current record owner or owners of the development project or projects on a prorated basis, together with accrued interest.
- D. With respect to fees unexpended or uncommitted within five (5) years of deposit in the Park Fee account, the City may make findings to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. If the City makes such findings, the fees are exempt from the refund requirement.
- E. The City may refund the unexpended or uncommitted portion of Park Fees by direct payment, by offsetting such refunds against other Park Fees due for residential development projects on the subject property, or by other means subject to agreement by the property owner.
- F. If the City finds that the administrative costs of refunding the unexpended or uncommitted Park Fees exceeds the amount to be refunded, the City, after a public hearing, notice of which has been published in accordance with State law and posted in three (3) prominent places within the area of each residential development project subject to a refund, may determine that the funds shall be allocated for other park land acquisition or recreation improvement projects of the type for which the Park Fees were collected and which serve the residential development project.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.120 - Exemptions.

The following uses and types of residential development are exempt from the payment of Park Fees:

- A. The following actions shall be exempt from the fee:

1. Replacement of existing dwelling units. If the applicant is proposing to replace an existing legal dwelling unit or units with a greater number of units on the same lot, then the fee will be paid only for the number of new dwelling units that exceed the number of the existing legal dwelling units on that lot. A dwelling unit shall be considered existing if it is a legal dwelling unit as defined in Section 21.15.910 of this code (or any successor section thereto) and it existed on the lot within twelve (12) months prior to the application for a building permit for the replacement unit or units;
 2. The placement or installation of a replacement mobile home as defined in Section 21.15.1770 of this code (or any successor section thereto) on a separate lot, mobile home park space or pad when a park and recreation facilities fee for such lot or space has been previously paid pursuant to this chapter; or when a mobile home legally existed on such park space or pad within twelve (12) months prior to construction approval for the replacement mobile home;
 3. The relocation of existing legal dwelling units from one location in the City to another;
 4. The legalization of an existing illegal dwelling unit existing prior to January 1, 1964, for which an administrative use permit is approved in accordance with Subsection 21.25.403.D (or any successor section thereto).
- B. Affordable housing for lower income households. Property rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low income household" as defined in Section 50105 of the California Health and Safety Code. This exemption shall require the applicant to execute an agreement to guarantee the units shall be maintained for lower and very low income households whether as units for rent or for sale or transfer, for the lesser of a period of thirty (30) years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. The agreement shall be in the form of a deed restriction, second trust deed, or other legally binding and enforceable document acceptable to the City Attorney and shall bind the owner and any successor-in-interest to the real property being developed. The agreement shall subordinate, if required, to any State or Federal program providing affordable housing to lower and very low income households. The agreement shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The City's Housing and Community Improvement Bureau shall be notified of pending transfers or purchases and give its approval of the purchaser's qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Community Improvement Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to insure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the Director and shall require the applicant or any successor-in-interest to pay the then applicable Park Fee at the time of voluntary conversion or as imposed at the time of violation on the unit in violation, plus any attorneys' fees and costs of enforcement if applicable.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.130 - Audits.

Any person may request an audit of the Park Fee in order to determine whether the Park Fee exceeds the amount reasonably necessary to provide the park land acquisition and recreation improvements to serve new residential development at the City's established service level standards. Upon such request for an audit, the City Council may retain an independent auditor to conduct an audit to determine whether the Park Fee is reasonable. Any costs incurred by the City in having the audit conducted by an independent auditor may be recovered from the person who requests the audit.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.140 - Appeals.

- A. An applicant may validly appeal, by protest, any imposition of the Park Fee by filing a notice of appeal with the City Clerk at the time of development approval or conditional development approval or within ninety (90) days after the date of the imposition of the Park Fee upon the development.
- B. A valid appeal by protest of the imposition of the Park Fee shall meet both of the following requirements:
 1. Tendering any required payment in full or providing satisfactory assurance of payment;
 2. Serving written notice on the City including:
 - a. A statement that the required payment has been tendered under protest or that required conditions have been satisfied,
 - b. A statement informing the City of the factual elements of the dispute and the legal theory forming the basis of the protest,
 - c. The name and address of the applicant,
 - d. The name and address of the property owner,
 - e. A description and location of the property,
 - f. The number of residential units or nonresidential square footage proposed, by land use or dwelling unit type, as appropriate,
 - g. The date of imposition of the Park Fee upon the development.
- C. The City Council shall schedule a hearing and render a final decision on the applicant's appeal within one hundred sixty (160) days after the date of the imposition of the Park Fee upon the development.
- D. The City Council hearing shall be administrative. Evidence shall be submitted by the City and by the applicant and testimony shall be taken under oath.
- E. The burden of proof shall be on the applicant to establish that the applicant is not subject to imposition of the Park Fee pursuant to the express terms of this chapter and applicable State law.
- F. If the Park Fee has been paid in full or if the notice of appeal is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the City Attorney in an amount equal to the Park Fee calculated to be due, the application for development approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the Park Fee calculated by the City to be due unless sufficient and acceptable surety has been provided.
- G. If as a result of an appeal pursuant to this section or judicial review pursuant to Section 18.18.150, a Park Fee is reduced or waived, the City Council may determine whether and how such reduction or waiver may impact the Park Fee calculation methodology. If the City Council determines that park and recreation needs are correspondingly reduced, the City Council may amend the Park Fee calculation methodology, the applicable Park Fee, or take such other action as it may deem appropriate. If the

City Council determines that park and recreation needs remain the same, the City Council shall appropriate funds in an amount equal to the reduction or waiver of Park Fees and shall deposit same to the subfund or take such other action as it may deem appropriate.

- H. Any petition for judicial review of the City Council's final decision shall be made in accordance with applicable State law and pursuant to Section 18.18.150.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.150 - Judicial review.

- A. Any judicial action or proceeding to attack, review, set aside, void or annul the ordinance codified in this chapter, or any provision thereof, or amendment thereto, shall be commenced within one hundred twenty (120) days of the effective date of the ordinance codified in this chapter, resolution, or any amendment thereto.
- B. Any judicial action or proceeding to attack, review, set aside or annul the imposition or collection of a Park Fee on a development shall be preceded by a valid appeal by protest pursuant to Section 18.18.140 hereof and a final decision of the City Council pursuant thereto and shall be filed and service of process effected within one hundred eighty (180) days after the date of imposition upon the development.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.160 - Amendment procedures.

At least once every year after the first year that this chapter has been effective, prior to City Council adoption of the annual budget and capital improvements program, staff shall prepare a report to the City Council on the subject of impact fees and shall incorporate:

- A. Recommendations on amendments, if appropriate, to this chapter or to resolutions establishing impact fee amounts.
- B. Proposed changes to the Park Fee report identifying capital improvements to be funded by impact fees.
- C. Proposed changes in the impact fee calculation methodology or variables pertaining thereto.
- D. Proposed changes to impact fee rates or schedules. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend this chapter and resolutions establishing impact fee rates or schedules. Changes to the impact fee rates or schedules may be made by resolution. Any change which increases the amount of the fee shall be adopted by the City Council after a noticed public hearing. Nothing herein precludes the City Council or limits its discretion to amend this chapter, the Park Fee report or resolutions establishing impact fee rates or schedules at such other times as may be deemed necessary.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.170 - Effect of Park Fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the City pursuant to the zoning ordinance, subdivision regulations or other ordinances or regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such residential development projects.

(ORD-13-0024, § 1(exh. A), 2013)

18.18.180 - Park Fee as additional and supplemental requirement.

The Park Fee imposed by this chapter is a fee imposed on residential development projects reflecting its proportionate share of the cost of providing park land and improvements necessary to meet the needs created by such development at established City service level standards. As such, the Park Fee is additional and supplemental to, and not in substitution of, on-site open space requirements imposed by the City pursuant to zoning, subdivision and other City ordinances and requirements. In no event shall an applicant for development approval be obligated to pay a Park Fee in excess of that calculated pursuant to this chapter, which shall not individually or collectively exceed the reasonable cost of providing park land and recreation improvements to such residential development project at established City service level standards.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.20 - UNSAFE BUILDINGS OR STRUCTURES

18.20.010 - Substandard buildings—Proceedings for repair.

Whenever the Building Official determines by inspection that an existing building is substandard, or constitutes a nuisance, he or she shall institute proceedings to cause the repair, rehabilitation, vacation or demolition of such building.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.020 - Substandard buildings—Notice required.

The Building Official shall give notice specifying the inadequacies and hazards to be corrected. Such notice shall also specify that the building may be ordered vacated if remedial measures are not commenced and completed within the time specified in the notice which time shall be such as the Building Official concludes is reasonable in view of the circumstances, but which shall in no event require commencement of such work within less than thirty (30) days nor completion within less than ninety (90) days.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.030 - Substandard buildings—Service of notice.

Notices shall be given by service thereof in the manner elsewhere provided in this chapter for service of notices. Service of such notice in the manner therein prescribed shall constitute notice to the owner of such building, and failure of any such person to receive such notice shall in no manner affect the validity of the subsequent proceedings taken hereunder. In addition to giving such notice, the Building Official shall also prepare and cause to be recorded with the county recorder, a certificate stating that the building described is a substandard building, or is a public nuisance, and that the owner thereof has been so notified. When, and if, all required corrections to such a building have been made, the Building Official shall cause the certificate of substandard buildings or public nuisance to be terminated and cause to be recorded with the County Recorder a copy thereof.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.040 - Substandard buildings—Order to vacate.

If, after thirty (30) days from service of the notice requiring remedial work, as provided in Section 18.20.030, such work is not commenced, or within ninety (90) days of such notice, such work is not completed, the Building Official may order the building vacated and posted as specified in Section 18.20.060. If the building is unoccupied, the order to vacate may be immediate. If the building is occupied, a notice of intent to order the building vacated shall be given thirty (30) days prior to issuing such order.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.050 - Substandard buildings—Vacating and reoccupying.

Any substandard buildings, ordered vacated in accordance with Sections 18.20.010 through 18.20.060, shall be immediately vacated and shall not be reoccupied until the inadequacies or hazards specified by the Building Official in his notice as provided in Sections 18.20.010 through 18.20.060 have

been eliminated and approval obtained from the Building Official for reinstatement of the occupancy. No person shall occupy or cause to be occupied any building or portion thereof which has been ordered vacated until approval of such occupancy is reinstated by the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.060 - Substandard buildings—Posting of placard on vacated building.

- A. Each such building ordered vacated shall be locked and otherwise secured against ingress, and the Department of Development Services shall post thereon a placard stating:

SUBSTANDARD BUILDING

Do Not Occupy
By Order of
Department of Development Services
City of Long Beach

This building has been ordered vacated and it is a misdemeanor to occupy this building. It is a misdemeanor to remove this placard. Sections 18.20.010 through 18.20.060 of the Long Beach Municipal Code.

- B. Notice of such posting and a copy of the posted notice shall be served on the owner by certified mail at the time of posting. No person other than a representative of the Department shall remove such a placard from any building where it has been officially posted. Each such building shall be rehabilitated within two (2) months after being ordered vacated or it shall be removed or demolished. If this rehabilitation, removal or demolition has not been accomplished within the above-mentioned two (2) month period, then the Building Official shall institute action to correct violations or to demolish.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.070 - Nonconforming buildings—Notice to comply or vacate.

Whenever any building or portion thereof is being maintained, occupied or used contrary to the provisions of this title or municipal code, the Building Official shall order such unlawful use, occupancy or maintenance to be discontinued by a date certain. If the maintenance, occupancy or use of any such building or portion thereof is not made to comply with the requirements of this title within the time set forth in the aforesaid order, the Building Official may order that the building, or the portion thereof in which any such violation occurs, be vacated. Such vacation shall be immediate but shall be subject to appeal in accordance with the provisions of this chapter. No person shall use or occupy such building or portion of building so vacated until such unlawful use, occupancy or maintenance has been discontinued and approval obtained from the Building Official for reinstatement of the occupancy.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.080 - Dangerous buildings or conditions—Correction proceedings.

Whenever the Building Official determines by inspection that any building or structure, or portion thereof, is dangerous as defined in Section 18.02.050, he or she shall institute proceedings to correct such dangerous conditions.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.090 - Dangerous buildings or conditions—Inspection.

- A. The Building Official and a duly authorized representative and the members of the Board of Examiners, Appeals and Condemnation shall have the right of reasonable inspection of any building for the purpose of determining the condition thereof. No person shall refuse or interfere with such inspection by any such official.
- B. For the purpose of such inspection, the Building Official may order any structural member or portion of the structural frame of any building, whether such building is already erected, or is in course of construction, to be exposed whenever he or she has reasonable grounds for believing that such structural member or frame is in an unsafe condition or does not conform to the requirements of this chapter. No owner, reputed owner or person having custody, control or management or in charge of maintenance, occupancy or use of such building who is served with such order shall fail or refuse to forthwith fully uncover or expose the portion of the structural frame or structural member as required by such order.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.100 - Dangerous buildings or conditions—Abatement proceedings.

All buildings or portions thereof which are determined to be dangerous as defined in Section 18.02.050 are public nuisances and shall be abated under the procedures set forth in this chapter for abatement of nuisances.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.110 - Dangerous buildings or conditions—Summary abatement.

Where necessary in the opinion of the Building Official to protect life or property from an acutely dangerous condition, the Building Official may take emergency action to abate the hazard by City forces as provided in this chapter or may order the building immediately vacated, posted unsafe, barricaded, utilities disconnected, or other appropriate protective remedy.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.120 - Inspection of buildings—Report.

If the building is not demolished, the substandard conditions corrected, or the nuisance otherwise abated, on or before the expiration of the time specified in the posted notice, the Building Official shall cause such building to be thoroughly inspected and shall make a written report or record of his findings with respect thereto. Copies of such report shall be filed with the Board of Examiners, Appeals and Condemnation.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.130 - Hearing by Board of Examiners, Appeals and Condemnation.

- A. Following the filing by the Building Official of his or her findings in connection with the condemnation of a building as being substandard or as being a public nuisance, the Building Official shall notify the members of the Board of Examiners, Appeals and Condemnation of such filing and shall notify other interested persons of the time and place for a hearing before the Board for the purpose of passing upon the findings of the Building Official. The Board may conduct an independent investigation into the facts of such matter and the members thereof, or their authorized representatives, may inspect any building or structure involved therein.

B.

Notice of the time and place of such hearing shall be given by the Secretary of the Board to the owner and other parties owning an interest in the substandard building. The notice must be served at least ten (10) days prior to the date fixed for such hearing.

- C. Any person claiming an interest in the building which is the subject of the hearing may appear before the Board and object to the condemnation. The Board shall take such evidence as may be necessary to determine whether the building or structure is substandard or is a public nuisance. Upon or after the conclusion of the hearing, the Board shall determine whether the building or structure is substandard or a nuisance and what alterations or repairs, if any, could be made in order to correct the substandard conditions or to abate the nuisance, or whether the total demolition thereof is required; the Board may establish a time not to exceed sixty (60) days, within which such repairs, alterations, or demolition shall be completed. The time period may, upon written request, be extended for a period not to exceed sixty (60) days if a determination is made by the Board that denial of the extension will result in substantial hardship to the owner.
- D. The Board shall make written findings of its determination in the manner aforesaid, and shall cause a copy thereof to be served upon the same persons and in the same manner elsewhere herein provided for service of the initial notice in connection with such proceedings. The time for completion of repairs or alterations, or the demolition of the building or structure, shall commence to run on the date such findings are either delivered, posted or mailed, as the case may be. Simultaneously with service of such written findings, a copy thereof shall be filed in the office of the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.140 - Appeals to City Council.

- A. Whenever any person is aggrieved by any final order of the Board of Examiners, Appeals and Condemnation, dealing with correction of substandard conditions or abatement of a nuisance, such person may, within fifteen (15) days after notice of such ruling or act has been served as hereinabove provided, appeal to the City Council by filing with the City Clerk a written statement of the rulings or acts complained of and the reasons for taking such appeal. The City Clerk shall thereupon refer such appeal to the City Council at its next regular meeting, and the Council shall thereupon fix a time for the hearing of the matter by the Council, which time shall be not less than ten (10) days nor more than thirty (30) days from the time the hearing date is set. On the date thus fixed, or on the date to which the hearing has been continued, the Council shall proceed to hear and consider the evidence relating to the matter and shall make and enter on its minutes its final determination therein. The Council may confirm, modify or set aside the findings of the Board, and its determination in the matter shall be final and conclusive. No proceeding or action shall be against the City nor against the Council nor the Board nor any member of either thereof, nor against any officer, agent or employee of the City to review or enjoin the enforcement of its determination or orders of the Council made pursuant hereto, or to recover damages for carrying out such orders in a lawful and reasonable manner unless such action is commenced within thirty (30) days from and after service of notice of the findings and determination of the Council.
- B. Notice of the determination of the Council shall be served by the City Clerk upon the person or persons taking the appeal in the manner elsewhere provided in this chapter for service of notices.
- C. The effect of any order from which an appeal is taken as herein provided shall be suspended and of no force and effect until such appeal is fully determined.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.150 - Demolition or repairs by City—Expense liability.

- A. Within the limitations of the budget, the Building Official may cause to be demolished, altered or repaired, at City expense, any building found by the Board of Examiners, Appeals and Condemnation to constitute a substandard building or to be a public nuisance which has not been demolished, altered or repaired within the time established by and in accordance with the determination of the Board or, in the event of an appeal, by the City Council. All expenses so incurred by him on behalf of the City in connection therewith, including the applicable processing costs as set forth in the schedule of fees and charges established by City Council resolution, and incidental enforcement costs shall become an indebtedness of the owner of such building or structure, and thereupon a lien shall attach to the parcel of real property upon which is located the building which is the subject of the proceedings. Such lien shall remain in effect until either:
1. The substandard conditions shall have been corrected or the nuisance abated;
 2. If corrected or abated by the Building Official, payment in full of costs of correction or abatement, and accrued interest and penalties, if any, has been made; or
 3. The order requiring correction of substandard conditions or abatement is reversed on appeal to the City Council or by a final judgment of a court of competent jurisdiction.
- B. Any person having the legal right to do so may repair or demolish a substandard building prior to such action by the City, but if the work is performed after the deadline established by the Board of Examiners, Appeals and Condemnation or, in the event of an appeal, by the City Council, the appropriate processing and other costs incurred by the City in preparing to do the work and all incidental enforcement costs are chargeable to the property.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.160 - Service of notices and orders.

- A. All notices and orders provided for by this chapter shall be in writing, shall state in general terms wherein the building or structure is unsafe or dangerous, or in what manner it is substandard, or in what manner it constitutes a public nuisance, and the minimum requirements for its correction, or total costs that will be charged to the owner of the property. Service of such order shall be upon the owner thereof or upon the person causing or permitting the condition to exist, or the person having the custody, control, maintenance, occupancy, use or management of the building, and upon any lessee or mortgagee thereof if shown on the official records of the county, by delivering the same to either of said persons or their agents in charge of the building. As an alternate method of such service, such notice may be served by registered United States mail with return receipt requested. Service by this method shall be deemed complete upon deposit of such notice in the United States mail with prepaid postage affixed. If, after reasonable diligence, either the identity of the owner thereof cannot be ascertained or such owner cannot be located, then such order shall be posted in one or more conspicuous places upon or near the entrance to the building.
- B. Whenever the Building Official posts such a notice upon the property, it shall be posted at one (1) or more conspicuous places upon the building and shall be in substantially the following form:

NOTICE

To all persons owning or claiming any interest in this building:

You are notified that the Building Official of the City of Long Beach has determined that this building is (insert substandard or a nuisance) by reason of the following facts:

Pursuant to the provisions of the building regulations of the Long Beach Municipal Code, this building is hereby condemned and the owner or owners of said building are hereby directed to correct deficiencies therein or to abate a nuisance existing therein or thereon. Further particulars regarding the facts may be obtained at the office of the Development Services Department of the City of Long Beach.

Unless this building is (how to be corrected or demolished) in the manner hereinabove specified, on or before the _____ day of _____ 20_____, the Building Official of the City of Long Beach may cause such work to be done for and on behalf of the owner of said building, and all expenses incurred by the City for such work will be charged to, and become an indebtedness of, the owner or owners of said building to the City of Long Beach, and will become a lien against the real property on which such building is situated.

Dated and posted this _____ day of _____ 20_____.

Building Official, City of Long Beach

- C. Not less than five (5) days after the aforesaid notice is posted on the building, an additional copy of such notice shall be served in the manner hereinabove provided upon the person or persons shown by the current county assessment roll to be the owner or owners of the building, or of any interest therein, including lessees and mortgagees, at the address shown thereon or to any known more recent address, or in the absence of any address then in care of general delivery, at Long Beach.
- D. No owner or other person causing or permitting such condition to exist shall fail or refuse, after delivery or posting of such order, to correct such condition in accordance with the requirements of the order.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.170 - Extensions of time to perform work.

Any time limit prescribed in this chapter for the doing of an act by an occupant or owner of a building or by the Building Official may for good cause be extended by the Building Official, and failure to require the doing of any act authorized in this chapter to be required by him within the time limit prescribed in this chapter shall not affect the validity of any order made thereafter.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.180 - Owner's responsibility for enforcement costs.

If the substandard conditions have not been corrected or the nuisance abated by the owner as directed within the time frame established by the Building Official, or as said time frame may be modified on appeal to the Board of Examiners, Appeals and Condemnation or City Council, all incidental enforcement costs incurred by the City in connection therewith shall be charged to and become an indebtedness of the owner of such property, except as provided below, whether or not the work is later performed by the City, by the owner, or by others. "Incidental enforcement costs" include, but are not limited to, the actual expenses and costs of the City in investigating the nuisance, obtaining title information, preparing notices, and performing inspections. Incidental enforcement costs shall not be charged to, nor become an indebtedness of, a property owner who is the head of a low-income household (defined to be a household earning less than eighty percent (80%) of the county median income).

(ORD-13-0024, § 1(exh. A), 2013)

18.20.190 - Abatement charges.

When a building has been demolished, altered or repaired by the Building Official at City expense as authorized by Section 18.20.150, or when the owner is responsible for incidental enforcement costs as provided by Section 18.20.180, the Building Official shall prepare a sworn statement showing the costs thereof. The Building Official shall thereupon give notice of the amount of such charges in the same manner as elsewhere provided in this chapter for service of notices.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.200 - Hearing on charges.

Within thirty (30) days from the date of service of such notice the property owner, or any interested person, may demand a hearing as to the reasonableness of the charges. Such demand shall be in writing and filed with the Building Official. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. Such demand shall be presented by the Building Official to the Board of Examiners, Appeals and Condemnation for hearing at its next regular meeting that is not less than ten (10) and not more than forty-five (45) days thereafter. The Building Official shall give written notice of such hearing to the address furnished in the demand for hearing in the manner elsewhere provided in this chapter for service of notices. At the time set for such hearing, the Board of Examiners, Appeals and Condemnation shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the Board of Examiners, Appeals and Condemnation thereon shall be final.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.210 - Interest on charges.

If the amount of the charges as determined by the Board of Examiners, Appeals and Condemnation has not been paid within thirty (30) days after the date of hearing, the payment thereof shall thereupon become delinquent and the amount so determined shall thereafter bear interest at the rate of twelve percent (12%) until paid, as determined by the tax collector. If no hearing is demanded as to the reasonableness of the charges, the payment thereafter shall become delinquent sixty (60) days after notice of the charges for abatement is served by the Building Official; and such amount shall thereafter bear interest at the rate of twelve percent (12%) until paid, as determined by the tax collector.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.220 - Transfer of collection.

The Building Official shall certify a list of all delinquent charges for correction of substandard conditions or nuisance abatement to the tax collector. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the tax collector. The amount of the charges including such interest as has accrued after the delinquent date to July 1 of the year shall be set forth opposite the description by the tax collector.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.230 - Method of collection.

Upon receipt of the list the tax collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as municipal ad valorem taxes, and penalties and interest for nonpayment thereafter shall attach as though the amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes

appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for collection of substandard conditions or nuisance abatement, and penalties thereon, entered upon that tax roll against the lot are first paid in full.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.240 - Tax-sold property.

Upon the sale of any lot to the City for nonpayment of taxes, all charges for correction of substandard conditions or nuisance abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.250 - Tax-sold property—Redemptions.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for correction or substandard conditions and nuisance abatement, and penalties entered on the delinquent tax records against the property involved, have first been paid in full.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.260 - Error correction—Assessment cancellation.

- A. The Building Official may, prior to certifying any such unpaid charges to the tax collector, correct any errors with respect to such taxes appearing upon his records.
- B. After such taxes have been certified to the tax collector, the Council, by order entered on its minutes, may cancel any charges for correction of substandard conditions or nuisance abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any city, or any school district or other political subdivision and, because of this public ownership, not subject to sale for delinquent assessments.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.270 - Refunds.

Any charge for correction of substandard conditions or for nuisance abatement or penalty, or portion of either thereof, which is paid as the result of an erroneous assessment upon the wrong property, or which is paid more than once, or which is based upon a clerical error appearing in the tax records, may be refunded by the Council to the person entitled thereto; provided, however, that such refunds shall only be made upon the written application of the person entitled thereto, which must be filed with the City Clerk not later than one (1) year after the date the erroneous payment was made.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.280 - Notice to secure structure.

When any unoccupied building or structure is not properly secured, locked or closed, and is accessible to juveniles, transients and undesirables, and is in such condition as to constitute an immediate health, fire or safety hazard and the Building Official determines that the hazard is such as to require immediate closure, he shall serve the record owner and the person having control of such building or structure with notice to secure or close the same forthwith so as to prevent unauthorized persons from gaining access

thereto. Notice shall be served as provided in this chapter and shall state that if the required work is not performed within forty-eight (48) hours after service of the notice, the City will perform such work and all expenses incurred by the City including, but not limited to, incidental processing and enforcement costs shall become an indebtedness of the owner and a lien on the property. Collection of such charges shall be accomplished in accordance with this title and Chapter 8.56.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.290 - Emergency hazard abatement.

When any open building or structure constitutes such a threat to life, limb or property that it must be secured, closed, barricaded or demolished forthwith and compliance with other provisions of this code become infeasible, as determined by a City officer charged with responsibility for enforcement of health and safety regulations, the Director of Public Works may summarily secure, close, barricade or demolish such building or structure without prior notice to the property owner. All costs incurred by the City in abating the hazard shall be borne by the property owner and failure to receive prior notice shall not affect or relieve the property owner's obligation for payment of such costs.

(ORD-13-0024, § 1(exh. A), 2013)

18.20.300 - Criminal prosecution.

Pursuant to Section 1.32.010 of this code, any violation of the provisions of this Title 18 is a misdemeanor, and the notice, hearing, appeal and other administrative procedures contained in this Title 18 shall not be a condition precedent to any criminal prosecutions.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.21 - MAINTENANCE OF LONG-TERM BOARDED AND VACATED BUILDINGS

18.21.010 - Purposes and definitions.

- A. Purpose. Vacant buildings are a major cause and source of blight in both residential and nonresidential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings (whether or not those buildings are boarded), substandard or unkempt buildings, and long-term vacancies discourage economic development and retard appreciation of property values. It is the responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. One (1) vacant building which is not actively and well maintained and managed can be the core and cause of spreading blight.
- B. Definitions. For the purposes of this chapter, the term "boarded building" shall mean a building whose doors and windows have been covered with plywood or other material for the purpose of preventing entry into the building by persons or animals.

(ORD-13-0024, § 1(exh. A), 2013)

18.21.020 - Owner responsibilities.

- A. No person shall allow a building or structure designed for human, industrial, or commercial use, or occupancy to stand vacant for more than thirty (30) days unless one (1) of the following applies:
1. The building is the subject of an active building permit for repair or rehabilitation, or a permit for demolition, and the owner is progressing diligently to complete the repair or rehabilitation;
 2. The building meets all applicable codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease, or rent;
 3. The Building Official or designee determines that the building does not contribute to, and is not likely to contribute to, blight because the owner is actively maintaining and monitoring the building so that it does not contribute to blight. Active maintenance and monitoring shall include:
 - a. Maintenance and appropriate watering and care of landscaping and plant materials,
 - b. Maintenance of the exterior of the building, including but not limited to, paint and finishes, in good condition,
 - c. Regular removal of all trash, debris and graffiti,
 - d. Maintenance of the building or structure in continuing compliance with all applicable codes and regulations,
 - e. Prevention of criminal activity on the premises, including, but not limited to, use and sale of controlled substances, prostitution, or other criminal street gang activity.
- B. "Vacant building" or "vacant structure" shall mean a building which is without a lawful resident or occupant or which is not being put to a lawful commercial, residential, or industrial use, and which may be unoccupied and unsecured; occupied and secured by boarding or other similar means; unoccupied and a dangerous structure or; unoccupied with multiple City municipal code or nuisance violations.
- C.

The owner of any vacant or boarded building or structure, whether boarded by voluntary action of the owner or as a result of enforcement activity by the City, shall cause the boarded or vacant building to be rehabilitated for occupancy within sixty (60) days after the building or structure is boarded or becomes unoccupied.

(ORD-13-0024, § 1(exh. A), 2013)

18.21.030 - Monitoring program—Purpose.

- A. Vacant buildings are a major cause and source of blight in residential and nonresidential neighborhoods, especially when the owner of the building fails to maintain and manage the building to ensure that it does not become a liability to the neighborhood. Vacant buildings often attract transients and criminals, including drug users. Use of vacant buildings by transients and criminals, who may employ primitive cooking or heating methods, creates a risk of fire for the vacant buildings and adjacent properties. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings which are boarded up to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values.
- B. Because of the potential economic and public health, welfare and safety problems caused by vacant buildings, the City needs to monitor vacant buildings, so that they do not become attractive nuisances, are not used by trespassers, are properly maintained both inside and out, and do not become a blighting influence in the neighborhood. City Departments involved in such monitoring include the Police, Fire, Health, and Development Services Departments. There is a substantial cost to the City for monitoring vacant buildings (whether or not those buildings are boarded up) which should be borne by the owners of the vacant buildings.

(ORD-13-0024, § 1(exh. A), 2013)

18.21.040 - Monitoring program—Department responsibility and fees.

- A. Purpose. The Building Official or designee shall be responsible for administering a program for identifying and monitoring the maintenance of all vacant buildings or structures in the City.
- B. Purposes. The purposes of the monitoring program shall be:
 - 1. To identify buildings that become vacant;
 - 2. To order vacant buildings that are open and accessible to be secured against unlawful entry per Long Beach Municipal Code Section 18.20.280
 - 3. To initiate proceedings against any vacant or boarded building or structure found to be substandard as defined in this title; and
 - 4. To maintain surveillance over vacant or boarded buildings so that timely code enforcement proceedings are commenced in the event a building becomes substandard or a public nuisance.
- C. Notice of vacant building.
 - 1. Upon discovery of a potential vacant building by a code enforcement officer or receipt of a complaint about a vacant or boarded building from any source, the City may cause an inspection of the property in order to determine if the building or structure should be classified as a vacant building;
 - 2. If the City determines that a building or portion of a building may be classified as a vacant building under this chapter, the City shall ascertain the identity of, and contact the owner or agent of the owner, and advise the owner in writing that the building or structure is vacant and that the following measures need to be taken by the owner:

- a. Immediate measures to temporarily secure the building or structure from unauthorized entry,
 - b. Measures to permanently secure the building during the period of time that the building or structure remains vacant,
 - c. The posting of a sign or signs on the property in a conspicuous place, as determined by the City, which sign(s) shall notify the public of the owners or authorized agents' name and address and an emergency contact telephone number;
3. If the City determines that a building or structure is vacant it shall cause a "Notice of Vacant Building" to be recorded against the title of the property, which notice shall make reference to the provisions of this chapter and disclose that administrative penalties and costs may likewise be assessed against the owner and property as a result of the building or structure remaining in a vacant condition;
 4. If the owner fails to take immediate measures to temporarily or permanently secure the building from unauthorized entry, the vacant building shall constitute a nuisance and the City may, without further notice, and by any lawful means, abate the nuisance. In this event, the owner shall be liable for the costs incurred by the City for inspections or to secure the building or structure, including costs incurred to ascertain ownership of the property and obtaining title information, preparing notices, and any and all administrative costs together with actual labor or material cost or expense incurred by the City to secure the building or structure or otherwise abate the nuisance. If the owner does not reimburse the City within thirty (30) days of being billed therefore, the City may file a lien against the property for all of the expenses incurred by the City.
- D. Optional vacant building plan and timetable.
1. If the owner of a vacant building files a vacant building plan and timetable with the City not later than seven (7) days after the owner or agent of the owner receives written notice pursuant to Subsection 18.21.040.C, the City is authorized to:
 - a. Suspend the processing of any citation or other remedy for violation of this chapter,
 - b. Extend the period of time in which the owner of a vacant building must secure the building;
 2. The vacant building plan and timetable must be submitted on forms prepared by the City and must include, at a minimum, the following information:
 - a. A description of the premises, including the address thereof,
 - b. The names, addresses, and telephone numbers of all owners with a right of control over the vacant building or structure,
 - c. The names and addresses of all known lien holders and all other parties with an ownership interest in the vacant building or structure,
 - d. The name, address and telephone number of the owner's property manager or agent, and whether the property manager or agent has the authority to independently act on the owner's behalf to repair or maintain the property,
 - e. The period of time the building is expected to remain vacant,
 - f. If the owner plans on demolishing the building, the date the building is scheduled for demolition, and whether or not a permit has been issued for said demolition,
 - g. If the owner plans on returning the building to a lawful occupancy and use, the estimated date for returning the building to a lawful occupancy or use, and whether or not a permit has been issued to return the vacant building to a lawful occupancy or use,

- h. A plan for regular inspection and maintenance of the building during the period of vacancy,
 - i. Measures the owner will employ to secure the building to prevent access by trespassers. One (1) of the following methods must be used to secure the building as specified in the discretion of the City:
 - i. Installation of adequate windows and doors, or window and door coverings,
 - ii. Installation and maintenance of adequate locks for windows and doors,
 - iii. Installation of boards on windows and doors or security screening to the satisfaction of the City,
 - iv. Employment of security officers to the satisfaction of the City,
 - v. Installation, operation, and monitoring of an electronic security system, which monitors doors and windows by glass breakage or motion sensors, and a method of responding to alarms from the electronic security system, other than sole reliance on the City's Police Department,
 - vi. Any other methods as specified by the City,
 - j. Measures the owner will employ to monitor and inspect the property on a weekly basis. The weekly monitoring and inspection must be performed by the owner, property manager, or agent of the owner with full authority to maintain and make repairs to the property on a weekly basis;
 3. The plan and timetable submitted by the owner or agent of the owner must be approved by the City. Any and all repairs required to effect the plan and timetable shall comply with all applicable City of Long Beach ordinances, codes and regulations. The owner shall be required to notify the City in writing of any changes in information supplied as part of the vacant building plan and timetable within ten (10) days of the change;
 4. During the period of time that the vacant building plan and timetable are in effect, the owner shall be responsible for paying to the City the monthly monitoring fee as said fee is established, and from time to time amended, in accordance with a duly adopted resolution of the City Council;
 5. In the event that the owner fails to comply with the vacant building plan and timetable, the City shall so notify the owner or authorized agent and shall thereafter institute appropriate administrative, civil or other legal action to secure compliance with this chapter.
- E. Monitoring fee imposed. Any vacant or boarded building or structure as defined in this chapter shall be subject to a monthly monitoring fee, to recover the City's regulatory costs to monitor the status of the vacant or boarded building. The monthly monitoring fee shall be set by resolution of the City Council. The monitoring fee shall be applicable until such time as the building or structure is no longer vacant or boarded, and shall likewise be applicable even when a vacant building plan and timetable is in effect. The monitoring fee shall be imposed upon the initial determination that the building is vacant. The fee shall thereafter be imposed in each thirty (30) day period following the imposition of the initial monitoring fee, to be billed to the owner on a quarterly basis until such time as the building or structure is no longer vacant or boarded.
- F. Code enforcement response fee. In addition to the monthly monitoring fee imposed pursuant to this section, the City also establishes a further and separate enforcement response fee for actual costs incurred by the City to respond to or abate substandard or blighted conditions existing in or about the property upon which the boarded or vacant building or structure is located. Such costs shall include, but not be limited to, personnel costs involved with inspecting or responding to calls for service at the property, personnel costs involved in abating the substandard or blighted conditions

existing on the property, costs of any materials or supplies either purchased or supplied by the City in connection with the abatement of any substandard or blighted condition in or about the property, costs of any contracted services, including the costs of materials, supplies, and labor provided by the City's contractor, if any, costs of procuring title or ownership information concerning or related to the property, as well as any other incidental enforcement costs incurred by the City in connection with remedying the substandard or blighted conditions existing on the property. The amount of the code enforcement response fee shall be established by resolution of the City Council.

- G. Procedure. The vacant or boarded building monitoring fee and the code enforcement response fee, if any, shall be billed to the owner of the property and mailed to the owner's address as set forth on the last equalized assessment roll of the county assessor. Said fee or fees and associated administrative costs shall be charged to and become an indebtedness of the owner of the property.
- H. If the monthly monitoring or code enforcement response fees or associated administrative costs and expenses are not paid within thirty (30) days after billing, then the fee or costs may be specially assessed against the property involved. If the fees or costs are specially assessed against the property, said assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.
- I. The City may also cause a notice of lien to be recorded against the property. The notice shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, a description of the real property subject to the lien, and the amount of the fee or costs assessed against the property.
- J. Hearing on charges. Within thirty (30) days from the date that the property owner is mailed a notice regarding the imposition of either monthly monitoring fees or code enforcement response fees or charges, the property owner may demand a hearing as to the reasonableness of the fees or charges imposed. Such demand shall be in writing and presented to the Director of Development Services for the City of Long Beach. Said demand shall describe the property involved, state the reasons for objecting, and include an address of the property owner for service of notice in connection with such hearing. Such demand shall be presented by the City to the Board of Examiners, Appeals and Condemnation for hearing at its next regularly scheduled meeting that is not less than ten (10) and not more than forty-five (45) days thereafter. The Director of Development Services shall give written notice of such hearing to the address furnished by the property owner in the demand for an appeal hearing. At the time set for such hearing, the Board of Examiners, Appeals and Condemnation shall hear all evidence pertinent to the reasonableness of such fees and charges and shall either confirm or modify the charges. The decision of the Board of Examiners, Appeals and Condemnation shall be final. If the amount of the charges is uncontested by the property owner or as set by the Board of Examiners, Appeals and Condemnation on appeal, has not been paid within thirty (30) days after imposition or appeal hearing whichever is later, the payment thereof shall thereupon become delinquent and the amount so imposed or determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid, as determined by the tax collector.

(ORD-13-0024, § 1(exh. A), 2013)

18.21.050 - Civil remedy.

- A. Penalty.
 - 1.

Any owner of a vacant or boarded building which remains boarded in violation of Subsection 18.21.020.B or any owner of a building which remains vacant or boarded in violation of Subsection 18.21.020.A shall be liable for an administrative penalty in an amount not to exceed one thousand dollars (\$1,000.00) per calendar year per building.

2. A second or subsequent administrative penalty imposed upon any owner pursuant to this section shall be in an amount not to exceed five thousand dollars (\$5,000.00).

B. Procedure.

1. The administrative penalty shall be imposed by the Board of Examiners, Appeals and Condemnation upon the recommendation of the Building Official or designee and after the owner shall have been afforded a hearing before the Board of Examiners, Appeals and Condemnation. The hearing shall be conducted in accord with the provisions of Chapter 18.10 and Chapter 18.20. In setting the penalty, the Board shall consider the severity of the blighting conditions on the property and the owner's efforts, or lack thereof, to remedy the problem. The decision of the Board shall be final.
2. The administrative penalty shall be due and payable within thirty (30) days after the decision of the Board. If the penalty is not paid within forty-five (45) days after the decision of the Board, the penalty shall become a personal indebtedness or obligation of the property owner or it may be specially assessed against the property involved. If the property is specially assessed said assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.
3. The City may also cause a notice of lien to be recorded against the property. The notice shall, at a minimum, identify the record owner or possessor of the property and set forth the last known address of the record owner or possessor, the date on which the penalty was imposed, a description of the real property subject to the lien, and the amount of the penalty or costs assessed against the property.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.22 - POLICE FACILITIES IMPACT FEE

18.22.010 - Legislative findings.

- A. The State of California, through the enactment of Government Code Sections 66001 through 66009 has authorized the City to enact development impact fees.
- B. The imposition of development impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities and related costs necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
- C. That the continuing increase in the development of residential and nonresidential construction in the City has created an urgency in that funds are needed for the increased demand for police services and the facilities that support those services which are required to serve the increasing residential and workforce population of the City.
- D. The fees established pursuant to this chapter are derived from, are based upon, and do not exceed the costs of providing additional police services attributable to new residential or nonresidential construction, including: master planning to more specifically identify capital facilities to serve new development; the acquisition of additional property for police facilities; the construction of buildings for police services; the furnishing of buildings or facilities for police services; and the purchasing of equipment and vehicles for police services.
- E. The fees collected pursuant to this chapter shall be used to finance the police facilities and equipment identified in Subsection 18.22.010.D.
- F. Detailed study of the impacts of future residential and nonresidential construction in the City, along with an analysis of the need for new police facilities and equipment has been prepared. This study is included in the "Public Safety Impact Fee Study" for the City of Long Beach dated August 18, 2006 which is incorporated herein by reference as though set forth in full, word for word.
- G. There is a reasonable relationship between the need for the police facilities and equipment set forth in Subsection 18.22.010.D and the impacts of the types of development for which the corresponding fee is charged.
- H. There is a reasonable relationship between the fee's use and the type of development for which the fee is charged.
- I. There is a reasonable relationship between the amount of the fee and the cost of the facilities and equipment or portion thereof attributable to the development on which the fee is imposed.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.020 - Purpose.

A Police Facilities Impact Fee is imposed on residential and nonresidential development for the purpose of assuring that the impacts created by said development pay its fair share of the costs required to support needed police facilities and related costs necessary to accommodate such development.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.030 - Definitions.

As used in this chapter:

- A. "Accessory use" is as defined in Section 21.15.060 of this code.
- B. "Applicant" means the property owner, or duly designated agent of the property owner, for which a request for building permit or construction approval for a mobile home pad is received by the City.
- C. "Building permit" means the City permit required for new building construction and/or additions which add square footage pursuant to Title 18 of this code. Neither a grading permit nor a foundation permit shall be considered a building permit for purposes of this chapter.
- D. "Calculation" means the point in time at which the City calculates the Police Facilities Impact Fee to be paid by the applicant. Calculation will generally occur at the time of issuance of the applicable building permit or construction approval for a mobile home pad but may occur earlier in the development approval process.
- E. "City Manager" means the City Manager of the City of Long Beach or other municipal officials he or she may designate to carry out the administration of this chapter.
- F. "Collect" or "collection" means the point in time at which the Police Facilities Impact Fees are paid by the applicant. Collection will occur on the date of final inspection or the date a Certificate of Occupancy or Temporary Certificate of Occupancy, whichever occurs first, or in the case of a mobile home pad or pads, collection will occur at or on the date of construction approval is issued.
- G. "Development" means the addition of new dwelling units and/or new nonresidential square footage to an undeveloped, partially developed or redeveloped site and involving the issuance of a building permit and Certificate of Occupancy for such construction, reconstruction or use. Development also includes the approval and construction of new mobile home pads in existing or new mobile home parks or sites, but not including the following so long as no additional dwelling units or gross floor area is added:
 - 1. A permit to operate;
 - 2. A permit for the internal alteration, remodeling, rehabilitation, or other improvements or modifications to an existing structure;
 - 3. The rebuilding of a structure destroyed by an act of God or the rehabilitation or replacement of a building in order to comply with the City's seismic safety requirements;
 - 4. Parking facilities; or
 - 5. The rehabilitation or replacement of a building destroyed by imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or civil disturbance except where said destruction was caused or in any manner accomplished, instigated, motivated, prompted, incited, induced, influenced, or participated in by any persons or their agents having any interest in the real or personal property at the location.
- H. "Dwelling unit" or "DU" is as defined in Section 21.15.910 of this code.
- I. "Fee-setting resolution" means and refers to the City resolution specifying the Police Facilities Impact Fee per dwelling unit or mobile home pad for residential development and per gross square foot of floor area for nonresidential development, by type and by location. The Police Facilities Impact Fee set forth in the fee-setting resolution may be revised pursuant to Section 18.22.140 and applicable State law.
- J.

"Gross square feet" or "gsf" means the area of a nonresidential development measured from the exterior building lines of each floor with respect to enclosed spaces but excluding parking spaces whether or not enclosed. For purposes of this chapter, the term "enclosed spaces" specifically includes, but is not limited to, an area available to and customarily used by the general public and all areas of business establishments generally accessible to the public such as fenced, or partially fenced in areas of garden centers attached to and serving the primary structure.

- K. "Mixed use" is as defined in Section 21.15.1760 of this code.
- L. "Mobile home" is as defined in Section 21.15.1770 of this code.
- M. "Nonresidential development" means a development undertaken for the purpose of creating gross floor area, excluding dwelling units, but which includes, and is not limited to, commercial, industrial, retail, office, hotel/motel, and warehouse uses involving the issuance of a building permit for such construction, reconstruction or use.
- N. "Police Department" means the Police Department of the City of Long Beach.
- O. "Principal use" is as defined in Section 21.15.2170 of this code.
- P. "Residential development" means a development undertaken for the purpose of creating a new dwelling unit or units and involving the issuance of a building permit and Certificate of Occupancy for such construction, reconstruction or use, or the construction approval for a mobile home pad or pads.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.040 - Fund established.

A Police Facilities Impact Fee fund is established. The Police Facilities Impact Fee fund is a fund to be utilized for payment of the actual or estimated costs of police facilities and equipment related to new residential and nonresidential construction as described in this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.050 - Police Facilities Impact Fee.

There is imposed a Police Facilities Impact Fee on all new residential and nonresidential development as those terms are defined in this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.060 - Fee imposed.

- A. Any person who, after the effective date of this chapter, seeks to engage in residential or nonresidential development including mobile home development as defined in this chapter by obtaining a building permit or construction approval for a mobile home pad or pads is required to pay a Police Facilities Impact Fee in the manner and amount as set forth in the then-current fee-setting resolution. The Police Facilities Impact Fee imposed pursuant to this chapter shall not apply to those projects for which a Planning Bureau application for conceptual or site plan review has been filed and deemed complete by the Department of Development Services by April 3, 2007.
- B. No Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection approval or construction approval for a mobile home pad or pads, as applicable, for the activities listed in Subsection 18.22.060.A shall be issued unless and until the Police Facilities Impact Fee required by this chapter has been paid to the City.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.070 - Calculation of Police Facilities Impact Fee.

- A. The Director shall calculate the amount of the applicable Police Facilities Impact Fee due as specified in the then-current fee-setting resolution.
- B. The Director shall calculate the amount of the applicable Police Facilities Impact Fee due by:
 - 1. Determining the number and type of dwelling units in a residential development or mobile home pads in a mobile home park or site, and multiplying the same by the Police Facilities Impact Fee amount per dwelling unit or pad as established by the then-current fee-setting resolution;
 - 2. Determining the gross square feet of floor area, type of use and location in a nonresidential development, and multiplying the same by the Police Facilities Impact Fee amount as established by the then-current fee-setting resolution;
 - 3. Determining the number and type of dwelling units and the nonresidential number of gross square feet of floor area, type of use and location, in a structure containing mixed uses which include a residential use, and multiplying the same by the Police Facilities Impact Fee amount for each use as established by the then-current fee-setting resolution;
 - 4. Determining the gross square feet of floor area, type of use and location in a structure containing mixed uses which include two (2) or more nonresidential principal uses, and multiplying the same by the Police Facilities Impact Fee amount as established by the then-current fee-setting resolution. The gross square feet of floor area of any accessory use will be charged at the same rate as the predominant principal use unless the Director finds that the accessory use is related to another principal use.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.080 - Payment of fee.

- A. The City shall collect from the applicant the Police Facilities Impact Fee prior to the issuance of a Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection or construction approval for mobile home pad or pads, whichever occurs first.
- B. Except for an administrative charge that shall be allocated to the Department of Development Services, all funds collected shall be properly identified and promptly transferred for deposit in the Police Facilities Impact Fee fund and used solely for the purposes specified in this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.090 - Use of funds.

- A. Funds collected from the Police Facilities Impact Fee shall be used to fund the costs of providing additional police services attributable to new residential and nonresidential construction and shall include:
 - 1. The acquisition of additional property for law enforcement facilities;
 - 2. The construction of new buildings for law enforcement services;
 - 3. The furnishing of new buildings or facilities for law enforcement services;
 - 4. The purchasing of equipment and vehicles for law enforcement services;
 - 5. The funding of a master plan to identify capital facilities to serve new Police Department development;
 - 6. The cost of financing (e.g., interest payments) related to Subsections 1 through 5, inclusive.
- B. Funds shall not be used for periodic or routine maintenance.
- C.

In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which Police Facilities Impact Fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Subsection 18.22.090.A.

D. Funds may be used to provide refunds as described in Section 18.22.100

(ORD-13-0024, § 1(exh. A), 2013)

18.22.100 - Refund.

- A. Any applicant who has paid a Police Facilities Impact Fee pursuant to this chapter may apply for a full or partial refund of same, if, within one (1) year after collection of the Police Facilities Impact Fee the development project has been modified, pursuant to appropriate City ordinances and regulations, resulting in a reduction in the number of dwelling units, a change in the type of dwelling units, a reduction in square footage, or the applicability of an exemption pursuant to Section 18.22.110 of this chapter. The City shall retain a sum equaling twenty percent (20%) of the impact fee paid by the applicant to offset the administrative costs of refund. The applicant must submit an application for such a refund in accordance with Chapter 3.48 of this code. In no event shall a refund exceed the amount of the Police Facilities Impact Fee actually paid.
- B. Any funds not expended, encumbered or obligated by issued indebtedness by the end of the calendar quarter immediately following five (5) years from the date the Police Facilities Impact Fee was paid shall, upon application of the then-current landowner, be returned to such landowner with interest at a rate equal to the rate of interest earned by the City from the time the fee was paid, provided that the landowner submits an application for a refund within one hundred eighty (180) calendar days from the expiration of the five (5) year period.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.110 - Exemptions and credits.

- A. Exemptions. Any claim of exemption must be made no later than the time of application for a building permit or mobile home construction approval. The following shall be exempted from payment of the Police Facilities Impact Fee:
1. Alterations or expansion of an existing residential building where no additional dwelling units are created and where the use is not changed;
 2. The replacement of a building or structure destroyed by fire, flood, earthquake or other act of God, with a new building or structure of the same size and use;
 3. The installation of a replacement mobile home on a lot or other such site when a Police Facilities Impact Fee for such mobile home site has previously been paid pursuant to this chapter, or where a mobile home legally existed on such site on or prior to the effective date of the ordinance codified in this chapter;
 4. Nonresidential development. Construction or occupancy of a new nonresidential building or structure or an addition to or expansion of an existing nonresidential building or structure of three thousand (3,000) gross square feet or less;
 5. Residential development. Construction, replacement or rebuilding of a single-family dwelling (one (1) unit per lot) on an existing lot of record, or the replacement of one (1) mobile home with another on the same pad, or the moving and relocation of a single-family home from one (1) lot within the City to another lot within the City, or the legalization of an illegal dwelling unit existing prior to January 1, 1964, for which an administrative use permit is approved in accordance with

Subsection 21.25.403.D. This exemption shall not apply to tract development, to the development of more than one (1) unit per lot nor to the replacement of a single-family dwelling with more than one (1) dwelling unit;

6. Affordable Housing for Lower Income Households. Property rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low-income household" as defined in Section 50105 of the California Health and Safety Code. This exemption shall require the applicant to execute an agreement to guarantee that the units shall be maintained for lower and very low-income households whether as units for rent or for sale or transfer, for the lesser of a period of thirty (30) years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto. The agreement shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Attorney and shall bind the owner and any successor-in-interest to the real property being developed. The agreement shall subordinate, if required, to any State or federal program providing affordable housing to lower and very low-income households. The agreement shall be recorded with the Los Angeles County Recorder prior to the issuance of a Certificate of Occupancy. The City's Housing and Community Improvement Bureau shall be notified of pending transfers or purchases and give its approval of the purchaser's qualifying income status and purchase price, prior to the close of escrow. The City's Housing and Community Improvement Bureau shall be notified of pending rentals and give its approval of proposed tenant's qualifying income status and rental rate, prior to the tenant's occupancy. Applicant or any successor-in-interest shall be required to provide annually, or as requested, the names of all tenants or purchasers, current rents, and income certification to insure compliance. Voluntary removal of the housing restriction or violation of the restriction shall be enforced by the City's Housing and Community Improvement Bureau and shall require the applicant or any successor-in-interest to pay the then applicable Police Facilities Impact Fee at the time of voluntary conversion or as imposed at the time of violation on the unit in violation, plus any attorneys' fees and costs of enforcement, if applicable;
7. Hospitals as that term is defined in Section 21.15.1370 of this code.
- B. Credits. Any applicant whose development is located within a Community Facilities District (CFD), and is subject to the assessments thereof, shall receive an offset credit towards the fees established by this chapter to the extent that the assessments fund improvements within the CFD which would otherwise be funded by the development impact fees established by this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.120 - Appeals.

- A. An applicant may appeal, by protest, any imposition of the Police Facilities Impact Fee by filing a notice of appeal with the City Clerk within ninety (90) days after the applicant pays the required fee.
- B. A valid appeal by protest of the imposition of the Police Facilities Impact Fee shall meet all of the following requirements:
 1. Tendering in advance of the appeal any required payment in full or providing assurance of payment satisfactory to the City Attorney;
 2. Serving written notice on the City including:
 - a.

- A statement that the required payment has been tendered under protest or that required conditions have been satisfied;
- b. A statement informing the City of the factual elements of the dispute and the legal theory forming the basis of the protest;
 - c. The name and address of the applicant;
 - d. The name and address of the property owner;
 - e. A description and location of the property;
 - f. The number of residential units or nonresidential gross square footage proposed, by land use or dwelling unit type, as appropriate; and
 - g. The date of issuance of the building permit.
- C. The City Council shall schedule a hearing and render a final decision on the applicant's appeal within sixty (60) days after the date the applicant files a valid appeal.
 - D. The City Council hearing shall be administrative. Evidence shall be submitted by the City and by the applicant and testimony shall be taken under oath.
 - E. The burden of proof shall be on the applicant to establish that the applicant is not subject to the imposition of the Police Facilities Impact Fee pursuant to the express terms of this chapter and applicable State law.
 - F. If the Police Facilities Impact Fee has been paid in full or if the notice of appeal is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the City Attorney in an amount equal to the Police Facilities Impact Fee calculated to be due, the application for the building permit or mobile home construction approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the Police Facilities Impact Fee calculated by the City to be due unless sufficient and acceptable surety has been provided.
 - G. Any petition for judicial review of the City Council's final decision shall be made in accordance with applicable State law and pursuant to Section 18.22.130.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.130 - Judicial review.

- A. Any judicial action or proceeding to attack, review, set aside, void or annul the ordinance codified in this chapter, or any provision thereof, or resolution, or amendment thereto, shall be commenced within ninety (90) days of the effective date of the ordinance codified in this chapter, resolution, or any amendment thereto.
- B. Any judicial action or proceeding to attack, review, set aside or annul the imposition or collection of a Police Facilities Impact Fee on a development shall be preceded by a valid appeal by protest pursuant to Section 18.22.120 hereof and a final decision of the City Council pursuant thereto and shall be filed and service of process effected within ninety (90) days after the hearing on appeal regarding the imposition of a Police Facilities Impact Fee upon the development.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.140 - Annual report and amendment procedures.

- A. Within one hundred eighty (180) days after the last day of each fiscal year, the Police Chief of the City of Long Beach shall evaluate progress in implementation of the Police Facilities Impact Fee program and shall prepare a report thereon to the City Council in accordance with Government Code Section 66006 incorporating among other things:

1. The police facilities and equipment commenced, purchased or completed utilizing monies from the Police Facilities Impact Fee fund;
 2. The amount of the fees collected and the interest earned;
 3. The amount of Police Facilities Impact Fees in the fund; and
 4. Recommended changes to the Police Facilities Impact Fee, including, but not necessarily limited to, changes in the Police Facilities Impact Fee chapter or fee-setting resolution.
- B. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the ordinance codified in this chapter or the fee-setting resolution implementing this chapter. Changes to the Police Facilities Impact Fee rates or schedules may be made by amending the fee-setting resolution. Any change which increases the amount of the Police Facilities Impact Fee shall be adopted by the City Council only after a noticed public hearing. Nothing herein precludes the City Council or limits its discretion to amend the ordinance codified in this chapter or the fee-setting resolution establishing Police Facilities Impact Fee rates or schedules at such other times as may be deemed necessary.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.150 - Effect of Police Facilities Impact Fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the City pursuant to the City's zoning regulations, subdivision regulations or other ordinances or regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all residential and nonresidential development.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.160 - Violation—Penalty.

A violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted; and upon conviction, the violator shall be punishable according to law. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.22.170 - Severability.

If any section, phrase, sentence, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.23 - FIRE FACILITIES IMPACT FEE

18.23.010 - Legislative findings.

- A. The State of California, through the enactment of Government Code Sections 66001 through 66009 has authorized the City to enact development impact fees.
- B. The imposition of development impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities and related costs necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
- C. That the continuing increase in the development of residential and nonresidential construction in the City has created an urgency in that funds are needed for the increased demand for fire services and the facilities that support those services which are required to serve the increasing residential and workforce population of the City.
- D. The fees established pursuant to this chapter are derived from, are based upon, and do not exceed the costs of providing additional fire services attributable to new residential or nonresidential construction, including: master planning to more specifically identify capital facilities to serve new development; the acquisition of additional property for fire facilities; the construction of buildings for fire services; the furnishing of buildings or facilities for fire services; and the purchasing of equipment, apparatus, and vehicles for fire services.
- E. The fees collected pursuant to this chapter shall be used to finance the fire facilities, equipment, and apparatus identified in Subsection 18.23.010.D.
- F. Detailed study of the impacts of future residential and nonresidential construction in the City, along with an analysis of the need for new fire facilities and equipment has been prepared. This study is included in the "Public Safety Impact Fee Study" for the City of Long Beach dated August 18, 2006 which is incorporated herein by reference as though set forth in full, word for word.
- G. There is a reasonable relationship between the need for the fire facilities, apparatus and equipment set forth in Subsection 18.23.010.D and the impacts of the types of development for which the corresponding fee is charged.
- H. There is a reasonable relationship between the fee's use and the type of development for which the fee is charged.
- I. There is a reasonable relationship between the amount of the fee and the cost of the facilities, apparatus and equipment or portion thereof attributable to the development on which the fee is imposed.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.020 - Purpose.

A Fire Facilities Impact Fee is imposed on residential and nonresidential development for the purpose of assuring that the impacts created by said development pay its fair share of the costs required to support needed fire facilities and related costs necessary to accommodate such development.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.030 - Definitions.

As used in this chapter:

- A. "Accessory use" is as defined in Section 21.15.060 of this code.
- B. "Applicant" means the property owner, or duly designated agent of the property owner, for which a request for building permit or construction approval for a mobile home pad is received by the City.
- C. "Building permit" means the City permit required for new building construction and/or additions which add square footage pursuant to Title 18 of this code. Neither a grading permit nor a foundation permit shall be considered a building permit for purposes of this chapter.
- D. "Calculation" means the point in time at which the City calculates the Fire Facilities Impact Fee to be paid by the applicant. Calculation will generally occur at the time of issuance of the applicable building permit or construction approval for a mobile home pad but may occur earlier in the development approval process.
- E. "City Manager" means the City Manager of the City of Long Beach or other municipal officials he or she may designate to carry out the administration of this chapter.
- F. "Collect" or "collection" means the point in time at which the Fire Facilities Impact Fees are paid by the applicant. Collection will occur on the date of final inspection or the date a Certificate of Occupancy or Temporary Certificate of Occupancy, whichever occurs first, or in the case of a mobile home pad or pads, collection will occur at or on the date of construction approval is issued.
- G. "Development" means the addition of new dwelling units and/or new nonresidential square footage to an undeveloped, partially developed or redeveloped site and involving the issuance of a building permit and Certificate of Occupancy for such construction, reconstruction or use. Development also includes the approval and construction of new mobile home pads in existing or new mobile home parks or sites but not including the following so long as no additional dwelling units or gross floor area is added:
 - 1. A permit to operate;
 - 2. A permit for the internal alteration, remodeling, rehabilitation, or other improvements or modifications to an existing structure;
 - 3. The rebuilding of a structure destroyed by an act of God or the rehabilitation or replacement of a building in order to comply with the City's seismic safety requirements;
 - 4. Parking facilities; or
 - 5. The rehabilitation or replacement of a building destroyed by imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or civil disturbance except where said destruction was caused or in any manner accomplished, instigated, motivated, prompted, incited, induced, influenced, or participated in by any persons or their agents having any interest in the real or personal property at the location.
- H. "Dwelling unit" or "DU" is as defined in Section 21.15.910 of this code.
- I. "Fee-setting resolution" means and refers to the City resolution specifying the Fire Facilities Impact Fee per dwelling unit or mobile home pad for residential development and per gross square foot of floor area for nonresidential development, by type and by location. The Fire Facilities Impact Fee set forth in the fee-setting resolution may be revised pursuant to Section 18.23.140 and applicable State law.

- J. "Fire Department" means the Fire Department of the City of Long Beach.
- K. "Gross square feet" or "gsf" means the area of a nonresidential development measured from the exterior building lines of each floor with respect to enclosed spaces but excluding parking spaces whether or not enclosed. For purposes of this chapter, the term "enclosed spaces" specifically includes, but is not limited to, an area available to and customarily used by the general public and all areas of business establishments generally accessible to the public such as fenced or partially fenced in areas of garden centers attached to and serving the primary structure.
- L. "Mixed use" is as defined in Section 21.15.1760 of this code.
- M. "Mobile home" is as defined in Section 21.15.1770 of this code.
- N. "Nonresidential development" means a development undertaken for the purpose of creating gross floor area, excluding dwelling units, but which includes, and is not limited to, commercial, industrial, retail, office, hotel/motel, and warehouse uses involving the issuance of a building permit for such construction, reconstruction or use.
- O. "Principal use" is as defined in Section 21.15.2170 of this code.
- P. "Residential development" means a development undertaken for the purpose of creating a new dwelling unit or units and involving the issuance of a building permit and Certificate of Occupancy for such construction, reconstruction or use, or the construction approval for a mobile home pad or pads.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.040 - Fund established.

A Fire Facilities Impact Fee fund is established. The Fire Facilities Impact Fee fund is a fund to be utilized for payment of the actual or estimated costs of fire facilities, apparatus and equipment related to new residential and nonresidential construction as described in this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.050 - Fire Facilities Impact Fee.

There is imposed a Fire Facilities Impact Fee on all new residential and nonresidential development as those terms are defined in this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.060 - Fee imposed.

- A. Any person who, after the effective date of the ordinance codified in this chapter, seeks to engage in residential or nonresidential development including mobile home development as defined in this chapter by obtaining a building permit or construction approval for a mobile home pad or pads is required to pay a Fire Facilities Impact Fee in the manner and amount as set forth in the then-current fee-setting resolution. The Fire Facilities Impact Fee imposed pursuant to this chapter shall not apply to those projects for which a Planning Bureau application for conceptual or site plan review has been filed and deemed complete by the Department of Development Services by April 3, 2007.
- B. No Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection approval or construction approval for a mobile home pad or pads, as applicable, for the activities listed in Subsection A of this section shall be issued unless and until the Fire Facilities Impact Fee required by this chapter has been paid to the City.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.070 - Calculation of Fire Facilities Impact Fee.

- A. The Director shall calculate the amount of the applicable Fire Facilities Impact Fee due as specified in the then-current fee-setting resolution.
- B. The Director shall calculate the amount of the applicable Fire Facilities Impact Fee due by:
 - 1. Determining the number and type of dwelling units in a residential development, or mobile home pads in a mobile home park or site, and multiplying the same by the Fire Facilities Impact Fee amount per dwelling unit or pad as established by the then-current fee-setting resolution;
 - 2. Determining the gross square feet of floor area, type of use and location in a nonresidential development, and multiplying the same by the Fire Facilities Impact Fee amount as established by the then-current fee-setting resolution;
 - 3. Determining the number and type of dwelling units and the nonresidential number of gross square feet of floor area, type of use and location, in a structure containing mixed uses which include a residential use, and multiplying the same by the Fire Facilities Impact Fee amount for each use as established by the then-current fee-setting resolution;
 - 4. Determining the gross square feet of floor area, type of use and location in a structure containing mixed uses which include two (2) or more nonresidential principal uses, and multiplying the same by the Fire Facilities Impact Fee amount as established by the then-current fee-setting resolution. The gross square feet of floor area of any accessory use will be charged at the same rate as the predominant principal use unless the Director finds that the accessory use is related to another principal use.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.080 - Payment of fee.

- A. The City shall collect from the applicant the Fire Facilities Impact Fee prior to the issuance of a Certificate of Occupancy, Temporary Certificate of Occupancy, final inspection or construction approval for mobile home pad or pads, whichever occurs first.
- B. Except for an administrative charge that shall be allocated to the Department of Development Services, all funds collected shall be properly identified and promptly transferred for deposit in the Fire Facilities Impact Fee fund and used solely for the purposes specified in this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.090 - Use of funds.

- A. Funds collected from the Fire Facilities Impact Fee shall be used to fund the costs of providing additional fire services attributable to new residential and nonresidential construction and shall include:
 - 1. The acquisition of additional property for Fire Department facilities;
 - 2. The construction of new buildings for Fire Department services;
 - 3. The furnishing of new buildings or facilities for Fire Department services;
 - 4. The purchasing of equipment, apparatus, and vehicles for Fire Department services;
 - 5. The funding of a master plan to identify capital facilities to serve new Fire Department development;
 - 6. The cost of financing (e.g., interest payments) related to Subsections 1 through 5, inclusive.
- B. Funds shall not be used for periodic or routine maintenance.
- C.

In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which Fire Facilities Impact Fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Subsection 18.23.090.A.

D. Funds may be used to provide refunds as described in Section 18.23.100

(ORD-13-0024, § 1(exh. A), 2013)

18.23.100 - Refund.

- A. Any applicant who has paid a Fire Facilities Impact Fee pursuant to this chapter may apply for a full or partial refund of same, if, within one (1) year after collection of the Fire Facilities Impact Fee the development project has been modified, pursuant to appropriate City ordinances and regulations, resulting in a reduction in the number of dwelling units, a change in the type of dwelling units, a reduction in square footage, or the applicability of an exemption pursuant to Section 18.23.110 of this chapter. The City shall retain a sum equaling twenty percent (20%) of the impact fee paid by the applicant to offset the administrative costs of refund. The applicant must submit an application for such a refund in accordance with Chapter 3.48 of this code. In no event shall a refund exceed the amount of the Fire Facilities Impact Fee actually paid.
- B. Any funds not expended, encumbered or obligated by issued indebtedness by the end of the calendar quarter immediately following five (5) years from the date the Fire Facilities Impact Fee was paid shall, upon application of the then-current landowner, be returned to such landowner with interest at a rate equal to the rate of interest earned by the City from the time the fee was paid, provided that the landowner submits an application for a refund within one hundred eighty (180) calendar days from the expiration of the five (5) year period.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.110 - Exemptions and credits.

- A. Exemptions. Any claim of exemption must be made no later than the time of application for a building permit or mobile home construction approval. The following shall be exempted from payment of the Fire Facilities Impact Fee:
1. Alterations or expansion of an existing residential building where no additional dwelling units are created and where the use is not changed;
 2. The replacement of a building or structure destroyed by fire, flood, earthquake or other act of God, with a new building or structure of the same size and use;
 3. The installation of a replacement mobile home on a lot or other such site when a Fire Facilities Impact Fee for such mobile home site has previously been paid pursuant to this chapter, or where a mobile home legally existed on such site on or prior to the effective date of the ordinance codified in this chapter;
 4. Nonresidential development. Construction or occupancy of a new nonresidential building or structure or an addition to or expansion of an existing nonresidential building or structure of three thousand (3,000) gross square feet or less;
 5. Residential development. Construction, replacement or rebuilding of a single-family dwelling (one (1) unit per lot) on an existing lot of record, or the replacement of one (1) mobile home with another on the same pad, or the moving and relocation of a single-family home from one (1) lot within the City to another lot within the City, or the legalization of an illegal dwelling unit existing prior to January 1, 1964, for which an administrative use permit is approved in accordance with

Subsection 21.25.403.D. This exemption shall not apply to tract development, to the development of more than one (1) unit per lot nor to the replacement of a single-family dwelling with more than one (1) dwelling unit;

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7. Hospitals as that term is defined in Section 21.15.1370 of this code.
- B. Credits. Any applicant whose development is located within a Community Facilities District (CFD), and is subject to the assessments thereof, shall receive an offset credit towards the fees established by this chapter to the extent that the assessments fund improvements within the CFD which would otherwise be funded by the development impact fees established by this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.120 - Appeals.

- A. An applicant may appeal, by protest, any imposition of the Fire Facilities Impact Fee by filing a notice of appeal with the City Clerk within ninety (90) days after the applicant pays the required fee.
- B. A valid appeal by protest of the imposition of the Fire Facilities Impact Fee shall meet all of the following requirements:
 1. Tendering in advance of the appeal any required payment in full or providing assurance of payment satisfactory to the City Attorney;
 2. Serving written notice on the City including:
 - a.

- A statement that the required payment has been tendered under protest or that required conditions have been satisfied;
- b. A statement informing the City of the factual elements of the dispute and the legal theory forming the basis of the protest;
 - c. The name and address of the applicant;
 - d. The name and address of the property owner;
 - e. A description and location of the property;
 - f. The number of residential units or nonresidential gross square footage proposed, by land use or dwelling unit type, as appropriate; and
 - g. The date of issuance of the building permit.
- C. The City Council shall schedule a hearing and render a final decision on the applicant's appeal within sixty (60) days after the date the applicant files a valid appeal.
 - D. The City Council hearing shall be administrative. Evidence shall be submitted by the City and by the applicant and testimony shall be taken under oath.
 - E. The burden of proof shall be on the applicant to establish that the applicant is not subject to the imposition of the Fire Facilities Impact Fee pursuant to the express terms of this chapter and applicable State law.
 - F. If the Fire Facilities Impact Fee has been paid in full or if the notice of appeal is accompanied by a cash deposit, letter of credit, bond or other surety acceptable to the City Attorney in an amount equal to the Fire Facilities Impact Fee calculated to be due, the application for the building permit or mobile home construction approval shall be processed. The filing of a notice of appeal shall not stay the imposition or the collection of the Fire Facilities Impact Fee calculated by the City to be due unless sufficient and acceptable surety has been provided.
 - G. Any petition for judicial review of the City Council's final decision shall be made in accordance with applicable State law and pursuant to Section 18.23.130.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.130 - Judicial review.

- A. Any judicial action or proceeding to attack, review, set aside, void or annul the ordinance codified in this chapter, or any provision thereof, or resolution, or amendment thereto, shall be commenced within ninety (90) days of the effective date of the ordinance codified in this chapter, resolution, or any amendment thereto.
- B. Any judicial action or proceeding to attack, review, set aside or annul the imposition or collection of a Fire Facilities Impact Fee on a development shall be preceded by a valid appeal by protest pursuant to Section 18.23.120 hereof and a final decision of the City Council pursuant thereto and shall be filed and service of process effected within ninety (90) days after the hearing on appeal regarding the imposition of a Fire Facilities Impact Fee upon the development.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.140 - Annual report and amendment procedures.

- A. Within one hundred eighty (180) days after the last day of each fiscal year, the Fire Chief of the City of Long Beach shall evaluate progress in implementation of the Fire Facilities Impact Fee program and shall prepare a report thereon to the City Council in accordance with Government Code Section 66006 incorporating among other things:

1. The fire facilities, apparatus, and equipment commenced, purchased or completed utilizing monies from the Fire Facilities Impact Fee fund;
 2. The amount of the fees collected and the interest earned;
 3. The amount of Fire Facilities Impact Fees in the fund; and
 4. Recommended changes to the Fire Facilities Impact Fee, including, but not necessarily limited to, changes in the Fire Facilities Impact Fee chapter or fee-setting resolution.
- B. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the ordinance codified in this chapter or the fee-setting resolution implementing this chapter. Changes to the Fire Facilities Impact Fee rates or schedules may be made by amending the fee-setting resolution. Any change which increases the amount of the Fire Facilities Impact Fee shall be adopted by the City Council only after a noticed public hearing. Nothing herein precludes the City Council or limits its discretion to amend the ordinance codified in this chapter or the fee-setting resolution establishing Fire Facilities Impact Fee rates or schedules at such other times as may be deemed necessary.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.150 - Effect of Fire Facilities Impact Fee on zoning and subdivision regulations.

This chapter shall not affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards and public improvement requirements or any other aspect of the development of land or construction of buildings, which may be imposed by the City pursuant to the City's zoning regulations, subdivision regulations or other ordinances or regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all residential and nonresidential development.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.160 - Violation—Penalty.

A violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted; and upon conviction, the violator shall be punishable according to law. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.23.170 - Severability.

If any section, phrase, sentence, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.24 - FORECLOSURE REGISTRY PROGRAM

18.24.010 - Purpose.

It is the intent of the City Council, through the adoption of this chapter, to establish a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of vacant, abandoned or foreclosed upon residential real properties; to establish a vacant, abandoned or foreclosed upon residential property registration program and to set forth guidelines for the maintenance of vacant, abandoned or foreclosed upon residential real properties.

(ORD-13-0024, § 1(exh. A), 2013)

18.24.020 - Definitions.

Certain words and phrases in this chapter are defined, when used herein, as follows:

Abandoned. Any residential building, structure or real property that is vacant or occupied by a person without a legal right of occupancy, and subject to a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessor's Lien Sale and/or any residential real property conveyed via a foreclosure sale resulting in the acquisition of Title by an interested beneficiary of a deed of trust, and/or any residential real property conveyed via a deed in lieu of foreclosure sale.

Accessible Property. Residential real property that is accessible to the public, either in general, or through an open and unsecured door, window, gate, fence, wall, or the like.

Agreement. Any written instrument that transfers or conveys Title to residential real property from one owner to another after a sale, trade, transfer or exchange.

Assignment of Rents. An instrument that transfers the beneficial interest under a deed of trust from one lender or entity to another.

Beneficiary. A lender participating in a residential real property transaction that holds a secured interest in the residential real property in question identified in a deed of trust.

Buyer. Any person, partnership, association, corporation, fiduciary or other legal entity that agrees to transfer anything of value in consideration for residential real property via an "agreement" as that term is defined in this section.

Dangerous Building. Any residential building or structure reasonably deemed by qualified City staff to represent a violation of any provision specified in Section 18.02.050.

Days. Calendar days.

Deed of Trust. An instrument whereby an owner of residential real property, as trustor, transfers a secured interest in the real property in question to a third party trustee, said instrument relating to a loan issued in the context of a real property transaction. This definition applies to any and all subordinate deeds of trusts including, but not limited to a second trust deed or third trust deed.

Deed in Lieu of Foreclosure. A recorded instrument that transfers ownership of real property between parties to a particular deed of trust as follows - from the trustor (i.e, borrower), to the trustee upon consent of the beneficiary (i.e., lender).

Default. The material breach of a legal or contractual duty arising from or relating to a deed of trust, such as a trustor's failure to make payment when due.

Distressed. Any residential building, structure or real property that is subject to a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessors Lien Sale and/or any residential real property conveyed via a foreclosure sale resulting in the acquisition of Title by an interested beneficiary of a deed of trust, and/or any residential real property conveyed via a deed in lieu of foreclosure/sale, regardless of vacancy or occupancy by a person with no legal right of occupancy.

Enforcement Official. The City Manager, the Director of Development Services, and/or any employee or agency of the City of Long Beach designated and/or charged with enforcing the Long Beach Municipal Code, including but not limited to, applicable codes adopted by reference therein.

Evidence of Vacancy. Any residential real property condition that independently, or in the context of the totality of circumstances relevant to that real property, would lead a reasonable enforcement official to believe that a property is vacant or occupied by a person without a legal right of occupancy. Such real property conditions include, but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; and/or statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.

Foreclosure. The process by which real property subject to a deed of trust is sold to satisfy the debt of a defaulting trustor (i.e., borrower).

Local. Within forty (40) road or driving miles distance from the subject building, structure or real property in question.

Neighborhood Standard. The condition of residential real property that prevails in and through the neighborhood where an abandoned building, structure or real property is located. When determining the neighborhood standard no abandoned or distressed building, structure or real property shall be considered.

Notice of Default. A recorded instrument that reflects and provides notice that a default has taken place with respect to a deed of trust, and that a beneficiary intends to proceed with a trustee's sale.

Out of Area. In excess of forty (40) road or driving miles of the subject property.

Owner. Any person, partnership, association, corporation, fiduciary or other legal entity having recorded Title to the property as reflected in the official records of the County Recorder of Los Angeles County.

Owner of Record. The person holding recorded Title to the residential real property in question at any point in time when Official Records are produced by the Los Angeles County Registrar/Recorder's office.

Property. Any unimproved or improved residential real property, or portion thereof, situated in the City of Long Beach, including buildings or structures located on said real property, regardless of condition.

Residential Building. Any improved real property, or portion thereof, designed or permitted to be used for dwelling purposes, including buildings and structures located on such improved real property. This includes any real property being offered under any circumstances for sale, trade, transfer, or exchange as "residential," whether or not said property is legally permitted and zoned for such use.

Securing. Such measures as may be directed by a code enforcement official that assist in rendering real property inaccessible to unauthorized persons, including but not limited to repairing fences and walls, chaining/padlocking gates, the repairing or boarding of doors, windows or other such openings.

Trustee. Any person, partnership, association, corporation, fiduciary or other legal entity holding a deed of trust securing an interest in real property.

Trustor. Any owner/borrower identified in a deed of trust, who transfers an interest in real property to a trustee as security for payment of a debt by that owner/trustor.

Vacant. Any building, structure or real property that is unoccupied or occupied by a person without a legal right of occupancy.

(ORD-13-0024, § 1(exh. A), 2013)

18.24.030 - Registration.

- A. Not later than ten (10) days after recording a notice of default on any residential property located in the City of Long Beach which is subject to a deed of trust, the beneficiary, or its trustee, shall register the property with the Development Services Department of the City of Long Beach on forms provided by the City.
- B. The registration pursuant to this section shall be renewed annually until such time as:
 1. The foreclosure process is complete or the notice of default has been rescinded or withdrawn;
 2. The Trustor has surrendered the property to the beneficiary as evidenced by either a letter from the trustor addressed to the beneficiary confirming such surrender, or by the trustor's delivery of the keys to the property to the beneficiary or its agent;
 3. The beneficiary has obtained possession of the property under Sections 1161 or 1161a or 1161b of the Code of Civil Procedure, as applicable, following completion of the foreclosure proceeding.

If a subsequent notice of default is issued for the same property after being withdrawn or rescinded, the registration requirement set forth in this section shall be reinstated.
- C. The registration pursuant to this section shall contain the identity of the beneficiary and trustee, the direct mailing address of the beneficiary and trustee and, in the case of a corporate or out of area beneficiary or trustee, the local property management company, if any, responsible for the security, maintenance and marketing of the property in question.
- D. An annual registration fee as set by the City Council by resolution shall accompany the submission of each registration form. The fee and registration shall be valid for one (1) year from the date of registration. Registration fees will not be prorated. Subsequent registrations and fees are due January 1st of each year and must be received no later than January 15th of the year due.
- E.

Any person, partnership, association, corporation, fiduciary or other legal entity that has registered a property under this chapter must make a written report to the City of Long Beach Development Services Department of any change of information contained in the registration form within ten (10) days of the change.

- F. The duties/obligations specified in this chapter shall be joint and several among and between all trustees and beneficiaries and their respective agents.

(ORD-13-0024, § 1(exh. A), 2013)

18.24.035 - Penalty/fine for failure to timely register a property with the City.

- A. Notwithstanding any other provision of this chapter or Chapter 9.65 to the contrary, the City may, after fifteen (15) days written notice to the beneficiary or its trustee, impose a fine/penalty on a beneficiary or its trustee for its failure to timely register a property with the City under this chapter. The amount of such fines and/or penalties shall be established by the City Council by resolution.
- B. The imposition of a fine/penalty for failure to register a property shall be in accordance with the provisions and procedures set forth in Chapter 9.65 of the Long Beach Municipal Code: "Administrative Citations and Penalties."
- C. Any failure to pay fines or penalties imposed pursuant to this chapter may be remedied by the City in accordance with Section 9.65.140, or any successor section thereto.

(ORD-13-0024, § 1(exh. A), 2013)

18.24.040 - Maintenance required.

It is declared a public nuisance for any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any property subject to the registration requirement contained in Section 18.24.030, to cause, permit, or maintain any property condition contrary to any provision of this chapter. Consequently, the following maintenance requirements as to any property subject to the registration requirement contained in Section 18.24.030 are adopted:

- A. Any property subject to this chapter must comply with the requirements of the Long Beach Municipal Code Chapter 18.20 entitled "Unsafe Buildings or Structures."
- B. In addition, the property shall be kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper, circular, flyers, notices (except those required by federal, State or local law), discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- C. The property shall be maintained free of graffiti, tagging or similar marking. Any removal or painting over of graffiti shall be with an exterior grade paint that matches the color of the exterior of the structure.
- D. Visible front and side yards shall be landscaped and maintained to the neighborhood standard.
- E. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation.
- F. Landscaping does not include weeds, gravel, broken concrete, asphalt, plastic sheeting, mulch, indoor-outdoor carpet or any other similar material.
- G.

Pools and spas shall be kept in working order so that water remains clear and free of pollutants and debris, or alternatively shall be drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the State of California.

- H. Adherence to this section does not relieve the beneficiary/trustee or property owner of obligations set forth in any portion of the Long Beach Municipal Code or in any Covenants, Conditions and Restrictions and/or Home Owners Association rules and regulations which may apply to the property.

The sole exception to these maintenance requirements shall, within the sole reasonable discretion of the Director of Development Services or designee, apply to property subject to the registration requirement contained in Section 18.24.030 that is under construction and/or repair, not less than three (3) business days per week, undertaken in compliance with all applicable laws, including but not limited to, City permitting requirements.

(ORD-13-0024, § 1(exh. A), 2013)

18.24.050 - Security requirements.

- A. Properties subject to this chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- B. Secure manner includes, but is not limited to, closing and locking of windows, doors (walk-through, sliding, and garage), gates and any other opening that may allow access to the interior of the property and/or structure(s). In the case of broken windows, "securing" means reglazing or boarding the window.
- C. If the property is owned by a corporation and/or out of area beneficiary/trustee/owner, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this section, and any other applicable laws, are being fulfilled.
- D. The property shall be posted with the name and twenty-four (24) hour contact phone number of the local property management company. The posting shall be 8-½" x 11" in size, shall be of a font that is legible from a distance of twenty (20) feet, and shall contain the following verbiage: "THIS PROPERTY MANAGED BY _____," and "TO REPORT PROBLEMS OR CONCERNS CALL (name and phone number)."
- E. The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street on the front of the property so it is visible from the street. If no such area exists, the posting shall be on a stake of sufficient size to support the posting, in a location that is visible from the street to the front of the property, and to the extent possible, not readily accessible to potential vandalism. Exterior posting must be constructed of, and printed with weather-resistant materials.
- F. The local property management company shall inspect the property on a weekly basis to determine if the property is in compliance with the requirement of this chapter. If the property management company determines the property is not in compliance, it is the company's responsibility to bring the property into compliance.
- G. The duties/obligations specified in this chapter shall be joint and several among and between all trustees and beneficiaries and their respective agents.

(ORD-13-0024, § 1(exh. A), 2013)

18.24.055 - Special provisions where property is encumbered with the security interests of multiple

beneficiaries.

- A. In the event that a property is encumbered by the security interests of more than one (1) beneficiary at the time when a notice of default is recorded, the beneficiary who causes a notice of default for its security interest to be recorded shall be responsible for registering the property with the City as provided in Section 18.24.030
- B. Upon the recordation of a notice of default on a property by any beneficiary, regardless of the security lien interest priority of such beneficiary in the property in relation to the priority of the security interests of the other beneficiaries in the same property, the City, in its discretion may elect to enforce the provisions of this chapter against one (1) or more beneficiaries who have not separately recorded a notice of default against the property.

(ORD-13-0024, § 1(exh. A), 2013)

18.24.060 - Additional authority.

In addition to the enforcement remedies established in this chapter, the City shall have the authority to require the beneficiary, trustee, owner or owner of record of any property affected by this chapter, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard and/or other measures as may be reasonably required to secure and reduce the visual decline of the property.

(ORD-13-0024, § 1(exh. A), 2013)

18.24.070 - Enforcement.

- A. Any violation of this chapter shall be treated as a strict liability offense; a violation shall be deemed to have occurred regardless of a violator's intent. Any person, firm and/or corporation that violates any portion of this chapter including, but not limited to the registration requirements set forth in Section 18.24.030, the maintenance requirements set forth in Section 18.24.040, and the security requirements set forth in Section 18.24.050 may be subject to administrative enforcement under Chapter 9.65 of the Long Beach Municipal Code. Administrative penalties imposed pursuant to this chapter shall not exceed one hundred thousand dollars (\$100,000.00) per property.
- B. Any person, partnership, association, corporation, fiduciary or other legal entity, that owns, leases, occupies, controls or manages any property subject to the registration requirement contained in Section 18.24.030, and causes, permits, or maintains a violation of this chapter as to that property, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Chapter 1.32 of the Long Beach Municipal Code.
- C. This chapter is intended to be cumulative to, and not in place of, other rights and remedies available to the City pursuant to the Long Beach Municipal Code. The City Attorney or a duly authorized enforcement official may pursue any other right or remedy permitted by the Long Beach Municipal Code, including, but not limited to, commencement of any civil action, or administrative action to abate the condition of a property as a public nuisance.

(ORD-13-0024, § 1(exh. A), 2013)

18.24.080 - Appeals.

If an administrative citation has been issued pursuant to the provisions of Chapter 9.65 of the Long Beach Municipal Code, then the procedures set forth in Chapter 9.65 shall govern.

(ORD-13-0024, § 1(exh. A), 2013)

18.24.090 - Alternative monetary penalties.

- A. This section is intended to carry out the provisions of Section 2929.3 of the California Civil Code. Nothing in this section shall be interpreted or implemented in a manner that is inconsistent with State law. If there is a conflict between the provisions of State law and this section, State law shall control.
- B. The City may elect to impose monetary penalties on a legal owner, pursuant to Section 2929.3 of the California Civil Code, if that legal owner fails to maintain vacant residential property that is either purchased at a foreclosure sale or acquired through foreclosure under a mortgage or deed of trust.
- For purposes of this section, "fails to maintain" means failing to care for the exterior of the property, including, but not limited to, permitting excess foliage growth that diminishes the value of surrounding properties, failing to take action to prevent trespassers, squatters or other unauthorized persons from remaining on the property, or failing to take action to prevent mosquito larvae from growing in standing water, or other conditions that create a public nuisance.
- C. The City may impose a fine of up to one thousand dollars (\$1,000.00) per day for each day that the legal owner fails to maintain the property as required by this section, commencing on the day following the expiration of the period to remedy the violation, as established by the City in Subsection D.
1. In determining the amount of the fine, the City shall take into consideration any timely and good faith efforts by the legal owner to remedy the violation.
 2. Fines and penalties collected pursuant to this section shall be directed toward local nuisance abatement programs.
 3. Pursuant to Section 2929.3 of the California Civil Code, the City may not impose fines on a legal owner under both this section and any other local ordinance. However, Section 2929.3 of the California Civil Code shall not preempt any local ordinance.
 4. Notwithstanding Subsection C.3, the rights and remedies provided in this section are cumulative and in addition to any other rights and remedies provided by law.
- D. If the City imposes a fine pursuant to this section, the City shall give notice of the alleged violation to the legal owner. The notice shall include a description of the conditions that gave rise to the alleged violation, and state the City's intent to assess a civil fine if action to correct the violation is not commenced within a period of not less than fourteen (14) days and completed within a period of not less than thirty (30) days.
1. The notice shall be mailed to the address provided in the deed or other instrument as specified in subdivision (a) of Section 27321.5 of the California Government Code, or, if none, to the return address provided on the deed or other instrument.
 2. The City may provide less than thirty (30) days' notice to remedy a condition, if the City determines that a specific condition of the property threatens public health or safety and the notice of violation states that there is a threat to public health or safety and lists the required time to correct the violation.

(ORD-13-0024, § 1(exh. A), 2013)

18.24.100 - Severability.

If any section or provision of this chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this chapter shall remain valid. The City Council hereby declares

that it would have adopted this chapter, and each section or provision thereof, regardless of the fact that any one (1) or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.25 - TENANT RELOCATION AND CODE ENFORCEMENT

18.25.010 - Purpose.

The primary purpose of this chapter is to provide for owner-paid relocation payments and assistance to residential tenants who are displaced due to the City of Long Beach's code enforcement activities.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.020 - Findings.

This chapter is enacted in recognition of the following facts and for the following reasons:

- A. Some residential rental units in the City have been found to have severe code violations that threaten the life and safety of occupants. In some circumstances, the hazardous living conditions have required that tenants vacate the structure to allow for extensive repairs or demolition.
- B. These code violations often are caused by negligence, deferred maintenance, or the illegal use of certain structures as dwelling units. These code violations typically constitute a violation of the owner's legal responsibility to the tenants. For example, they may be a breach of the owner's implied warranty of habitability, and could constitute constructive eviction of the tenants from their residence.
- C. The difficulty of finding affordable replacement housing and the burden of incurring moving-related expenses creates a financial hardship for tenants, particularly those who are low income. Financial hardship arises because the tenants generally need a large sum of money to relocate, often including first month's rent, security deposits, moving and storage expenses, and utility deposits. Low income tenants are generally unable to obtain the sums needed to relocate and, as a result, are at an increased risk of becoming homeless.
- D. Relocation assistance is necessary to ensure that displaced tenants secure safe, sanitary and decent replacement housing in a timely manner. The level of payments provided for in this chapter are reflective of actual relocation costs likely to be incurred by displaced households. This is consistent with and in furtherance of the housing element of the City's General Plan.
- E. In the past, affected tenants have turned to local, State and national governmental entities for financial assistance in obtaining replacement housing. However, the resources available to such entities to assist displaced tenants have become increasingly scarce.
- F. It is fair for property owners who fail to properly maintain residential rental properties, or who create illegal residential units, to bear responsibility for the hardship their actions or inaction create for tenants. Relocation of tenants is a necessary element of code enforcement that should be the responsibility of the property owner, and the City should be reimbursed by the responsible owner for all costs which the City incurs in the code enforcement process.
- G. Delayed payment of relocation assistance often imposes extreme hardship upon tenants who must obtain the large sums necessary to relocate. Delayed payments may also require the City to expend funds to provide tenants with financial assistance for relocation. Any requirement to pay relocation assistance should contain disincentives for delayed payment in the form of appropriate penalties.

- H. It is the intent of this chapter to ensure that adequate relocation assistance is available to tenants who face displacement through no fault of their own. It is also the intent to provide assistance in a manner that is as equitable as possible to the tenant, the property owner, and the public at large. The requirement for owners to pay relocation costs under this chapter will facilitate the correction of code violations and will likewise protect the public health, safety, and general welfare of the residents of the City.
- I. This chapter is in the public interest for the reasons stated above. Additionally, it furthers the public interest by helping to remove a potential impediment to code enforcement. The City finds that this chapter also is fair, in that it imposes reasonable costs and penalties on owners who operate contrary to the code enforcement regulations of the City.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.030 - Definitions.

For purposes of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section:

- A. "City Manager" means the City Manager of the City of Long Beach, or his or her designee.
- B. "Code enforcement activity" means activity initiated by the City to determine the condition of a building or structure and which requires the property owner to make necessary repairs, to vacate the building, to demolish the structure or structures, or to take other action to bring the property into compliance with applicable State or local zoning, building, fire, health or housing standards regulations.
- C. "Comparable replacement dwelling" shall have the same meaning as that specified in Section 7260 et seq. of the California Government Code, or any successor statute thereto.
- D. "Day" means calendar day.
- E. "Displacement" means the removal of the tenant household from the property due to the issuance of an order to vacate pursuant to Section 18.20.140
- F. "Department of Development Services" means the Department of Development Services of the City of Long Beach.
- G. "Notice of intent to order building vacated" means an official notice issued by the City in accordance with Section 18.20.020
- H. "Order to vacate" means an official notice issued by the City in accordance with Section 18.20.110
- I. "Property owner" means a person, corporation, or any other entity holding fee title to the subject real property.
- J. "Relocation" means the required vacating of a residential rental unit or room by a tenant or household to further the City's code enforcement activity.
- K. "Rental unit" means a dwelling space containing a separate bathroom, kitchen, and living area, including a single-family dwelling or unit in a multifamily or multipurpose dwelling; or, it means a unit in a condominium or cooperative housing project, which is hired, rented, or leased to a tenant or household within the meaning of Section 1940 of the California Civil Code.
- L. "Room" means an unsubdivided portion of the interior of a building including, but not limited to, illegally converted garage spaces, which are used for the purpose of sleeping, and which are occupied by a tenant for at least thirty (30) consecutive days as determined by the Department of Development Services.

- M. "Substandard building" means and includes every building or other structure as defined in Section 18.02.200. For the purposes of this chapter, substandard building or structure shall mean only those buildings that contain rental units or rooms as defined herein.
- N. "Tenant household" means one (1) or more individuals who: (1) have a landlord-tenant relationship with the property owner, by renting or leasing a rental unit or room in a substandard building; and (2) can demonstrate a landlord-tenant relationship by leases, cancelled rent checks, rent receipts, utility bills, phone bills, or any other evidence of renting or leasing the premises as determined by the Department of Development Services.
- O. "Long Beach Municipal Code" means all ordinances, rules, and regulations of the City of Long Beach regulating maintenance, sanitation, ventilation, light, location, use or occupancy of residential buildings.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.040 - Eligibility.

A tenant household shall be eligible for consideration for relocation assistance under this chapter when tenants in the household are displaced from their rental units or rooms because of the issuance of a "notice of intent to order building vacated" or an "order to vacate" in accordance with Sections 18.20.120 or 18.20.140, or an order of immediate vacation when the structure or premises has been declared "dangerous" in accordance with Section 18.20.210, or their respective successor sections.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.050 - Order to vacate.

As part of the City's code enforcement activity, the Building Official will decide whether repairs or other actions to abate substandard buildings can be reasonably accomplished without relocation of the tenant or household.

If relocation is necessary to abate a substandard building or condition, the Building Official shall issue and serve an "order to vacate" in accordance with Sections 18.20.140 through 18.20.170.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.060 - Notification of tenants and owners.

- A. When the Building Official issues a notice of substandard building, notice of intent to order building vacated or an order to vacate in accordance with Sections 18.20.120 or 18.20.140, the Building Official shall notify the Department of Development Services of the issuance of the orders and the Department of Development Services shall inform the tenant households in writing of the procedure to apply for relocation assistance, what the tenant household's rights are, and who to contact with questions regarding relocation assistance. The Department of Development Services shall also inform the tenant household that the household may request payment of relocation assistance from the City in accordance with Section 18.25.090, if the owner fails, neglects, or refuses to make the required relocation payments in accordance with this chapter. Relocation assistance information shall be provided to tenant households in English, Spanish, Korean and Khmer to insure the information is accessible to limited English proficiency persons.
- B. The Department of Development Services shall also inform the property owner that failure to make required relocation payments within ten (10) days of notice may result in the City making payments on behalf of the owner, and that failure to reimburse the City for all payments made and other costs

and penalties incurred shall result in a lien being placed on the owner's property.

- C. The issuance of an order to vacate shall not relieve the property owner of any legal obligations, including any obligation to provide any notice imposed by any provisions of federal, State, or local laws or ordinances.
- D. At the time a notice of substandard building is issued in accordance with Section 18.20.120, the City shall also notify the property owner of the obligation to pay tenant relocation if required repairs are not made within the time specified in the notice of substandard building.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.070 - Issuance of permits.

If an order to vacate is issued, the City shall require the property owner or the owner's authorized agent to obtain building permits to convert, repair, rehabilitate or demolish the dwelling units that are in violation of the building code in the Long Beach Municipal Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.080 - Payment of relocation benefits.

- A. The relocation benefits required by this chapter shall be paid by the owner or designated agent to the tenant household in the form of a certified check, cashier's check, or money order, within ten (10) days after the order to vacate is issued and served in accordance with Section 18.20.160. Proof of such payment shall be made to the Department of Development Services. The tenant household shall not be required by the property owner to vacate the premises until relocation payment is made to the tenant and proof thereof is made to the Department of Development Services, unless the building, fire or health official determines that the building or structure is a dangerous building within the meaning of Section 18.02.050 or other applicable codes. The property owner shall also be responsible for reimbursing the City for any relocation payments the City makes or costs the City incurs under this chapter.
- B. If the building, fire or health official determines that the unit or room is dangerous and must be vacated in less than ten (10) days, then the owner shall make required relocation payments to the tenant household in the form of a certified check, cashier's check, or money order, within two (2) business days after the order to vacate is issued and served in accordance with Section 18.20.160. Proof of the payment shall be made to the Department of Development Services.
- C. No relocation benefits pursuant to this chapter shall be payable to any tenant who has caused or substantially contributed to the condition or conditions giving rise to the order to vacate, as determined by the Department of Development Services, nor shall relocation benefits be payable to a tenant if any guest or invitee of the tenant has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the Department of Development Services. The Department of Development Services shall make the determination whether a tenant, tenant's guest, or invitee, caused or substantially contributed to the condition giving rise to the order to vacate. Service of a three (3) day notice, notice to terminate or unlawful detainer complaint shall not in and of itself render a tenant household ineligible for relocation benefits under this chapter.
- D. An owner shall not be liable for relocation benefits if the Building Official determines that the building or structure became substandard or dangerous as the result of a fire, flood, earthquake, or other act of God beyond the control of the owner and the owner did not cause or contribute to the condition.
- E.

Delay in Payment of Relocation Assistance by Owner. If the owner fails, neglects, or refuses to pay relocation assistance to a displaced tenant, or a tenant subject to displacement, in accordance with this chapter, the City shall also be entitled to recover from the owner an additional amount equal to the sum of one-half (½) the amount so paid or due, but not to exceed ten thousand dollars (\$10,000.00) cumulative per property, as a penalty for failure to make timely payment to the displaced tenant, plus the City's actual costs, including direct and indirect costs of administering the provisions of assistance to the displaced tenant or tenants.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.090 - Relocation eligibility and assistance by City.

- A. The City may assist tenants displaced or to be displaced due to code enforcement activity subject to this chapter by providing information, referral, monitoring, or other advisory assistance. Any tenant household interested in City assistance should contact the Department of Development Services for relocation information. Failure by tenant households to contact the Department of Development Services shall not relieve property owners from their responsibility to provide relocation assistance.
- B. Tenant households shall submit requests for relocation assistance to the Department of Development Services in order to establish the existence of a landlord-tenant relationship. The Department of Development Services shall make a determination as to whether a tenant household is eligible for relocation assistance within three (3) business days of receipt of a completed request for relocation assistance. If the Building Official has determined that the tenant household must vacate its unit or room in less than ten (10) days, the Department of Development Services shall make a determination as to whether the tenant household is eligible for relocation assistance within two (2) business days of receiving a completed request for relocation assistance. Once an eligibility determination has been made, the Department of Development Services shall immediately provide written notice in English, Spanish, Korean and Khmer to the tenant household, the owner, and the Building Official regarding the eligibility determination and any relocation assistance owed.
- C. If the owner fails, neglects or refuses to pay relocation assistance to a displaced tenant or a tenant subject to displacement, the City may advance all or a portion of the required payments to the tenant. If the City advances relocation assistance, or a portion thereof, the City shall be entitled to recover from the owner any amount so paid to a tenant pursuant to this section, and the Department of Development Services shall notify the owner of the City's advancement of payment.

For the City to consider such payments, the tenant household must make a request to the Department of Development Services after the owner fails, neglects or refuses to make such required payments.

- D. Any amount paid by the City on behalf of the owner and any applicable penalties and actual costs including incidental enforcement costs shall become delinquent thirty (30) days after notice by the City and may also be placed as a lien against the property of the owner by recording the lien in the office of the County Recorder for Los Angeles County. Any delinquent payments will accrue interest at the rate of twelve percent (12%) per year until paid.
- E. The failure of the owner to pay the amounts to the City set forth in this chapter within the time specified constitutes a debt to the City. To enforce that debt, the City Manager or his or her designee may take any and all appropriate legal action, impose a lien as set forth above, or pursue any other legal remedy to collect such money.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.100 - Immediate vacation.

If the Building Official determines that the building is dangerous and immediate vacation is required, immediate City payment of relocation benefits can be made to tenant households as soon as the tenant household is determined eligible by the Department of Development Services. The tenant household must sign a request for relocation assistance from the Department of Development Services in order to receive immediate relocation payments. Those payments and other related costs shall be a charge against the property owner, and the owner shall reimburse the City for these relocation costs. Additionally, those costs may be collected, if need be, as outlined in Section 18.25.090. The payment of relocation assistance by the City shall be solely predicated upon the availability of City funds.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.110 - Amount of relocation payments.

Each eligible tenant household shall receive monetary relocation assistance in the amount of three thousand three hundred sixty-six dollars (\$3,366.00). Each eligible household with a disabled person displaced under this chapter shall also be entitled to reimbursement for structural modifications to the household paid for by the tenant household at the vacated premises up to a maximum value of an additional two thousand five hundred dollars (\$2,500.00). The Department of Development Services shall increase both of these amounts on a percentage basis as determined by the change in the Consumer Price Index between January 1, 2005 and January 1 of the year in which the application for relocation assistance is filed with the Department of Development Services.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.120 - Evictions to avoid payment of relocation assistance.

Owners shall not evict tenants to avoid their responsibility to pay relocation assistance to tenants under this chapter. Tenants receiving notices to terminate or quit from the property owner or owner's agent within ninety (90) days of a notice of substandard building shall be presumed eligible and entitled to collect relocation assistance pursuant to this chapter. However, this presumption may be rebutted upon a showing by the owner that the tenant has caused or substantially contributed to the condition or conditions giving rise to the order to vacate.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.130 - Move-back option.

A displaced tenant household shall have the option of moving back into the rental unit or room from which it was required to move provided that such rental room or unit was a legally permitted rental room or unit at the time of displacement. If this is not possible, the displaced tenant household shall have the option of moving into an equivalent unit or room in the same building, as soon as it is ready for occupancy. If a tenant household wishes to avail itself of this option, it must inform the owner in writing of its current address at all times during the period of displacement.

The property owner shall notify a displaced tenant household at least thirty (30) days in advance by first class mail of the availability of the unit or room including monthly rent and date of availability. The notice shall inform the tenant household that it has ten (10) days to notify property owner of their intent to move back into the property. Within ten (10) days of receipt of notice of availability of the unit or room, a tenant household wishing to move back shall so notify the owner in writing.

If a tenant household wishing to move back into the unit or room is required to pay a security deposit, the household must be permitted sufficient time to do so. In no event may that time exceed sixty (60) days.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.140 - Certificate of occupancy.

The City shall not give the owner a certificate of occupancy until such time as the owner provides the Department of Development Services and Building Official with written proof that he or she has properly notified all displaced tenant households in writing of their right to return to their unit or room, or an equivalent unit or room in the same building if this is not possible, for the same rent they were paying prior to displacement for a minimum of six (6) months.

The City shall not issue the owner a certificate of occupancy until such time as the Building Official has determined that all necessary repairs have been made to the building.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.150 - Appeals.

Any property owner or tenant household may contest a decision by the Department of Development Services or his or her representative regarding eligibility, relocation payment amounts, or any other determination or claim made under this chapter. To do so, the party shall file a written request for an appeal with the Director of Community Development within ten (10) days of the decision, determination or claim. The Director or his/her designee shall hold a hearing at his/her earliest opportunity and in no event more than fourteen (14) days after the Director receives notice of the appeal. All notices from the Director shall be sent to both the property owner and all tenant households affected by the appeal. The determination of the Director shall be final.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.160 - Penalty.

Any person violating any provision or failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor or infraction, as determined by the City Prosecutor. In addition to any penalty imposed for a violation of this chapter, any person violating or causing or permitting the violation of this chapter shall reimburse the City for any administrative costs or expenses the City incurs in administering this chapter. Those amounts may include any provisional relocation assistance provided to tenants, such as temporary housing, moving expenses, relocation payments, public health assistance, transportation, storage or other related services.

The remedies and penalties provided for in this section and chapter shall be in addition to any other available remedies and penalties provided for by the Long Beach Municipal Code or other law.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.170 - Private right of action.

Tenant households subject to displacement and/or their legal representatives shall have standing as third party beneficiaries to file an action against the owner for injunctive relief and/or actual damages pursuant to this chapter.

Nothing herein shall be deemed to interfere with the right of a property owner to file an action against a tenant or nontenant third party for the damage done to the owner's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.180 - Application to heirs.

The provisions of this chapter shall apply to all property owners and their heirs, assigns and successors in interest.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.190 - Relationship to other laws.

Nothing in this chapter is intended to prevent displaced households from securing any relocation assistance and/or benefits to which they may be entitled under any other local, State or federal law.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.200 - Penalty fund.

Any and all penalties levied and collected by the City pursuant to this chapter shall be placed in a revolving fund and utilized at the sole discretion of the City to advance relocation assistance to tenants or households displaced as a result of code enforcement activities.

(ORD-13-0024, § 1(exh. A), 2013)

18.25.210 - Severability.

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.40 - BUILDING CODE

18.40.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this chapter the 2013 Edition of the California Building Code, including Appendices C, H, and I, but excluding sections, chapters or appendices pursuant to Section 18.40.040. The California Building Code is Part 2 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part is based on the provisions of the 2012 International Building Code (model code) as developed by the International Code Council with necessary California amendments.

The adoption of the 2013 Edition of the California Building Code (herein referred to as "California Building Code") is subject to the changes, amendments and modifications to said code as provided in this chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Building Code. A copy of the California Building Code, printed as code in book form, shall be on file in the office of the City Clerk.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.020 - Application.

The provisions of the model code (the International Building Code), which are incorporated into the California Building Code, are applicable to all occupancy groups and uses regulated by the model code. The amendments made by the State agencies to the model code and incorporated into the California Building Code are applicable only to those occupancies or uses that the State agency making the amendments is authorized to regulate, as listed in Chapter 1, Division I of the California Building Code. The Building and Safety Bureau shall only enforce those amendments made by the following State agencies:

- A. The California Energy Commission (CEC) as specified in Section 1.5 of the California Building Code.
- B. The Department of Housing and Community Development (HCD) as specified in Section 1.8 of the California Building Code.
- C. The Division of the State Architect, Access Compliance (DSA/AC) as specified in Section 1.9 of the California Building Code.
- D. The Office of Statewide Health, Planning and Development (OSHPD 3) as specified in Section 1.10 of the California Building Code.
- E. The Office of the State Fire Marshal (SFM) as specified in Section 1.11 of the California Building Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.030 - Amendments to the adopted code.

The California Building Code is amended and modified as set forth in Sections 18.40.040 through 18.40.420.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.040 - Sections, chapters or appendices deleted from the adopted code.

The following sections, chapters or appendices of the California Building Code are deleted: Sections 101 through 116 of Chapter 1, Division II; Section 3412 of Chapter 34; Sections H109.2, H110.3, H110.4, H110.5, H112.4, H113.3, and H113.4 of Appendix H; and Appendices Chapter A, B, D, E, F, G, J and K.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.050 - Amend CBC Section 201.4—Terms not defined.

Section 201.4 of the 2013 Edition of the California Building Code is amended to read as follows:

201.4 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.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.060 - Amend CBC Section 302.1—Classification.

The last sentence in Section 302.1 of the 2013 Edition of the California Building Code is amended to read as follows:

Where a structure is proposed for a purpose that is not specifically provided for in this code or about which there is any question, such structure shall be classified, as determined by the Building Official, in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard involved.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.070 - Amend CBC Section 1603.1.9—Systems and components requiring special inspections for seismic resistance.

Section 1603.1.9 of the 2013 Edition of the California Building Code is amended by changing the reference to "Section 107.1, Chapter 1, Division II" to read "Chapter 18.05 of the Long Beach Municipal Code."

(ORD-13-0024, § 1(exh. A), 2013)

18.40.080 - Amend CBC Section 1612.3—Establishment of flood hazard areas.

Section 1612.3 of the 2013 Edition of the California Building Code is amended to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the City shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Long Beach" dated July 6, 1998, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.090 - Amend CBC Section 1612.5—Flood hazard documentation.

Section 1612.5 Item 1.1 of the 2013 Edition of the California Building Code is amended by changing the reference to "Section 110.3.3, Chapter 1, Division II" to read "Subsection 18.07.050.A.3 of the Long Beach Municipal Code."

(ORD-13-0024, § 1(exh. A), 2013)

18.40.100 - Add CBC Section 1613.6—Minimum distance for building separation.

Section 1613.6 is added to Chapter 16 of the 2013 Edition of the California Building Code to read as follows:

1613.6 ASCE 7, 12.12.3 Modify ASCE 7 Equation 12.12-1 of Section 12.12.3 to read as follows:

$$\delta_m = C_d \delta_{max} \quad (12.12-1)$$

(ORD-13-0024, § 1(exh. A), 2013)

18.40.110 - Add CBC Section 1613.7—Modify ASCE 7 Section 12.2.3.1 Exception 3.

Section 1613.7 is added to Chapter 16 of the 2013 Edition of the California Building Code to read as follows:

1613.7 ASCE 7, 12.2.3.1, Exception 3. Modify ASCE 7 Section 12.2.3.1 Exception 3 to read as follows:

3. Detached one- and two-family dwellings up to two stories in height of light frame construction.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.120 - Add CBC Section 1613.8—Modify ASCE 7, Section 12.11.2.2.3.

Section 1613.8 is added to Chapter 16 of the 2013 Edition of the California Building Code to read as follows:

1613.8 ASCE 7, Section 12.11.2.2.3. Modify ASCE 7, Section 12.11.2.2.3 to read as follows:

12.11.2.2.3 Wood Diaphragms. In wood diaphragms, the continuous ties shall be in addition to the diaphragm sheathing. Anchorage shall not be accomplished by use of toe nails or nails subject to withdrawal nor shall wood ledgers or framing be used in cross-grain bending or cross-grain tension. The diaphragm sheathing shall not be considered effective as providing ties or struts required by this section.

For structures assigned to Seismic Design Category D, E or F, wood diaphragms supporting concrete or masonry walls shall comply with the following:

1. The spacing of continuous ties shall not exceed 40 feet. Added chords of diaphragms may be used to form subdiaphragms to transmit the anchorage forces to the main continuous crossies.
2. The maximum diaphragm shear used to determine the depth of the subdiaphragm shall not exceed 75% of the maximum diaphragm shear.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.130 - Add CBC Section 1613.10—Suspended ceiling.

1613.10 Suspended Ceilings. Minimum design and installation standards for suspended ceilings shall be determined in accordance with the requirements of Section 2506.2.1 of this Code and this section.

1613.10.1 Scope. This part contains special requirements for suspended ceilings and lighting systems. Provisions of Section 13.5.6 of ASCE 7-10 shall apply except as modified herein.

1613.10.2 General. The suspended ceilings and lighting systems shall be limited to 6 feet (1,828 mm) below the structural deck unless the lateral bracing is designed by a licensed engineer or architect.

1613.10.3 Sprinkler Heads. All sprinkler heads (drops) except fire-resistance-rated floor/ceiling or roof/ceiling assemblies, shall be designed to allow for free movement of the sprinkler pipes with oversize rings, sleeves or adaptors through the ceiling tile. Sprinkler heads and other penetrations shall have a 2 in. (50 mm) oversize ring, sleeve, or adapter through the ceiling tile to allow for free movement of at least 1 in. (25 mm) in all horizontal directions. Alternatively, a swing joint that can accommodate 1 in. (25 mm) of ceiling movement in all horizontal directions is permitted to be provided at the top of the sprinkler head extension.

Sprinkler heads penetrating fire-resistance-rated floor/ceiling or roof/ceiling assemblies shall comply with Section 714 of this Code.

1613.10.4 Special Requirements for Means of Egress. Suspended ceiling assemblies located along means of egress serving an occupant load of 30 or more shall comply with the following provisions:

1613.10.4.1 General. Ceiling suspension systems shall be connected and braced with vertical hangers attached directly to the structural deck along the means of egress serving an occupant load of 30 or more and at lobbies accessory to Group A Occupancies. Spacing of vertical hangers shall not exceed 2 feet (610 mm) on center along the entire length of the suspended ceiling assembly located along the means of egress or at the lobby.

1613.10.4.2 Assembly Device. All lay-in panels shall be secured to the suspension ceiling assembly with two hold-down clips minimum for each tile within a 4-foot (1,219 mm) radius of the exit lights and exit signs.

1613.10.4.3 Emergency Systems. Independent supports and braces shall be provided for light fixtures required for exit illumination. Power supply for exit illumination shall comply with the requirements of Section 1006.3 of this Code.

1613.10.4.4 Supports for Appendage. Separate support from the structural deck shall be provided for all appendages such as light fixtures, air diffusers, exit signs, and similar elements.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.140 - Amend CBC Section 1705.3—Concrete construction.

Section 1705.3 of the 2013 Edition of the California Building Code is amended to read as follows:

1705.3 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

Exceptions: Special inspection shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa)

regardless of the compressive strength specified in the construction documents or used in the footing construction.

2. Continuous concrete footings supporting walls of buildings three stories or less in height that are fully supported on earth or rock where:
 - 2.1. The footings support walls of light-frame construction;
 - 2.2. The footings are designed in accordance with Table 1805.4.2; or
 - 2.3. The structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.
3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).
4. Concrete patios, driveways and sidewalks, on grade.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.150 - Amend CBC Section 1705.11—Seismic resistance.

Exception 3 of Section 1705.11 of the 2013 Edition of the California Building Code is amended to read as follows:

3. The structure is a detached one- or two-family dwelling not exceeding two stories above grade plane, is not assigned to Seismic Design Category D, E or F and does not have any of the following horizontal or vertical irregularities in accordance with Section 12.3 of ASCE 7:

(ORD-13-0024, § 1(exh. A), 2013)

18.40.160 - Amend CBC Section 1704.5—Structural observations.

Section 1704.5 of the 2013 Edition of the California Building Code is amended to read as follows:

1704.5 Structural observations. Where required by the provisions of Sections 1704.5.1 or 1704.5.2, the owner shall employ a structural observer to perform structural observations as defined in Section 1702. The structural observer shall be one of the following individuals:

1. The registered design professional responsible for the structural design, or
2. A registered design professional designated by the registered design professional responsible for the structural design.

Prior to the commencement of observations, the structural observer shall submit to the Building Official a written statement identifying the frequency and extent of structural observations.

The owner or owner's representative shall coordinate and call a preconstruction meeting between the structural observer, contractors, affected subcontractors and special inspectors. The structural observer shall preside over the meeting. The purpose of the meeting shall be to identify the major structural elements and connections that affect the vertical and lateral load resisting systems of the structure and to review scheduling of the required observations. A record of the meeting shall be included in the report submitted to the Building Official.

Observed deficiencies shall be reported in writing to the owner or owner's representative, special inspector, contractor and the Building Official. Upon the form prescribed by the Building Official, the structural observer shall submit to the Building Official a written statement at each significant

construction stage stating that the site visits have been made and identifying any reported deficiencies which, to the best of the structural observer's knowledge, have not been resolved. A final report by the structural observer which states that all observed deficiencies have been resolved is required before acceptance of the work by the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.170 - Amend CBC Section 1707—Alternate test procedure.

Section 1707 of the 2013 Edition of the California Building Code is amended by changing the reference to "Section 104.11, Chapter 1, Division II" to read "Section 18.03.060 of the Long Beach Municipal Code."

(ORD-13-0024, § 1(exh. A), 2013)

18.40.180 - Amend CBC Section 1807.1.4—Permanent wood foundation systems.

Section 1807.1.4 of the 2013 Edition of the California Building Code is amended to read as follows:

1807.1.4 Permanent wood foundation systems. Permanent wood foundation systems shall be designed and installed in accordance with AF&PA PWF. Lumber and plywood shall be treated in accordance with AWPA U1 (Commodity Specification A, Use Category 4B and Section 5.2) and shall be identified in accordance with Section 2303.1.8.1. Permanent wood foundation systems shall not be used for structures assigned to Seismic Design Category D, E or F.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.190 - Amend CBC Section 1807.1.6—Prescriptive design of concrete and masonry foundation walls.

Section 1807.1.6 of the 2013 Edition of the California Building Code is amended to read as follows:

1807.1.6 Prescriptive design of concrete and masonry foundation walls. Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

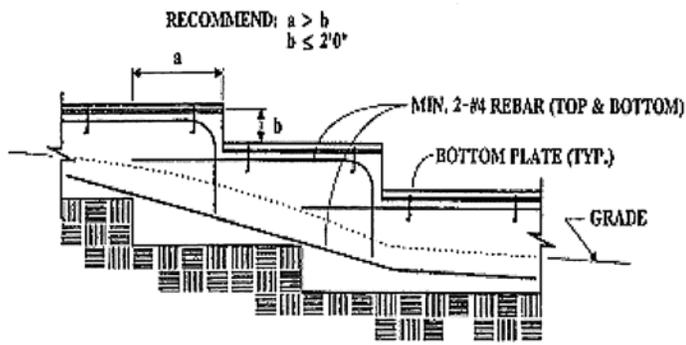
(ORD-13-0024, § 1(exh. A), 2013)

18.40.200 - Amend CBC Section 1809.3—Stepped footings.

Section 1809.3 of the 2013 Edition of the California Building Code is amended to read as follows:

1809.3 Stepped footings. The top surface of footings shall be level. The bottom surface of footings shall be permitted to have a slope not exceeding one unit vertical in 10 units horizontal (10-percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footing or where the surface of the ground slopes more than one unit vertical in 10 units horizontal (10-percent slope).

For structures assigned to Seismic Design Category D, E or F, the stepping requirement shall also apply to the top surface of grade beams supporting walls. Footings shall be reinforced with four ½-inch diameter (12.7 mm) deformed reinforcing bars. Two bars shall be placed at the top and bottom of the footings as shown in Figure 1809.3.



STEPPED FOUNDATIONS

FIGURE 1809.3
 STEPPED FOOTING

(ORD-13-0024, § 1(exh. A), 2013)

18.40.210 - Amend CBC Section 1809.7 and Table 1809.7—Prescriptive footings for light-frame construction.

Section 1809.7 and Table 1809.7 of the 2013 Edition of the California Building Code are amended to read as follows:

1809.7 Prescriptive footings for light-frame construction. Where a specific design is not provided, concrete or masonry-unit footings supporting walls of light-frame construction shall be permitted to be designed in accordance with Table 1809.7. Prescriptive footings in Table 1809.7 shall not exceed one story above grade plane for structures assigned to Seismic Design Category D, E or F.

TABLE 1809.7
 PRESCRIPTIVE FOOTINGS
 SUPPORTING WALLS
 OF LIGHT-FRAME
 CONSTRUCTION^{a, b, c, d, e}

NUMBER OF FLOORS SUPPORTED BY THE FOOTING ^f	WIDTH OF FOOTING (inches)	THICKNESS OF FOOTING (inches)
1	12	6
2	<u>15</u>	6
3	18	8

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm

- a. Depth of footings shall be in accordance with Section 1809.4.
- b. The ground under the floor shall be permitted to be excavated to the elevation of the top of the footing.
- c. Not Adopted.
- d. See Section 1908 for additional requirements for concrete footings of structures assigned to Seismic Design Category C, D, E or F.
- e. For thickness of foundation walls, see Section 1807.1.6.
- f. Footings shall be permitted to support a roof addition to the stipulated number of floors. Footings supporting roof only shall be as required for supporting one floor.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.220 - Amend CBC Section 1809.12—Timber footings.

Section 1809.12 of the 2013 Edition of the California Building Code is amended to read as follows:

1809.12 Timber footings. Timber footings shall be permitted for buildings of Type V construction and as otherwise approved by the Building Official. Such footings shall be treated in accordance with AWPA U1 (Commodity Specification A, Use Category 4B). Treated timbers are not required where placed entirely below permanent water level, or where used as capping for wood piles that project above the water level over submerged or marsh lands. The compressive stresses perpendicular to grain in untreated timber footing supported upon treated piles shall not exceed 70 percent of the allowable stresses for the species and grade of timber as specified in the AF&PA NDS. Timber footings shall not be used in structures assigned to Seismic Design Category D, E or F.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.230 - Amend CBC Section 1810.3.2.4—Timber.

Section 1810.3.2.4 of the 2013 Edition of the California Building Code is amended to read as follows:

1810.3.2.4 Timber. Timber deep foundation elements shall be designed as piles or poles in accordance with AF&PA NDS. Round timber elements shall conform to ASTM D 25. Sawn timber elements shall conform to DOC PS-20. Timber shall not be used in structures assigned to Seismic Design Category D, E or F.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.240 - Amend CBC Section 2304.11.7—Wood used in retaining walls and cribs.

Section 2304.11.7 of the 2013 Edition of the California Building Code is amended to read as follows:

2304.11.7 Wood used in retaining walls and cribs. Wood installed in retaining or crib walls shall be preservative treated in accordance with AWPA U1 (Commodity Specifications A or F) for soil and fresh water use. Wood shall not be used in retaining or crib walls for structures assigned to Seismic Design Category D, E or F.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.250 - Add CBC Section 2305.4—Quality of nails.

Section 2305.4 is added to Chapter 23 of the 2013 Edition of the California Building Code to read as follows:

2305.4 Quality of Nails. In Seismic Design Category D, E or F, mechanically driven nails used in wood structural panel shear walls shall meet the same dimensions as that required for hand-driven nails, including diameter, minimum length and minimum head diameter. Clipped head or box nails are not permitted in new construction. The allowable design value for clipped head nails in existing construction may be taken at no more than the nail-head-area ratio of that of the same size hand-driven nails.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.260 - Add CBC Section 2305.5—Hold-down connectors.

Section 2305.5 is added to Chapter 23 of the 2013 Edition of the California Building Code to read as follows:

2305.5 Hold-down connectors. In Seismic Design Category D, E or F, hold-down connectors shall be designed to resist shear wall overturning moments using approved cyclic load values or 75 percent of the allowable seismic load values that do not consider cyclic loading of the product. Connector bolts into wood framing shall require steel plate washers on the post on the opposite side of the anchorage device. Plate size shall be a minimum of 0.229 inch by 3 inches by 3 inches (5.82 mm by 76 mm by 76 mm) in size. Hold-down connectors shall be tightened to finger tight plus one-half (½) wrench turn just prior to covering the wall framing.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.270 - Amend CBC Section 2306.2—Wood-frame diaphragms.

Section 2306.2 of the 2013 Edition of the California Building Code is amended to read as follows:

2306.2 Wood-frame diaphragms. Wood-frame diaphragms shall be designed and constructed in accordance with AF&PA SDPWS. Where panels are fastened to framing members with staples, requirements and limitations of AF&PA SDPWS shall be met and the allowable shear values set forth in Table 2306.2(1) or 2306.2(2) shall only be permitted for structures assigned to Seismic Design Category A, B, or C.

Exception: Allowable shear values where panels are fastened to framing members with staples may be used if such values are substantiated by cyclic testing and approved by the building official.

The allowable shear values in Tables 2306.2(1) and 2306.2(2) are permitted to be increased 40 percent for wind design.

Exception: [DSA-SS, DSA-SS/CC and OSHPD 1, 2 & 4] Wood structural panel diaphragms using staples as fasteners are not permitted by DSA and OSHPD.

Wood structural panel diaphragms used to resist seismic forces in structures assigned to Seismic Design Category D, E or F shall be applied directly to the framing members.

Exception: Wood structural panel diaphragms are permitted to be fastened over solid lumber planking or laminated decking, provided the panel joints and lumber planking or laminated decking joints do not coincide.

18.40.280 - Amend CBC Section 2306.3—Wood-frame shear walls.

2306.3 Wood-frame shear walls. Wood-frame shear walls shall be designed and constructed in accordance with AF&PA SDPWS. For structures assigned to Seismic Design Category D, E, or F, application of Tables 4.3A and 4.3B of AF&PA SDPWS shall include the following:

1. Wood structural panel thickness for shear walls shall not be less than 3/8 inch thick and studs shall not be spaced at more than 16 inches on center.
2. The maximum nominal unit shear capacities for 3/8 inch wood structural panels resisting seismic forces in structures assigned to Seismic Design Category D, E or F is 400 pounds per linear foot (plf).

Exception: Other nominal unit shear capacities may be permitted if such values are substantiated by cyclic testing and approved by the building official.

3. Where shear design values using allow stress design (ASD) exceed 350 plf or load and resistance factor design (LRFD) exceed 500 plf, all framing members receiving edge nailing from abutting panels shall not be less than a single 3-inch nominal member, or two 2-inch nominal members fastened together in accordance with Section 2306.1 to transfer the design shear value between framing members. Wood structural panel joint and sill plate nailing shall be staggered at all panel edges. See Sections 4.3.6.1 and 4.3.6.4.3 of AF&PA SDPWS for sill plate size and anchorage requirements.
4. Nails shall be placed not less than 1/2 inch in from the panel edges and not less than 3/8 inch from the edge of the connecting members for shear greater than 350 plf using ASD or 500 plf using LRFD. Nails shall be placed not less than 3/8 inch from panel edges and not less than 1/4 inch from the edge of the connecting members for shears of 350 plf or less using ASD or 500 plf or less using LRFD.
5. Table 4.3B application is not allowed for structures assigned to Seismic Design Category D, E, or F.

For structures assigned to Seismic Design Category D, application of Table 4.3C of AF&PA SDPWS shall not be used below the top level in a multi-level building for structures.

Where panels are fastened to framing members with staples, requirements and limitations of AF&PA SDPWS shall be met and the allowable shear values set forth in Tables 2306.3(1), 2306.3(2) or 2306.3(3) shall only be permitted for structures assigned to Seismic Design Category A, B, or C.

Exception: Allowable shear values where panels are fastened to framing members with staples may be used if such values are substantiated by cyclic testing and approved by the building official.

The allowable shear values in Tables 2306.3(1) and 2306.3(2) are permitted to be increased 40 percent for wind design. Panels complying with ANSI/APA PRP-210 shall be permitted to use design values for Plywood Siding in the AF&PA SDPWS.

Exception: [DSA-SS 7DSA-SS/CC and OSHPD 1, 2 & 4] Wood structural panel shear walls using staples as fasteners are not permitted by DSA and OSHPD.

18.40.290 - Add CBC Section 2307.2—Wood-frame shear walls.

Section 2307.2 is added to the 2013 Edition of the California Building Code to read as follows:

2307.2 Wood-frame shear walls. Wood-frame shear walls shall be designed and constructed in accordance with Section 2306.3 as applicable.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.300 - Amend CBC Section 2308.3.4—Braced wall line support.

Section 2308.3.4 of the 2013 Edition of the California Building Code is amended to read as follows:

2308.3.4 Braced wall line support. Braced wall lines shall be supported by continuous foundations.

Exception: For structures with a maximum plan dimension not over 50 feet (15,240 mm), continuous foundations are required at exterior walls only for structures assigned to Seismic Design Category A, B or C.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.310 - Amend CBC Section 2308.9.3.1—Alternative bracing.

Section 2308.9.3.1 Item 1 of the 2013 Edition of the California Building Code is amended to read as follows:

1. In one-story buildings, each panel shall have a length of not less than 2 feet 8 inches (813 mm) and a height of not more than 10 feet (3,048 mm). Each panel shall be sheathed on one face with 3/8-inch-minimum-thickness (9.5 mm) wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Table 2304.9.1 and blocked at wood structural panel edges. For structures assigned to Seismic Design Category D or E, each panel shall be sheathed on one face with 15/32-inch-minimum-thickness (11.9 mm) wood structural panel sheathing nailed with 8d common nails spaced 3 inches on panel edges, 3 inches at intermediate supports. Two anchor bolts installed in accordance with Section 2308.6 shall be provided in each panel. Anchor bolts shall be placed at each panel outside quarter points. Each panel end stud shall have a tie-down device fastened to the foundation, capable of providing an approved uplift capacity of not less than 1,800 pounds (8,006 N). The tie-down device shall be installed in accordance with the manufacturer's recommendations. The panels shall be supported directly on a foundation or on floor framing supported directly on a foundation that is continuous across the entire length of the braced wall line. This foundation shall be reinforced with not less than one No. 4 bar top and bottom.

Where the continuous foundation is required to have a depth greater than 12 inches (305 mm), a minimum 12-inch by 12-inch (305 mm by 305 mm) continuous footing or turned down slab edge is permitted at door openings in the braced wall line. This continuous footing or turned down slab edge shall be reinforced with not less than one No. 4 bar top and bottom. This reinforcement shall be lapped 15 inches (381 mm) with the reinforcement required in the continuous foundation located directly under the braced wall line.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.320 - Amend CBC Section 2308.9.3.2 and Figure 2308.9.3.2—Alternate bracing wall panel adjacent to a door or window opening.

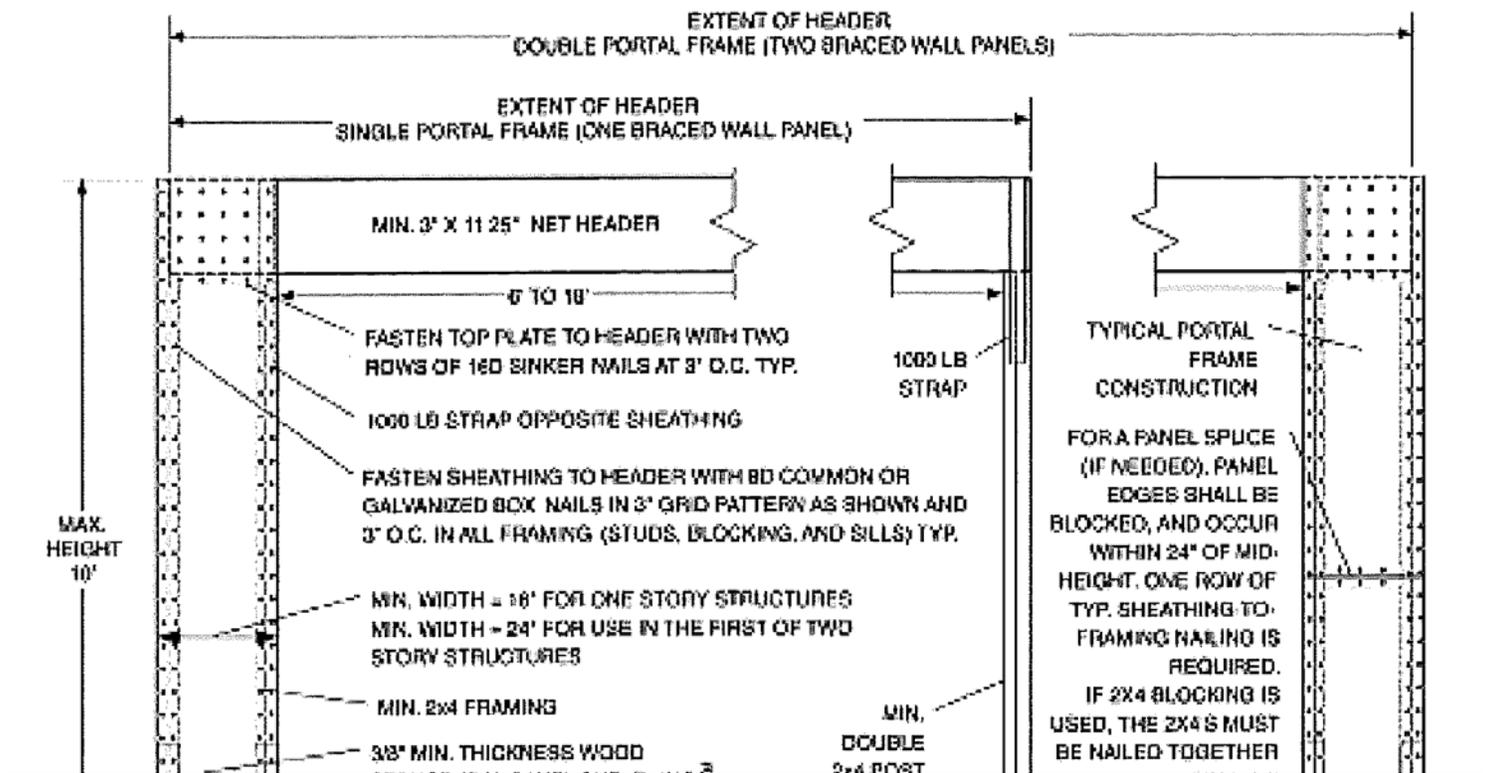
Section 2308.9.3.2 Item 1 of the 2013 Edition of the California Building Code is amended to read as follows:

1. In one-story buildings, each panel shall have a length of not less than 16 inches (406 mm) and a height of not more than 10 feet (3,048 mm). Each panel shall be sheathed on one face with a single layer of 3/8 inch (9.5 mm) minimum thickness wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Figure 2308.9.3.2. For structures assigned to Seismic Design Category D or E, each panel shall be sheathed on one face with 15/32-inch-minimum-thickness (11.9 mm) wood structural panel sheathing nailed with 8d common nails spaced 3 inches on panel edges, 3 inches at intermediate supports and in accordance with Figure 2308.9.3.2. The wood structural panel sheathing shall extend up over the solid sawn or glued-laminated header and shall be nailed in accordance with Figure 2308.9.3.2. A built-up header consisting of at least two 2 × 12s and fastened in accordance with Item 24 of Table 2304.9.1 shall be permitted to be used. A spacer, if used, shall be placed on the side of the built-up beam opposite the wood structural panel sheathing. The header shall extend between the inside faces of the first full-length outer studs of each panel. The clear span of the header between the inner studs of each panel shall be not less than 6 feet (1,829 mm) and not more than 18 feet (5,486 mm) in length. A strap with an uplift capacity of not less than 1,000 pounds (4,400 N) shall fasten the header to the inner studs opposite the sheathing. One anchor bolt not less than 5/8 inch (15.9 mm) diameter and installed in accordance with Section 2308.6 shall be provided in the center of each sill plate. The studs at each end of the panel shall have a tie-down device fastened to the foundation with an uplift capacity of not less than 4,200 pounds (18,480 N).

Where a panel is located on one side of the opening, the header shall extend between the inside face of the first full-length stud of the panel and the bearing studs at the other end of the opening. A strap with an uplift capacity of not less than 1,000 pounds (4,400 N) shall fasten the header to the bearing studs. The bearing studs shall also have a tie-down device fastened to the foundation with an uplift capacity of not less than 1,000 pounds (4,400 N).

The tie-down devices shall be an embedded strap type, installed in accordance with the manufacturer's recommendations. The panels shall be supported directly on a foundation that is continuous across the entire length of the braced wall line. This foundation shall be reinforced with not less than one No. 4 bar top and bottom.

Where the continuous foundation is required to have a depth greater than 12 inches (305 mm), a minimum 12-inch by 12-inch (305 mm by 305 mm) continuous footing or turned down slab edge is permitted at door openings in the braced wall line. This continuous footing or turned down slab edge shall be reinforced with not less than one No. 4 bar top and bottom. This reinforcement shall be lapped not less than 15 inches (381 mm) with the reinforcement required in the continuous foundation located directly under the braced wall line.



For SI: 1 foot = 304.8 mm; 1 inch = 25.4 mm; 1 pound = 4,448 N.

a. For structures assigned to Seismic Design Category D or E, sheathed on one face with 15/32-inch minimum thickness (11.9 mm) wood structural panel sheathing nailed with 8d common nails spaced 6 inches on panel edges, 12 inches at intermediate supports.

FIGURE 2308.9.3.2
ALTERNATE BRACED WALL PANEL ADJACENT TO A DOOR OR WINDOW OPENING

(ORD-13-0024, § 1(exh. A), 2013)

18.40.330 - Amend CBC Table 2308.12.4—Braced wall line sheathing.

Table 2308.12.4 of the 2013 Edition of the California Building Code is amended to read as follows:

TABLE 2308.12.4
 WALL BRACING IN SEISMIC DESIGN CATEGORIES D AND E
 (Minimum Percentage of Wall Bracing per each Braced Wall Line^a)

CONDITION	SHEATHING TYPE; ^{sup} \ ^{sup} ;	$S_{DS} < 0.50$	$0.50 \leq S_{DS} < 0.75$	$0.75 \leq S_{DS} \leq 1.00$	$S_{DS} > 1.00$
One Story	G-P ^c	43	59	75	100

	S-W ^d	<u>21</u>	32	37	48
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For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

a. Minimum length of panel bracing of one face of the wall for S-W sheathing shall be at least 4'-0" long or both faces of the wall for G-P sheathing shall be at least 8'-0" long; h/w ratio shall not exceed 2:1. For S-W panel bracing of the same material on two faces of the wall, the minimum length is permitted to be one-half the tabulated value but the h/w ratio shall not exceed 2:1 and design for uplift is required. The 2:1 h/w ratio limitation does not apply to alternate braced wall panels constructed in accordance with Section 2308.9.3.1 or 2308.9.3.2. Wall framing to which sheathing used for bracing is applied shall be nominal 2 inch wide [actual 1½ inch (38 mm)] or larger members and spaced a maximum of 16 inches on center. Braced wall panel construction types shall not be mixed within a braced wall line.

b. G-P = gypsum board, Portland cement plaster or gypsum sheathing boards; S-W = wood structural panels.

c. Nailing as specified below shall occur at all panel edges at studs, at top and bottom plates and, where occurring, at blocking:

For ½-inch gypsum board, 5d (0.113 inch diameter) cooler nails at 7 inches on center;

For 5/8-inch gypsum board, No. 11 gage (0.120 inch diameter) cooler nails at 7 inches on center;

For gypsum sheathing board, 1-¾ inches long by 7/16-inch head, diamond point galvanized nails at 4 inches on center;

For gypsum lath, No. 13 gage (0.092 inch) by 1-1/8 inches long, 19/64-inch head, plasterboard at 5 inches on center;

For Portland cement plaster, No. 11 gage (0.120 inch) by 1½ inches long, 7/16 inch head at 6 inches on center;

d. S-W sheathing shall be a minimum of 15/32" thick nailed with 8d common placed 3/8 inches from panel edges and spaced not more than 6 inches on center and 12 inches on center along intermediate framing members.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.340 - Amend CBC Section 2304.9.1—Fastener requirements.

Section 2304.9.1 of the 2013 Edition of the California Building Code is amended to read as follows:

2304.9.1 Fastener requirements. Connections for wood members shall be designed in accordance with the appropriate methodology in Section 2301.2. The number and size of fasteners connecting wood members shall not be less than that set forth in Table 2304.9.1. Staple fasteners in Table 2304.9.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.

Exception: Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.350 - Amend CBC Section 2308.12.5—Attachment of sheathing.

Section 2308.12.5 of the 2013 Edition of the California Building Code is amended to read as follows:

2308.12.5 Attachment of sheathing. Fastening of braced wall panel sheathing shall not be less than that prescribed in Tables 2308.12.4 or 2304.9.1. Wall sheathing shall not be attached to framing members by adhesives. Staple fasteners in Table 2304.9.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.

Exception: Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

All braced wall panels shall extend to the roof sheathing and shall be attached to parallel roof rafters or blocking above with framing clips (18 gauge minimum) spaced at maximum 24 inches (6,096 mm) on center with four 8d nails per leg (total eight 8d nails per clip). Braced wall panels shall be laterally braced at each top corner and at maximum 24 inches (6,096 mm) intervals along the top plate of discontinuous vertical framing.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.360 - Amend CBC Section 2503.1—Inspection.

Section 2503.1 of the 2013 Edition of the California Building Code is amended by changing the reference to "Section 110.3.5, Chapter 1, Division II" to read "Section 18.07.050 of the Long Beach Municipal Code."

(ORD-13-0024, § 1(exh. A), 2013)

18.40.370 - Amend CBC Section 3307.1—Protection required.

Section 3307.1 of the 2013 Edition of the California Building Code is amended to read as follows:

3307.1 Protection required. Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to be made shall provide written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected. Said notification shall be delivered not less than ten (10) days prior to the scheduled starting date of the excavation.

The requirements of protection of adjacent property with respect to excavations shall be as provided in Section 832 of the California Civil Code.

Prior to the issuance of any permit which authorizes an excavation where the excavation is to be of a greater depth than are the walls or foundation of any adjoining building or structure and located closer to the property line than the depth of the excavation, the owner of the subject site shall provide the Building Official with evidence that the adjacent property owner or owners have been given a thirty (30) day written notice of such intent to make an excavation. This notice shall state the depth to which such excavation is intended to be made and when the excavation will commence. This notice shall be by certified mail, return receipt requested.

This section shall not be construed to waive the requirements of the General Safety Orders of the California Department of Industrial Relations, nor the provisions of Section 832 of the California Civil Code concerning the rights of coterminous owners as to excavations.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.380 - Amend CBC Section 3408.1—Change of occupancy, conformance.

Section 3408.1 of the 2013 Edition of the California Building Code is amended to read as follows:

3408.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. Subject to the approval of the Building Official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Except for groups A, E and I occupancies, which were constructed prior to January 9, 1934, and are not within the scope of Chapter 18.68 of the Long Beach Municipal Code, a change of occupancy group or division may be made to another equal or lesser hazard as listed herein. For the purpose of this section, the order of least hazardous group to highest hazardous group is as follows:

Group U (least hazardous group)

Groups R-3 and R-3.1

Group S-2

Groups B, F, L, M, H and S-1

Groups R-1, R-2, R-2.1 and R-4

Groups A, E and I (highest hazardous group)

Every change of use or increased occupant load within the same division of an occupancy group shall require compliance with the provisions of Chapters 3, 10 and 16 of this code applicable to the proposed use or increased occupant load if the Building Official determine that there is an overall increase in hazard to life, limb, health, property or public welfare.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.390 - Amend CBC Section 3410.1—Moved structures, general.

Section 3410.1 of the 2013 Edition of the California Building Code is amended to read as follows:

3410.1 Conformance. Structures moved into or within the City shall comply with the provisions of this code for new structures and Chapter 18.60 of the Long Beach Municipal Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.400 - Amend CBC Section H101.2 of Appendix H—Signs exempt from permits.

Section H101.2 of Appendix H of the 2013 Edition of the California Building Code is amended by deleting Item 4.

(ORD-13-0024, § 1(exh. A), 2013)

18.40.410 - Amend CBC Section H105.2 of Appendix H—Permits, drawings and specifications.

Section H105.2 of Appendix H of the 2013 Edition of the California Building Code is amended by changing the reference to "Chapter 1" to read "Chapter 18.04 of the Long Beach Municipal Code."

(ORD-13-0024, § 1(exh. A), 2013)

18.40.420 - Amend CBC Section H110.1 of Appendix H—General.

Section H110.1 of Appendix H of the 2013 Edition of the California Building Code is amended by deleting the last two sentences.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.41 - RESIDENTIAL CODE

18.41.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this chapter the 2013 Edition of the California Residential Code, excluding sections, chapters or appendices pursuant to Section 18.41.040. The California Residential Code is Part 2.5 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part is based on the provisions of the 2012 International Residential Code (model code) as developed by the International Code Council with necessary California amendments.

The adoption of the 2013 Edition of the California Residential Code (herein referred to as "California Residential Code") is subject to the changes, amendments and modifications to said code as provided in this chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Residential Code. A copy of the California Residential Code, printed as code in book form, shall be on file in the office of the City Clerk.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.020 - Application.

The provisions of the model code (the International Residential Code), which are incorporated into the California Residential Code, are applicable to all occupancy groups and uses regulated by the model code. The amendments made by the State agencies to the model code and incorporated into the California Residential Code are applicable only to those occupancies or uses that the State agency making the amendments is authorized to regulate, as listed in Chapter 1, Division I of the California Residential Code. The Building and Safety Bureau shall only enforce those amendments made by the following State agencies:

- A. The California Energy Commission (CEC) as specified in Section 1.5 of the California Residential Code.
- B. The Department of Housing and Community Development (HCD) as specified in Section 1.8 of the California Residential Code.
- C. The Division of the State Architect, Access Compliance (DSA/AC) as specified in Section 1.9 of the California Residential Code.
- D. The Office of Statewide Health, Planning and Development (OSHPD 3) as specified in Section 1.10 of the California Residential Code.
- E. The Office of the State Fire Marshal (SFM) as specified in Section 1.11 of the California Residential Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.030 - Amendments to the adopted code.

The California Residential Code is amended and modified as set forth in Sections 18.41.040 through 18.41.270.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.040 - Sections, chapters or appendices deleted from the adopted code.

The following sections, chapters or appendices of the California Residential Code are deleted: Sections R101 through R114 of Chapter 1, Division II; Section R319 of Chapter 3; Section R602.10.9.1 of Chapter 6; Parts IV through VIII; and Appendices A through Q.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.050 - Amend CRC Section R201.4—Terms not defined.

Section R201.4 of the 2013 Edition of the California Residential Code is amended to read as follows:

R201.4 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.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.060 - Amend CRC Section R301.1.3.2—Woodframe structures.

Section R301.1.3.2 of the 2013 Edition of the California Residential Code is amended to read as follows:

R301.1.3.2 Woodframe structures. The Building Official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of woodframe construction more than two stories and basement in height located in Seismic Design Category A, B or C. Notwithstanding other sections the law, the law establishing these provisions is found in Business and Professions Code Sections 5537 and 6737.1.

The Building Official shall require construction documents to be approved and stamped by a California licensed architect or engineer for all dwellings of woodframe construction more than one story in height or with a basement located in Seismic Design Category D₀, D₁, D₂ or E.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.070 - Amend CRC Table R301.2(1)—Irregular buildings.

Table R301.2(1) of the 2013 Edition of the California Residential Code is amended to read as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX; ^{sup\sup;}	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k		Weathering	Frost line Depth; ^{sup\sup;}	Termite ^c					
Zero	85	No	D ₂ or E	Negligible	12"—24"	Very	43	No		0	60

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the Building Official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for, the City of Long Beach" dated July 6, 1998, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.
- k. In accordance with Section R301.2.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.080 - Amend CRC Section R301.2.2.2.5—Irregular buildings.

Items 1, 3 and 5 of Section R301.2.2.2.5 of the 2013 Edition of the California Residential Code are amended to read as follows, including the removal of the exception in each of the items:

1. When exterior shear wall lines or braced wall panels are not in one plane vertically from the foundation to the uppermost story in which they are required.
3. When the end of a braced wall panel occurs over an opening in the wall below.
5. When portions of a floor level are vertically offset.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.090 - Amend CRC Section R401.1—Application, foundation.

Section R401.1 of the 2013 Edition of the California Residential Code is amended to read as follows:

R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding as established by Table R301.2(1) shall meet the provisions of Section R322. Wood foundations shall be designed and installed in accordance with AF&PA PWF.

Exception: The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:

1. In buildings that have no more than two floors and a roof.
2. When interior basement and foundation walls are constructed at intervals not exceeding 50 feet (15,240 mm).

Wood foundations in Seismic Design Category D₀, D₁ or D₂ shall not be permitted.

Exception: In non-occupied, single-story, detached storage sheds and similar uses other than carport or garage, provided the gross floor area does not exceed 200 square feet, the plate height does not exceed 12 feet in height above the grade plane at any point, and the maximum roof projection does not exceed 24 inches.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.100 - Amend CRC Section R403.1.2—Continuous footing.

Section R403.1.2 of the 2013 Edition of the California Residential Code is amended to read as follows:

R403.1.2 Continuous footing in Seismic Design Categories D₀, D₁ and D₂. The braced wall panels at exterior walls of buildings located in Seismic Design Categories D₀, D₁ and D₂ shall be supported by continuous footings. All required interior braced wall panels in buildings shall be supported by continuous footings.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.110 - Amend CRC Section R403.1.3—Seismic reinforcing.

Exception of Section R403.1.3 of the 2013 Edition of the California Residential Code is amended to read as follows:

Exception: In detached one- and two-family dwellings located in Seismic Design Category A, B or C which are three stories or less in height and constructed with stud bearing walls, plain concrete footings without longitudinal reinforcement supporting walls and isolated plain concrete footings supporting columns or pedestals are permitted.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.120 - Amend CRC Section R403.1.5—Slope.

Section R403.1.5 of the 2013 Edition of the California Residential Code is amended to read as follows:

R403.1.5 Slope. The top surface of footings shall be level. The bottom surface of footings shall be permitted to have a slope not exceeding one unit vertical in 10 units horizontal (10-percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footing or where the surface of the ground slopes more than one unit vertical in 10 units horizontal (10-percent slope).

For structures located in Seismic Design Categories D₀, D₁ or D₂, stepped footings shall be reinforced with four ½-inch diameter (12.7 mm) deformed reinforcing bars. Two bars shall be placed at the top and bottom of the footings as shown in Figure R403.1.5.

FIGURE R403.1.5
STEPPED FOOTING

(ORD-13-0024, § 1(exh. A), 2013)

18.41.130 - Amend CRC Section R404.2—Wood foundation walls.

Section R404.2 of the 2013 Edition of the California Residential Code is amended to read as follows:

R404.2 Wood foundation walls. Wood foundation walls shall be constructed in accordance with the provisions of Sections R404.2.1 through R404.2.6 and with the details shown in Figures R403.1(2) and R403.1(3). Wood foundation walls shall not be used for structures located in Seismic Design Category D₀, D₁ or D₂.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.140 - Add CRC Section R503.2.4—Openings in horizontal diaphragms.

Section R503.2.4 is added to Chapter 5 of the 2013 Edition of the California Residential Code to read as follows:

R503.2.4 Openings in horizontal diaphragms. Openings in horizontal diaphragms with a dimension perpendicular to the joist that is greater than 4 feet (1.2 m) shall be constructed in accordance with Figure R503.2.4.

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

- a. Blockings shall be provided beyond headers.
- b. Metal ties not less than 0.058 inch [1.47 mm (16 galvanized gage)] by 1.5 inches (38 mm) wide with eight 16d common nails on each side of the header-joist intersection. The metal ties shall have a minimum yield of 33,000 psi (227 MPa).
- c. Openings in diaphragms shall be further limited in accordance with Section R301.2.2.2.5.

FIGURE R503.2.4
OPENINGS IN HORIZONTAL DIAPHRAGMS

(ORD-13-0024, § 1(exh. A), 2013)

18.41.150 - Amend CRC Table R602.3(1)—Fastener schedule for structural members.

Footnote k is added to Lines 37 and 38 of Table R602.3(1) of the 2013 Edition of the California Residential Code to read as follows:

- k. Use of staples in braced wall panels shall be prohibited in Seismic Design Category D₀, D₁ or D₂.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.160 - Amend CRC Section R602.3.2—Top plate.

Exception of Section 602.3.2 of the 2013 Edition of the California Residential Code is amended to read as follows:

Exception: In other than Seismic Design Category D₀, D₁ or D₂, a single top plate may be installed in stud walls, provided the plate is adequately tied at joints, corners and intersecting walls by a minimum 3-inch-by-6-inch by a 0.036-inch-thick (76 mm by 152 mm by 0.914 mm) galvanized steel plate that is nailed to each wall or segment of wall by six 8d nails on each side, provided the rafters or joists are centered over the studs with a tolerance of no more than 1 inch (25 mm). The top plate may be omitted over lintels that are adequately tied to adjacent wall sections with steel plates or equivalent as previously described.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.170 - Amend CRC Table R602.3(2)—Alternate attachment.

Footnote b of Table R602.3(2) of the 2013 Edition of the California Residential Code is amended to read as follows:

- b. Staples shall have a minimum crown width of 7/16-inch on diameter except as noted. Use of staples in roof, floor, subfloor, and braced wall panels shall be prohibited in Seismic Design Category D₀, D₁, or D₂.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.180 - Amend CRC Section R602.10.2.3—Minimum number of braced wall panels.

Section R602.10.2.3 of the 2013 Edition of the California Residential Code is amended to read as follows:

R602.10.2.3 Minimum number of braced wall panels. Braced wall lines with a length of 16 feet (4,877 mm) or less shall have a minimum of two braced wall panels of any length or one braced wall panel equal to 48 inches (1,219 mm) or more. Braced wall lines greater than 16 feet (4,877 mm) shall have a minimum of two braced wall panels. No braced wall panel shall be less than 48 inches in length in Seismic Design Category D₀, D₁, or D₂.

18.41.190 - Amend CRC Table R602.10.3(3)—Bracing requirements.

Table R602.10.3(3) of the 2013 Edition of the California Residential Code is amended to read as follows:

**TABLE R602.10.3(3)
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY**

**TABLE R602.10.3(3)—continued
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY**

<ul style="list-style-type: none"> • SOIL CLASS D⁵ • WALL HEIGHT = 10 FEET • 10 PSF FLOOR DEAD LOAD • 15 PSF ROOF/CEILING DEAD LOAD • BRACED WALL LINE SPACING ≤ 25 FEET 			MINIMUM TOTAL LENGTH (FEET) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE ⁶				
Seismic Design Category	Story Location	Braced Wall Line Length (feet)	Method LIB ⁶	Method GB ⁶	Methods DWB, SFB, PBS, PCP, HPS, CS-SFB ^{6,e}	Method WSP	Methods CS-WSP, CS-G
		10	NP	6.0	6.0	2.0	1.7
		20	NP	12.0	12.0	4.0	3.4
		30	NP	18.0	18.0	6.0	5.1
		40	NP	24.0	24.0	8.0	6.8
		50	NP	30.0	30.0	10.0	8.5
		10	NP	NP	NP	4.5	3.8
		20	NP	NP	NP	9.0	7.7

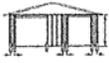
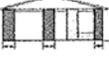
18.41.200 - Amend CRC Table R602.10.4—Bracing methods.

Table R602.10.4 of the 2013 Edition of the California Residential Code is amended to read as follows:

**TABLE R602.10.4
BRACING METHODS**

METHODS, MATERIAL	MINIMUM THICKNESS	FIGURE	CONNECTION CRITERIA*	
			Fasteners	Spacing
LIB Let-in-bracing	1 x 4 wood or approved metal straps at 45° to 60° angles for maximum 16" stud spacing		Wood: 2-8d common nails or 3-8d (2 1/2" long x 0.113" dia.) nails	Wood: per stud and top and bottom plates
			Metal strap: per manufacturer	Metal: per manufacturer
DWB Diagonal wood boards	1/4" (1" nominal) for maximum 24" stud spacing		2-8d (2 1/2" long x 0.113" dia.) nails or 2 - 1 3/4" long staples	Per stud
WSP Wood...			8d common (2 1/2" x 0.131) nails 1/2" edge distance to panel edges	6" edges 12" field

TABLE R602.10.4—continued
BRACING METHODS

METHODS, MATERIAL	MINIMUM THICKNESS	FIGURE	CONNECTION CRITERIA*		
			Fasteners	Spacing	
Intermittent Bracing Methods	PFH Portal frame with hold-downs	$\frac{3}{8}$ "		See Section R602.10.6.2	See Section R602.10.6.2
	PFG Portal frame at garage	$\frac{7}{16}$ "	6" edges 12" field 	See Section R602.10.6.3	See Section R602.10.6.3
Continuous Sheathing Methods	CS-WSP Continuously sheathed wood structural panel	$1\frac{5}{32}$ "		8d common ($2\frac{1}{2}$ " x 0.131) nails $\frac{3}{8}$ " edge distance to panel edge	6" edges 12" field
	CS-G ^{bc} Continuously sheathed wood structural panel adjacent to garage openings	$1\frac{5}{32}$ "		8d common ($2\frac{1}{2}$ " x 0.131) nails $\frac{3}{8}$ " edge distance to panel edge	6" edges 12" field
	CS-PF ^c Continuously sheathed portal frame	$1\frac{5}{32}$ "		See Method CS-WSP	See Method CS-WSP
	CS-SFB ^d Continuously sheathed structural fiberboard	$\frac{1}{2}$ " or $2\frac{25}{32}$ " for maximum 16" stud spacing		See Section R602.10.6.4	See Section R602.10.6.4
				$1\frac{1}{2}$ " long x 0.12" dia. (for $\frac{1}{2}$ " thick sheathing) $1\frac{3}{4}$ " long x 0.12" dia. (for $\frac{5}{16}$ " thick sheathing) galvanized roofing nails or 8d common ($2\frac{1}{2}$ " long x 0.131" dia.) nails	3" edges 6" field

For SI: 1 inch = 25.4 mm, 1 foot = 305 mm, 1 degree = 0.0175 rad, 1 pound per square foot = 47.8 N/m², 1 mile per hour = 0.447 m/s.

a. Adhesive attachment of wall sheathing, including Method GB, shall not be permitted in Seismic Design Categories C, D_s, D₁ and D₂.

b. Applies to panels next to garage door opening when supporting gable end wall or roof load only. May only be used on one wall of the garage. In Seismic Design Categories D_s, D₁ and D₂, roof covering dead load may not exceed 3 psf.

c. Garage openings adjacent to a Method CS-G panel shall be provided with a header in accordance with Table R502.5(1). A full height clear opening shall not be permitted adjacent to a Method CS-G panel.

d. Shall not be used in Seismic Design Categories D_s, D₁ and D₂ and in areas where the wind speed exceeds 100 mph.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.210 - Amend CRC Figure R602.10.6.1—Alternate braced wall panel.

Figure R602.10.6.1 of the 2013 Edition of the California Residential Code is amended to read as follows:

For SI: 1 inch = 25.4 mm.

**FIGURE R602.10.6.1
METHOD ABW—ALTERNATE BRACED WALL PANEL**

(ORD-13-0024, § 1(exh. A), 2013)

18.41.220 - Amend CRC Figure R602.10.6.2—Method PFH.

Figure R602.10.6.2 of the 2013 Edition of the California Residential Code is amended to read as follows:

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

**FIGURE R602.10.6.2
METHOD PFH—PORTAL FRAME WITH HOLD-DOWNS
AT DETACHED GARAGE DOOR OPENINGS**

(ORD-13-0024, § 1(exh. A), 2013)

18.41.230 - Amend CRC Table R602.10.5—Minimum length of braced wall panels.

Table R602.10.5 of the 2013 Edition of the California Residential Code is amended to read as follows:

**TABLE R602.10.5
MINIMUM LENGTH OF BRACED WALL PANELS**

(ORD-13-0024, § 1(exh. A), 2013)

18.41.240 - Amend CRC Figure R602.10.6.4—Method CD-PF.

Figure R602.10.6.4 of the 2013 Edition of the California Residential Code is amended to read as follows:

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

**FIGURE R602.10.6.4
METHOD CS-PF—CONTINUOUSLY SHEATHED PORTAL FRAME PANEL CONSTRUCTION**

(ORD-13-0024, § 1(exh. A), 2013)

18.41.250 - Amend CRC Section R606.12.2.2.3—Reinforcement requirements for masonry elements.

Section R606.12.2.2.3 of the 2013 Edition of the California Residential Code is amended to read as follows:

R606.12.2.2.3 Reinforcement requirements for masonry elements. Masonry elements listed in Section R606.12.2.2.2 shall be reinforced in either the horizontal or vertical direction as shown in Figure R606.11(3) and in accordance with the following:

1. Horizontal reinforcement. Horizontal joint reinforcement shall consist of at least one No. 4 bar spaced not more than 48 inches (1,219 mm). Horizontal reinforcement shall be provided within 16 inches (406 mm) of the top and bottom of these masonry elements.
2. Vertical reinforcement. Vertical reinforcement shall consist of at least one No. 4 bar spaced not more than 48 inches (1,219 mm). Vertical reinforcement shall be within 8 inches (406 mm) of the ends of masonry walls.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.260 - Add CRC Section R803.2.4—Openings in horizontal diaphragms.

Section R803.2.4 is added to Chapter 8 of the 2013 Edition of the California Residential Code to read as follows:

R803.2.4 Openings in horizontal diaphragms. Openings in horizontal diaphragms shall conform with Section R503.2.4.

(ORD-13-0024, § 1(exh. A), 2013)

18.41.270 - Amend CRC Section R1001.3.1—Vertical reinforcing.

Section R1001.3.1 of the 2013 Edition of the California Residential Code is amended to read as follows:

R1001.3.1 Vertical reinforcing. For chimneys up to 40 inches (1,016 mm) wide, four No. 4 continuous vertical bars adequately anchored into the concrete foundation shall be placed between wythes of solid masonry or within the cells of hollow unit masonry and grouted in accordance with Section R609. Grout shall be prevented from bonding with the flue liner so that the flue liner is free to move with thermal expansion. For chimneys more than 40 inches (1,016 mm) wide, two additional No. 4 vertical bars adequately anchored into the concrete foundation shall be provided for each additional flue incorporated into the chimney or for each additional 40 inches (1,016 mm) in width or fraction thereof.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.42 - ELECTRICAL CODE

18.42.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this chapter the 2013 Edition of the California Electrical Code, including Annexes A, B and C, but excluding articles, chapters or annexes pursuant to Section 18.42.040. The California Electrical Code is Part 3 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part is based on the provisions of the 2011 National Electrical Code (model code) as developed by the National Fire Protection Association with necessary California amendments.

The adoption of the 2013 Edition of the California Electrical Code (herein referred to as "California Electrical Code") is subject to the changes, amendments and modifications to said code as provided in this chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Electrical Code. A copy of the California Electrical Code, printed as code in book form, shall be on file in the office of the City Clerk.

(ORD-13-0024, § 1(exh. A), 2013)

18.42.020 - Application.

The provisions of the model code (the National Electrical Code), which are incorporated into the California Electrical Code, are applicable to all occupancy groups and uses regulated by the model code. The amendments made by the State agencies to the model code and incorporated into the California Electrical Code are applicable only to those occupancies or uses that the State agency making the amendments is authorized to regulate, as listed in Article 89 of the California Electrical Code. The Building and Safety Bureau shall only enforce those amendments made by the following State agencies:

- A. The California Energy Commission (CEC) as specified in Article 89.105 of the California Electrical Code.
- B. The Department of Housing and Community Development (HCD) as specified in Article 89.108 of the California Electrical Code.
- C. The Division of the State Architect, Access Compliance (DSA/AC) as specified in Article 89.109 of the California Electrical Code.
- D. The Office of Statewide Health, Planning and Development (OSHPD 3) as specified in Article 89.110 of the California Electrical Code.
- E. The Office of the State Fire Marshal (SFM) as specified in Article 89.111 of the California Electrical Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.42.030 - Amendments to the adopted code.

The California Electrical Code is amended and modified as set forth in Section 18.42.040.

(ORD-13-0024, § 1(exh. A), 2013)

18.42.040 - Articles, chapters or annexes deleted from the adopted code.

The following sections, chapters or annexes of the California Electrical Code are deleted: Annexes D, E, F, G, H, and I.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.43 - PLUMBING CODE

18.43.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this chapter the 2013 Edition of the California Plumbing Code, including Appendices A, B, D, I and K, but excluding sections, chapters or appendices pursuant to Section 18.43.040. The California Plumbing Code is Part 5 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part is based on the provisions of the 2012 Uniform Plumbing Code (model code) as developed by the International Association of Plumbing and Mechanical Officials with necessary California amendments.

The adoption of the 2013 Edition of the California Plumbing Code (herein referred to as "California Plumbing Code") is subject to the changes, amendments and modifications to said code as provided in this chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Plumbing Code. A copy of the California Plumbing Code, printed as code in book form, shall be on file in the office of the City Clerk.

(ORD-13-0024, § 1(exh. A), 2013)

18.43.020 - Application.

The provisions of the model code (the Uniform Plumbing Code), which are incorporated into the California Plumbing Code, are applicable to all occupancy groups and uses regulated by the model code. The amendments made by the State agencies to the model code and incorporated into the California Plumbing Code are applicable only to those occupancies or uses that the State agency making the amendments is authorized to regulate, as listed in Chapter 1, Division I of the California Plumbing Code. The Building and Safety Bureau shall only enforce those amendments made by the following State agencies:

- A. The California Energy Commission (CEC) as specified in Section 1.5 of the California Plumbing Code.
- B. The Department of Housing and Community Development (HCD) as specified in Section 1.8 of the California Plumbing Code.
- C. The Division of the State Architect, Access Compliance (DSA/AC) as specified in Section 1.9 of the California Plumbing Code.
- D. The Office of Statewide Health, Planning and Development (OSHPD 3) as specified in Section 1.10 of the California Plumbing Code.
- E. The Office of the State Fire Marshal (SFM) as specified in Section 1.11 of the California Plumbing Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.43.030 - Amendments to the adopted code.

The California Plumbing Code is amended and modified as set forth in Sections 18.43.040 through 18.43.060.

(ORD-13-0024, § 1(exh. A), 2013)

18.43.040 - Sections, chapters or appendices deleted from the adopted code.

The following sections, chapters or appendices of the California Plumbing Code are deleted: Sections 101.0 through 103.8 and Table 103.4 of Chapter 1, Division II; and Appendices G and L.

(ORD-13-0024, § 1(exh. A), 2013)

18.43.050 - Amend CPC Section 403.3.1.1—Non water urinal drainage connection.

Section 403.3.1.1 of the 2013 Edition of the California Plumbing Code is amended by deleting the reference to "(HCD)".

(ORD-13-0024, § 1(exh. A), 2013)

18.43.060 - Amend CPC Section 604.11—Lead content.

Section 604.11 of the 2013 Edition of the California Plumbing Code is amended to read as follows:

604.11 Lead Content. Water pipe, plumbing fittings, fixtures, solder, and flux with lead content used to convey potable water shall comply with the Section 116875 of the California Health and Safety Code.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.44 - MECHANICAL CODE

18.44.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this chapter the 2013 Edition of the California Mechanical Code, including Appendices A, B, C and D, but excluding sections, chapters or appendices pursuant to Section 18.44.040. The California Mechanical Code is Part 4 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part is based on the provisions of the 2012 Uniform Mechanical Code (model code) as developed by the International Association of Plumbing and Mechanical Officials with necessary California amendments.

The adoption of the 2013 Edition of the California Mechanical Code (herein referred to as "California Mechanical Code") is subject to the changes, amendments and modifications to said code as provided in this chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Mechanical Code. A copy of the California Mechanical Code, printed as code in book form, shall be on file in the office of the City Clerk.

(ORD-13-0024, § 1(exh. A), 2013)

18.44.020 - Application.

The provisions of the model code (the Uniform Mechanical Code), which are incorporated into the California Mechanical Code, are applicable to all occupancy groups and uses regulated by the model code. The amendments made by the State agencies to the model code and incorporated into the California Mechanical Code are applicable only to those occupancies or uses that the State agency making the amendments is authorized to regulate, as listed in Chapter 1, Division II of the California Mechanical Code. The Building and Safety Bureau shall only enforce those amendments made by the following State agencies:

- A. The California Energy Commission (CEC) as specified in Section 1.5 of the California Mechanical Code.
- B. The Department of Housing and Community Development (HCD) as specified in Section 1.8 of the California Mechanical Code.
- C. The Division of the State Architect, Access Compliance (DSA/AC) as specified in Section 1.9 of the California Mechanical Code.
- D. The Office of Statewide Health, Planning and Development (OSHPD 3) as specified in Section 1.10 of the California Mechanical Code.
- E. The Office of the State Fire Marshal (SFM) as specified in Section 1.11 of the California Mechanical Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.44.030 - Amendments to the adopted code.

The California Mechanical Code is amended and modified as set forth in Section 18.44.040.

(ORD-13-0024, § 1(exh. A), 2013)

18.44.040 - Sections, chapters or appendices deleted from the adopted code.

The following sections, chapters or appendices of the California Mechanical Code are deleted: Sections 101.0 through 118.0 and Table 114.1 of Chapter 1, Division II; and Appendices E, F and G.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.45 - HOUSING CODE

18.45.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this chapter the 1997 Edition of the Uniform Housing Code, excluding sections, chapters or appendices pursuant to Section 18.45.040. Adoption and enforcement of the Uniform Housing Code is mandated through the State Housing Law pursuant to Section 17960, Part 1.5, Division 13, of the California Health and Safety Code. Section 17922 of the California Health and Safety Code requires the adoption of the latest edition of the Uniform Housing Code. The 1997 Edition of the Uniform Housing Code was adopted by the California Department of Housing and Community Development as provided for in Section 32, Article 5, Subchapter 1, Division 1, of Title 25 of the California Code of Regulations. The provisions of the 1997 Uniform Housing Code were developed by the International Conference of Building Officials.

The adoption of the 1997 Edition of the Uniform Housing Code (herein referred to as "Uniform Housing Code") is subject to the changes, amendments and modifications to said code as provided in this chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Housing Code. A copy of the Uniform Housing Code, printed as code in book form, shall be on file in the office of the City Clerk.

(ORD-13-0024, § 1(exh. A), 2013)

18.45.020 - Application.

The provisions of the Uniform Housing Code are applicable to all occupancy groups and uses intended for human habitation.

(ORD-13-0024, § 1(exh. A), 2013)

18.45.030 - Amendments to the adopted code.

The Uniform Housing Code is amended and modified as set forth in Sections 18.45.040 and 18.45.050.

(ORD-13-0024, § 1(exh. A), 2013)

18.45.040 - Sections, chapters or appendices deleted from the adopted code.

The following sections, chapters or appendices of the Uniform Housing Code are deleted: Chapters 1, 2, 3, 4, 10, 11, 12, 13, 14, 15 and 16.

(ORD-13-0024, § 1(exh. A), 2013)

18.45.050 - Add UHC Chapter 17—Prohibited uses and maintenance.

Chapter 17 is added to the 1997 Edition of the Uniform Housing Code to read as follows:

Chapter 17

PROHIBITED USES AND MAINTENANCE

SECTION 1701—PROHIBITED USES

- A. Cooking. It shall be unlawful for any person to cook or prepare food or to permit another person to cook or prepare food in any bath, shower, slop sink, toilet room, water closet compartment, any room not designed and intended to be used as a kitchen, or in any other portion of a building in which the cooking or preparation of food is detrimental to the health of the occupants or the proper sanitation of the building.
- B. Sleeping. It shall be unlawful for any person to use or to permit another person to use any of the following portions of a building for sleeping purposes:
 - 1. Kitchen, hallway, water closet, bath, cellar, shower compartment or slop sink room.
 - 2. Any other room or place which does not comply with the provisions of this code as a sleeping room or in which sleeping is dangerous to life or health.

SECTION 1702 - MAINTENANCE AND REPAIR

- A. Maintenance. Every building shall be maintained in good repair.
- B. Roof. The roof of every building shall be kept watertight and all storm or casual water shall be properly drained and conveyed from the roof to a storm drain or street gutter in accordance with other applicable provisions of this chapter.
- C. Drainage. All portions of a lot about a building, including the yards, areaways, vent shafts, court and passageways, shall be graded and drained to efficiently carry the water away from the building.
- D. Surfacing. If the Building Official finds it necessary for the protection of the health and safety of the occupants, or for the proper sanitation of a dwelling, apartment house or hotel, it may require that the yards, areaways, vent shafts, court, passageways, or other parts of the lot surrounding the building be graveled, or properly paved and surfaced with concrete, asphalt or similar materials.
- E. Painting of room walls and ceilings. The walls and ceilings of every room in a dwelling, apartment house or hotel shall be finished, sealed, coated or covered in an approved manner. Approved materials shall be applied as often as may be necessary to maintain the walls and ceilings in a clean and sanitary condition.
- F. Painting of court and shaft walls. Unless built of light-colored materials, the walls of courts and shafts shall be painted in a light color, or shall be whitewashed. The paint or whitewash shall be applied as often as may be necessary to maintain the walls in a light color.
- G. Wallpaper. Not more than two (2) thicknesses of wallpaper shall be placed upon any wall, partition, or ceiling of any room in any dwelling, apartment house or hotel. If any wall, partition, or ceiling with two (2) thicknesses of wallpaper in any such room is to be repapered, the old wallpaper shall first be removed. Any wallpaper which has become loose or dilapidated shall be removed and the surface repapered, calcimined or painted.
- H. Painting of wallpaper. Paint or calcimine over wallpaper is permissible if the plaster under the wallpaper is in good condition.
- I. Screening. Whenever necessary for the health of the occupants, or for the proper sanitation or cleanliness of any building, acceptable mosquito screening shall be provided for each exterior door, window, or other opening in the exterior walls of the buildings.
- J. Garbage receptacle compartment. Every residential building shall be provided with facilities adequate for the storing of all garbage and waste, either within an approved compartment or receptacles. These facilities shall be maintained in a clean and sanitary condition.
- K.

Fences. All fences shall be maintained in good repair and shall be kept straight, uniform and structurally sound. Wooden fences shall be either painted or stained or otherwise treated or sealed in an approved manner to prevent their becoming a nuisance from weathering or deterioration.

- L. Sanitation. Each room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door carpet, rug, matting, window curtain, water closet, compartment, or room, toilet room, bathroom, slop sink room, washroom, plumbing fixtures, drain, roof, closet, cellar, basement, yard, court, lot and the premises of every building shall be kept in every part clean, sanitary, and free from all accumulation of debris, abandoned or inoperable motor vehicles and vehicle parts, filth, rubbish, garbage, rodents, insects and other vermin, excessive vegetation and other offensive matter.
- M. Dangerous articles. No article that is dangerous or detrimental to life or to the health of the occupants, including any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any other material that may create a fire hazard, shall be kept, stored or handled in any part of a dwelling, apartment house or hotel, or on the lot on which such building is located.
- N. Caretaker. A janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are sixteen (16) or more apartments, of every hotel in which there are twelve (12) or more guest rooms, unless the owner of any such apartment house or hotel resides upon said premises. If the owner does not reside upon the premises of any apartment house in which there are more than four (4) but less than sixteen (16) apartments, a notice stating the owner's name and address or the name and address of his agent in charge of the apartment house shall be posted in a conspicuous place on the premises.
- O. Bedding. In every apartment house or hotel, every part of every bed, including mattress, sheets, blankets, and bedding, shall be kept in a clean, dry and sanitary condition, free from filth, urine or other foul matters, and from the infection of lice, bedbugs or other insects. The bed linen of a bed in a hotel shall be changed at least as often as a new guest occupies the bed.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.46 - ENERGY CODE

18.46.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this chapter the 2013 Edition of the California Building Energy Efficiency Standards. The California Building Energy Efficiency Standards is Part 6 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part is developed by the California Energy Commission.

The adoption of the 2013 Edition of the California Building Energy Efficiency Standards (herein referred to as "California Energy Code" and certain provisions of the Long Beach Municipal Code shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Energy Code. A copy of the California Energy Code, printed as code in book form, shall be on file in the office of the City Clerk.

(ORD-13-0024, § 1(exh. A), 2013)

18.46.020 - Application.

The provisions of the California Energy Code are applicable to all occupancy groups and uses regulated by Section 100.0 of Subchapter 1 of said code. The Building and Safety Bureau enforce those provisions made by the California Energy Commission (CEC).

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.47 - GREEN BUILDING STANDARDS CODE

18.47.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this chapter the 2013 Edition of the California Green Building Standards Code, excluding sections, chapters or appendices pursuant to Section 18.47.040. The California Green Building Standards Code is Part 11 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code.

The adoption of the 2013 Edition of the California Green Building Standards Code (herein referred to as "California Green Building Standards Code") is subject to the changes, amendments and modifications to said code as provided in this chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Green Building Standards Code. A copy of the California Green Building Standards Code, printed as code in book form, shall be on file in the office of the City Clerk.

(ORD-13-0024, § 1(exh. A), 2013)

18.47.020 - Application.

The provisions of the California Green Building Standards Code are applicable only to those occupancies or uses that the State agency making the amendments is authorized to regulate, as listed in Chapter 1 of the California Green Building Standards Code. The Building and Safety Bureau shall only enforce those amendments made by the following State agencies:

- A. The Building Standards Commission as specified in Section 103.1 of the California Green Building Standards Code.
- B. The Department of Housing and Community Development (HCD) as specified in Section 104.1 of the California Green Building Standards Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.47.030 - Amendments to the adopted code.

The California Green Building Standards Code is amended and modified as set forth in Sections 18.47.040 through 18.47.060.

(ORD-13-0024, § 1(exh. A), 2013)

18.47.040 - Sections, chapters or appendices deleted from the adopted code.

The following sections, chapters or appendices of the California Green Building Standards Code are deleted: Appendices A4, A5, and A6.1.

(ORD-13-0024, § 1(exh. A), 2013)

18.47.050 - Amend CGBSC Section 4.408—Construction and demolition recycling program.

Section 4.408 of the 2013 Edition of the California Green Building Standards Code is deleted in its entirety and replaced to read as follows:

SECTION 4.408

CONSTRUCTION AND DEMOLITION RECYCLING PROGRAM

4.408.1 General. Covered projects meeting the threshold of Section 18.67.020 of Title 18 of the Long Beach Municipal Code shall comply with Chapter 18.67 Construction and Demolition Recycling Program of Title 18 of the Long Beach Municipal Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.47.060 - Amend CGBSC Section 5.408—Construction and demolition recycling program.

Section 5.408 of the 2013 Edition of the California Green Building Standards Code is deleted in its entirety and replaced to read as follows:

SECTION 5.408

CONSTRUCTION AND DEMOLITION RECYCLING PROGRAM

5.408.1 General. Covered projects meeting the threshold of Section 18.67.020 of Title 18 of the Long Beach Municipal Code shall comply with Chapter 18.67 Construction and Demolition Recycling Program of Title 18 of the Long Beach Municipal Code.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.48 - FIRE CODE

18.48.010 - Adoption.

The City Council adopts and incorporates by reference as though set forth in full in this chapter the 2013 Edition of the California Fire Code (CFC), excluding sections, chapters or appendices pursuant to Section 18.48.040. The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part is based on the provisions of the 2012 International Fire Code (model code—IFC) as developed by the International Code Council with necessary California amendments.

The adoption of the 2013 Edition of the California Fire Code (herein referred to as the "California Fire Code") is subject to the changes, amendments and modifications to said code as provided in this chapter, and certain provisions of the Long Beach Municipal Code, which shall remain in full force and effect as provided in this title. Such codes and code provisions shall constitute and be known as the Long Beach Fire Code. A copy of the California Fire Code, printed as code in book form, shall be on file in the office of the City Clerk.

Notwithstanding the provisions of the above-referenced Fire Code(s), all new or increased fees for services provided pursuant to the Fire Code(s) shall not take effect until a resolution for such fees is adopted by the City Council pursuant to California Government Code Sections 66016 and 66020.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.020 - Application.

The provisions of the model code (the International Fire Code), which are incorporated into the California Fire Code, are applicable to all occupancy groups and uses regulated by the model code. The amendments made by the State agencies to the model code and incorporated into the California Fire Code are applicable only to those occupancies or uses that the State agency making the amendments is authorized to regulate, as listed in Chapter 1 of the California Building Code adopted in Chapter 18.40. The Fire Prevention Bureau shall only enforce those amendments made by the following State agencies:

- A. The Office of the State Fire Marshal (SFM) as specified in Section 1.11 of the California Fire Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.030 - Amendments to the adopted codes.

The California Fire Code is amended and modified as set forth in Sections 18.48.040 through 18.48.770.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.040 - Deleted phrases and sections.

The following phrases or sections are deleted from the California Fire Code, 2010 Edition:

CFC & IFC 108	Delete section.
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CFC & IFC 308.1.4	Delete section.
CFC & IFC 308.1.6.2	Delete exception 4.
CFC & IFC 308.1.7	Delete section.
CFC & IFC 308.2	Delete exception 2.
CFC & IFC 308.3	Delete section.
CFC & IFC 311.2.2	Delete exceptions 1 and 2.
CFC & IFC Chapter 4	Delete entire chapter, except for those sections adopted by the SFM.
CFC & IFC 510.2	Delete section
CFC & IFC 805	Delete section
CFC & IFC 806	Delete section, except where adopted by the SFM.
CFC & IFC 807	Delete section, except where adopted by the SFM.
CFC & IFC 808	Delete section.
CFC & IFC 901.4.2	Delete the words "partial or".
CFC & IFC 903.4	Delete exceptions 4 and 5.
CFC & IFC 907.2.7.1	Delete section.
CFC & IFC 907.3.1	Delete exception 1.
CFC & IFC 913.4	Delete methods 3 and 4.
CFC & IFC <u>Chapter 11</u>	Delete entire chapter, except for those sections adopted by the SFM.
CFC & IFC Chapter 26	Delete entire chapter.
CFC & IFC 2701.1	Delete exception 8.
CFC & IFC Appendix A	Delete entire appendix.

CFC & IFC Appendix D	Delete entire appendix.
CFC & IFC Appendix E	Delete entire appendix.
CFC & IFC Appendix F	Delete entire appendix.
CFC & IFC Appendix G	Delete entire appendix.
CFC & IFC Appendix I	Delete entire appendix.
CFC & IFC Appendix J	Delete entire appendix.
CFC & IFC Appendix K	Delete entire appendix.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.050 - CFC Chapter 1, Section 101.1—Title.

Section 101.1 of Chapter 1 of the California Fire Code is amended to read:

101.1 Title. These regulations shall be known as the Fire Code of the City of Long Beach, hereinafter referred to as "this code".

(ORD-13-0024, § 1(exh. A), 2013)

18.48.060 - CFC Chapter 1, Section 101.2—Scope.

Section 101.2 of Chapter 1 of the California Fire Code is amended by the addition of Subsection 6 to read:

6. The maintenance of fire protection and elimination of fire hazards on vessels moored, anchored, or berthed in waters under the jurisdiction of the City and/or within the boundaries of the Port of Long Beach.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.070 - CFC Chapter 1, Section 101.2—Scope.

Section 101.2 of Chapter 1 of the California Fire Code is amended by the addition of Section 101.2.2 to read:

101.2.2 Supplemental rules and regulations. The Fire Code Official is authorized to make and enforce such rules and regulations for the prevention and control of fires, fire hazards and hazardous materials incidents as may be necessary from time to time to carry out the intent of this code. Three certified copies of such rules and regulations shall be filed with the City Clerk and shall take effect immediately thereafter. Additional copies shall be kept in the Fire Prevention Bureau Office. These rules and regulations shall be known as the Fire Prevention Requirements.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.080 - CFC Chapter 1, Section 103.2—Appointment.

Section 103.2 of Chapter 1 of the California Fire Code is amended to read:

103.2 Appointment. The fire code official shall be appointed by the Fire Chief of the City of Long Beach; and the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the Fire Chief.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.090 - CFC Chapter 1, Section 104.3—Right of entry.

Section 104.3 of Chapter 1 of the California Fire Code is amended by the addition of the following paragraph to read:

The Fire Code Official shall have the authority to direct inspection and insure compliance with the Long Beach Fire Code on all tankers and vessels at anchor or dockside in waters under the jurisdiction of the City and/or within the boundaries of the Port of Long Beach. All vessels shall comply with rules and regulations set forth in federal, State and local codes. Access to vessels shall be maintained at all times while the vessel is at anchor or dockside by use of proper brows or accommodation ladders.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.100 - CFC Chapter 1, Section 104.6—Official records.

Section 104.6 of Chapter 1 of the California Fire Code is amended to read:

104.6 Official records. The Fire Code Official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than three years or for as long as the activity to which such records relate remains in existence, unless otherwise provided by other regulations.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.110 - CFC Chapter 1, Section 105.1.2—Types of permits.

Section 105.1.2 of Chapter 1 of the California Fire Code is amended by revising the first sentence to read:

105.1.2 Types of permits. There shall be three types of permits as follows:

(ORD-13-0024, § 1(exh. A), 2013)

18.48.120 - CFC Chapter 1, Section 105.1.2—Types of permits.

Section 105.1.2 of Chapter 1 of the California Fire Code is amended by the addition of Subsection 3 to read:

3. Inspection permit. An inspection permit allows the applicant to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, fire access roadways, smoke control systems, high piled storage, hazardous materials when not in "H" occupancies, and special systems as indicated in Section 18.48.560 of this code.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.130 - CFC Chapter 1, Section 105.2—Application.

Section 105.2 of Chapter 1 of the California Fire Code is amended by the addition of Subsection 105.2.5 to read:

105.2.5 Declaration of intended use of occupancy. As required by the Fire Code Official, any or all owners of any occupancy may be required to record with the County Recorder of the County of Los Angeles a legal instrument of intended use. This legal instrument shall be called a Declaration of Intended Use, which shall specifically state by occupancy classification designations all intended uses of all portions of the occupancy and may not be modified or withdrawn without the approval of the Fire Code Official. Unapproved changes of occupancy or use can be cause for an immediate hearing before the Building Official and the Fire Code Official or their designees. Such hearing shall be conducted to rule on the revocation of the Certificate of Occupancy and the revocation of all permits issued to all owners, tenants, operators and occupants of all portions of the occupancy. The Declaration of Intended Use shall be binding on all present and future owners, tenants, operators and occupants.

105.2.5.1 Existing occupancy modification. Any existing occupancy that is modified in any manner where the modifications exceed 1% of the total floor area of the smallest aggregate individual floor area or tier area in any twelve month period, shall require the filing of a Declaration of Intended Use.

105.2.5.2 Filing. A certified copy of the recorded Declaration of Intended Use shall be filed with the Building Official and the Fire Code Official before any Certificate of Occupancy and/or any permits are issued to any or all owners, operators or occupants of the occupancy.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.140 - CFC Chapter 1, Section 105.3.1—Expiration.

Section 105.3.1 of Chapter 1 of the California Fire Code is amended to read:

105.3.1 Expiration. Every construction and inspection permit issued shall be valid for a period of two (2) years from the date after its issuance; provided however that every permit issued shall expire on the one-hundred eightieth (180th) day after its issuance if the work on the site authorized by such permit has not commenced or has not been inspected; or shall expire whenever the Fire Code Official determines the work authorized by such permit has been suspended, discontinued or abandoned or has not been inspected for a continuous period of one hundred and eighty (180) days after the time the work has commenced.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.150 - CFC Chapter 1, Section 105.6—Required operational permits.

Section 105.6 of Chapter 1 of the California Fire Code is amended to read:

105.6 Required operational permits. The Fire Code Official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.61.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.160 - CFC Chapter 1, Section 105.6—Required operational permits.

Section 105.6 of Chapter 1 of the California Fire Code is amended by the addition of Sections 105.6.48 through 105.6.61 to read:

105.6.48 Airport, heliport and helistop. An operational permit is required to operate an airport, heliport and helistop.

105.6.49 Battery systems. An operational permit is required to operate stationary lead-acid battery systems having a liquid capacity greater than 50 gallons.

105.6.50 Bulk storage facility. Above ground bulk storage of flammable and combustible liquids for each 225,000 BBL or major fraction thereof.

105.6.51 Educational occupancy. An operational permit is required to operate any occupancy classified as E and E-Daycare in all commercial properties. Also in residential properties with more than 8 children.

105.6.52 Flammable and combustible liquids. Outside above ground storage of flammable and combustible liquids, more than 60 gallons, for each 6,000 gallons or major fraction thereof.

105.6.53 General use permit. An operational permit is required to maintain, store, use or handle materials, or to conduct processes which may produce conditions hazardous to life or property, or to install equipment used in connection with such processes, or to carry on any activity which in the opinion of the Fire Code Official may be hazardous to life and property and which is not specifically covered by Section 105.6.

105.6.54 High-rise. An operational permit is required to operate any high-rise structure.

105.6.55 Hot air balloon. An operational permit is required to launch any hot air balloon which has its lifting power provided by an open flame device. A plan shall be submitted for approval showing distances from buildings and other possible hazards, as determined by the Fire Code Official, before the permit is issued.

105.6.56 Institutional occupancy. An operational permit is required to operate any occupancy with over 6 occupants classified as an I-1, I-2, I-3 or any R occupancy providing care.

105.6.57 Marine service station. An operational permit is required to operate a marine service station.

105.6.58 Radioactive material. An operational permit is required to store or handle radioactive materials.

105.6.59 Recreational fire. An operational permit is required for a recreational fire.

105.6.60 Residential occupancy. An operational permit is required to operate a residential occupancy with three or more units.

Exception. High-rise. See Section 105.6.55.

105.6.61 Rifle range. An operational permit is required to operate a rifle range.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.170 - CFC Chapter 1, Section 105.6.14—Explosives.

Section 105.6.14 Exception, of Chapter 1 of the California Fire Code is amended by replacing "Section 5606" with "Chapter 56".

(ORD-13-0024, § 1(exh. A), 2013)

18.48.180 - CFC Chapter 1, Section 105.7—Required construction permits.

Section 105.7 of Chapter 1 of the California Fire Code is amended to read:

105.7 Required construction and inspection permits. The Fire Code Official is authorized to issue construction and inspection permits for work as set forth in Chapter 1, Sections 105.7.1 through 105.7.21.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.190 - CFC Chapter 1, Section 105.7—Required construction and inspection permits.

Section 105.7 of Chapter 1 of the California Fire Code is amended by the addition of Sections 105.7.17 through 105.7.23 to read:

105.7.17 Buildings and structures. An inspection permit is required to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure.

105.7.18 Automatic sprinkler systems. A construction permit is required for the installation or modification of an automatic sprinkler system, including all interior and exterior piping, valves, or appurtenances. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.19 Smoke control system. An inspection permit is required for the installation or modification of a smoke control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.7.20 Fire Department emergency access and building emergency egress. A construction permit is required for the construction or modification of a Fire Department emergency access and building emergency egress.

105.7.21 High piled storage. A construction permit is required for the construction or modification of a high piled storage area inside, or outside of any building or structure.

105.7.22 Hazardous materials, when not in "H" occupancies. A construction permit is required for the installation or modification of a hazardous material, when not in "H" Occupancies.

105.7.23 Special systems. A construction permit is required for the construction or modification of vapor recovery systems, dust collection systems, compressed or liquefied gas manifolds, and other special systems requiring Fire Department approvals.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.200 - CFC Chapter 1, Section 107.5—Overcrowding.

Section 107.5 of Chapter 1 of the California Fire Code is amended by the addition of Section 107.5.1 to read:

107.5.1 Occupant count. The supervisor of each place of assembly shall have an effective system to keep count of the number of occupants present in the assembly area. If at any time, the Fire Code Official determines that an accurate count of occupants is not being maintained, the occupancy shall be cleared until an accurate count can be made.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.210 - CFC Chapter 1, Section 109.4—Violation penalties.

Section 109.4 of Chapter 1 of the California Fire Code is amended to read:

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under the provisions of this code, or who enters a building that has been declared "unsafe" and ordered "evacuated", shall be guilty of a misdemeanor.

A person is guilty of a separate offense each day during which he or she commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to, this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.220 - CFC Chapter 1, Section 111.4—Failure to comply.

Section 111.4 of Chapter 1 of the California Fire Code is amended to read:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

A person is guilty of a separate offense each day during which he or she commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to, this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.230 - CFC Chapter 1, Section 113.2—Fees.

Section 113 of Chapter 1 of the California Fire Code is amended by the addition of Sections 113.6, 113.7 and 113.8 to read:

113.6 Operational permit fees. The fee set forth and established for the particular activity by a resolution of the City Council shall accompany all operational permits required pursuant to the provisions of this code.

113.7 Construction and inspection permit fees. Construction and inspection permit fees shall be paid at the time of the permit issuance. In addition to the permit fee, the applicant shall pay a plan check fee. The fee set forth and established for the particular activity by a resolution of the City Council shall accompany all construction and inspection permits required pursuant to the provisions of this code.

113.8 Reinspection fee. When the Fire Code Official or his representative arrives at an occupancy to inspect for compliance with a written order or notice and is prevented from making the inspection due to inaccessibility of the area, or finds that compliance with the written order has not been made or other circumstances, or when an inspection is scheduled for operational or construction permits and the permittee is not ready for inspection and does not inform the Fire Code Official or his representative two hours prior to the scheduled inspection, a reinspection fee may be assessed.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.240 - CFC Chapter 1—Administration.

Chapter 1 of the California Fire Code is amended by the addition of Section 114 to read:

SECTION 114—RESPONSIBILITY

114.1 Responsibility for costs. Persons who personally or through another willfully, negligently, or in violation of law set a fire, allow a fire to be set, allow a fire kindled or attended by them to escape from their control, allow any hazardous materials to escape from their control, neglect to properly comply with any written notice of the Fire Code Official, or willfully or negligently allow the continuation of a violation of this code and amendments thereto are liable for the expenses of fighting the fire, for the expenses of any investigation, or for the expenses incurred during a hazardous materials incident. Such expenses shall be a charge against that person. Such charge shall constitute a debt of such person, and is collectible by the City in the same manner as in the case of an obligation under a contract, expressed or implied and a lien may be attached to the involved property.

114.2 Reporting injuries caused by fires. Any person, firm, corporation, or agency that maintains a hospital, pharmacy, or any other medical or first aid service shall immediately report to the Fire Code Official any person suffering from any fire-related injury. The report shall be made both by telephone and in writing, and shall include the name and address of the injured person, the person's whereabouts, and the character and extent of the person's injuries.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.250 - CFC Chapter 2, Section 202—General definitions.

Section 202 of Chapter 2 of the California Fire Code high-rise structure definition, Subsection 2 is amended to read:

"High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than seventy-five (75) feet above the lowest floor level having building access (see California Building Code, Section 403) or the lowest level of Fire Department vehicle access, whichever is more restrictive, except buildings used as hospitals as defined in Section 1250 of the California Health and Safety Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.260 - CFC Chapter 2, Section 202—General definitions.

Section 202 of Chapter 2 of the California Fire Code is amended by revising the following definitions to read:

Fire Chief. The chief officer of the fire department serving the jurisdiction.

Fire Code Official. The fire marshal or his or her designated representatives.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.270 - CFC Chapter 2, Section 202—General definitions.

Section 202 of Chapter 2 of the California Fire Code is amended by adding the following definitions to read:

Boat Yard. A facility for construction, repair, storage, launching, berthing, and fueling of small craft.

Small Craft. Vessels under sixty-five (65) feet in length.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.280 - CFC Chapter 3, Section 304.1—Waste accumulation prohibited.

Section 304.1 of Chapter 3 of the California Fire Code is amended by the addition of Section 304.1.4 to read:

304.1.4 Alleys to be kept clean. It shall be unlawful for any person owning or occupying or having possession or control of any property bordering on any public alley in the City to fail, refuse or neglect to keep the portion of such alley between the center line of the alley and the property line of such property free from garbage, debris, rubbish, combustible materials, flammable liquids, hazardous materials and other obstructions.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.290 - CFC Chapter 3, Section 307.1.1—Prohibited open burning.

Section 307.1.1 of Chapter 3 of the California Fire Code is amended to read:

307.1.1 Prohibited open burning. Open burning shall be conducted in accordance with Section 307 and as required by other governing agencies regulating emissions. No person shall conduct open burning for any purposes except:

1. When such fire is set or permission for such fire is given in the performance of the official duty of any Public Safety Officer, and the fire in the opinion of such officer is necessary for the purpose of the prevention of a fire hazard which cannot be abated by any other means or for the purpose of the instruction of public employees in the methods of fighting fire.
2. When such fire is set on property used for industrial or institutional purposes to instruct employees in methods of fighting fire.
3. The Fire Code Official has issued an open burning permit allowing open burning for a specific purpose.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.300 - CFC Chapter 3, Section 307.4.2—General.

Section 307.4.2 of Chapter 3 of the California Fire Code is amended by the addition of Section 307.4.2.1 to read:

307.4.2.1 General. Recreational fires shall be in accordance with Section 307. Recreational fires shall not be conducted unless the Fire Code Official has issued a permit permitting such fires. For recreational fires this permit shall be issued without cost.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.310 - CFC Chapter 3, Section 312.2—Posts.

Section 312.2 of Chapter 3 of the California Fire Code is amended by the revision of Subsection (4) and the addition of Subsections (6) and (7) to read:

- (4) Set the top of the posts not less than 4 feet above ground.
- (6) Where heavy truck traffic is anticipated guard posts shall be a minimum of 6 inches in diameter, or as required by the Fire Code Official, concrete filled, located not less than 5 feet from the protected object, and have the tops of the posts not less than 4 feet above ground.

(7) Guard posts shall be painted safety yellow.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.320 - CFC Chapter 4, Section 403—Public Assemblages and Events.

Section 403 of Chapter 4 of the California Fire Code is amended by the addition of Section 403.4 to read:

403.4 Fire safety officer. When in the opinion of the Fire Code Official a place of assembly or any other place where people congregate, because of the number of persons, or nature of performance, exhibition, display, contest or activity or any other type of activity the Fire Code Official determines it is essential for public safety, the owner, agent, lessee or responsible party shall pay for Long Beach Fire Department Fire Safety Officers to be present.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.330 - CFC Chapter 5, Section 503.2.1—Dimensions.

Section 503.2.1 of Chapter 5 of the California Fire Code is amended to read:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 26 feet, and an unobstructed vertical clearance of 15 feet.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.340 - CFC Chapter 5, Section 503.2.4—Turning radius.

Section 503.2.4 of Chapter 5 of the California Fire Code is amended to read:

503.2.4 Turning radius. Fire apparatus access roads shall have a minimum inside turning radius of 28 feet.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.350 - CFC Chapter 5, Section 505.1—Address numbers.

Section 505.1 of Chapter 5 of the California Fire Code is amended by the addition of Sections 505.1.1 and 505.1.2 to read:

505.1.1 Rear address numbers. All buildings on the property of the Long Beach Airport, and all multi-tenant buildings within the City, shall be provided with address numbers and/or suite numbers on the rear doors to each tenant space.

505.1.2 Address illumination. Address numbers on the street or road frontage of the building, shall be internally or externally illuminated. In addition, buildings on the Long Beach Airport property shall have the rear address numbers internally or externally illuminated, in addition to the street or road frontage addresses.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.360 - CFC Chapter 5, Section 506.1—Where required.

Section 506.1 of Chapter 5 of the California Fire Code is amended by the addition of Sections 506.1.3 and 506.1.4 to read:

506.1.3 Identification. When required, keys shall be clearly tagged as to the area and/or location they serve and a minimum of three separate sets shall be located within the key box.

506.1.4 Gates. Vehicular or pedestrian gates obstructing required fire access shall be provided with locking devices and/or over-ride mechanisms, which have been approved by the Fire Code Official of the City of Long Beach.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.370 - CFC Chapter 5—Fire Service Features.

Chapter 5 of the California Fire Code is amended by the addition of Section 511 to read:

SECTION 511—EMERGENCY HELICOPTER LANDING FACILITY

511.1 General. Each high-rise building shall have an emergency helicopter landing facility located on the roof of the building in an area approved by the Fire Department. The landing facility shall be for emergency operations only and installed in accordance with Section 511.

511.2 Approaches. A landing glide slope angle determined by a ratio of eight feet horizontal distance for every one foot of vertical clearance is required. Two such approaches shall be available at least ninety degrees removed from each other.

511.3 Landing and takeoff area. A clear, unobstructed landing and takeoff area is required with a minimum dimension of one hundred feet by one hundred feet and a touchdown area having a minimum dimension of fifty feet by fifty feet.

511.4 Roof perimeter. If the roof has no parapet wall, a substantial fence or safety net shall be provided around the perimeter of the roof in such a manner that it will not restrict or reduce the required landing and takeoff area.

511.5 Wind device. An approved wind-indicating device shall be provided.

511.6 Standpipe. A Class II wet standpipe shall be provided and located in such a manner that it will not restrict or reduce the required landing and takeoff area.

511.7 Marking. The rooftop shall be marked by an emergency marker as required by the Fire Code Official.

511.8 Communication system. An extension of the building's emergency communication system shall extend to the roof, and shall consist of a head set and microphone in a cabinet.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.380 - CFC Chapter 9, Section 901.4—General.

Section 901.4 of Chapter 9 of the California Fire Code is amended by the addition of Section 901.4.5 to read:

901.4.5 Protection of fire protection systems and equipment. Fire protection systems and equipment subject to possible vehicular damage shall be adequately protected with guard posts in accordance with Section 312 Vehicle Impact Protection, and modifications adopted under this code.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.390 - CFC Chapter 9, Section 901.4.2—Nonrequired fire protection systems.

Section 901.4.2 of Chapter 9 of the California Fire Code is amended to read:

901.4.2 Nonrequired fire protection systems. Any fire protection system not required by this code or the California Building Code shall be furnished for complete protection and meet all requirements of this code and the California Building Code.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.400 - CFC Chapter 9, Section 901.4.3—Fire areas.

Section 901.4.3 of Chapter 9 of the California Fire Code is amended to read:

901.4.3 Fire areas. The total fire area of buildings for this section shall be computed without regard to fire barriers and floors of less than four-hour fire-resistive construction without openings.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.410 - CFC Chapter 9, Section 903.1—General.

Section 903.1 of Chapter 9 of the California Fire Code is amended by the addition of Sections 903.1.2 through 903.1.4 to read:

903.1.2 Control valves. Fire Sprinkler system control valves shall be located within stairway number 1, and at the discretion of the Fire Code Official, shall be provided on all levels of buildings above or below grade.

903.1.3 Existing buildings. An automatic sprinkler system shall be installed in all existing occupancies as required by this section, if any of the following occurs:

1. There is a change in occupancy classification to one that would require an automatic sprinkler system per the Fire Code in the new occupancy.
2. The Fire Code Official determines that an automatic sprinkler system is required to provide a minimum level of public safety.

903.1.4 Partial automatic sprinkler systems. Partial automatic sprinkler systems are not allowed. Where automatic sprinkler systems are required to be installed by this section, or by any other sections in this code, or any nationally recognized standards, or are electively installed, the automatic sprinkler system shall be installed throughout the entire building, unless a four-hour fire-resistive constructed wall, with no openings, separates the areas.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.420 - CFC Chapter 9, Section 903.2—Where required.

Section 903.2 of Chapter 9 of the California Fire Code is amended by the addition of the following paragraph to read:

All new commercial, industrial and nonresidential buildings that require two or more exits or that are greater than 3,000 sq. ft. shall be protected by an automatic sprinkler system. This shall not apply to existing buildings.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.430 - CFC Chapter 9, Section 903.2.8—Group R.

Section 903.2.8 of Chapter 9 of the California Fire Code is amended by the addition of the following paragraphs to read:

All new multi-family (3 or more units) residential, hotels, motels and similar buildings shall be protected by an automatic sprinkler system.

All new single-family dwellings and duplexes greater than 4,000 sq. ft., or more than two-stories in height shall be protected by an automatic sprinkler system.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.440 - CFC Chapter 9, Section 903.3.5—Water supplies.

Section 903.3.5 of Chapter 9 of the California Fire Code is amended by the addition of Section 903.3.5.3 to read:

903.3.5.3 Hydraulic calculations margin. Fire protection system hydraulic calculations shall include a 10 percent safety margin between the available water supply and the required system supply.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.450 - CFC Chapter 9, Section 903.4—Sprinkler system supervision and alarms.

Section 903.4 of Chapter 9 of the California Fire Code is amended by the addition of Section 903.4.4 to read:

903.4.4 Remote annunciator. A remote annunciator shall be provided at the main entrance, the first suite in a multi suite building, or in a location as approved by the fire code official. The remote annunciator shall have the capability to silence and reset the system via a key located in the Knox box, or other approved means.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.460 - CFC Chapter 9, Section 903.4.1—Monitoring.

Section 903.4.1 of Chapter 9 of the California Fire Code is amended by the addition of Section 903.4.1.1 to read:

903.4.1.1 Signal reporting. All signals when automatically transmitted to the facilities noted in 903.4.1 and to the remote annunciator shall be transmitted with each devices specific location, type and address.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.470 - CFC Chapter 9, Section 903.4.2—Alarms.

Section 903.4.2 of Chapter 9 of the California Fire Code is amended by the addition of the following sentence to read:

The exterior alarm device shall be a horn and strobe device, located on the address side of the building, closest to the location of the fire department connection.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.480 - CFC Chapter 9, Section 903.4.2—Alarms.

Section 903.4.2 of Chapter 9 of the California Fire Code is amended by the addition of Sections 903.4.2.1 and 903.4.2.2 to read:

903.4.2.1 Alarms. At least one (1) additional horn and strobe device is required on the interior of a building at the main entrance or in a location as approved by the fire code official.

903.4.2.2 Manual pull station. At least one (1) manual pull station is required on the interior of a building at the main entrance or in a location as approved by the fire code official.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.490 - CFC Chapter 9, Section 905.1—General.

Section 905.1 of Chapter 9 of the California Fire Code is amended by the addition of Section 905.1.1 to read:

905.1.1 Design. All standpipe systems, except Class II systems, shall be designed to deliver a minimum of 125 psi at the discharge of all standpipe outlets.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.500 - CFC Chapter 9, Section 905.4 (1)—Location of Class I standpipe hose connection.

Section 905.4 (1) of Chapter 9 of the California Fire Code is amended to read:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connection shall be located at the floor landing of each floor, unless otherwise approved by the fire code official. See Section 909.20.3.2 for additional provisions in smokeroof enclosures.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.510 - CFC Chapter 9, Section 907.1—General.

Section 907.1 of Chapter 9 of the California Fire Code is amended by the addition of Sections 907.1.6, 907.1.7 and 907.1.9 to read:

907.1.6 Voluntary. Any fire alarm system not required by this code or the California Building Code shall be furnished for complete protection and meet all requirements of this code and the California Building Code, unless approved by the fire code official.

907.1.7 Evacuation. Buildings over 3 stories may be required to provide building evacuation based on the floor of alarm, the floor above and the floor below, in lieu of a general alarm, at the discretion of the Fire Code Official.

907.1.8 Control panels. Fire alarm system control panels, including sprinkler monitoring panels, shall be utilized for connecting and supervising fire alarm and/or fire related equipment only. Security or similar devices shall not be connected to a fire alarm or sprinkler monitoring control panel. The use of control panels capable of this feature is subject to the following:

1. The owner of the facility where the panel is being installed shall provide an original letter, on company letterhead, to the Long Beach Fire Department stating that not now, nor in the future, will security or similar equipment be connected to the fire alarm or sprinkler monitoring control panel.

2. New and/or existing control panels installed after the adoption of this ordinance found to be in violation of this requirement shall be subject to corrective action, as determined by the Fire Code Official.

907.1.9 Remote annunciator. A remote annunciator shall be provided at the main entrance, the first suite in a multi suite building, or in a location as approved by the fire code official. The remote annunciator shall have the capability to silence and reset the system via a key located in the Knox box, or other approved means.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.520 - CFC Chapter 9, Section 907.3.1—Duct smoke detectors.

Section 907.3.1 of Chapter 9 of the California Fire Code is amended to read:

907.3.1 Duct smoke detectors. Smoke detectors installed in ducts shall be listed for the air velocity, temperature and humidity present in the duct. Duct smoke detectors shall be connected to the building's fire alarm system or sprinkler monitoring system, when one is installed. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a constantly attended location and shall perform the intended fire safety function in accordance with this code and the California Mechanical Code. Duct smoke detectors shall not be used as a substitute for required open area detection.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.530 - CFC Chapter 9, Section 907.3.1 Exception 2—Duct smoke detectors.

Section 907.3.1 Exception 2 of Chapter 9 of the California Fire Code is amended to read:

2. In occupancies not required to be equipped with a fire alarm or sprinkler monitoring system, actuation of a duct smoke detector shall activate a visible and audible signal in an approved location. Duct smoke detector trouble condition shall activate a visible or audible signal in an approved location and shall be identified as an air duct detector trouble.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.540 - CFC Chapter 9, Section 907—Fire alarm and detection systems.

Section 907 of Chapter 9 of the California Fire Code is amended by the addition of Sections 907.10 and 907.10.1 to read:

907.10 Fire alarm upgrade. All existing multi-family residential, hotels, motels and high-rise buildings shall upgrade the existing fire alarm system to current code, at the time of replacement of the existing non-functioning fire alarm control panel.

907.10.1 Firefighter smoke removal system. A natural or mechanical Fire Department approved ventilation system for the removal of products of combustion shall be provided above and below grade on every level, at the discretion of the Fire Code Official, and shall consist of one of the following:

1. Panels or windows in the exterior walls which can be opened remotely from an approved location other than the fire floor. Such venting facilities shall be provided at the rate of twenty square feet per lineal feet of exterior wall in each story and shall be distributed around the perimeter at not more than fifty-foot intervals. Such windows or panels and their controls shall be clearly identified. Exception: When a complete automatic fire extinguishing system is installed, windows

or panels manually openable from within the fire floor or approved fixed tempered glass may be used in lieu of the remotely operated openable panels and windows. Such windows shall be clearly identified and shall be of the size and spacing called for above.

2. When a complete and approved automatic fire extinguishing system is installed, the mechanical air-handling equipment may be designed to accomplish smoke removal. Under fire conditions, the return and exhaust air shall be moved directly to the outside without recirculation to other sections of the building. The air-handling system shall provide a minimum of one exhaust air change each ten minutes for the area involved.
3. The firefighter smoke exhaust panel shall be located at the main entrance to the building or as required by the Fire Code Official, and shall be permanently labeled "Fire Department Smoke Evacuation Use Only".
4. Any other design which will produce equivalent results as approved by the Fire Code Official.
5. Operation shall be by use of Knox key switch.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.550 - CFC Chapter 9, Section 910.3.2.2—Sprinklered buildings.

Section 910.3.2.2 of Chapter 9 of the California Fire Code is amended by the addition of the following sentence to read:

Smoke and heat vents fusible links shall be designed at a minimum of 100 degrees above the temperature rating of the fire sprinklers.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.560 - CFC Chapter 9, Section 912.1—Installation.

Section 912.1 of Chapter 9 of the California Fire Code is amended by the addition of Section 912.1.1 to read:

912.1.1 Design. Fire Department connections, where required, shall be provided with a minimum number of two (2) 2-½ inch inlets, regardless of the size of the fire sprinkler system. Where fire protection system demands are in excess of 1,000 gpm a minimum of four (4) 2-½ inch inlets shall be provided.

Hazardous locations, high-rise buildings or where fire protection system demands are in excess of 2,000 gpm, a second fire Department connection utilizing four (4) 2-½ inch inlets may be required at the discretion of the Fire Code Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.570 - CFC Chapter 9, Section 912.2.1—Visible location.

Section 912.2.1 of Chapter 9 of the California Fire Code is amended by the addition of the following paragraph to read:

Fire Department connections shall be located on the address side of the building or structure and shall be within 150 feet of a public fire hydrant.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.580 - CFC Chapter 9, Section 912.3—Access.

Section 912.3 of Chapter 9 of the California Fire Code is amended by the addition of the following paragraph to read:

Fire Department connections, where located in landscaping or other similar areas, shall be provided with a minimum 3-foot concrete pad around the Fire Department connection, and an approved concrete pathway leading to the Fire Department connection.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.590 - CFC Chapter 10, Section 1003—General means of egress.

Section 1003 of Chapter 10 of the California Fire Code is amended by the addition of Section 1003.8 to read:

1003.8 Protection of means of egress. When the Fire Code Official determines that means of egress require protection from possible vehicular damage, crash posts shall be installed in accordance with Section 312 Vehicle Impact Protection.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.600 - CFC Chapter 10, Section 1009.16—Stairway to roof.

Section 1009.16 of Chapter 10 of the California Fire Code is amended to read:

1009.16 Stairway to roof. In buildings located four or more stories in height above grade plane, one stairway shall extend to the roof surface, unless the roof has a slope steeper than four units vertical in 12 units horizontal (33-percent slope).

(ORD-13-0024, § 1(exh. A), 2013)

18.48.610 - CFC Chapter 10, Section 1009.16—Stairway to roof.

Section 1009.16 of Chapter 10 of the California Fire Code is amended by addition of Section 1009.16.1.1 to read:

1009.16.1.1 Ladder. A fixed ladder shall be provided for access to the hatch or trap door.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.620 - CFC Chapter 10, Section 1009.16—Stairway to roof.

Section 1009.16 of Chapter 10 of the California Fire Code is amended by the addition of Section 1009.16.1.2 to read:

1009.16.1.2 Stairway 1. When a stairway to the roof is required it shall be designated Stairway 1.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.630 - CFC Chapter 10, Section 1028.12—Seat stability.

Section 1028.12 of Chapter 10 of the California Fire Code is amended by the addition of the following paragraph to read:

This does not apply to temporary situations, such as, tents or temporary public assemblies.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.640 - CFC Chapter 23, Section 2303.1.1—Protection of dispensing devices.

Section 2303.1.1 of Chapter 23 of the California Fire Code is amended by the addition of the following paragraph to read:

Dispensing devices shall be protected against physical damage from vehicles by mounting on a concrete island 6 inches or more in height or by other approved methods.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.650 - CFC Chapter 23, Section 2306.7.9.2—Vapor processing system.

Section 2306.7.9.2 of Chapter 23 of the California Fire Code is amended by the addition of Sections 2306.7.9.2.5 through 2306.7.9.2.10 to read:

2306.7.9.2.5 Component design. If a component is likely to contain a flammable vapor/air mixture under operating conditions and can fail in a manner, which could ignite the mixture, the component shall be designed to withstand an internal explosion without failure to the outside and protected to prevent flame propagation to other parts of the system.

2306.7.9.2.6 Fire checks. Approved fire checks or other positive means of automatic isolation of underground storage tanks shall be installed in vapor-return piping to prevent a flashback from reaching the underground tanks. Such devices also shall be installed in all vapor/air piping as close as practical to each burner or group of burners in a vapor incineration unit, and in all vapor-transfer piping as close as practical to refrigeration, absorption or similar types of processing equipment.

2306.7.9.2.7 Vent termination. Vents from vapor-processing units shall not be less than 12 feet above adjacent ground level and not less than 8 feet above the processing unit itself. Vent outlets shall be directed and located such that flammable vapors will not accumulate, travel to an unsafe location or enter buildings.

2306.7.9.2.8 Electrical equipment. Electrical equipment shall be in accordance with the California Electrical Code.

2306.7.9.2.9 Site control. Fences, bumper posts or other control measures shall be provided where necessary to protect from tampering, trespassing and vehicle traffic. The area within 15 feet of the installed vapor-processing unit shall be kept clear of combustible materials.

2306.7.9.2.10 Maintenance, tests and inspection. Vapor-recovery and vapor-processing equipment shall be subject to periodic maintenance, tests and inspections. Maintenance, tests and inspections set forth in the listing document, or other tests required by the Fire Code Official, shall be the responsibility of the owner or occupant of the premises on which such equipment is located.

Maintenance on vapor-recovery system or vapor-processing equipment shall be performed by the manufacturer of the affected equipment, or an equally qualified person. Written records of maintenance, tests, inspections and the results and recommendations shall be maintained on the premises where the equipment is located, and shall be made available to the Fire Code Official on request.

Incidents involving leaks, fires, explosions, overheating or requiring shutting down equipment, other than for routine maintenance or tests, shall be immediately reported to the Fire Department.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.660 - CFC Chapter 35—Welding and other hot work.

Chapter 35 of the California Fire Code is amended by the addition of Sections 3510 and 3511 to read:

SECTION 3510 - WELDING AND CUTTING ABOARD VESSELS

3510.1 General. No person shall perform any welding or cutting operations aboard any vessel moored or anchored in the waterfront facilities under the jurisdiction of the Long Beach Harbor Department without first complying with the regulations of the Port of Long Beach Tariff and notifying the Fire Department.

3510.2 Conditions. No person shall perform any welding or cutting operations aboard any vessel moored, anchored or in drydock or on any waterfront facility within the corporate limits of the City, which are not included and regulated in Section 3510.1 above, at any yacht moorage, shipyard, boat landing or marina without first notifying and receiving permission from the proper authority as hereinafter defined:

1. Proper authority for a yacht moorage, shipyard, boat landing or marina shall mean the manager or owner. Prior to giving permission to do welding or cutting, a permit shall be obtained from the Fire Department.
2. Proper authority for any area not covered in (1) shall be the Fire Code Official.

3510.3 Special hazards. Welding or cutting shall be prohibited aboard any vessel in congested moorage, except as approved by the Fire Code Official or in an approved shipyard site where adequate fire protection, as approved by the Fire Code Official, is provided. Vessels shall be located in such a manner as to facilitate their quick removal in case of fire or other emergency. If an unusual hazard exists which endangers life or property, the Fire Code Official may require sufficient and competent personnel to be immediately available to move the vessel in the event of an emergency.

3510.4 Access. Brows, gangways, ladders or other facilities shall be provided for prompt and easy access to a vessel upon which welding or cutting is being conducted. A Jacobs ladder or other suitable equipment may be required to be rigged on the offshore side in such a manner that it can be immediately lowered for a boarding party in the event of an emergency.

3510.5 Prohibitions. Welding and cutting prohibited:

1. Within two hundred feet of any vessel or any transfer apparatus on any waterfront facility while transferring any liquefied petroleum gas, liquefied natural gas, or flammable liquid between such vessel and/or waterfront facility.
2. Within one hundred feet of any vessel or any transfer apparatus on any waterfront facility while transferring any combustible liquid between such vessel and/or waterfront facility.

3510.6 Dangerous conditions. At any time the General Manager of the Port, the Director of the Marine Division, or their authorized assistants, the Master of the vessel, the Fire Code Official, or any other responsible person is aware of a dangerous condition existing during welding or cutting operations, he/she shall immediately cause such operations to be discontinued. Operations shall not be resumed until the danger is abated, and the Fire Department is satisfied that appropriate safety levels are being provided.

3510.7 Cylinder locations. Compressed gas and liquefied petroleum gas cylinders when being used aboard a vessel shall not be placed below decks or under overhanging decks except by permission of the Fire Code Official.

3510.8 Acetylene generators. The use of acetylene generators on vessels or waterfront facilities is prohibited.

3510.9 National standards. All welding and cutting operations covered by this section shall also comply with the requirements of other applicable sections of these regulations and with N.F.P.A. No. 303, "Fire Protection Standard for Marinas and Boatyards."

SECTION 3511 - TESTS AND RECORDS REQUIRED

3511.1 General. Wherever tests are required to determine the safety of welding and cutting operations, records shall be maintained to the satisfaction of the Fire Code Official. Additional tests and inspections shall be required to insure that safe conditions are maintained and to determine that welding or cutting operations may be conducted with safety under the following conditions:

1. If the work has been delayed for a prolonged period of time.
2. When transfer of ballast or manipulation of valves or closure equipment tends to alter conditions in pipelines, tanks or compartments subject to gas accumulation.
3. If there is removal or disturbance of hatches or separations from adjoining compartments aboard vessels.
4. If vessels or containers are moved from one area to another.

3511.2 Hazardous conditions. If at any time conditions become hazardous, the person making the test or inspection shall immediately notify the responsible person of the hazard. The responsible person shall immediately cause all operations to stop and remain stopped until the hazard is abated, and the Fire Department is satisfied that appropriate safety levels are being provided.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.670 - CFC Chapter 36, Section 3604—Fire protection equipment.

Section 3604 of Chapter 36 of the California Fire Code is amended by the addition of Section 3604.7 to read:

3604.7 Cabinets. Cabinets for the protection of fire protection equipment shall be of non-corrosive materials.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.680 - CFC Chapter 48, Section 4807.1—Fire safety officers.

Section 4807.1 of Chapter 48 of the California Fire Code is amended to read:

4807.1 Where permits are required by the fire code, a requirement for standby fire safety officers shall be determined by the fire code official on a case-by-case basis.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.690 - CFC Chapter 56, Section 5601—General.

Section 5601 of Chapter 56 of the California Fire Code is amended by the addition of Sections 5601.2 and 5601.3 to read:

5601.2 Financial responsibility. Before a permit required by Chapter 1, Section 105.6.14 or 105.6.36 is issued, the permittee shall file with the Fire Code Official a certificate of insurance issued by an insurance company authorized to transact business in the State of California. Such certificate shall certify that the operations under the permit are covered by the policy. The insurance coverage shall not be less than One Million Dollars for injury or death of one person, One Million Dollars for injury or death to more than one person and One Million Dollars for damage to property in any one occurrence. Should the Fire Code Official decide that the activities of the permittee should be supervised by employees of the Fire Department, then the permittee shall furnish to the Fire Code Official the original or certified copy of the policy of insurance in the amounts above provided. The City of Long Beach, its officers, agents, employees and volunteers shall be named parties insured under said policy insofar as the activities of such officers and employees pertain to operations of permittee under the permit. The policy of insurance shall be approved by Risk Management as to sufficiency and the City Attorney as to form. Upon approval, the policy of insurance will be returned if permittee files a certificate of insurance issued by the insurance carrier. No insurance will be required if the permittee is a public agency.

5601.3 Qualifications. The handling and firing of explosives shall be performed only by authorized pyrotechnicians licensed by the State of California, or by employees who are at least 18 years of age under the direct personal supervision of the authorized blaster.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.700 - CFC Chapter 56, Section 5608—Fireworks Display.

Section 5608 of Chapter 56 of the California Fire Code is amended by the addition of Sections 5608.2, 5608.3 and 5608.4 to read:

5608.2 Prohibition. Except as hereinafter provided, it shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail, or use or explode any fireworks, provided that the Fire Code Official shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the Fire Code Official and shall be of such character and so located, discharged or fired so as, in the opinion of the Fire Code Official after proper investigation, not to be hazardous to property or to endanger any person.

5608.3 Financial responsibility. Before a permit required by Chapter 1, Section 105.6.14 is issued, the permittee shall file with the Fire Code Official a certificate of insurance issued by an insurance company authorized to transact business in the State of California. Such certificate shall certify that the operations under the permit are covered by the policy. The insurance coverage shall not be less than One Million Dollars for injury or death of one person, One Million Dollars for injury or death to more than one person and One Million Dollars for damage to property in any one occurrence. Should the Fire Code Official decide that the activities of the permittee should be supervised by employees of the Fire Department, then the permittee shall furnish to the Fire Code Official the original or certified copy of the policy of insurance in the amounts above provided. The City of Long Beach, its officers, agents, employees and volunteers shall be named parties insured under said policy insofar as the activities of such officers and

employees pertain to operations of permittee under the permit. The policy of insurance shall be approved by Risk Management as to sufficiency and the City Attorney as to form. Upon approval, the policy of insurance will be returned if permittee files a certificate of insurance issued by the insurance carrier. No insurance will be required if the permittee is a public agency.

5608.4 Qualifications. The handling and firing of explosives shall be performed only by authorized pyrotechnicians licensed by the State of California, or by employees who are at least 18 years of age under the direct personal supervision of the authorized blaster.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.710 - CFC Chapter 57, Section 5704.2.11.3—Depth and cover.

Section 5704.2.11.3 of Chapter 57 of the California Fire Code is amended to read:

5704.2.11.3 Depth and cover. Excavation for underground storage tanks shall be made with due care to avoid undermining of foundations of existing structures. Underground tanks shall be set on firm foundations and surrounded with at least 6 inches of noncorrosive inert material such as clean sand or gravel well tamped in place or in accordance with the manufacturer's installation instructions. Tanks shall be covered with a minimum of 2 feet of earth or shall be covered by not less than 1 foot of earth, on top of which shall be placed a slab of reinforced concrete not less than 4 inches thick.

When underground tanks are, or are likely to be, subject to traffic, they shall be protected against damage from vehicles passing over them by at least 3 feet of earth cover, or 18 inches of well tamped earth plus 6 inches of reinforced concrete, or 8 inches of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least 1 foot horizontally beyond the outline of the tank in all directions.

For tanks built in accordance with Sections 3404.2.7 the burial depth and the height of the vent line shall be such that the static head imposed at the bottom of the tank will not exceed 10 psig if the fill or vent pipe is filled with liquid.

If the depth of cover exceeds 7 feet or the manufacturer's specifications, reinforcements shall be provided in accordance with the tank manufacturer's recommendations.

Nonmetallic underground tanks shall be installed in accordance with the manufacturer's instructions. The minimum depth of cover shall be as specified above.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.720 - CFC Chapter 57, Section 5705.3.5.2—Occupancy quantity limits.

Section 5705.3.5.2 of Chapter 57 of the California Fire Code is amended by the addition of the following paragraph to Subsection 7, Group R Occupancies, to read:

In dwellings and apartment houses containing not more than three dwelling units and accompanying attached or detached garages, storage other than fuel oil is prohibited, except that which is required for maintenance or equipment operation which shall not exceed five gallons in non-sprinklered building or ten gallons in sprinklered occupancies. Containers shall be listed or approved for the specific product to be stored, and shall have an exterior label identifying the product in the container.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.730 - CFC Chapter 61, Section 6101—General.

Section 6101 of Chapter 61 of the California Fire Code is amended by the addition of Section 6101.4 to read:

6104.4 Inside storage or use. No liquefied petroleum gases of any type or mixture shall be permitted in any occupancy either for sale, use or storage without the approval of the Fire Code Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.740 - CFC Chapter 61, Section 6103.2.2—Industrial vehicles and floor maintenance machines.

Section 6103.2.2 of Chapter 61 of the California Fire Code is amended by the addition of Section 6103.2.2.1 to read:

6103.2.2.1 Portable cylinders. The use of portable cylinders of liquefied petroleum gas as motorized equipment fuel in occupancies is limited as follows: Liquefied petroleum gas fuel tanks on motorized equipment are limited to two per vehicle with a combined capacity not to exceed fifty pounds. Refilling or exchanging of tanks shall not be permitted within the occupancy and shall be permitted only in approved locations as determined by the Fire Code Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.750 - CFC Chapter 61, Section 6104.3—Container location.

Section 3804.3 of Chapter 38 of the California Fire Code is amended by the addition of Section 6104.3.3 to read:

6104.3.3 Tank orientation. Unless special protection is provided and approved by the Fire Code Official, containers of liquid petroleum gas shall be oriented so that their longitudinal axes do not point toward other liquid petroleum containers, vital process equipment, control rooms, loading stations, flammable liquid storage tanks or required fire access roads.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.760 - CFC Chapter 61, Section 6101.3—Construction documents.

Section 6101.3 of Chapter 61 of the California Fire Code is amended to read:

6101.3 Construction documents. The installer shall submit construction documents for any single or multi LP-gas container or system installation.

(ORD-13-0024, § 1(exh. A), 2013)

18.48.770 - CFC Appendix Chapter B, Section B105.2—Buildings other than one- and two-family dwellings.

Exception #1 for Section B105.2 of Appendix Chapter B of the California Fire Code is amended to read:

Exception #1: A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Sections 903.3.1.1 or 903.3.1.2. The resulting fire flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.60 - MOVING BUILDINGS

18.60.010 - Definitions.

The following terms, as used in this chapter, shall have the signification attached to them in this section unless otherwise clearly apparent from the context:

- A. "Building or structure" means and includes a structure or edifice which is more than ten (10) feet in width or more than twelve (12) feet in length, or which contains more than one hundred twenty (120) square feet of floor area.
- B. "Building and structure mover" is a person who undertakes or offers to undertake, or purports to have the capacity, to move a building or structure, or to do building or structure moving work.
- C. "Building or structure moving work" means and includes the moving of a "building or structure", as defined in Subsection 18.60.010.A, in any horizontal direction, and includes the shoring, raising, or lowering of a building or structure preparatory to the actual moving of the building or structure.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.020 - Permit—Required.

No person shall move a building or structure over, upon or along any street, or from a location on one lot to a location on another lot, or perform any part of such moving work unless the building or structure has first been examined and posted in the manner required in this chapter, and a permit in writing to do so for each and every separate moving operation has been applied for and obtained from the Building Official. However, any person fully complying with the provisions of this chapter may obtain a permit to move a building or structure to a location outside the City, or to a building or structure mover's yard for storage, or for the severance of a building or structure from real property pursuant to local, State or federal government requirements. In each such instance, no examination, posting or completion bond shall be required, such requirements being waived. However, all such requirements shall be fully complied with prior to the removal of each such building or structure from such storage yard or severance location to a location within the City limits. Nothing in this chapter shall be deemed applicable to the moving of a building or structure from one location on a lot to another location on the same lot. See Chapters 18.04 and 18.07.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.030 - Permit—Qualification for issuance.

No moving permit shall be issued to any person unless the applicant therefore holds a valid unrevoked State house and building moving, wrecking contractor's license, and has filed with the City a bond or a liability or indemnity policy of insurance as required by the City for a building or structure mover's license. The provisions of this section shall not, however, be deemed to prohibit any general contractor or owner of any building or structure from obtaining a permit to move such building or structure from one location on a lot or parcel to a different location on the same lot or parcel.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.040 - Permit—Terms and conditions of issuance.

No permit shall be issued to relocate any building or structure which is so constructed or in such condition as to be dangerous; or which is infested with pests or unsanitary; or which is unfit for human habitation, if it is to be so utilized; or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of five hundred (500) feet from the proposed site; or if it is determined that it is detrimental to the future development of the area; or if the proposed use is prohibited by Title 21 Zoning Regulations of this City; or if the building or structure is of a type prohibited at the proposed location by any other law or ordinance; provided, however, that if the condition of the building or structure, in the judgment of the Building Official, admits of practicable and effective repair, the permit may be issued upon condition as provided in this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.050 - Permits—Application—Examination of structure.

- A. Before a moving permit is issued, the person or persons proposing to do such work shall pay to the City the fees as required in Section 18.60.200 and shall complete an application form furnished by the Building Official and shall set forth such information thereon as the Building Official may reasonably require in order to carry out the purposes of this chapter. Said official shall then cause to be made an examination of the building or structure proposed to be moved, and the location to which it is proposed to move the same, if such location is within the City and if such examination is required by this chapter. The Building Official shall post the building in the manner specified in Section 18.60.070 and the date of this posting shall commence the seven (7) day period for the filing of a protest by the property owners within a radius of three hundred (300) feet of the relocation site as specified in this chapter.
- B. A separate application upon a form furnished by the Building Official must be filed and a separate permit obtained for the moving of each separate building or structure, or portion of a building or structure, except that neither posting, examination fee, nor separate permit will be required when a garage is moved with and under the same permit obtained for the moving of a single-family dwelling, provided the moving of the dwelling and garage is completed in one (1) moving operation and such garage and dwelling are to be located on one (1) parcel.
- C. The Building Official shall, in granting any moving permit, impose thereon such terms and conditions as it may deem reasonable and proper in accordance with the provisions of this chapter.
- D. The terms and conditions upon which each permit is granted shall be written upon the permit, or appended, in writing, thereto.
- E. In addition to the posting of the notice, the Building Official shall mail a copy of the notice to each person indicated upon the records of the County Assessor as being the owner of any property within a radius of three hundred (300) feet of the location to which the building or structure is to be moved.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.060 - Payment of permit fees.

- A. Every applicant for a moving permit shall, at the time of application therefore, pay to the City the required permit fees as set forth in Section 18.60.200, and shall complete a permit application upon a form furnished by the Building Official, and shall set forth upon the form the size of building or structure, by street and number, and by legal description of both locations, together with the specific route to be traversed by the building or structure in the process of being moved from one location to

another. Upon the same form the applicant shall make an affidavit that, in placing the building or structure in its new location, it shall not be in violation of any of the provisions of this chapter, any zoning regulations in Title 21 of the Long Beach Municipal Code, or other law or ordinance applicable to such building or structure.

- B. No moving permit shall authorize the moving of more than one (1) building or structure or more than one (1) section or portion of any building or structure, or when such building or structure to be moved is cut into two (2) or more sections or portions; except that one (1) moving permit only shall be required for the moving of a single-family dwelling and garage; provided, however, that neither the garage nor dwelling is cut into sections for the purpose of moving; and further provided, that the moving of the dwelling and garage is completed in one (1) moving operation.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.070 - Moving notice—Posting—Contents.

- A. The moving notices shall be posted by the Building Official and shall be placed conspicuously upon the front and upon the rear of the location to which it is proposed to move a building or structure, and upon the front of the building or structure proposed to be moved. Such notices shall be not less in size than eight (8) inches by ten (10) inches and shall bear, in letters not less than one and one-half (1.5) inches in height, the words "MOVING NOTICE". In addition, such notice shall contain the following information:

1. Name and owner of the building or structure after its relocation;
2. A brief description of the building or structure;
3. Address of the building or structure at its present location;
4. The street and number to which the building or structure is proposed to be moved;
5. The date upon which the building or structure was posted with the notices;
6. The name of the building and structure mover or person who proposes to do the moving work;
7. The name of the Building Official who inspects the building or structure and relocation site.

- B. Upon the notice there shall also appear the following:

"Any property owner within a radius of three hundred (300) feet of the relocation site may file a written protest with the Building Official within seven (7) days of the date of the signing and dating of this notice by the Building Official. In the event of such protest, the Board of Examiners, Appeals and Condemnation will set a date at which time they will hold a hearing and either approve the moving of the building or structure, or sustain the protest."

(ORD-13-0024, § 1(exh. A), 2013)

18.60.080 - Notice of decision to grant or deny permit.

If, after making the examination, the Building Official determines, in accordance with the standards set forth in this chapter, that the application for permit should be denied or should be granted under certain specified conditions, he or she shall notify the applicant of his or her decision by letter, postage prepaid, addressed as shown on the application for permit. If such application is to be granted under certain conditions, such conditions shall specifically be set forth in such notice. The decision of the Building Official shall be final and conclusive, and such notice shall so state, unless within seven (7) days after the mailing of such notice, the applicant has filed with the Building Official a written appeal from that official's decision, specifying the grounds of such appeal. Any such appeal shall be heard by the Board of Examiners, Appeals and Condemnation as provided hereinafter.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.090 - Written protests against moving—Hearing.

Any property owner within a radius of three hundred (300) feet of the relocation site may file a written protest with the Building Official within seven (7) days of the date of the posting of the moving notice. In the event of such protest, the Board of Examiners, Appeals and Condemnation will set a date at which time they will hold a hearing and either approve the moving of the building or structure, or sustain the protest.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.100 - Public hearing on protests—Notice.

If any written protests against the proposed building or structure moving work are filed with the Building Official, and such protests are postmarked on or before the expiration of the seven (7) day posting period, or if the applicant has theretofore filed an appeal from the decision of the Building Official as hereinabove provided, the Building Official shall, within three (3) days following the expiration of the above seven (7) day posting period, present the protest or appeal by the applicant to the Board of Examiners, Appeals and Condemnation at its next regular meeting. The Board of Examiners, Appeals and Condemnation shall set a time for public hearing on such protest, or on such appeal, which time of hearing shall be not less than ten (10) nor more than thirty (30) days from the time the Board of Examiners, Appeals and Condemnation received the protest or appeal. When the time for public hearing has been so set, the Building Official shall mail a notice thereof, postage prepaid, to each person having filed a written protest, at the address, if any, specified thereon. The Building Official shall, in all cases, also send a notice of such hearing by registered mail, postage prepaid, to the applicant, whether or not he has appealed from the decision of the Building Official. Such notice shall also be sent to the applicant's representative if one has been specified. Such notices of public hearing shall be mailed at least five (5) days prior to the date of such hearing.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.110 - Hearing and determination by Board of Examiners, Appeals and Condemnation.

At the time set for public hearing, the Board of Examiners, Appeals and Condemnation shall hear and pass upon the protests filed and the applicant's appeal, if any, from the decision of the Building Official. Based upon the evidence adduced at such hearing, or as obtained from an examination made by the Board of Examiners, Appeals and Condemnation of the building or structure, proposed route to be traversed and proposed new location, the Board of Examiners, Appeals and Condemnation may direct the Building Official to deny the application or may direct that such permit be granted by the Building Official on the same terms and conditions previously specified by that official or in accordance with such terms and conditions as the Board of Examiners, Appeals and Condemnation may deem proper in the premises; provided, however, that the Board of Examiners, Appeals and Condemnation shall, in arriving at its determination, be governed by the same standards, limitations and norms as are set forth in Section 18.60.040. The Board of Examiners, Appeals and Condemnation shall not, in any event, order the Building Official to grant such permit under any conditions if the same will result in the moving or relocation of any structure which would be a violation of any City, County or State law, or would clearly inconvenience any considerable number of persons, or would violate or disturb the public welfare, safety or peace.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.120 - Issuance of permit.

After the moving notices have been in place seven (7) days, and if the Building Official has written a letter of intent to grant, and if no written protest has been filed with the Building Official against the proposed moving, and if the applicant has not appealed from the decision of the Building Official, a moving permit shall be granted in accordance with the conditions specified by the Building Official, upon the filing of the required bond.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.130 - Bond—Posting required.

Notwithstanding anything to the contrary herein, no moving permit shall be issued unless the applicant first posts with the Building Official a bond or insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.140 - Bond—Conditions.

Every bond posted pursuant to this section shall be conditioned as follows:

- A. Each and all of the terms and conditions of the moving permit shall be complied with to the satisfaction of the Building Official;
- B. All of the work required to be done pursuant to the terms and conditions of the moving permit shall be fully performed and completed within the time limit specified in Section 18.60.190. The time limit may be extended for good and sufficient cause by the Building Official pursuant to Section 18.03.050. No such extension of time shall be valid unless written, and no such extension shall release any surety upon any bond.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.150 - Bond—Notice of default to principal and surety.

- A. Whenever the Building Official finds that a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Building Official to be reasonably necessary for the completion of such work. After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, must pay over to the Building Official the estimated cost of doing the work, as set forth in the notice, plus an additional sum equal to twenty-five percent (25%) of the estimated cost. Upon the receipt of such money, the City shall proceed, by such mode as it deems convenient, to cause the required work to be performed and completed, but no liability shall be incurred therein other than for the expenditure of the sum of money in hand therefore.
- B. If a cash bond has been posted, notice of default, as provided above, shall be given to the principal, and if compliance is not had within the time specified, the City shall proceed without delay and without further notice of proceedings whatever to use the cash deposit, or any portion of such deposit, to cause the required work to be done, by contract or otherwise, in the discretion of the City. The balance, if any, of such cash deposit shall, upon the completion of the work, be returned to the depositor, or to his or her successors or assigns, after deducting the cost of the work, plus twenty-five percent (25%) thereof.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.160 - Bond—Default—Option of surety.

When any default has occurred on the part of the principal under the provisions of Section 18.60.150, the surety shall have the option, in lieu of completing the work required, to demolish the building or structure, and to clear, clean and restore the site. If the surety defaults, the City shall have the same option.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.170 - Bond—Term.

The term of each bond furnished pursuant to Sections 18.60.130 through 18.60.180 shall commence upon the date of the posting thereof and shall terminate upon the completion, to the satisfaction of the Building Official, of the performance of all of the terms and conditions of the moving permit. Such completion shall be evidenced by a statement thereof, signed by the Building Official, a copy of which will be sent to any surety or principal upon request. When a cash bond has been posted, the cash shall be returned to the depositor, or to his or her successors or assigns, upon the termination of the bond, except any portion thereof that may have been used or deducted as provided elsewhere in Sections 18.60.130 through 18.60.180.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.180 - Bond—Rights of access to premises.

The Building Official, the surety, and the duly authorized representative of either, shall have access to the premises described in the moving permit for the purpose of inspecting the progress of the work. In the event of any default in the performance of any term or condition of the moving permit with reference to the relocation of a structure, the surety, or any person employed or engaged on its behalf, or the Building Official, or any person employed or engaged on his or her behalf, shall have the right to go upon the premises to complete the required work or to remove or demolish the building or structure. It is unlawful for the owner, or his or her representatives, successors or assigns, or any other person, to interfere with or obstruct the ingress to or egress from any such premises of any authorized representative or agent of any surety or of the City engaged in the work of completing, demolishing or removing any building or structure for which a moving permit has been issued, after a default has occurred in the performance of the terms or conditions thereof.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.190 - Expiration of permit—Extension.

Every application for a moving permit issued by the Building Official under the provisions of this chapter shall expire and become null and void at the expiration of a period of ninety (90) days from the date of such application, and every moving permit issued by the Building Official under the provisions of this chapter shall expire and become null and void if the moving work authorized by such permit is not commenced and completed within sixty (60) days from the date of issuance; provided, however, that the Building Official may extend these periods when the moving of any building or structure is impossible or delayed by reason of inclemency of weather, strikes or other causes not within the control of the mover. If for any reason a moving permit or application therefore is rendered null and void under the provisions of this chapter, and the moving work is desired to be done thereafter, a new application shall be made and a permit obtained from the Building Official, and new fees shall be paid.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.200 - Fee schedule.

In addition to any other fee or fees required, a moving permit fee and, when required, an examination and posting fee, shall be paid to the Building Official as set forth in the schedule of fees and charges established by City Council resolution. Examinations and posting fees shall be paid prior to any examination or investigation by the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.210 - Route—Approval of Police, Park, and Public Works Departments.

- A. Wherever any building or structure is to be moved over or upon a public street or highway within the City, the application therefore shall be submitted to the Police Chief, who shall endorse the approval of the Police Department thereon as to the routes to be traveled and the hours during which moving operations are to be conducted under the proposed permit. If the routes or hours do not meet with the approval of the Police Department, it shall be the duty of the applicant to alter his or her application to include such routes and hours as will meet the approval of the Police Department.
- B. Such application shall also be submitted to the Department of Parks, Recreation and Marine and the designated route to be traveled subject to its approval. Applications may also be submitted to the Department of Public Works when in the discretion of the Building Official wheel loads for any given route may be deemed excessive. In those instances, the Department of Public Works may require the applicant to submit wheel size, load, spacing and any other pertinent information. The Department of Public Works may require modification of the loading or shoring of specific structures or such other precautions as it deems necessary to adequately protect the street and those buildings or structures over which the building or structure will pass.

(ORD-13-0024, § 1(exh. A), 2013)

18.60.220 - Applicability of Chapter.

The provisions of this chapter shall not apply to the relocation of buildings or structures to be used by a governmental agency for a governmental purpose.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.61 - NPDES AND SUSMP REGULATIONS

18.61.010 - Purpose.

The purpose of this chapter is to provide regulations and give legal effect to certain requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the City of Long Beach, and the subsequent requirements of the Standard Urban Storm Water Mitigation Plan (SUSMP), mandated by the California Regional Water Quality Control Board, Los Angeles region (RWQCB). The intent of these regulations is to effectively prohibit non-storm water discharges into the storm drain systems or receiving waters and to require source control BMP to prevent or reduce the discharge of pollutants into the storm water to the maximum extent practicable.

(ORD-13-0024, § 1(exh. A), 2013)

18.61.020 - Definitions.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this chapter, have the meanings as defined in the NPDES and SUSMP Regulations Manual. Where the terms are not defined in the NPDES and SUSMP Regulations Manual, such terms shall have ordinarily accepted meaning such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged shall be considered as providing ordinarily accepted meanings.

(ORD-13-0024, § 1(exh. A), 2013)

18.61.030 - Exceptions.

Non-storm water discharges into the storm drain systems or to receiving waters are prohibited except where such discharges are expressly permitted in the NPDES and SUSMP Regulations Manual.

(ORD-13-0024, § 1(exh. A), 2013)

18.61.040 - Applicability.

New development projects and redevelopment projects in the City subject to the design and implementation of post-construction controls to mitigate storm water pollution, prior to completion of the projects, shall apply if required in the NPDES and SUSMP Regulations Manual.

(ORD-13-0024, § 1(exh. A), 2013)

18.61.050 - NPDES and SUSMP Regulations Manual.

- A. The Building Official shall prepare, maintain, and update, as deemed necessary and appropriate, the NPDES and SUSMP Regulations Manual and shall include technical information and implementation parameters, alternative compliance for technical infeasibility, as well as other rules, requirements and procedures as the City deems necessary, for implementing the provisions of this chapter.
- B. The Building Official shall develop, as deemed necessary and appropriate, in cooperation with other City departments and stakeholders, informational bulletins, training manuals and educational materials to assist in the implementation of this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.62 - REPORT ON AVAILABLE OFF-STREET PARKING SPACES UPON RESALE

18.62.010 - Intent and purpose.

It is the intent of the City Council to assure that all parties to a transaction involving a sale of a residential building within the City of Long Beach within areas designated by City Council as parking-impacted areas are furnished a report on the availability of legally required off-street parking spaces. It is the purpose of this chapter that the requirement of such a report will reduce violations on existing parcels of residential property and will prevent violations in the future.

(ORD-13-0024, § 1(exh. A), 2013)

18.62.020 - Definitions.

- A. "Owner" shall mean any person, co-partnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.
- B. "Residential building" shall mean any improved real property designed or permitted to be used for dwelling purposes, situated in the City, and shall include the building or structures located on said improved real property.
- C. "Agreement of sale" shall mean any agreement or written instrument which provides that title to any property shall thereafter be transferred from one owner to another owner.
- D. "Common parking" shall mean any parking facility serving more than one (1) dwelling unit with a common entrance and a common exit.

(ORD-13-0024, § 1(exh. A), 2013)

18.62.030 - Report or exemption certificate required.

Upon entering into an agreement of sale or exchange of any residential building in a parking-impacted area, as such an area or areas may be designated from time to time for the purposes of this chapter 18.62 by resolution of the City Council, unless excluded by Section 18.62.090, the owner or his authorized representative shall obtain from the City a report setting forth the legally required off-street parking for such property and a statement as to its availability or lack of availability, or an exemption certificate. The report shall specifically identify any off-street parking spaces which should be used for vehicle parking but are not available for such use because of illegal conversion to another use, or any physical condition which prohibits the use of such spaces for normal parking of an automobile. Said report or exemption certification shall be valid for a period not to exceed six (6) months from date of issue.

(ORD-13-0024, § 1(exh. A), 2013)

18.62.040 - Application.

Upon application of the owner or his authorized agent and accompanied by a fee, or a fully executed letter/agreement authorizing payment out of escrow, in or of an amount as set forth in the schedule of fees and charges established by City Council resolution, the Director shall review pertinent City records, cause an on-site inspection of the property as provided by Section 18.62.050, and deliver to the applicant a report on the availability of legally required off-street parking.

(ORD-13-0024, § 1(exh. A), 2013)

18.62.050 - Inspection.

In addition to the information supplied in Section 18.62.040, the Director shall cause a physical inspection of the subject property or, should entry be refused, the Director shall indicate on said report that entry was refused.

(ORD-13-0024, § 1(exh. A), 2013)

18.62.060 - Citation.

The Director shall cite any unlawful condition relating to the use and maintenance of off-street parking spaces. Such condition shall be brought into compliance within ninety (90) days of said citation, or within sixty (60) days of close of escrow, whichever comes first. If such compliance is not obtained, formal enforcement proceedings shall be prosecuted as provided by law.

(ORD-13-0024, § 1(exh. A), 2013)

18.62.070 - Delivery of report.

The report on the availability of legally required off-street parking prepared pursuant to Section 18.62.030 shall be delivered by the owner or the authorized designated representative of the owner to the buyer or transferee of the residential building proper to the consummation of the sale or exchange. The buyer or transferee shall execute a receipt therefore as furnished by the City and said receipt shall be delivered to the Department as evidence of compliance with the provisions of Section 18.62.030.

(ORD-13-0024, § 1(exh. A), 2013)

18.62.080 - Exemption certificate.

The following exceptions shall require an exemption certificate in lieu of the parking availability report:

- A. Condominiums, townhomes, apartment buildings and similar buildings whose parking is supplied completely by way of a common parking facility;
- B. The first sale of a residential building which has never been occupied;
- C. A residential building whereby a review of the records indicates that no parking was ever provided at the site.

(ORD-13-0024, § 1(exh. A), 2013)

18.62.090 - Exclusions.

The provisions of this chapter shall not apply to:

- A. Transfers which are required to be preceded by the furnishing to a prospective transferee of a copy of a public report pursuant to Section 11018.1 of the California Business and Professions Code;
- B. Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by a trustee in bankruptcy, transfers by eminent domain, or transfers resulting from a decree for specific performance;
- C. Transfers to a mortgagee by a mortgagor in default, transfers to a beneficiary of a deed of trust by a trustor in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale under default in an obligation secured by a mortgage, or transfers by sale under a power of

sale after a default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale;

- D. Transfer by a fiduciary in the course of the administration of a guardianship, conservatorship, or trust;
- E. Transfers from one (1) co-owner to one (1) or more co-owners;
- F. Transfers made to a spouse, or to a person or persons in the lineal, line or consanguinity of one (1) or more of the transferors;
- G. Transfers between spouses resulting from a decree of dissolution of a marriage or a decree of legal separation or from a property settlement agreement incidental to such decrees;
- H. Transfers by the State Controller in the course of administering the Unclaimed Property Law (Chapter 7 [commencing with Section 1500] of Title 10 of Part 3 of the California Code of Civil Procedure);
- I. Transfers to a governmental entity under eminent domain or threat of eminent domain.

(ORD-13-0024, § 1(exh. A), 2013)

18.62.100 - Penalties.

- A. Anyone in violation of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as provided by the provisions of Section 1.32.010 of the Long Beach Municipal Code.
- B. No sale or exchange of residential property shall be invalidated solely because of the failure of any person to comply with any provisions of this chapter unless such failure is an act or omission which would be a valid ground for rescission of such sale or exchange in the absence of this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.63 - ALTERNATIVE BUILDING STANDARDS FOR ADAPTIVE REUSE PROJECTS

18.63.010 - Purpose.

The Adaptive Reuse Ordinance in Title 21 Zoning Regulations expanded the scope of eligible and underutilized buildings or structures that have great potential to be converted into new uses or occupancy that can benefit from relief of parking standards, setbacks and zoning height limitations. However, key to the success of the Adaptive Reuse Ordinance relies on the ability of the Building Official and Fire Code Official to effectively use their authority to grant code modification or alternative materials, design and methods of construction and equipment to address practical difficulties involved in complying with the strict provisions of the code or consider alternative design or methods not specifically prescribed in the code. Other statutory regulations such as the most recently adopted edition of the California Historic Building Code and Chapter 34 of the California Building Code, including Sections 17958.11 and 19957 of the California Health and Safety Code, provides the Building Official and Fire Code Official with the ability to consider other alternative building standards. Therefore, the purpose of this chapter is to amend, expand, establish and clarify alternative building standards for the conversion of existing buildings or structures to accommodate new uses or occupancy for other purposes than what it was originally designed for and still provide reasonable use and safety to the building occupants.

(ORD-13-0024, § 1(exh. A), 2013)

18.63.020 - Applicability.

Projects that meet the definition and applicable requirements of an adaptive reuse project pursuant to Title 21 Zoning Regulations may be permitted to use the alternative building standards of this chapter. The requirement of Section 18.63.030 may apply to the following projects:

1. Conversion of existing nonresidential buildings, or portion thereof, to joint live/work units for artists and artisans, provided no more than thirty-three percent (33%) of any unit shall be used for residential purposes.
2. Conversion of existing nonresidential buildings, or portion thereof, to other residential uses or occupancy.
3. Conversion of existing nonresidential buildings, or portion thereof, to other nonresidential uses or occupancy.
4. Conversion of existing residential buildings, or portion thereof, to nonresidential uses or occupancy.

(ORD-13-0024, § 1(exh. A), 2013)

18.63.030 - Alternative Building Standards Manual.

- A. Although other chapters or sections of the Long Beach Municipal Code and the most recently adopted edition of the California Building Standards Code are applicable to new construction or a change of use or occupancy, the use of the Alternative Building Standards Manual may be permitted to provide alternative regulations for adaptive reuse projects that meet the applicability requirement of Section 18.63.020
- B.

The Building Official and Fire Code Official shall prepare, maintain, and update, as deemed necessary and appropriate, the Alternative Building Standards Manual and shall include technical information and implementation parameters, alternative compliance for technical infeasibility, as well as other rules, requirements and procedures as the City deems necessary, for implementing the provisions of this chapter.

- C. The Building Official and Fire Code Official shall develop, as deemed necessary and appropriate, in cooperation with other City departments and stakeholders, informational bulletins, training manuals and educational materials to assist in the implementation of this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.64 - SANDBLASTING

18.64.010 - Permit—Required.

- A. No person, firm or corporation shall engage in sandblasting the outside of any building or structure in the City without first obtaining a permit to do so from the Building Official.
- B. The permit is required for the purpose of placing the City on notice regarding intended sandblasting operations, thus making possible the inspection of sandblasting operations in the City so that sandblasting regulations enacted for the protection of the health and property of members of the public may effectively be enforced.

(ORD-13-0024, § 1(exh. A), 2013)

18.64.020 - Permit—State license required.

No sandblasting permit shall be issued to any person not licensed or otherwise prohibited by State law from engaging in sandblasting operations.

(ORD-13-0024, § 1(exh. A), 2013)

18.64.030 - Permit—Separate premises.

A separate permit shall be required for each separate premises, court or group of structures to be sandblasted. More than one (1) actual building or structure may be included on a single permit if all the buildings or structures are on one (1) lot or one (1) contiguous parcel of land.

(ORD-13-0024, § 1(exh. A), 2013)

18.64.040 - Permit—Application.

Each application for permit shall contain the following information:

- A. The name and address of the person or company applying for the permit;
- B. The location of the job;
- C. The building or structure or portion thereof to be sandblasted;
- D. Such other information as the Building Official shall reasonably require to aid in the proper inspection and enforcement of City sandblasting regulations.

(ORD-13-0024, § 1(exh. A), 2013)

18.64.050 - Permit—Inspection fee.

No sandblasting permit shall be issued prior to the payment of an inspection fee consistent with the fee schedule set forth in Chapter 18.06. No plan examination fee or other type of additional fee described in Chapter 18.06 shall be required.

(ORD-13-0024, § 1(exh. A), 2013)

18.64.060 - Notice of sandblasting.

Any person, firm or corporation conducting sandblasting in the City shall, not less than forty-eight (48) hours prior to sandblasting, deliver to each residence or business establishment within one hundred (100) feet of all buildings or structures to be sandblasted a written notice stating in substance as follows:

NOTICE OF SANDBLASTING

On, _____
(Date or Dates)

20 _____, sandblasting will be carried out on the exterior of the building at _____

(Address of building to be sandblasted)

(Name of company)

whose address is _____

The sandblasting will be conducted in accordance with Municipal Code Section 18.64.010 et seq., of the City of Long Beach.

(Name of owner or foreman)

(Address of owner or foreman)

(ORD-13-0024, § 1(exh. A), 2013)

18.64.070 - Dry sandblasting.

No person, firm or corporation shall engage in "dry" sandblasting in the City in the absence of written special permission from the Building Official, such special permission to be granted only if the particular circumstances of the job make wet sandblasting impractical.

(ORD-13-0024, § 1(exh. A), 2013)

18.64.080 - Permitted hours.

No person, firm or corporation shall engage in sandblasting before eight o'clock (8:00) a.m. or after five o'clock (5:00) p.m. of any day, or on Saturdays, Sundays or legal holidays upon any structure which is within one hundred (100) feet of any inhabited single or multifamily residential dwelling.

(ORD-13-0024, § 1(exh. A), 2013)

18.64.090 - Property protection.

No person, firm or corporation shall engage in sandblasting without first protecting adjacent property, public street and pedestrian walkway areas by erecting canvas or other suitable barriers sufficient to protect them from the splashing or blowing of sand or water.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.65 - DEMOLITION OF HISTORIC LANDMARKS

18.65.010 - Demolition of landmarks prohibited without building permit and funding for replacement structure.

- A. No permit to demolish a landmark designated pursuant to Chapter 2.63 of this code may be issued by the Department unless: (1) a building permit has been issued for a replacement structure or project for the property involved; and (2) the applicant has submitted evidence to the satisfaction of the Planning Commission that a financial commitment has been obtained by the applicant to assure the completion of the structure or project.
- B. Whenever, following action by the Planning Commission pursuant to Subsection 18.65.010.A, a permit to demolish a landmark is either issued or denied by the Department, the Director shall immediately notify the applicant and the Cultural Heritage Commission of such issuance.

(ORD-13-0024, § 1(exh. A), 2013)

18.65.020 - Appeal to City Council.

- A. The applicant or any interested person may appeal a decision to issue or withhold a demolition permit by the Director under Section 18.65.010 to the City Council by filing an appeal therefrom with the City Clerk within ten (10) days of notification of the applicant and the Cultural Heritage Commission under Section 18.65.010 of the decision, and no decision shall be final until expiration of that ten (10) day period. Such appeal shall be set for hearing by the City Council within twenty-one (21) days of filing the appeal, and the applicant shall not be relieved of the requirements of this section until a final decision is rendered by the City Council.
- B. On appeal, the City Council shall determine, through factual evidence, whether unusual and compelling circumstances, including extreme economic hardship to the applicant, exist in the case before it, and if it so finds, it shall act on the appeal in such a way as to result in granting of the permit which is the subject matter of the appeal.
- C. Both the applicant and appellant, if different from the applicant, shall be notified by mail to the address of the applicant or appellant as indicated on the permit application or appeal of all hearings and decisions made pursuant to this section.

(ORD-13-0024, § 1(exh. A), 2013)

18.65.030 - Exception.

This chapter shall not apply to any landmark which has been determined by the Fire Code Official and Building Official to be imminently dangerous or to constitute an immediate threat to the public health and safety.

(ORD-13-0024, § 1(exh. A), 2013)

18.65.040 - Construction.

Nothing in this chapter shall be construed to be contrary to or inconsistent with the provisions of Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California Government Code, and should any provision of this chapter be contrary to or inconsistent with the provisions of that Chapter 12.75, then the provisions of Chapter 12.75 shall prevail.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.66 - VISITABILITY OF DWELLING UNITS

18.66.010 - Purpose and intent.

The purpose of this chapter is to provide regulations which will make certain dwelling units visitable by disabled persons. This chapter shall be applicable to new construction of single-family or duplex dwelling units which receive assistance from the City as defined below. Additions or alterations to existing affected dwelling units are exempt.

(ORD-13-0024, § 1(exh. A), 2013)

18.66.020 - Definitions.

For the purpose of this chapter, the following definitions shall apply:

"Affected dwelling unit" means new construction which is a single-family or duplex residential unit, the developer, builder or owner of which receives City assistance for construction. In the case of a duplex, each unit shall be considered an affected dwelling unit subject to this chapter.

"City assistance" means funding in the form of loans or grants from the City, or any agency or program in which the City participates, including, but not limited to:

- A. A building contract or similar contractual agreement involving a City funded program or fund, or a program or fund in which the City participates in decision making on funding;
- B. A real estate purchase, lease, or donation by the City or its agents;
- C. Preferential tax treatment, bond assistance, mortgage assistance, or similar financial advantages from the City or its agents;
- D. Disbursement of Federal or State construction funds including Community Development Block Grant Funds; or
- E. A City contract to provide funding or a financial benefit for housing.

(ORD-13-0024, § 1(exh. A), 2013)

18.66.030 - Applicability of visitability requirements.

Each affected dwelling unit shall meet the requirements of Section 18.66.040.

(ORD-13-0024, § 1(exh. A), 2013)

18.66.040 - Design and construction requirements.

- A. Accessible entrances. An affected dwelling unit must provide at least one (1) accessible entrance that complies with the following:
 - 1. The accessible entrance door must have a minimum net clear opening of thirty-two (32) inches, measured between the face of the door and the stop, when the door is in the ninety degree (90°) open position.
 - 2. A floor or landing shall be provided on each side of the accessible door, measuring forty-four (44) inches at right angles to the plane of the door in its closed position. The floor or landing on the interior side shall be level. The exterior side may be sloped up to one-fourth (¼) inch per foot.

3. The width of the level area on the side to which the door swings shall extend twenty-four (24) inches past the strike edge of the door if the door swings to the outside and eighteen (18) inches past the strike edge if the door swings into the unit.
 4. The floor or landing on the exterior side shall not be more than one-half ($\frac{1}{2}$) inch below the floor level on the inside of the door.
 5. The floor or landing shall not be more than one-half ($\frac{1}{2}$) inch lower than the threshold of the doorway, except at sliding doors where it may be three-fourths ($\frac{3}{4}$) inch.
 6. On the interior side of the door only, hardware shall be located between thirty (30) inches and forty-four (44) inches above the floor. Hand-activated hardware shall be operable with a single effort by lever type hardware, panic bars, push-pull activating bars, or other hardware designed to provide passage without requiring the ability to grasp the opening hardware.
 7. The accessible entrance may be at the front, side or back of the affected dwelling unit.
 8. An accessible route that can be negotiated by a person using a wheelchair shall be provided that connects the accessible entrance to the sidewalk, garage or driveway such that the affected dwelling unit can be entered from the public right-of-way.
- B. Accessible routes within the dwelling unit. An affected dwelling unit must provide an accessible route through the hallways and passageways of the first floor of the dwelling unit. The route must provide a minimum width of thirty-six (36) inches and be level with ramped or beveled changes at door thresholds, except that sunken or raised areas shall be permitted when an accessible route that connects a portion of the living or family room, bathroom, and the accessible entrance door is provided.
- C. Bathroom. At least one (1) bathroom, consisting of at least a toilet and a lavatory, must be provided on the first floor of an affected dwelling unit, using the following standards:
1. Door. Door or opening into the bathroom shall provide a minimum of thirty-two (32) inches nominal clear space, measured between the face of the door and the stop, when the door is in the ninety degree (90°) open position. A thirty-four (34) inch door is acceptable. Door hardware shall meet the requirements of Subsection 18.66.040.A.6 on both sides of the door.
 2. A clear space measuring thirty (30) inches by forty-eight (48) inches inside the bathroom shall be provided. This space may include maneuverable space under fixtures, if provided.
 3. Light switches. A light switch located no higher than forty-two (42) inches above the floor shall be provided inside the bathroom.
 4. Grab bar backing.
 - a. Where the toilet is placed adjacent to a side wall, reinforcement shall be installed on both sides or one (1) side and the back. If reinforcement is installed at the back it shall be installed between thirty-two (32) inches and thirty-eight (38) inches above the floor. The grab bar reinforcement shall be a minimum of six (6) inches nominal in height. The backing shall be a minimum of forty (40) inches in length. Reinforcement installed at the side of the toilet shall be installed thirty-two (32) inches to thirty-eight (38) inches above the floor. The reinforcement shall be installed a maximum of twelve (12) inches from the rear wall and shall extend a minimum of twenty-six (26) inches in front of the water closet stool. The grab bar reinforcement shall be a minimum of six (6) inches nominal in height.
 - b. Where the toilet is not placed adjacent to a side wall, the bathroom shall have provisions for installation of floor mounted, foldaway or similar alternative grab bars.

The reinforced wall or floor shall be capable of supporting a load of at least two hundred fifty (250) pounds.

(ORD-13-0024, § 1(exh. A), 2013)

18.66.050 - Exemption.

- A. When the Building Official determines that compliance with any portion of any regulation under this chapter would create an undue hardship and that equivalent facilitation is available, an exception to that portion of the regulation shall be granted when equivalent facilitation is provided.
- B. When the Building Official determines that compliance with any portion of any regulation under this chapter would create an undue hardship due to topographical conditions of the site and that no equivalent facilitation is available, an exemption to that portion of the regulation shall be granted.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.67 - CONSTRUCTION AND DEMOLITION RECYCLING PROGRAM

18.67.005 - Purpose.

The State of California through its California Integrated Waste Management Act of 1989, Assembly Bill 939 ("AB 939") requires that each local jurisdiction in the State divert fifty percent (50%) of discarded materials (base year 1990) from landfills by December 31, 2000. Every city and county, including the City, could face fines up to ten thousand dollars (\$10,000.00) a day for not meeting the mandated goal. Approximately twenty-two percent (22%) of the City's solid waste sent to landfills is from construction and demolition activities and the diversion of these materials would have a significant potential for waste reduction and recycling. Reusing and recycling construction demolition materials ("C&D Debris") is essential to further the City's efforts to reduce waste and continue to comply with AB 939. C&D Debris reduction and recycling have been proven to reduce the amount of such material which is landfilled, increase worker safety, and be cost effective. To ensure compliance with this chapter and to ensure those contractors with this chapter are not placed at a completitive disadvantage, it is necessary to impose a performance security requirement.

(ORD-13-0024, § 1(exh. A), 2013)

18.67.010 - Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake any construction, demolition, or renovation project within the City.
- B. "Class III landfill" means a landfill that accepts nonhazardous resources such as household, commercial, and industrial waste, resulting from construction, remodeling, repair, and demolition operations. A Class III landfill must have a solid waste facilities permit from the California Integrated Waste Management Board (CIWMB) and is regulated by an enforcement agency (as defined in Public Resources Code Section 40130).
- C. "Construction" means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.
- D. "Construction and demolition debris" (C and D debris) means building materials and solid waste resulting from construction, remodeling, repair, cleanup, or demolition operations that are not hazardous as defined in California Code of Regulations, Title 22, Sections 66261.3 et seq. This term includes, but is not limited to, asphalt, concrete, portland cement concrete, brick, lumber, gypsum wallboard, cardboard, and other associated packaging, roofing material, ceramic tile, carpeting, plastic pipe and steel. The material may be commingled with rock, soil, tree stumps, and other vegetative matter resulting from land clearing and landscaping for construction or land development projects.
- E.

"C and D recycling center" means a facility that receives only C and D material that has been separated for reuse prior to receipt, in which the residual (disposed) amount of waste in the material is less than ten percent (10%) of the average weight of material separated for reuse received by the facility over a one (1) month period.

- F. "City-sponsored project" means a project constructed by the City or a project receiving fifty percent (50%) or more of its financing from the City.
- G. "Covered project" shall have the meaning set forth in Section 18.67.020
- H. "Deconstruction" means the careful dismantling of buildings and structures in order to salvage as much material as possible.
- I. "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.
- J. "Disposal" means the final deposition of construction and demolition or inert material, to a Class III landfill.
- K. "Divert" means to use material for any purpose other than disposal in a landfill or transformation facility.
- L. "Diversion requirement" means the diversion of a percentage of the total construction and demolition debris generated by a project via reuse or recycling, unless the applicant has been granted an exemption pursuant to Section 18.67.070 in which case the diversion requirement shall be the maximum feasible diversion rate established by the Director in relation to the project.
- M. "Enforcement agency (EA)" means an enforcement agency as defined in Public Resources Code Section 40130.
- N. "Inert solids/inert waste" means nonliquid solid resources including, but not limited to, soil and concrete, that do not contain hazardous waste or soluble pollutants at concentrations in excess of water quality objectives established by a regional water board pursuant to Division 7 (Sections 13000 et seq.) of the California Water Code and does not contain significant quantities of decomposable solid resources.
- O. "Project" means any activity which requires an application for a building or demolition permit or any similar permit from the City pursuant to Section 18.67.020
- P. "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, or thermally destroying solid waste.
- Q. "Renovation" means any change, addition or modification in an existing structure.
- R. "Reuse" means the use, in the same or similar form as it was produced, of a material which might otherwise be discarded.
- S. "Solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. "Solid waste" does not include any of the following wastes:
 1. Hazardous waste, as defined in Public Resources Code Section 40141;
 - 2.

Radioactive waste regulated pursuant to the Radiation Control Law [Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code];

3. Medical waste regulated pursuant to the Medical Waste Management Act [Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code].
- T. "Waste management plan" (WMP) means a completed waste management plan form, approved by the City for the purpose of compliance with this chapter, submitted by the applicant for any covered or noncovered project.
- U. "Waste management plan attachments" means a list of permitted haulers, reuse facilitators, disposal and recycling facilities, conversions for mass to weight, and green building material suggestions.

(ORD-13-0024, § 1(exh. A), 2013)

18.67.020 - Threshold for covered projects.

- A. Private projects.
 1. The following threshold will apply to projects for which a demolition or building permit is issued after October 1, 2007, but before January 1, 2008: all construction projects the total valuation of which are, or are projected to be, seventy-five thousand dollars (\$75,000.00) or greater and all demolition projects of any valuation, ("covered projects") shall be required to divert at least sixty percent (60%) of all project-related construction and demolition material in compliance with this chapter.
 2. The following threshold will apply to projects for which a demolition or building permit is issued on or after January 1, 2008, but before January 1, 2014: all construction projects the total valuation of which are, or are projected to be, fifty thousand dollars (\$50,000.00) or greater and all demolition projects of any valuation, ("covered projects") shall be required to divert at least sixty percent (60%) of all project-related construction and demolition material in compliance with this chapter.
 3. The following threshold will apply to projects for which a demolition or building permit is issued on or after January 1, 2014: all newly constructed buildings, building additions of one thousand (1,000) square feet or greater, and/or building alterations with a permit valuation of two hundred thousand dollars (\$200,000.00) or above and all demolition projects of any valuation ("covered projects") shall be required to divert at least sixty percent (60%) of all project-related construction and demolition material in compliance with this chapter.
- B. All City-sponsored construction, demolition and renovation projects shall be subject to this chapter, and consequently, shall be considered covered projects.
- C. Compliance with this chapter shall be included as a condition of approval on any construction or demolition permit issued for a covered project.

(ORD-13-0024, § 1(exh. A), 2013)

18.67.030 - Submission of a waste management plan.

- A. Applicants for construction or demolition permits involving a covered project shall complete and submit a WMP, on a WMP form approved by the City for this purpose, as part of the application packet for the construction or demolition permit. The completed WMP shall indicate all of the following:
 1. The estimated volume or weight of the project C and D debris, by material type, to be generated;
 - 2.

The maximum volume or weight of such materials that can feasibly be diverted via reuse or recycling. No more than twenty percent (20%) of the sixty percent (60%) diversion rate can be achieved through the recycling or reuse of inert materials unless applicant can demonstrate to the satisfaction of the Director that sufficient structural materials do not exist for recycling or that forty percent (40%) diversion of total waste through non-inert materials is not feasible.

3. The vendor or facility where the applicant proposes to use to collect or receive that material; and
 4. The estimated volume or weight of C and D debris that will be landfilled in Class III landfills.
- B. Calculating volume and weight of material. In estimating the volume or weight of materials identified in the WMP, the applicant shall use the conversion rates approved by the City for this purpose.
- C. Deconstruction. In preparing the WMP, applicants for demolition permits involving the removal of all or part of an existing structure shall consider deconstruction to the maximum extent feasible, and shall make the materials generated thereby available for salvage prior to landfilling. Deconstruction can be used to meet the sixty percent (60%) diversion requirement provided it is accounted for in the WMP.

(ORD-13-0024, § 1(exh. A), 2013)

18.67.040 - Waste diversion deposit.

The project applicant shall submit a waste diversion deposit with the WMP. The amount of the performance security shall be calculated as a percentage of the total project valuation as set forth in the schedule of fees and charges established by City Council resolution, provided, however, that the minimum and maximum fees shall be as set forth in the schedule of fees and charges established by City Council resolution.

(ORD-13-0024, § 1(exh. A), 2013)

18.67.050 - Administrative fee.

The project applicant shall submit an administrative fee with the WMP. The amount of the administrative fee shall be as set forth in the schedule of fees and charges established by City Council resolution.

(ORD-13-0024, § 1(exh. A), 2013)

18.67.060 - Review of WMP.

- A. Notwithstanding any other provisions of this title, no building or demolition permit shall be issued for any covered project unless and until the Director has reviewed the WMP. Approval shall not be required, however, where an emergency demolition is required to protect public health or safety. The Director shall only approve a WMP if he or she first determines that all of the following conditions have been met:
1. The WMP provides all of the information set forth in Section 18.67.030
 2. The WMP indicates that at least sixty percent (60%) of all C and D material generated by the project will be diverted or an exemption has been approved pursuant to Section 18.67.080
 3. The applicant has submitted an appropriate waste diversion deposit in compliance with Section 18.67.040

If the Director determines that these conditions have been met, he or she shall mark the WMP "Approved," return a copy of the WMP to the applicant.

B.

If the Director determines that the WMP fails to meet the conditions specified in Subsection 18.67.060.A, he or she shall either:

1. Return the WMP to the applicant marked "Denied," including a statement of reasons.
2. Return the WMP to the applicant marked "Further Explanation Required."

If the applicant determines during the course of the project that the estimated tonnage of material to be generated and or recovered from the project is substantially different from the WMP, applicant shall submit an addendum to the original WMP.

(ORD-13-0024, § 1(exh. A), 2013)

18.67.070 - Compliance with WMP.

- A. Within thirty (30) days after the completion of any covered project, the applicant shall submit to the Director documentation that it has met the diversion requirement for the project. Applicant shall provide a summary of efforts used to meet the diversion requirement and also provide the following documentation:
 1. Receipts from the vendor or facility which collected or received each material showing the actual weight or volume of that material;
 2. Weight slips/count of material salvaged or reused in current project;
 3. A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted and landfilled;
 4. Any additional information the applicant believes is relevant to determining its efforts to comply in good faith with this chapter.
- B. Weighing of wastes. Applicants shall make reasonable efforts to ensure that all C and D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C and D debris shall be weighted by measurement on scales. Such scales shall be in compliance with all State and County regulatory requirements for accuracy and maintenance. For C and D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements by weight, the applicant shall use the standardized conversion rates approved by the City for this purpose.
- C. The Director shall review the information submitted under Subsection 18.67.070.A to determine whether the applicant has complied with the diversion requirement as follows:
 1. If the Director determines that the applicant has fully complied with the diversion requirement applicable to the project, he or she shall cause the full waste diversion deposit to be released to the applicant.
 2. If the Director determines that the diversion requirement has not been met, he or she shall return only that portion of the performance security equivalent to the portion of C and D debris actually diverted compared to the portion that should have been diverted according to the WMP. Any portion of the waste diversion deposit not released to the applicant shall be forfeited to the City, and shall be used to further develop environmental sustainability efforts within the City. If the Director determines that the applicant has fully failed to comply with the diversion requirement or if the applicant fails to submit the documentation required by Subsection 18.67.070.A within the required time period, then the entire waste diversion deposit shall be forfeited to the City. All forfeited waste diversion deposits shall be used to further develop environmental sustainability efforts within the City.

18.67.080 - Exemption.

A. Application. If an applicant believes it is infeasible to comply with the diversion requirements of this chapter due to the circumstances delineated in this section, the applicant may apply for an exemption at the time that he or she submits the required WMP. Exemptions may be granted based on the following considerations:

1. An emergency situation exists;
2. Contamination by hazardous substances;
3. Low recyclability of specific materials;
4. Initial tenant or occupant improvements for projects in shell buildings; and
5. Excavated soil and land-clearing debris.

The applicant shall indicate on the WMP the maximum rate of diversion he or she believes is feasible for each material and the specific circumstances that he or she believes make it infeasible to comply with the diversion requirement.

B. Meeting with the Director. The Director shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement. The Director may request that staff from the Department of Public Works Environmental Services Bureau attend this meeting or may require the applicant to request a separate meeting with Department of Public Works Environmental Services Bureau staff. Based on the information supplied by the applicant and, if applicable, Department of Public Works Environmental Services Bureau staff, the Director shall determine whether it is possible for the applicant to meet the diversion requirement.

C. Granting of exemption. If the Director determines that it is infeasible for the applicant to meet the diversion requirement due to unique circumstances, he or she shall determine the maximum feasible diversion rate for each material and shall indicate this rate on the WMP submitted by the applicant. The Director shall return a copy of the WMP to the applicant marked "Approved Exemption".

D. Denial of exemption. If the Director determines that it is possible for the applicant to meet the diversion requirement, he or she shall inform the applicant in writing. The applicant shall have thirty (30) days to resubmit a WMP form in full compliance with Section 18.67.030. If the applicant fails to resubmit the WMP, or if the resubmitted WMP does not comply with Section 18.67.030, the Director shall deny the WMP.

18.67.090 - Appeal.

The applicant or any interested person may appeal to a Hearing Officer from any ruling of the Director made pursuant to this chapter in accordance with Section 18.67.070. Notice of any appeal from the ruling of the Director must be filed within ten (10) days of the date that such ruling is made. The decision of the Hearing Officer upon such appeal, relative to any matter within the jurisdiction of the Director, shall be final and shall not be appealable to the City Council or to any other City body or official.

CHAPTER 18.68 - EARTHQUAKE HAZARD REGULATIONS

18.68.010 - Purpose.

The purpose of this chapter is to define a systematic procedure for identifying and assessing earthquake generated hazards associated with certain existing structures within the City and to develop a flexible, yet uniform and practical procedure for correcting or reducing those hazards to tolerable hazard levels. It is not the purpose of this chapter to preclude or affect the assessment and abatement, pursuant to existing laws, of other hazards which may involve fire, exit, plumbing, electrical, and other such problems with existing buildings.

The provisions of this chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.020 - Scope.

This chapter shall apply to all Type I, Type II and Type III buildings located within the City and built prior to January 9, 1934.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.021 - Definitions.

For the purpose of this chapter, the following definitions shall apply:

"Collar joint" is the vertical space between adjacent wythes and may contain mortar.

"Crosswall" is a wall that meets the requirements of Subsection 18.68.027.D.3. A crosswall is not a shear wall.

"Crosswall shear capacity" is the length of the crosswall times the allowable shear value, $v_c L_0$.

"Diaphragm edge" is the intersection of the horizontal diaphragm and a shear wall.

"Diaphragm shear capacity" is the depth of the diaphragm times the allowable shear value, $v_u D$.

"Flexible diaphragm" is a diaphragm of wood construction or other construction of similar flexibility.

"Normal wall" is a wall perpendicular to the direction of seismic forces.

"Open front" is an exterior building wall plane on one side only without vertical elements of the lateral force resisting system in one (1) or more stories.

"Pointing" is the partial reconstruction of the bed joints of a URM wall as defined in Standard No. 24-42. (See Section 18.68.222.)

"UBC" is the 1988 Edition of the Uniform Building Code as published by the International Conference of Building Officials.

"UBC standard" is the 1988 Edition of the Uniform Building Code standard as published by the International Conference of Building Officials.

"Unreinforced masonry bearing wall" is URM wall which provides the vertical support for a floor or roof for which the total superimposed load exceeds one hundred (100) pounds per linear foot of wall.

"Unreinforced masonry (URM) wall" is a masonry wall in which the area of reinforcing steel is less than twenty-five percent (25%) of the minimum required by the UBC for reinforced masonry.

"Yield story drift" is the lateral displacement of one (1) level relative to the level above or below at which yield stress is first developed in a frame member.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.022 - Symbols and notations.

For the purposes of this chapter, the following symbols and definitions shall apply:

A	=	Area of unreinforced masonry pier, square inches.
A_b	=	Area of the bed joints above and below the test specimen for each in place shear test.
C_p	=	Numerical coefficient as specified in UBC Section 2312(g) and given in UBC Table 23-P and in Table A-23-A.
D	=	In plane width dimension of pier, inches, or depth of diaphragm, feet.
DCR	=	Demand capacity ratio specified in Subsection 18.68.027.D.
F_{wx}	=	Force applied to a wall at level x, pounds.
H	=	Least clear height of opening on either side of pier, inches.
h/t	=	Height/thickness ratio of URM wall. Height h is measured between wall anchorage levels, and/or slab on grade.
L	=	Span of diaphragm between shear walls, or span between shear wall and open front, feet.
L_c	=	Length of crosswall, feet.
L_i	=	Effective span for an open front building specified in Subsection 18.68.027.D.8, feet.

PD	=	Superimposed dead load at the top of the pier under consideration, pounds.
P_{D+L}	=	Actual dead plus live load in place at the time of testing, pounds.
P_W	=	Weight of wall, pounds.
V_a	=	$v_a A$, the allowable shear in any URM pier, pounds.
V_{cb}	=	Total shear capacity of crosswalls in the direction of analysis immediately below the diaphragm level being investigated, $S v_c L_o$, pounds.
V_{ca}	=	Total shear capacity of crosswalls in the direction of analysis immediately above the diaphragm level being investigated, $S v_c L_o$, pounds.
V_r	=	Pier rocking shear capacity of any URM wall or wall pier, pounds.
V_{wx}	=	Total shear force resisted by a shear wall at the level under consideration, pounds.
V_p	=	Shear force assigned to a pier on the basis of its relative shear rigidity, pounds.
V_s	=	Shear force assigned to a spandrel on the basis of the shear forces in the adjacent wall piers and tributary dead plus live loads.
V_{test}	=	Load in pounds at incipient cracking for each in-place masonry shear test per Standard No. 24-40. (See Section 18.68.220.)
v_a	=	Allowable shear stress for unreinforced masonry, psi.
v_c	=	Allowable shear value for a crosswall sheathed with any of the materials given in Tables A-23-C or A-23-D, pounds per foot.
v_t	=	Mortar shear strength as specified in Subsection 18.68.024.C.3.d.
v_{to}	=	Mortar shear test values as specified in Subsection 18.68.024.C.3.d.

v_u	=	Allowable shear value for a diaphragm sheathed with any of the materials given in Tables A-23-C or A-23-D, pounds per foot.
$\Sigma v_u D$	=	Sum of diaphragm shear capacities of both ends of the diaphragm.
$\Sigma\Sigma v_u D$	=	For diaphragms coupled with crosswalls $\Sigma\Sigma v_u D$ includes the sum of shear capacities of both ends of diaphragms coupled at and above the level under consideration.
W_d	=	Total dead load tributary to a diaphragm, pounds.
ΣW_d	=	Total dead load tributary to all of the diaphragms coupled at and above the level under consideration, pounds.
W_w	=	Total dead load of an unreinforced masonry wall above the level under consideration or above an open front of a building, pounds.
W_{wx}	=	Dead load of a URM wall assigned to level x halfway above and below the level under consideration.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.023 - General requirements.

- A. General. All buildings shall have a seismic resisting system conforming with UBC Section 2303(b), except as modified by this chapter.
- B. Alterations and repairs. Alterations and repairs required to meet the provisions of this chapter shall comply with all other applicable requirements of this title unless specifically provided for in this chapter.
- C. Requirements for plans. The following construction information shall be included in the plans required by this chapter:
 1. Dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing materials. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned or drawn to scale on the plans.
 2. Dimensioned wall elevations showing openings, piers, wall classes as defined in Subsection 18.68.024.C.3(f), thicknesses, heights, wall shear test locations, and cracks or damaged portions requiring repairs. The general condition of the mortar joints shall be noted and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.
4. The extent and type of existing wall anchorage to floors and roof when utilized in the design.
5. The extent and type of parapet corrections which were previously performed, if any.
6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this chapter.
7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section 18.68.028

(ORD-13-0024, § 1(exh. A), 2013)

18.68.024 - Material requirements.

- A. General. All materials permitted by this chapter, including their appropriate allowable design values and those existing configurations of materials specified herein, may be utilized to meet the requirements of this chapter.
- B. Existing materials. All existing materials utilized as part of the required force resisting system shall be in sound condition or shall be removed and replaced with new material.
- C. Existing unreinforced masonry.
 1. General. All unreinforced masonry walls utilized to carry vertical loads or seismic forces parallel and perpendicular to the wall plane shall be tested as specified in this subsection. All masonry that does not meet or exceed the minimum standards established by this chapter shall be removed and replaced by new materials or alternatively shall have its structural functions replaced by new materials and anchored to supporting elements.
 2. Lay-up of walls. The facing and backing shall be bonded so that not less than ten percent (10%) of the exposed face area is composed of solid headers extending not less than four (4) inches into the backing. The clear distance between adjacent full-length headers shall not exceed twenty-four (24) inches vertically or horizontally. Where the backing consists of two (2) or more wythes, the headers shall extend not less than four (4) inches into the most distant wythe or the backing wythes shall be bonded together with separate headers whose area and spacing conform to the foregoing. Wythes of walls not bonded as described above shall be considered as veneer. Veneer wythes shall not be included in the effective thickness used in calculating the height to thickness and the shear capacity of the wall.
 3. Mortar.
 - a. Tests. The quality of mortar in all masonry walls shall be determined by performing in-place shear tests in accordance with Standard No. 24-40. Alternative methods of testing may be approved by the Building Official.
 - b. Location of tests. The shear tests shall be taken at locations representative of the mortar conditions throughout the entire building, taking into account variations in workmanship at different building height levels, variations in weathering of the exterior surfaces, and variations in the condition of the interior surfaces due to deterioration caused by leaks and condensation of water and/or by the deleterious effects of other substances contained within the building. The exact test location shall be determined at the building site by the engineer in responsible charge of the structural design work. An accurate record of all such tests and their location in the building shall be recorded and these results shall be submitted to the Building and Safety Bureau for approval as part of the structural analysis.
 - c. Number of tests. The minimum number of tests per class shall be as follows:

- i. At each of both the first and top stories, not less than two (2) tests per wall or line of wall elements providing a common line of resistance to lateral forces.
 - ii. At each of all other stories, not less than one (1) test per wall or line of wall elements providing a common line of resistance to lateral forces.
 - iii. In any case, not less than one (1) test per one thousand five hundred (1,500) square feet of wall surface nor less than a total of eight (8).
- d. Minimum quality mortar. Mortar shear test values, v_{to} , in psi shall be obtained for each in-place shear test in accordance with the following equation:

$$v_{to} = (V_{test} - P_D + L) / A_b \text{ (024-1)}$$

- i. Individual unreinforced masonry walls with consistently less than thirty (30) psi shall be removed or entirely repointed and retested.
 - ii. The mortar shear strength, v_t , is the value in psi that is exceeded by eighty percent (80%) of all of the mortar shear test values, v_{to} .
- e. Collar joints. The collar joints shall be inspected at the test locations during each in-place shear test, and estimates of the percentage of the surfaces of adjacent wythes which are covered with mortar shall be reported along with the results of the in-place shear tests.
- f. Unreinforced masonry classes. All existing unreinforced masonry shall be categorized into one (1) or more classes based on shear strength, quality of construction, state of repair, deterioration, and weathering. A class shall be characterized by the allowable masonry shear stress determined in accordance with Subsection 18.68.026.B. Classes shall be defined for whole walls, not for small areas of masonry within a wall.
- g. Pointing. All deteriorated mortar joints in unreinforced masonry walls shall be pointed according to Standard No. 24-42. Nothing shall prevent pointing with mortar of all the masonry wall joints before the tests are made.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.025 - Quality control.

- A. Pointing. All preparation and mortar pointing shall be done with special inspection.
EXCEPTION: At the discretion of the Building Official, incidental pointing may be performed without special inspection.
- B. Masonry shear tests. In-place masonry shear tests shall comply with Standard No. 24-40.
- C. Existing wall anchors. Existing wall anchors utilized as all or part of the required tension anchors shall be tested in pullout according to Standard No. 24-41. The minimum number of anchors tested shall be four (4) per floor, with two (2) tests at walls with joists framing into the wall and two (2) tests at walls with joists parallel to the wall, but not less than ten percent (10%) of the total number of existing tension anchors at each level.
- D. New bolts. One-fourth ($\frac{1}{4}$) of all new shear bolts and combined tension and shear bolts in unreinforced masonry walls shall be tested according to Standard No. 24-41.
EXCEPTION: Special inspection may be provided during installation in lieu of testing.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.026 - Allowable design values.

A. Allowable values.

1. Allowable values for existing materials are given in Table A-23-C and for new materials in Table A-23-D.
2. Allowable values not specified in this chapter shall be as specified elsewhere in this title.

Masonry shear. The allowable unreinforced masonry shear stress, V_a , shall be determined for each masonry class from the following equation:

$$v_a = 0.1v_t + 5P_D/A \text{ (026-1)}$$

The mortar shear test value, v_t , shall be determined in accordance with Subsection 18.68.024.C.3, and not exceed one hundred (100) psi for the determination of V_a .

The one-third (1/3) increase in allowable values of the Uniform Building Code is not allowed for v_a .

- B. Masonry compression. The one-third (1/3) increase in allowable stress of the Uniform Building Code is allowed.
- C. Masonry tension. Unreinforced masonry shall be assumed as having no tensile capacity.
- D. Existing tension anchors. The allowable resistance values of the existing anchors shall be forty percent (40%) of the average of the tension tests of existing anchors having the same wall thickness and joist orientation. The one-third (1/3) increase in allowable stress of the Uniform Building Code is not allowed for existing tension anchors.
- E. Foundations. For existing foundations new total loads may be increased over existing dead load by twenty-five percent (25%). New total dead load plus live load plus seismic may be increased over existing dead load plus live load by fifty percent (50%). Higher values may be justified only in conjunction with a geotechnical investigation.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.027 - Analysis and design.

- A. General. Except as modified herein, the analysis and design relating to the structural alteration of existing buildings shall be in accordance with this title.
- B. Selection of procedure. Buildings shall be analyzed by the general procedure of Subsection 18.68.027.C which is based on UBC Chapter 23 or, when applicable, buildings may be analyzed by the special procedure of Subsection 18.68.027.D.
- C. General procedure.
 1. Basis for design. The minimum design seismic forces shall be those determined in accordance with the static lateral force procedure of Subsection 18.68.027.C.1 or the dynamic lateral force procedure of Subsection 18.68.027.C.2.

Minimum design lateral forces - static force procedure. Buildings shall be analyzed to resist minimum lateral forces assumed to act nonconcurrently in the direction of each of the main axes of the structure in accordance with the following:

$$V_B = \phi \beta CW \text{ (027-1) where}$$

V_B	=	Design base shear

W	=	Total seismic dead load of the building
β	=	Building type coefficient given in Table A-23-E
ϕ	=	Occupancy Load Factor from Table A-23-F
C	=	0.059/ $T^{2/3}$
T	=	Building period, in seconds, of the structure in the direction of consideration

The product of $\phi \beta C$ need not exceed 0.13. The building period may be calculated in accordance with the 1988 UBC Method A or Method B. The value of C need not exceed 0.13. The distribution of the design base shear over the height of the building is to be the same as that specified by the 1988 UBC.

2. Minimum design lateral forces - dynamic force procedure. Dynamic analysis procedures when used to determine the seismic demand on the building shall conform with Chapter 23 of the 1988 UBC. Except where approved situs specific response spectra are developed, ground motions used in the analysis shall be consistent with the October, 1988 Seismic Safety Element to the City of Long Beach general plan and applied as follows:
 - a. If the analysis utilizes the modal superposition spectral response approach, the five percent (5%) damped spectrum for the appropriate soil at the building site shall be used as the input ground motions. The response of the building shall be normalized by the ratio of the base shear determined from the equivalent static force approach to the base shear determined from the spectral response approach.
 - b. If the analysis utilizes a time history (linear elastic or nonlinear) approach, an approved synthetic acceleration time history shall be constructed which is consistent with the five percent (5%) damped spectrum for the appropriate soil at the building site. Such an acceleration time history must have a response spectrum which closely matches the five percent (5%) damped spectrum with no spectral ordinate dipping more than ten percent (10%) below the target spectrum.
3. Lateral forces on elements of structures. Parts or portions of structures shall be analyzed as required in UBC Chapter 23.

EXCEPTIONS:

- a. Unreinforced masonry walls for which height to thickness ratios do not exceed ratios set forth in Table A-23-B need not be analyzed for out-of-plane loading. Unreinforced masonry walls which exceed the allowable h/t ratios of Table A-23-B shall be braced according to Subsection 18.68.028.E.
 - b. Parapets complying with Subsection 18.68.028.F need not be analyzed for out-of-plane loading.
4. Shear walls (in-plane loading). Shear walls shall comply with Subsection 18.68.027.E.

D. Special procedure.

1. Limits for the application of Subsection 18.68.027.D. The special procedure of this subsection may only be applied to buildings with the following characteristics:
 - a. Flexible diaphragms at all levels above the base of structure.
 - b. A maximum of six (6) stories above the base of the building.
 - c. The vertical elements of the lateral force resisting system shall consist predominately of masonry or concrete shear walls.
 - d. New vertical elements of the lateral force resisting system consisting of steel braced frames or special moment resisting frames shall have a maximum overall height-to-length ratio of 1.5 to 1.
 - e. A minimum of two (2) lines of vertical elements of the lateral force resisting system parallel to each axis of the building except for single story buildings with an open front on one (1) side only. (See Subsection 18.68.027.D.8 for open front buildings.)
2. Lateral forces on elements of structures. With the exception of the diaphragm provisions in Subsection 18.68.027.D, elements of structures shall comply with Subsection 18.68.027.C.3.
3. Crosswalls. Crosswalls shall meet the requirements of this subsection.
 - a. Crosswall definition. A crosswall is a wood-framed wall sheathed with any of the materials described in Tables A-23-C or A-23-D. Spacing of crosswalls shall not exceed forty (40) feet on center measured perpendicular to the direction of consideration, and shall be placed in each story of the building. Crosswalls shall extend the full story height between diaphragms.

EXCEPTIONS:

- i. Crosswalls need not be provided at all levels in accordance with Subsection 18.68.027.D.4.b.iv.
- ii. Existing crosswalls need not be continuous below a wood diaphragm at/or within four (4) feet of grade provided:
 - aa. Shear connection requirements of Subsection 18.68.027.D.5 are satisfied at all edges of the diaphragm.
 - bb. Crosswalls with total shear capacity of 0.08 (W_d interconnect the diaphragm to the foundation.)
 - cc. The demand/capacity ratio of the diaphragm between the crosswalls that are continuous to their foundations shall be calculated as:

$$DCR = [0.33W_D + V_{ca}]/2V_uD;lf-;(027-2)$$

and DCR shall not exceed 2.5.

- b. Crosswall shear capacity. Within any forty (40) feet measured along the span of the diaphragm, the sum of the crosswall shear capacities shall be at least thirty percent (30%) of the diaphragm shear capacity of the strongest diaphragm at or above the level under consideration.
- c. Existing crosswalls. Existing crosswalls shall have a length to height ratio between openings of not less than 1.5. Existing crosswall connections to diaphragms need not be investigated as long as the crosswall extends to the framing of the diaphragm above and below.
- d.

New crosswalls. New crosswall connections to the diaphragm shall develop the crosswall shear capacity. New crosswalls shall have the capacity to resist an overturning moment equal to the crosswall shear capacity times the story height. Crosswall overturning moments need not be cumulative over more than two (2) stories.

- e. Other crosswall systems. Other systems such as special moment resisting frames may be used as crosswalls provided that the yield story drift does not exceed one (1) inch in any story.

4. Wood diaphragms.

- a. Acceptable diaphragm span. A diaphragm is acceptable if the point (L, DCR) on Figure A-23-1, falls within Regions 1, 2, or 3.

- b. Demand-capacity ratios. Demand-capacity ratios shall be calculated for the diaphragm according to the following formulas:

- i. For a diaphragm without qualifying crosswalls at levels immediately above or below:

$$DCR = 0.33W_d / \sum v_u D \quad (027-3)$$

- ii. For a diaphragm in a single-story building with qualifying crosswalls:

$$DCR = 0.33(W_d / \sum v_u D + V_{cb}) \quad (027-4)$$

- iii. For diaphragms in a multi-story building with qualifying crosswalls in all levels:

$$DCR = 0.33 (W_d / \sum v_u D + V_{cb}) \quad (027-5)$$

DCR shall be calculated at each level for the set of diaphragms at and above the level under consideration.

- iv. For a roof diaphragm and the diaphragm directly below if coupled by crosswalls

$$DCR = 0.33(W_d / \sum \sum v_u D) \quad (027-6)$$

- c. Chords. An analysis for diaphragm flexure need not be made and chords need not be provided.

- d. Collectors. An analysis of diaphragm collector forces shall be made for the transfer of diaphragm edge shears into vertical elements of the lateral force resisting system. Collector forces may be resisted by new or existing elements.

- e. Diaphragm openings.

- i. Diaphragm forces at corners of openings shall be investigated and shall be developed into the diaphragm by new or existing materials.

- ii. In addition to calculating demand capacity ratios per Subsection 18.68.027.D.4.b, the demand capacity ratio of the portion of the diaphragm adjacent to an opening shall be calculated using the opening dimension as the span.

- iii. Where an opening occurs in the end quarter of the diaphragm span, the quantity $v_u d$ for the demand capacity ratio calculation shall be based on the net depth of the diaphragm.

- 5. Shear transfer. Diaphragms shall be connected to shear walls with connections capable of developing a minimum force given by the lesser of the following formulas:

$$V = 0.20C_p W_d \quad (027-7)$$

using the C_p values in Table A-23-A, or

$$V = v_u D \quad (027-8)$$

- 6. Shear walls (in plane loading)-special procedure.

- a.

Wall story force. The wall story force distributed to a shear wall at any diaphragm level shall be the lesser value calculated as:

- i. For buildings without crosswalls,

$$F_{wx} = 0.13(W_{wx} + W_d/2)(027-9) \text{ but} \\ \text{need not exceed } F_{wx} = 0.13W_{wx} + v_u D(027-10)$$

- ii. For buildings with crosswalls in all levels:

$$F_{wx} = 0.10(W_{wx} + W_d/2)(027-11) \\ \text{but need not exceed} \\ F_{wx} = 0.10(W_{wx} + \sum W_d(v_u D / \sum v_u D))(027-12) \\ \text{and need not exceed} \\ F_{wx} = 0.10W_{wx} + v_u D(027-13)$$

- b. Wall story shear. The wall story shear shall be the sum of the wall story forces at and above the level of consideration.

$$V_{wx} = \sum F_{wx}(027-14)$$

- c. Shear wall analysis. Shear walls shall comply with Subsection 18.68.027.E.
d. Moment frames. Moment frames used in place of shear walls shall be designed as required in UBC Chapter 23 except that the forces shall be as specified in Subsection 18.68.027.D.6.a and the interstory drift shall be limited to 0.005 except as further limited in Subsection 18.68.027.E.3.b.

7. Out of plane forces - URM walls.

- a. Allowable URM wall height to thickness ratios. The provisions of Subsection 18.68.027.C.3 are applicable except the allowable h/t ratios given in Table A-23-B shall be determined from Figure A-23-1 as follows:

- i. In Region 1, h/t ratios for "buildings with crosswalls" may be used if qualifying crosswalls are present in all stories.
ii. In Region 2, h/t ratios for "buildings with crosswalls" may be used whether or not qualifying crosswalls are present.
iii. In Region 3, h/t ratios for "all other buildings" shall be used whether or not qualifying crosswalls are present.

- b. Walls with diaphragms in different regions. When diaphragms above and below the wall under consideration have DCRs in different regions of Figure A-23-1, the lesser h/t ratio shall be used.

8. Buildings with open fronts. A building with an open front on one (1) side shall have crosswalls parallel to the open front and shall be designed by the following procedure:

- a. Effective diaphragm span, L_i , for use in Figure No. A-23-1 shall be determined in accordance with the following formula:

$$L_i = 2[(W_w/W_d) \cdot L + L](027-15)$$

- b. Diaphragm demand/capacity ratio shall be calculated as:

$$DCR = 0.33(W_d + W_w)/[(v_u D) + V_c](027-16)$$

E.

Analysis of vertical elements of the lateral force-resisting system. Applicable to both general procedure and special procedure buildings.

1. Existing URM walls.

- a. Flexural rigidity. Flexural components of deflection may be neglected in determining the rigidity of a URM wall.
- b. Shear walls with openings. Wall piers shall be analyzed according to the following procedure:

- i. For any pier,

- aa. The pier shear capacity shall be calculated as:

$$V_a = v_a D t (027-17)$$

- bb. The pier rocking shear capacity shall be calculated as:

$$V_r = 0.5 P_D D / H (027-18)$$

- ii. The wall piers at any level are acceptable if they comply with one (1) of the following modes of behavior:

- aa. Rocking controlled mode. When the pier rocking shear capacity is less than the pier shear capacity, i.e., $V_r < V_a$ for each pier in a level, forces in the wall at that level, V_{wx} , shall be distributed to each pier, V_p , in proportion to $P_D D / H$.

- For the wall at that level: $V_{wx} < V_r$ (027-19)

- bb. Shear controlled mode. Where the pier shear capacity is less than the pier rocking capacity, i.e., $V_a < V_r$ in at least one (1) pier in a level, forces in the wall at that level, V_{wx} , shall be distributed to each pier, V_p , in proportion to D / H .

- For each pier at that level:

- $V_p < V_a$ (027-20) and

- $V_p < V_r$. (027-21)

- If $V_p > V_a$ for each pier and $V_p > V_r$ for one (1) or more piers, omit such piers from the analysis and repeat the procedure for the remaining piers, or strengthen and reanalyze the wall.

- iii. Masonry pier tension stress. Unreinforced masonry wall piers need not be analyzed for tension stress.

- c. Shear walls without openings. Shear walls without openings shall be analyzed as for walls with openings except that V_r shall be calculated as follows:

$$V_r = (0.50 P_D + 0.25 P_W) D / H (027-22)$$

2. Plywood sheathed shear walls. Plywood sheathed shear walls may be used to resist lateral loads for buildings with flexible diaphragms analyzed according to provisions of Subsection 18.68.027.C. Plywood sheathed shear walls may not be used to share lateral loads with other materials along the same line of resistance.

3. Combinations of vertical elements.

- a. Lateral force distribution. Lateral forces shall be distributed among the vertical resisting elements in proportion to their relative rigidities, except that moment frames shall comply with Subsection 18.68.027.E.3.b.

- b.

Moment resisting frames. A moment frame shall not be used with a URM wall in a single line of resistance unless the wall has piers that are capable of sustaining rocking in accordance with Subsection 18.68.027.E.1.b and the frames are designed to carry one hundred percent (100%) of the lateral forces and the interstory drift ratio shall be limited to 0.0025.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.028 - Detailed system design requirements.

A. Wall anchorage.

1. Anchor locations. All unreinforced masonry walls shall be anchored at the roof and floor levels as required in Subsections 18.68.027.C or 18.68.27.D. Ceilings with substantial rigidity and abutting masonry walls shall be connected to walls with tension bolts at a maximum anchor spacing of six (6) feet. Ceiling systems with substantial mass shall be braced at the perimeter to the roof or floor diaphragms.
2. Anchor requirements. Anchors shall be tension bolts through the wall as specified in Table No. A-23-D, or by an approved equivalent at a maximum anchor spacing of six (6) feet. All existing wall anchors shall be secured to the joists to develop the required forces.
3. Minimum wall anchorage. Anchorage of masonry walls to each floor or roof shall resist a minimum force determined by UBC Section 2312(g)2 or two hundred (200) pounds per linear foot, whichever is greater, acting normal to the wall at the level of the floor or roof. Existing wall anchors, installed under previous permits, must meet or must be upgraded to meet the requirements of this chapter.
4. Anchors at corners. At the roof and all floor levels, both shear and tension anchors shall be provided within two (2) feet horizontally from the inside of the corners of the walls.
5. Anchors with limited access. When access to the exterior face of the masonry wall is prevented by proximity of an existing building, wall anchors conforming to Item 6b in Table A-23-D may be used.

B. Diaphragm shear transfer. Shear bolt spacing shall have a maximum bolt spacing of six (6) feet.

C. Collectors. Collector elements shall be provided which are capable of transferring the seismic forces originating in other portions of the building to the element providing the resistance to those forces.

D. Ties and continuity. Ties and continuity shall conform to UBC Section 2312(h)2E.

E. Wall bracing.

1. General. Where a wall height-thickness ratio exceeds the specified limits, the wall may be laterally supported by vertical bracing members per Subsection 18.68.028.E.2 or by reducing the wall height by bracing per Subsection 18.68.028.E.3.
2. Vertical bracing members. Vertical bracing members shall be attached to floor and roof construction for their design loads independently of required wall anchors. Horizontal spacing of vertical bracing members shall not exceed one-half ($\frac{1}{2}$) the unsupported height of the wall nor ten (10) feet. Deflection of such bracing members at design loads shall not exceed one-tenth ($\frac{1}{10}$) of the wall thickness.
3. Intermediate wall bracing. The wall height may be reduced by bracing elements connected to the floor or roof. Horizontal spacing of the bracing elements and wall anchors shall be as required by design but shall not exceed six (6) feet on center. Bracing elements shall be detailed to minimize the horizontal displacement of the wall by the vertical displacement of the floor or roof.

F.

Parapets. Parapets and exterior wall appendages not conforming to this chapter shall be removed, or stabilized or braced to ensure that the parapets and appendages remain in their original position.

The maximum height of an unbraced unreinforced masonry parapet above the lower of either the level of tension anchors or roof sheathing, shall not exceed one and one-half (1½) times the thickness of the parapet wall. If the required parapet height exceeds this maximum height, a bracing system designed for the force factors specified in UBC Table 23-P for walls shall support the top of the parapet. Parapet corrective work must be performed in conjunction with the installation of tension roof anchors.

The minimum height of a parapet above the wall anchor shall be twelve (12) inches.

EXCEPTION: If a reinforced concrete beam is provided at the top of the wall, the minimum height above the wall anchor may be six (6) inches.

G. Veneer.

1. Unreinforced masonry walls which carry no design loads other than their own weight may be considered as veneer if they are adequately anchored to new supporting elements.
2. Veneer shall be anchored with approved anchor ties, conforming to the required design capacity specified in this title and placed at a maximum spacing of twenty-four (24) inches with a maximum supported area of two (2) square feet.

EXCEPTION: Existing veneer anchor ties may be acceptable provided the ties are in good condition and conform to the following minimum size, maximum spacing and material requirements.

Existing veneer anchor ties shall be corrugated galvanized iron strips not less than one (1) inch in width, eight (8) inches in length and one-sixteenth (1/16) of an inch in thickness or equal and shall be located and laid in every alternate course in the vertical height of the wall at a spacing not to exceed seventeen (17) inches on centers horizontally. As an alternate, such ties may be laid in every fourth course vertically at a spacing not to exceed nine (9) inches on centers horizontally.

3. The location and condition of existing veneer anchor ties shall be verified as follows:
 - a. An approved testing laboratory shall verify the location and spacing of the ties and shall submit a report to the Building Official for approval as a part of the structural analysis.
 - b. The veneer in a selected area shall be removed to expose a representative sample of ties (not less than four (4)) for inspection by the Building Official.

H. Truss and beam supports. Where trusses and beams other than rafters or joists are supported on masonry, independent secondary columns shall be installed to support vertical loads of the roof or floor members. The loads shall be transmitted down to adequate support.

I. Adjacent buildings.

1. Where elements of adjacent buildings do not have a separation of at least five (5) inches, the allowable height/thickness ratios for "buildings with crosswalls" per Table A-23-B shall not be used in the direction of consideration.
2. Where an exterior URM bearing wall does not have a separation of at least five (5) inches and the diaphragm levels of the adjoining structures differ by more than one and one-half (1½) times the wall thickness, supplemental vertical gravity load-carrying members shall be added to support the

loads normally carried by the wall and such members shall not be attached to the wall. The loads shall be transmitted down to the foundation.

J. Infill frames.

1. General. In addition to other applicable requirements of this chapter, concrete and steel frames shall comply with the special provisions of this section.
2. Infill walls. All infill walls shall be located and dimensioned on the plans and an appropriate repair defined for any observed areas of distress in the frames or infill walls including spalling, cracking or corrosion. Out of plane forces acting on the infill shall be considered unless it is shown that the infill is tightly grouted to the frame and the h/t ratio between supports is less than sixteen (16).
3. Buildings with reinforced infill can be designed as shear wall building using the force provisions of the Table A-23-E provided that it is shown by conventional rigidity analyses that the building as retrofitted meets the regularity requirements of the 1988 UBC.
4. Buildings with reinforced infill can be designed as shear wall building using the force provisions of the Table A-23-E provided that it is shown by conventional rigidity analyses that the building as retrofitted meets the regularity requirements of the 1988 UBC.
5. Buildings with reinforced infill can be designed as shear wall building using the force provisions of the Table A-23-E provided that it is shown by conventional rigidity analyses that the building as retrofitted meets the regularity requirements of the 1988 UBC.
6. Wythes of infill walls that occur beyond the confining edges of frame columns and beams shall be anchored as veneer to the frame or the confined portion of the infill wall.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.030 - Prima facie hazard grading.

- A. All structures covered by this chapter and constructed before January 9, 1934, shall be inspected and graded in accordance with the provisions set forth in this chapter, such inspection to determine the relative prima facie earthquake hazard associated with same, and graded to establish a priority for subsequent correction. Such buildings which are three stories or less in height shall be inspected and graded by the Building Official and all others shall be inspected and graded in accordance with Section 18.68.050. Grading shall consist of an evaluation based upon an examination of the building plans, specifications or reports that are available, a visual inspection and consideration of the occupancy classification and occupant load. The evaluation shall include an analytical evaluation which shall determine the resistance to earthquake forces of the primary structural system of the structure. The analysis shall be based insofar as possible on the same procedures and assumptions used in seismic design of new buildings, and for purposes of evaluation, shall consist of a comparison of the seismic resistance of the existing building to the seismic resistance required of a new building designed and constructed under the building regulations of the 1970 Uniform Building Code, and otherwise identical to the existing building insofar as location, use, configuration, structural system and materials of construction are concerned. Such comparison can be expressed in terms of a capacity ratio R_S defined as follows:

$$R_S = V_{REQ}/V_{CAP}$$

Where V_{CAP} is the lateral force resistive capacity of a particular existing structure, calculated for the critical mode of failure of a significant portion of the building and V_{REQ} is the required lateral force resistive capacity of the same structure calculated for those specified earthquake conditions set forth in the building regulations of the 1970 Uniform Building Code. For the purposes of assessing the lateral force capacity of existing construction, certain stresses, values and procedures will be established as acceptable,

such values to be set forth in a specification entitled "Specifications for Assessing the Capacity of Unreinforced Masonry Buildings, Long Beach Department of Development Services," to be prepared by the Building and Safety Bureau, which specifications may be amended from time to time at the discretion of the Department. Assessment of the capacity ratio R_s shall take into account the following elements:

1. Stability of the wall system and vertical framing;
 2. Horizontal diaphragm and/or bracing system;
 3. Connections;
 4. Shear resisting elements;
 5. Special hazards, either structural or nonstructural.
- B. In the assignment of a building to a particular hazard grade, the Building Official shall first determine its location on a hazardous index which shall reflect relative degrees of hazard. Such hazardous index shall be established in the specifications entitled "Specifications for Assessing the Capacity of Unreinforced Masonry Buildings, Long Beach Department of Development Services," and shall be a function of the capacity ratio R_s as defined in this section, the occupancy classification of the building and an occupancy potential which is a measure of the human exposure in and near the building. Occupancy classification and occupancy potential shall be as set forth in the above-mentioned specifications.
- C. Location of a building on the Hazardous Index shall be the determining factor in the assignment of a building to a particular hazard grade. Assignment shall be by the Building Official and shall be in one (1) of the following three (3) hazardous grades if the capacity of the building has been determined to be less than that required under the building regulations of the 1970 Uniform Building Code:
- Excessive Hazard Grade I
- High Hazard Grade II
- Intermediate Hazard Grade III
- D. Limits on the Hazardous Index which will determine placement in particular hazard grades shall be as established in the above-mentioned specifications and shall in general limit Excessive Hazard - Grade 1 to approximately ten percent (10%) of the buildings occupying the highest hazards on the Hazardous Index; the High Hazard - Grade II to approximately thirty percent (30%) of the buildings occupying the middle portion of the Hazardous Index; and the Intermediate Hazard - Grade III to approximately sixty percent (60%) of the buildings occupying the lowest hazards on the Hazardous Index.
- E. If an assessment results in a capacity virtually equal to that required under the building regulations of the 1970 Uniform Building Code, or if a repair is accomplished to affect conformance with the seismic requirements of the building regulations of the 1970 Uniform Building Code, the building shall be deemed as having no hazards and shall be so classified.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.040 - Special and intermediate hazards.

In addition to evaluation of the primary structural systems, any structural or nonstructural element of the building, including parapets, ornamentation or other appendages attached to the building or any structural or nonstructural architectural, mechanical or electrical system that is determined by reason of lack of attachment, anchorage or condition, to become dangerous to persons in the building or in the

vicinity, will be classed as an immediate hazard. Any immediate hazard identified in buildings classified as high or intermediate hazard shall be treated as an excessive hazard and shall be abated under the procedures established for excessive hazard.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.050 - Priority and method of grading.

- A. Buildings shall in general be graded on a priority system but in three (3) phases: Phase I shall consist of inspection and grading of all buildings less than four (4) stories in height and within occupancy classifications A, B, C, D and E; Phase II will consist of inspection and grading of all buildings two (2) and three (3) stories in height and classified F, G and H; and Phase III will consist of inspection and grading of all buildings remaining to be graded. Grading of all structures in each phase shall be accomplished insofar as is possible by a date established by the Department, and on that date, owners and interested parties will be promptly notified of the hazard grade in which their building has been placed. Such notification shall give notice to the owner of the hazard grade in which the building is being placed, a procedure to be followed if the owner is in disagreement with the grading, and that the grade assigned will be recorded with the county recorder after sixty (60) days unless a change in grade has been initiated as set forth in Section 18.68.190
- B. Buildings four (4) stories or more in height shall be placed in the appropriate hazard grade by the Building Official after receipt from the building owner of such information and data as is necessary to adequately grade the building. Such information and data shall be gathered for the owner at his expense by a structural or civil engineer or an architect licensed under the laws of the State and shall be submitted to the Building Official by such dates as he will set consistent with those occupancy classifications established for other buildings as set forth in this section for Phases I, II and III. Notice to require gathering of such information by the owner shall be substantially in the form set forth in Section 18.68.180. The Building Official shall, after reviewing the information and data submitted, place the building in the appropriate hazard grade and shall promptly notify the owner of the hazard grade in which his building has been placed. Failure to provide the Building Official with the required information and data by such established dates will result in placement of the building in Excessive Hazard - Grade I, until such information is submitted and the building is graded in accordance with the provisions of this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.060 - Calculation of actual lateral force capacity V.

The actual lateral force capacity, V_{CAP} , of a particular structure shall be computed using those values and stresses set forth in specifications entitled "Specifications for Assessing Capacity of Unreinforced Masonry Buildings, Long Beach Department of Building and Safety."

(ORD-13-0024, § 1(exh. A), 2013)

18.68.070 - Hazardous grading and dates of corrective action.

- A. Owners of structures that have been graded Excessive Hazard - Grade I will be given notice of the need for corrective action as soon as such grading has been accomplished. Such notification shall take the form of notice of corrective action as set forth in Section 18.68.090
- B. Owners of structures that have been graded High Hazard - Grade II will be notified of the need for corrective action on January 1, 1984, or as soon thereafter as Departmental office procedures will permit. Such notification shall take the form of notice of corrective action as set forth in Section

18.68.090

- C. Owners of structures that have been graded Intermediate Hazard - Grade III will be notified of the need for corrective action on January 1, 1991, or as soon thereafter as Departmental office procedures will permit. Such notification shall take the form of Notice of Corrective Action as set forth in Section 18.68.090

(ORD-13-0024, § 1(exh. A), 2013)

18.68.080 - Hazardous grading subject to change.

- A. Buildings placed in a particular hazardous grade may be changed to a lesser grade if corrective repairs are undertaken and accomplished. Hazardous grading may also be changed when competent engineering data is submitted substantiating such a change. Such data may consist of analytical assessments, tests, data substantiating a higher capacity ratio or a modification of use or occupancy potential. Corrective repair plans and/or data substantiating a change in hazardous grading shall be prepared by a structural or civil engineer or architect licensed under the laws of the State to practice said profession. Partial repair designed to correct or strengthen individual and/or critical elements of a building will be permitted provided a suitable plan indicating the method of total and eventual correction and the schedule of expected dates of correction is submitted and the method of eventual correction is approved. Buildings so repaired will be regarded reflecting repairs so accomplished.
- B. Complete repair and removal from any hazardous classification will be deemed to have been accomplished when the building has been repaired in accordance with this chapter or with the provisions for repair to remove structures from hazardous classifications in the "Specifications for Assessing the Capacity of Unreinforced Masonry Buildings, Long Beach Department of Building and Safety."

(ORD-13-0024, § 1(exh. A), 2013)

18.68.090 - Notice of corrective action.

After completion of grading, the Building Official shall send to owners of buildings deemed to be Excessive Hazard - Grade I, a notice of corrective action via certified United States mail. Owners of structures that have been graded High Hazard - Grade II and Intermediate Hazard - Grade III, will be sent such a notice at such time as specified in Section 18.68.070. This notice shall be in substantially the following form:

NOTICE OF CORRECTIVE ACTION

PLEASE TAKE NOTICE that an inspection and evaluation of your structure located at:

Indicates that said structure carries an (excessive, high, intermediate) hazard of major damage in the event of earthquake which would endanger the safety of persons and property located in, on or about said structure at the time of such event. Within sixty (60) days from the date of this notice you shall present to this office a plan of action for reducing the earthquake hazard associated with said structure to an acceptable level.

An extension of the aforesaid sixty (60) day period may be obtained, for good cause shown, by requesting same in writing filed with this office at least seven (7) calendar days prior to the expiration of said sixty (60) day period. Such request shall be accompanied by a written statement of your contemplated action, the accomplishments toward same up to the time of the request, an estimate of the time required to complete the formulation of your proposed plan of action, and the name and address of the engineer, or architect, if any, whom you may have engaged.

In the event your proposed plan of action contemplates repair or some action other than abandonment and demolition, within one hundred twenty (120) calendar days, you shall submit to this office proposed repairs or strengthening measures which will increase the lateral force withstanding capability of the structure to a level commensurate with the acceptable level of earthquake hazard for your prospective use or occupancy. Information as to the magnitude of the lateral force withstanding capability associated with your structure in its present condition, as well as information as to proposed repairs or strengthening measures intended to increase the lateral force withstanding capability, shall be prepared by a structural or civil engineer or architect licensed under the laws of the State of California to practice said profession.

An extension of the aforesaid one hundred twenty (120) days may be granted for good cause shown by requesting same in writing filed with this office at least seven (7) calendar days prior to the expiration of the said one hundred twenty (120) day period. Such request shall be accompanied by a written statement explaining the reason for such an extension and an estimate of the date on which plans will be completed, the degree to which plans have already been completed, and other information which will document the fact that work is progressing.

In the event abandonment and demolition is contemplated, a date certain for such abandonment and demolition shall be submitted to the Building Official for evaluation and approval.

A copy of the ordinance, by authority of which this notice is sent, may be obtained from the office of the City Clerk, upon payment of an appropriate fee.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.100 - Application for order of abatement of nuisance.

- A. In the event the owner of a structure is notified pursuant to Section 18.68.090 and a plan of action satisfactory to the Building Official is not presented within sixty (60) days after the notice has been mailed or within such extension of time as may have been granted in writing by the Building Official; or if the proposed plan of action, contemplated repair, or some action other than abandonment and demolition, has not been submitted and agreed upon by the Building Official within the one hundred twenty (120) days provided in Section 18.68.090 or within such extension of time as the Building Official may have granted; then the Building Official shall apply in writing to the Board of Examiners, Appeals and Condemnation for an order declaring the structure to be a nuisance and ordering the Certificate of Occupancy to be revoked, or that it be demolished or repaired in a manner satisfactory to the Building Official, all by a date certain. The written application shall set forth in the form of factual allegations all facts which, if proven, are necessary to justify an order of condemnation, including, but not limited to the following:
1. The location and legal description of the structure;
 2. A concise calculation sheet indicating the ratio R_s for each of the elements of the structural system;
 3. The structure's present occupancy;
 4. The date upon which the owner of the structure was notified pursuant to Section 18.68.090
 5. A statement as to whether the structure owner has submitted a plan of action pursuant to Section 18.68.090
 6. The date certain by which the structure must be repaired or demolished, in the Building Official's opinion, in order to keep the earthquake hazard associated with it at or below the applicable tolerable level.

B. A copy of the written application shall be mailed by certified United States mail to the person to whom the notice of Section 18.68.090 was mailed.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.110 - Hearing by Board.

In the event the Building Official files an application pursuant to Section 18.68.100, he shall set a date and time for a hearing before the Board of Examiners, Appeals and Condemnation in accordance with Section 18.20.130.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.120 - Appeals to City Council.

Whenever the owner of any structure is aggrieved by any final order of the Board of Examiners, Appeals and Condemnation, dealing with the abatement of a nuisance as provided in this chapter, such owner may within five (5) days of notice of such ruling or act appeal to the City Council as provided in Section 18.20.140.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.130 - Owner responsibility to demolish structure.

In the event the Board of Examiners, Appeals and Condemnation orders a structure demolished, immediately upon the effective date of its order, the structure's owner shall arrange for the vacation and demolition of the structure within sixty (60) days after the Board's order becomes effective, unless such order is modified or reversed by the City Council or is stayed by a court of competent jurisdiction. Should the structure owner fail to inform the Building Official within five (5) days after the Board's order becomes effective that such arrangements have been made or should the owner's scheduled demolition not in fact be completed within the aforesaid sixty (60) day period, then the Building Official may arrange for the demolition of the subject structure and impose a lien upon the property for the costs of same.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.135 - Landmark structures—Alternatives to demolition.

Upon receipt of an application for a permit to demolish a landmark building to comply with the provisions of this chapter, the Building Official shall request the City Clerk to present such application before the City Council at their next scheduled meeting. City Council shall thereupon set a public hearing not less than ten (10) nor more than thirty (30) days from the date the application is presented. On the date thus fixed, or on the date to which the hearing has been subsequently continued, City Council shall proceed to hear testimony and receive evidence relating to the matter. At the conclusion of the hearing, City Council shall make a determination on the method of abating the earthquake hazardous conditions of the building based upon the estimated comparative costs of seismic rehabilitation and demolition, any financial assistance programs that may be available to the owner for rehabilitation, the potential life safety risks involved, or any other pertinent information. Following the hearing, the City Council may order demolition. Alternatively, the City Council may consider: (1) ordering the building vacated and secured against unlawful entry, (2) barricading the pedestrian areas surrounding the building subject to hazards from parts of the building dislodged in an earthquake, and/or (3) allowing additional time to strengthen the building. In the event authorization is not granted for a permit to demolish and/or an alternative is ordered, all demolition permit processing fees submitted by the applicant shall be refunded and the applicant shall be deemed relieved of any further responsibility to demolish the structure under this chapter except as may be provided in the alternate permit issued.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.140 - Notice of pending order of demolition.

A. In the event the Board orders the demolition of the subject structure by a date certain which is three (3) months or more after the effective date of the order, and the order is not modified or reversed by the City Council or is not stayed by a court of competent jurisdiction, the Building Official shall prepare a notice of pending order of demolition and arrange for the recordation of same in the office of the county recorder of Los Angeles County. The notice shall be in substantially the following form:

**NOTICE OF PENDING
ORDER OF DEMOLITION**

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that by order of the Board of Examiners, Appeals and Condemnation of the City of Long Beach, State of California, dated _____, 20____, that certain structure now standing at
and described generally as

must and shall be demolished on or before _____ 20____.

A certified copy of said order may be obtained from the office of the Department of Development Services, Building and Safety Bureau, of the City of Long Beach upon the payment of the appropriate fee. If said structure is not demolished in accordance with the aforesaid order, the same may be demolished by the City of Long Beach and the costs therefore assessed as a lien upon the land upon which the structure stood. A lien in the amount of \$_____ in favor of the City of Long Beach is hereby assessed against said property for the costs of recording this notice.

B. The notice shall be recorded under the names of each and every person to whom the notice of Section 18.68.090 was mailed. The structure's owner may pay the recording fees for the aforesaid notice and thereby avoid the imposition of lien for same against the property.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.150 - Owner responsibility to accomplish hazard reduction measures.

In the event the Board or the City Council certifies to the validity of any or all of any measures the owner has proposed as a means of reducing the earthquake hazard, and finds that the accomplishment of such measures will reduce the earthquake hazard associated with the structure to or below the applicable tolerable level, it shall order the owner to immediately initiate the accomplishment of such measures and to complete the same within a reasonable time. The Board or the City Council shall designate in its order, based on evidence presented to it during the hearing, that date certain which represents a reasonable time in its opinion for the accomplishment of the proposed measures.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.160 - Jurisdiction of Board or Council over certain cases.

The Board or the City Council shall retain jurisdiction over cases in which it has approved owner-proposed measures for reducing earthquake hazard until such measures have been timely accomplished. In the event written evidence of the completion of the approved measures is not presented to the Board or the City Council within ten (10) days after the designated date for the completion of such measures shall have passed, the Board or the City Council may revise its decision and order the immediate vacation and demolition of the structure. The Board or City Council may consider a time extension for the

completion of the proposed measures if, prior to said date, the structure's owner has so applied. Any application for such an extension shall be in writing, setting forth what has actually been accomplished, what remains to be done, and the reasons for the requested extension. Should the Board or the City Council conclude that good cause has been shown for an extension, it may grant such an extension in writing for a period deemed necessary to complete the approved repairs.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.170 - Hearing—Failure of owner to proceed in good faith.

In the event the Building Official or any interested person presents written affidavits to the Board or the City Council indicating the owner is not proceeding in good faith to timely accomplish any measures approved by the Board or the City Council in its original decision and order, the Board or City Council shall, on ten (10) days' written notice mailed via certified United States mail to the owner of the structure, schedule and conduct a hearing on the matter. At such hearing, evidence, oral and written, may be presented as in the original hearing, and if the Board or the City Council is convinced that the owner is not proceeding in good faith to timely carry out its original order, then it shall revoke the order and order instead the immediate vacation and demolition of the structure. Written affidavits shall not, however, be received by the Board or the City Council under this section until at least fifty percent (50%) of the time allowed in its original order has expired.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.180 - Notification to owners of buildings four stories or more in height.

Pursuant to Section 18.68.050, notification shall be sent via certified United States mail to owners of buildings four (4) stories or more in height, on such dates as are determined in Section 18.68.050. Such notification shall require the owner to have gathered and submitted to the Building Official information and data relating to the building's capabilities to withstand earthquake forces in sufficient detail to permit grading of the building in accordance with Section 18.68.030. Such information and data shall be gathered by a structural or civil engineer or architect licensed under the laws of the State. The notification shall state the date by which the information and data shall be transmitted to the Building Official, and that failure to so transmit shall result in arbitrarily placing the building in the Excessive Hazard - Grade I category.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.190 - Notice of county recorder.

Upon expiration of the sixty (60) day period after notification to owners and interested parties of the hazardous grade in which their building is being placed, all in accordance with Section 18.68.050, and if such hazardous grading has not been changed or required data substantiating a change has not been submitted as set forth in Section 18.68.080, the Building Official shall prepare and cause to be recorded with the county recorder a certificate stating that the building has been graded and assigned the particular hazardous grade determined under Section 18.68.030. When and if all required repairs are made to the building and it is removed from the hazardous grading, or certain corrective action is taken to change it to a different grade, the Building Official shall cause to be recorded with the county recorder records indicating the removal from said hazardous grading or reflecting the change to the different grade.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.200 - Figure No. A-23-1.

Acceptable diaphragm span is shown in Figure A-23-1.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.210 - Tables A-23-A through A-23-F.

Force factors and material values are shown in Tables A-23-A through A-23-F.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.220 - Standard No. 24-40, in-place masonry shear tests.

The bed joints of the outer wythe of the masonry shall be tested in shear by laterally displacing a single brick relative to the adjacent bricks in the same wythe. The head joint opposite the loaded end of the test brick shall be carefully excavated and cleared. The brick adjacent to the loaded end of the test brick shall be carefully removed by sawing or drilling and excavating to provide space for a hydraulic ram and steel loading blocks. Steel blocks, the size of the end of the brick, shall be used on each end of the ram to distribute the load to the brick. The blocks shall not contact the mortar joints. The load shall be applied horizontally, in the plane of the wythe, until either a crack can be seen or slip occurs. The strength of the mortar shall be calculated by dividing the load at the first crack or movement of the test brick by the nominal gross area of the sum of the two (2) bed joints.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.221 - Standard No. 24-41, tests of anchors in unreinforced masonry walls.

- A. Existing Anchors. The test apparatus shall be supported on the masonry wall at a minimum distance of the wall thickness from the anchor tested. Existing wall anchors shall be given a preload of three hundred (300) pounds prior to establishing a datum for recording elongation. The tension test load reported shall be recorded at one-eighth (1/8) inch relative movement of the anchor and the adjacent masonry surface. Results of all tests shall be reported. The report shall include the test results as related to the wall thickness and joist orientation.

FIGURE NO. A-23-1.
ACCEPTABLE DIAPHRAGM SPAN

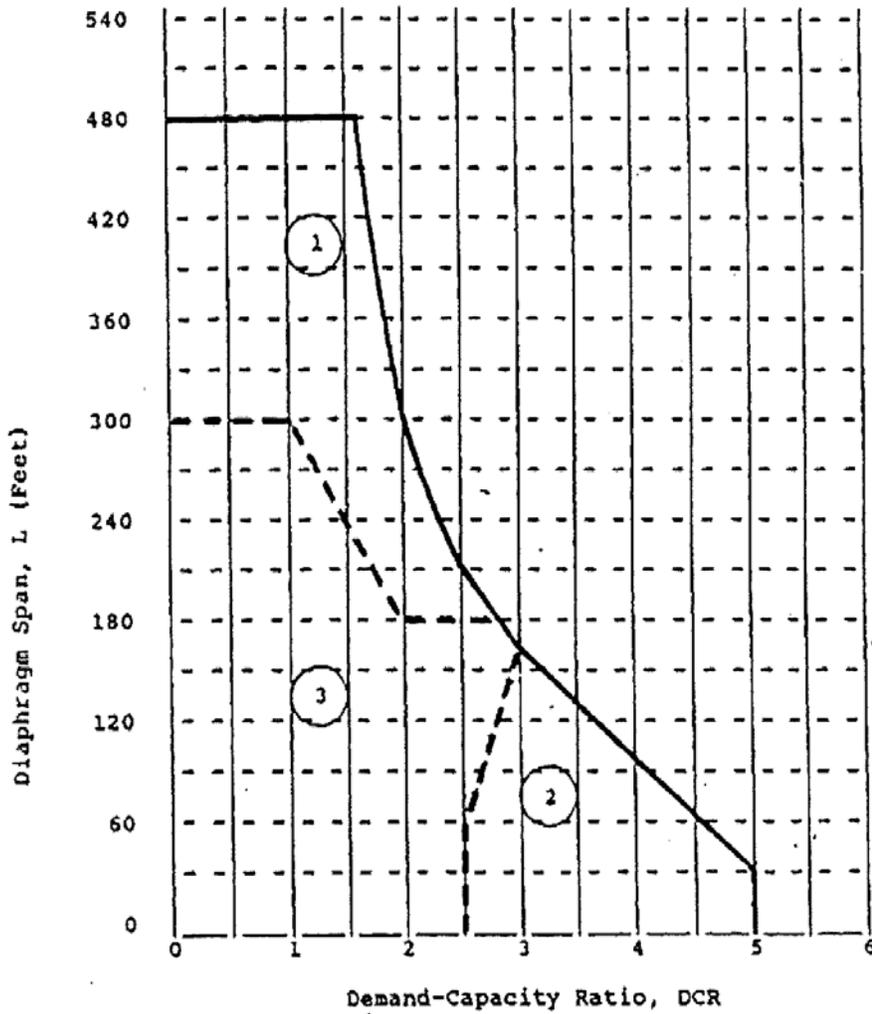


TABLE NO. A-23-A
HORIZONTAL FORCE FACTOR C_p

CONFIGURATION OF MATERIALS	C_p
Roofs with straight or diagonal sheathing and roofing applied directly to the sheathing, or floors with straight tongue and groove sheathing.	0.5
Diagrams with double or multiple layers of Boards with edges offset and blocked plywood systems.	0.74

TABLE NO. A-23-B
ALLOWABLE VALUE OF HEIGHT-THICKNESS RATIO OF
UNREINFORCED MASONRY WALLS

Wall Types	Buildings with Crosswalls¹	All Other Buildings
Walls of one-story buildings	16 ^{2,3}	<u>13</u>
First-story wall of multi-story building	16	<u>15</u>
Walls in top story of multi-story buildings	14 ^{2,3}	9
All other walls	16	<u>13</u>

¹ Applies to the Special Procedures of Subsection 18.68.027.D only. See Subsection 18.68.027.D.7 for other restrictions.

² This value of height-to-thickness ratio may be used only where mortar shear tests in accordance with Section 18.68.024 establish a tested mortar shear strength, v_t , of not less than one hundred (100) psi or where the tested mortar shear strength, v_t is not less than sixty (60) psi and a visual examination of the collar joint indicates not less than fifty percent (50%) mortar coverage.

³ Where a visual examination of the collar joint indicates not less than fifty percent (50%) mortar coverage and the tested mortar shear strength, v_t , when established in accordance with Section 18.68.024 is greater than thirty (30) psi but less than sixty (60) psi, the allowable height-to-thickness ratio may be determined by linear interpolation between the larger and smaller ratios in direct proportion to the tested mortar shear strength, v_t .

TABLE NO. A-23-C
ALLOWABLE VALUES FOR EXISTING MATERIALS

EXISTING MATERIALS OR CONFIGURATIONS OF MATERIALS¹		ALLOWABLE VALUES
1.	HORIZONTAL DIAPHRAMS ⁴	
a.	Roofs with straight sheathing and roofing applied directly to the sheathing	100 lbs. per foot for seismic shear
b.	Roofs with diagonal sheathing and roofing applied directly to the sheathing	250 lbs. per foot for seismic shear
c.	Floors with straight tongue-and-groove sheathing	100 lbs. per foot for seismic shear

d.	Floors with straight sheathing and finished wood flooring with Board edges offset or perpendicular	500 lbs. per foot for seismic shear
e.	Floors with diagonal sheathing and finished wood flooring	600 lbs. per foot for seismic shear
2.	CROSSWALLS ^{2,4}	
a.	Plaster on wood or metal lath	Per side: 200 lbs. per foot for seismic shear
b.	Plaster on gypsum lath	175 lbs. per foot for seismic shear
c.	Gypsum wall Board, unblocked edges	75 lbs. per foot for seismic shear
d.	Gypsum wall Board, blocked edges	125 lbs. per foot for seismic shear
3.	EXISTING FOOTINGS, WOOD FRAMING, STRUCTURAL STEEL, AND REINFORCED CONCRETE	
a.	Plain concrete footings	F'c = 1,500 psi unless otherwise shown by tests ³
b.	Douglas fir wood	Allowable stress same as No. 1 D.F. ³
c.	Reinforcing steel	f _t = 18,000 lbs. per square inch maximum. ³
d.	Structural steel	f _t = 20,000 lbs. per square inch maximum. ³

¹ Bolts to be tested as specified in Section 18.68.025.

² Bolts to be (-inch minimum in diameter.

³ Drilling for bolts and dowels shall be done with an electric rotary drill. Impact tools shall not be used for drilling holes or tightening anchors and shear bolt nuts.

⁴ A one-third increase in allowable stress is not allowed.

⁵ Stresses given may be increased for combinations of loads as specified in the Uniform Building Code.

TABLE A-23-E

^β Factors

SYSTEM	β
A. URM Bearing Wall Building	1.0
B. Ordinary Steel Moment Frame	
1. Without infill (after removal of infill)	.065 ⁽¹⁾
2. Clay tile infill	(3)
3. Unreinforced masonry or concrete infill	0.65 ⁽²⁾
4. Reinforced masonry or concrete infill	0.80 ⁽²⁾
C. Ordinary Concrete Moment Frame	
1. Without infill (after removal of infill)	0.65 ⁽¹⁾
2. Clay tile infill	(3)
3. Unreinforced masonry or concrete infill	0.65 ⁽²⁾
4. Reinforced masonry or concrete infill	0.80 ⁽²⁾

Editor's Note -

The shear capacity of frame columns adjacent to (1) infill walls shall be capable of resisting story shears using $\phi = 1.0$.

Editor's Note -

Where partial infills are used to resist the story (2) shear, the shear capacity of frame columns adjacent to partial infill walls shall be capable of resisting story shears using $\phi = 1.0$.

Editor's Note -

Clay tile infill may not be considered for resisting (3) building lateral forces. Hence, if the infill is clay tile, either it needs to be removed and replaced with reinforced concrete or masonry (and a ϕ of 0.80 utilized) or the infill can remain in place (provided it is protected from becoming a falling hazard) and the frame is qualified with a ϕ of 0.65.

TABLE A-23-F

 ϕ OCCUPANCY LOAD FACTOR

OCCUPANT LOAD*	ϕ
100 or more	<u>1.25</u>
Less than 100	1.0

Editor's Note -

The Occupant Load shall be defined as specified in the * 1985 UBC Section 3302(a)

B. Combined shear and tension bolts. Combined shear and tension bolts embedded in unreinforced masonry walls shall be tested using a torque calibrated wrench to the following minimum torques:

½-inch-diameter bolts—40 foot lbs.

5/8-inch-diameter bolts—50 foot lbs.

¾-inch-diameter bolts—60 foot lbs.

All nuts shall be installed over malleable iron or plate washers when bearing on wood and heavy cut washers when bearing on steel.

(ORD-13-0024, § 1(exh. A), 2013)

18.68.222 - Standard No. 24-42, pointing of unreinforced masonry walls.

The old or deteriorated mortar should be cut out, by means of a tothing chisel or nonimpact power tool to a uniform depth of three-fourths ($\frac{3}{4}$) inch, or until sound mortar is reached. Care must be taken not to damage the brick edges. After cutting is completed, remove all loose material with a brush, air, or water stream.

Mortar mix shall be type "N" or "S" proportions as called for in the construction specifications, preferably as close to the original mortar proportion as possible. Prehydrate pointing mortar to reduce excessive shrinkage. To prehydrate mortar, thoroughly mix all ingredients dry, then mix again, adding only enough water to produce a damp unworkable mix which will retain its form when pressed into a ball. After keeping mortar in this dampened condition for one (1) to one and one-half ($1\frac{1}{2}$) hours, add sufficient water to bring it to the proper consistency that is somewhat drier than conventional masonry mortar. To ensure good bond, wet the mortar joints thoroughly before applying pointing mortar. The joints should not be visibly wet with freestanding water which must be absorbed into the wall. Pack mortar tightly in thin layers (one-fourth ($\frac{1}{4}$) inch maximum) until the joint is filled, then tool to a smooth surface to match original profile.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.69 - VOLUNTARY EARTHQUAKE HAZARD REDUCTION IN EXISTING WOOD FRAME RESIDENTIAL BUILDINGS WITH WEAK CRIPPLE WALLS AND UNBOLTED SILL PLATES

18.69.010 - General.

- A. Purpose. The provisions of this chapter are intended to promote public safety and welfare by reducing the risk of earthquake-induced damage to existing wood-framed residential buildings. The voluntary minimum standards contained in this chapter shall substantially improve the seismic performance of these residential buildings but will not necessarily prevent all earthquake damage. When fully followed, these standards will strengthen the portion of the structure that is most vulnerable to earthquake damage.

Prior to 1960, most wood frame residential buildings were built with raised wood floors supported by short wood stud walls known as cripple walls. These cripple walls are typically braced with weak seismic materials such as Portland cement plaster or horizontal wood siding. In addition, wood frame buildings built under Building Codes in effect prior to July 1938 were not required to be bolted to their foundations. Recent earthquakes have shown that if a building has weak cripple walls or is unbolted, it may fall off its foundation even in moderate earthquakes.

Fallen buildings have collapsed, caught fire or needed extensive repairs to restore their occupancy.

This chapter sets prescriptive standards for strengthening of under floor enclosures, if permitted by the Building Official, without requiring construction documents prepared by a registered design professional licensed by the State of California. This chapter also provides a design standard for the use of alternate materials or an alternate method of construction in lieu of the prescriptive standards.

Construction documents for strengthening using alternate materials or methods shall be prepared by a registered design professional licensed by the State of California.

- B. Scope. The provisions of this chapter may be applied to light wood frame Group R occupancies, with no more than four (4) dwelling units when they contain one (1) or more of the structural weaknesses specified in Section 18.69.030

The provisions of this chapter do not apply to the buildings or elements thereof listed below. These buildings or elements require analysis by a registered design professional licensed by the State of California in accordance with Chapter 16 of the California Building Code adopted in Chapter 18.40 or other approved standards to determine appropriate strengthening.

1. Buildings with a lateral-force-resisting system using poles or columns embedded in the ground.
2. Cripple walls that exceed four (4) feet in height.
3. Buildings exceeding three (3) stories in height and any three (3) story building with cripple wall studs exceeding fourteen (14) inches in height.
4. Buildings, or portions thereof, constructed on a concrete slab on grade or constructed on or into a slope steeper than one (1) unit vertical in three (3) units horizontal (33.3% slope).
5. Buildings where the Building Official determines that conditions exist that are beyond the scope of the requirements of this chapter.

The standard details approved by the Building Official and these prescriptive provisions are not intended to be the only acceptable strengthening methods permitted. Alternate details and methods shall be permitted when approved by the Building Official. Qualified historical buildings shall be permitted to use alternate building regulations or deviations from this chapter in order to preserve their original or restored architectural elements and features. See California Code of Regulations, Title 24, Part 8 (California Historical Building Code) for these standards.

- C. Alternative design procedures. When analysis by a registered design professional is required or provided for a building within the scope of this chapter, such analysis shall be in accordance with all requirements of this code except as provided in this chapter. The design shall provide strengthening for any structural weakness listed in Section 18.69.030 that is at least equivalent to that provided by the prescriptive requirements of this chapter with respect to strength, deflection and capacity. The Building Official may require that sufficient evidence be submitted to substantiate such equivalence. The base shear may be determined in accordance with the following:

$$V = 0.1375 W(69-1)$$

Where:

V = the total design lateral force or shear at the base

W = the total seismic dead load defined in Section 12.7.2 of ASCE 7-05.

(ORD-13-0024, § 1(exh. A), 2013)

18.69.020 - Definitions.

For the purpose of this chapter, in addition to the applicable definitions, symbols and notations in this code, certain additional terms are defined as follows:

"Adhesive anchor" means a fastener placed in hardened concrete or masonry that derives its holding strength from a chemical adhesive compound placed between the wall of the hole and the embedded portion of the anchor.

"Anchor side plate" means a metal plate or plates used to connect a sill plate to the side of a concrete or masonry stem wall.

"Cripple wall" means a wood-framed stud wall extending from the top of the foundation to the underside of the lowest floor framing.

"Expansion anchor" means a mechanical fastener placed in hardened concrete or assembled masonry, designed to expand in a self-drilled or pre-drilled hole of a specified size and engage the sides of the hole in one (1) or more locations to develop shear and/or tension resistance to applied loads without grout, adhesive or drypack.

"Perimeter foundation" means a foundation system which is located under the exterior walls of a building.

"Snug-tight" is as tight as an individual can torque a nut on a bolt by hand using a wrench with a ten (10) inch long handle and the point at which the full surface of the plate washer is contacting the wood member and slightly indents the wood surface.

"Unreinforced masonry" means and includes adobe, burned clay, concrete or sand-lime brick, hollow clay or concrete block, hollow clay tile, rubble, cut stone, and unburned clay masonry walls in which the area of reinforcement is less than fifty percent (50%) of the minimum steel ratios required for reinforced masonry.

(ORD-13-0024, § 1(exh. A), 2013)

18.69.030 - Structural weaknesses.

- A. Sill plates or floor framing which are supported directly on the ground without an approved foundation system.
- B. A perimeter foundation system which is constructed of wood posts supported on isolated pad footings.
- C. Perimeter foundation systems that are not continuous.

EXCEPTIONS:

- 1. Existing single-story exterior walls not exceeding ten (10) feet in length forming an extension of floor area beyond the line of an existing continuous perimeter foundation.
 - 2. Porches, storage rooms and similar spaces not containing fuel burning appliances.
- D. A perimeter foundation system which is constructed of unreinforced masonry.
 - E. Sill plates which are not connected to the foundation or are connected with less than what is required by Subsection 18.69.040.C.1.
 - F. Cripple walls that are not braced in accordance with the requirements of Subsection 18.69.040.D and Table 69-A.

(ORD-13-0024, § 1(exh. A), 2013)

18.69.040 - Strengthening requirements.

- A. General.
 - 1. Scope. The structural weaknesses noted in Section 18.69.030 shall be strengthened in accordance with the requirements of this section. Strengthening work shall be allowed to include both new construction and alteration of existing construction. Except as provided herein, all strengthening work and materials shall comply with the applicable provisions of this code. Alternate methods of strengthening shall be allowed provided such systems are designed by a registered design professional and approved by the Building Official.
 - 2. Condition of existing wood materials. All existing wood materials which will be a part of the strengthening work shall be in a sound condition and free from defects which substantially reduce the capacity of the member. Any wood material found to contain fungus infection shall be removed and replaced with new material. Any wood material found to be infested with insects or to have been infested shall be strengthened or replaced with new materials to provide a net dimension of sound wood at least equal to its undamaged original dimension.
 - 3. Floor joists not parallel to foundations. Floor joists framed perpendicular or at an angle to perimeter foundations shall be restrained by either a nominal two (2) inch wide continuous rim joist or a nominal two (2) inch wide full depth blocking between alternate joists in one (1) and two (2) story buildings, and between each joist in three (3) story buildings. Blocking for multistory buildings must occur at each joist space above a braced cripple wall panel.

Existing connections at the top edge of an existing rim joist or blocking need not be verified. The bottom edge connection to either the foundation sill plate or top plate of a cripple wall shall be verified unless a supplemental connection is provided. The minimum existing bottom edge connection shall consist of 8d toenails spaced six (6) inches apart for a continuous rim joist or three (3) 8d toenails per block. When this minimum bottom edge connection is not present, or is not verified, a supplemental connection shall be provided.

When an existing continuous rim joist or the minimum existing blocking does not occur, new one and one-eighth (1-1/8) inch wood structural panel blocking installed tightly between floor joists and nailed with 10d common nails at four (4) inches on center to the sill or wall top plate shall be provided at the inside face of the cripple wall. In lieu of one and one-eighth (1-1/8) inch wood structural panel blocking, tight-fitting, full or near full depth two (2) inches nominal width lumber blocking shall be allowed provided it does not split during installation. New blocking is not required where it will interfere with vents or plumbing that penetrates the wall.

4. Floor joists parallel to foundations. Where existing floor joists are parallel to the perimeter foundations, the end joist shall be located over the foundation and, except for required ventilation openings, shall be continuous and in continuous contact with any existing foundation sill plate or top plate of the cripple wall. Existing connections at the top edge connection of the end joist need not be verified; however, the bottom edge connection to either the foundation sill plate or the top plate of a cripple wall shall be verified unless a supplemental connection is provided.

The minimum bottom edge connection shall be 8d toenails spaced six (6) inches apart. If this minimum bottom edge connection is not present or is not verified, a supplemental connection shall be provided.

5. Supplemental connections. Supplemental connections shall provide sufficient strength to transfer the seismic forces. Framing anchors of minimum eighteen (18) gage steel and twelve (12) approved fasteners may be considered to meet this requirement when spaced thirty-two (32) inches on center for one (1) story buildings, twenty-four (24) inches on center for two (2) story buildings and sixteen (16) inches on center for three (3) story buildings.

EXCEPTIONS: A supplemental connection is not required when:

- a. The structural wood panel sheathing extends from the sill plate to the rim joist or blocking above.
 - b. The floor sheathing is nailed directly into the sill or top plate of the cripple wall.
6. Single top plate ties. When a single top plate exists in the cripple wall, all end joints in the top plate shall be tied. Ties shall be connected to each end of the discontinuous top plate and shall be equal to one of the following:
 - a. Three (3) inch by six (6) inch by 0.036-inch thick galvanized steel and nailed with six (6) 8d nails at each end.
 - b. One and one-half (1½) inch by twelve (12) inch by 0.058-inch galvanized steel nailed with six (6) 16d nails at each end.
 - c. Two (2) inch by four (4) inch by twelve (12) inch wood blocking nailed with six (6) 16d nails at each end.

B. Foundations.

1. New perimeter foundations. New perimeter foundations shall be provided for structures with the structural weaknesses noted in Subsections 18.69.030.A and 18.69.030.B. Soil investigations or geotechnical studies are not required for this work unless the building shows signs of excessive settlement or creep.
2. Foundation evaluation by a registered design professional. Partial perimeter foundations or unreinforced masonry foundations shall be evaluated by a registered design professional for the force levels noted in Formula (69-1) of this chapter. Test reports or other substantiating data to determine existing foundation material strengths shall be submitted for review. When approved by the Building Official, these foundation systems may be strengthened in accordance with the recommendations included with the evaluation in lieu of being replaced.

EXCEPTION: In lieu of testing existing foundations to determine material strengths and when approved by the Building Official, a new nonperimeter foundation system, designed for the forces noted in Formula (69-1) of this chapter, may be used to resist all exterior wall lateral forces.

3. Details for new perimeter foundations. All new perimeter foundations shall be continuous and constructed according to the standards for new buildings.

EXCEPTIONS:

- a. When approved by the Building Official, the existing clearance between existing floor joists or girders and existing grade below the floor need not comply with Section 2304.11.2.1 of the California Building Code adopted in Chapter 18.40. This exception shall not be permitted when buildings are relocated on new foundations.
- b. When approved by the Building Official, and when designed by a registered design professional, partial perimeter foundations may be used in lieu of a continuous perimeter foundation.

C. Foundation sill plate anchorage.

1. Existing perimeter foundations. When the building has an existing continuous perimeter foundation, all perimeter wall sill plates shall be connected to the foundation in accordance with Table 69-A and this section. Anchors shall be installed with the plate washer installed between the nut and the sill plate. The nut shall be tightened to a snug-tight condition after curing is complete for adhesive anchors and after expansion wedge engagement for expansion anchors.

The installation of nuts on all anchors shall be subject to verification by the Building Official. Torque testing shall be performed for twenty percent (20%) of all adhesive or expansion anchors.

Minimum test values shall be thirty (30) foot-pounds for one-half (1/2) inch and forty (40) foot-pounds for five-eighths (5/8) inch diameter anchors.

Anchor side plates shall be permitted when conditions prevent anchor installation vertically through the sill plate. Anchor side plates shall be spaced as required for adhesive or expansion anchors but only one (1) anchor side plate is required on individual pieces of sill plate less than thirty-two (32) inches in length. Wood structural panel shims shall be used on sill plates for single plate anchor side plates when the foundation stem wall is from three-sixteenths (3/16) inch to

three-fourths ($\frac{3}{4}$) inch wider than the sill plate. The shim length shall extend a minimum of two (2) inches past each end of the anchor side plate. Two (2) plate anchor side plates shall be used when the total thickness of the required shim exceeds three-fourths ($\frac{3}{4}$) inch.

All anchor side plates which use lag or wood screws shall pre-drill the sill plate to prevent splitting as required by Section 2304.9 of the California Building Code adopted in Chapter 18.40.

Lag or wood screws shall be installed in the center of the thickness of the existing sill plate.

Expansion anchors shall not be used in unreinforced masonry or concrete masonry grout of poor quality. Adhesive anchors shall be required when expansion anchors will not tighten to the required torque or their installation causes surface cracking of the foundation wall.

2. Placement of anchors. Anchors shall be placed within twelve (12) inches, but not less than nine (9) inches, from the ends of sill plates and shall be placed near the center of the stud space closest to the required spacing. New sill plates may be installed in pieces when necessary because of existing conditions.

The minimum length of new sill plate pieces shall be thirty (30) inches.

EXCEPTION: Where physical obstructions such as fireplaces, plumbing or heating ducts interfere with the placement of an anchor, the anchor shall be placed as close to the obstruction as possible, but not less than nine (9) inches from the end of the plate. Center-to-center spacing of the anchors shall be reduced as necessary to provide the minimum total number of anchors required based on the full length of the wall. Center-to-center spacing shall not be less than twelve (12) inches.

3. New perimeter foundations. Sill plates for new perimeter foundations shall be anchored as required by Section 1805.6 of the California Building Code adopted in Chapter 18.40.

D. Cripple wall bracing.

1. General. Exterior cripple walls not exceeding four (4) feet in height shall use the prescriptive bracing method listed below. Cripple walls more than four (4) feet in height require analysis by a registered design professional in accordance with Chapter 16 of the California Building Code adopted in Chapter 18.40.
2. Sheathing requirements. Wood structural panel sheathing shall not be less than $15/32$ inch thick. When used, plywood panels shall be constructed of five (5) or more plies.

All wood structural panels shall be nailed with 8d common nails spaced four (4) inches on center at all edges and at twelve (12) inches on center at each intermediate support with not less than two (2) nails for each stud. Nails shall be driven so that their head or crown is flush with the surface of the sheathing and shall penetrate the supporting member a minimum of one and one-half ($1\frac{1}{2}$) inch. When a nail fractures the surface, it shall be left in place and not counted as part of the required nailing. A new 8d nail shall be located within two (2) inches of the discounted nail and hand-driven flush with the sheathing surface.

EXCEPTION: No. $6 \times 1\frac{1}{2}$ inch wood screws may be used for sheathing nailing when bracing materials are installed on the interior face of studs and cement plaster or other brittle finishes are on the exterior of the sheathed wall.

All horizontal joints must occur over nominal two (2) inch by four (4) inch blocking installed with the nominal four (4) inch dimension against the face of the plywood. All vertical joints must occur over studs. Vertical joints at adjoining pieces of wood structural panels shall be centered on existing studs such that there is a minimum one-eighth (1/8) inch between the panels.

Nails shall be placed a minimum of one-half (1/2) inch from the edges of the existing stud. When such edge distance cannot be maintained because of the width of the existing stud, a new stud shall be added adjacent to the existing and connected with 16d common nails at eight (8) inches on center. A minimum of three (3) such nails shall be provided.

3. Distribution and amount of bracing. See Table 69-A for the distribution and amount of bracing required. Bracing for a building with three (3) or more floor levels above cripple wall studs exceeding fourteen (14) inches in height must be designed in accordance with Chapter 16 of the California Building Code adopted in Chapter 18.40.

The braced panel must be at least two (2) times the height of the cripple stud wall but not less than forty-eight (48) inches in width. All panels along a wall shall be nearly equal in length and shall be nearly equally spaced along the length of the wall. Braced panels at ends of walls shall be located as near the end as possible.

Where physical obstructions such as fireplaces, plumbing or heating ducts interfere with the placement of cripple wall bracing, the bracing shall then be placed as close to the obstruction as possible. The total amount of bracing required shall not be reduced because of obstructions, but the required length of bracing need not exceed the length of the wall.

Under floor ventilation openings shall be maintained in accordance with Section 1203.3 of the California Building Code adopted in Chapter 18.40. Braced panels may include under floor ventilation openings when the height of the solid portion of the panel meets or seventy-five percent (75%) of the height of the cripple stud wall.

When the minimum amount of bracing prescribed in Table 69-A cannot be installed due to obstructions along any wall, the bracing must be designed by a registered design professional in accordance with Subsection 18.69.010.C.

4. Stud space ventilation. When bracing materials are installed on the interior face of studs forming an enclosed space between the new bracing and existing exterior finish, each braced stud space must be ventilated. Adequate ventilation and access for future inspection shall be provided by drilling on two (2) inch to three (3) inch diameter round hole through the sheathing nearly centered between each stud at the top and bottom of the cripple wall. Such holes should be spaced a minimum of one (1) inch clear from the sill or top plates. In stud spaces containing sill bolts, the hole shall be located on the center line of the sill bolt but not closer than one (1) inch clear from the nailing edge of the sheathing.

When existing blocking occurs within the stud space, additional ventilation holes shall be placed above and below the blocking or the existing block shall be removed and a new nominal two (2) inch by four (4) inch block installed with the nominal four (4) inch dimension against the face of the plywood. For stud heights less than eighteen (18) inches, only one (1) ventilation hole need be provided.

5. Existing under floor ventilation. Existing under floor ventilation shall not be reduced without providing equivalent new ventilation as close to the existing as possible. New sheathing may be installed around existing vent openings in braced panels when the length of the panel is increased a distance equal to the length of the vent opening or one (1) stud space minimum.

EXCEPTION: For residential buildings with a post and pier foundation system where a new continuous perimeter foundation system is being installed, ventilation shall be provided in accordance with this title.

(ORD-13-0024, § 1(exh. A), 2013)

18.69.050 - Quality control.

- A. Inspection by the Department. All work shall be subject to inspection by the Building Official including, but not limited to:
 1. Placement and installation of new adhesive or expansion anchors or anchor side plates installed in existing foundations;
 2. Placement of required blocking and framing anchors;
 3. Installation and nailing of new cripple wall bracing. The torque testing of sill plate anchors per Subsection 18.69.040.C.1 shall be performed by the Building Inspector.
- B. Special inspection. Special inspection is not required for sill plate anchors installed in existing foundations regulated by the provisions of this chapter. Any work may be subject to special inspection when required by the Building Official or when so designated by the registered design professional of record.
- C. Structural observation. Structural observation is not required for work done under the prescriptive provisions of this chapter. When construction documents for strengthening are prepared by a registered design professional and alternate materials or methods are used, structural observation shall be provided as required in Section 1710 of the California Building Code adopted in Chapter 18.40.
- D. Registered design professional of record's statement. When an alternative design is provided per Subsection 18.69.010.C, the responsible registered design professional of record shall place the following statement on the approved construction document:
 1. "I am responsible for this building's seismic strengthening design for the under floor cripple walls and sill bolting in compliance with the minimum seismic resistance standards of Chapter 18.69 of the Long Beach Municipal Code."
 or when applicable:
 2. "The registered special inspector, required as a condition of the use of structural design stresses requiring continuous inspection, will be responsible to me as required by Section 1704.1 of the California Building Code adopted in Chapter 18.40 of the Long Beach Municipal Code."

TABLE 69-A SILL PLATE ANCHORAGE AND CRIPPLE WALL BRACING^{1,2,3}

Number of Stories Above Cripple Walls	Minimum Sill Plate Connection and Maximum Spacing	Amount of Wall Bracing
One Story	Adhesive or expansion anchors shall be ½ inch minimum diameter spaced at 6 feet	Each end and not less than 50% of the

	maximum center to center.	wall length.
Two Story	Adhesive or expansion anchors shall be ½ inch minimum diameter spaced at 4 feet maximum center to center; or 5/8 inch spaced at 6 feet maximum center to center.	Each end and not less than 70% of the wall length.
Three Story	Adhesive or expansion anchors shall be ½ inch minimum diameter spaced at 2 feet 8 inches maximum center to center; or 5/8 inch minimum diameter spaced at 4 feet maximum center to center.	100% of the wall length.

¹ Plate washers for use with adhesive or expansion anchors shall be two inches by two inches by three-sixteenths inch for one-half-inch diameter anchors and two and one-half inches by two and one-half inches by one-fourth inch for five-eighths-inch diameter anchors.

² Existing sill plate anchor bolts shall be permitted to provide all or a portion of the sill plate connection requirement if:

2.1 The anchor bolt is cast in concrete and in sound condition,

2.2 The diameter size and maximum spacing meets or exceeds the requirements of this table,

2.3 A new plate washer conforming to Footnote 1 is installed, and

2.4 The sill plate is connected to a snug-tight condition and torque tested per Subsection 18.69.040.C.1.

³ Anchor side plates shall be permitted when conditions prevent anchor installation vertically through the sill plate.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.70 - VOLUNTARY EARTHQUAKE HAZARD REDUCTION IN EXISTING WOOD FRAME RESIDENTIAL BUILDINGS WITH SOFT, WEAK OR OPEN FRONT WALLS

18.70.010 - Purpose.

The purpose of this chapter is to promote the public welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on existing wood-frame multi-unit residential buildings. The ground motion of the Northridge earthquake caused the loss of human life, personal injury and property damage in these types of buildings. This chapter creates minimum standards to strengthen the more vulnerable portions of these structures. When fully followed, these minimum standards will substantially improve the performance of these buildings but will not necessarily prevent all earthquake-related damage.

(ORD-13-0024, § 1(exh. A), 2013)

18.70.020 - Scope.

The provisions of this chapter shall apply to all existing wood frame buildings or portions thereof, designed using the Building Code in effect before January 1, 1995, which are used as hotels, lodging houses, congregate residences or apartment houses where:

- A. The ground floor portion of the wood frame structure contains parking or other similar open floor space that causes soft, weak or open front wall lines as defined in this chapter and there exists one (1) or more levels above; or
- B. The walls of any story or basement of wood construction are laterally braced with nonconforming structural materials as defined in this chapter and there exists two (2) or more levels above.

(ORD-13-0024, § 1(exh. A), 2013)

18.70.030 - Definitions.

Notwithstanding the applicable definitions, symbols and notations in this title, the following definitions shall apply for the purposes of this chapter:

"Apartment house" means any building or portion thereof which contains three (3) or more dwelling units, and for the purposes of this chapter, includes residential condominiums.

"Aspect ratio" means the ratio of the height of a wall section to its width.

"Congregate residence" means any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by this code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, and fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.

"Cripplewall" means a wood-framed stud wall extending from the top of the foundation wall to the underside of the lowest floor framing.

"Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one (1) family, or congregate residence for ten (10) or fewer persons.

"Expansion anchor" means an approved mechanical fastener placed in hardened concrete, designed to expand in a self-drilled or pre-drilled hole of a specified size and engage the sides of the hole in one (1) or more locations to develop shear and/or tension resistance to applied loads without grout, adhesive or drypack.

"Groundfloor" means any floor within the wood frame portion of a building whose elevation is immediately accessible from an adjacent grade by vehicles or pedestrians. The ground floor portion of the structure does not include any level that is completely below adjacent grades.

"Guest room" means any room or rooms used or intended to be used by a guest for sleeping purposes. Every one hundred (100) square feet of superficial floor area in a congregate residence shall be considered a guest room.

"Hotel" means any building containing six (6) or more guest rooms intended or designed to be used, rented, hired out to be occupied, or which are occupied for sleeping purposes by guests.

"Level" means a story, basement or under floor space of a building with cripple walls exceeding four (4) feet in height.

"Lodginghouse" means any building or portion thereof containing at least one (1) but not more than five (5) guest rooms where rent is paid in money, goods, labor or otherwise.

"Motel" means a hotel as defined in this chapter.

"Multi-unit residential buildings" means hotels, lodging houses, congregate residences and apartment houses.

"Nonconforming structural materials" means wall bracing materials for seismic loads whose allowable shear value was reduced or whose maximum allowable aspect ratio was decreased since the original building construction. These methods or materials include, but are not limited to cement or gypsum plaster, gypsum wall board, diagonal or let-in bracing, straight or diagonal wood sheathing, particle board and structural wood panels.

"Open frontwall line" means an exterior wall line without vertical elements of the lateral-force-resisting system which requires tributary seismic forces to be resisted by diaphragm rotation or excessive cantilever beyond parallel lines of shear walls. Diaphragms that cantilever more than twenty-five percent (25%) of the distance between lines of lateral-force-resisting elements shall be considered excessive. Exterior exit balconies of six (6) feet or less in width shall not be considered excessive cantilevers.

"Retrofit" means an improvement of the lateral-force-resisting system by alteration of existing structural elements or addition of new structural elements.

"Softwall line" means a wall line whose lateral stiffness is less than required by story drift limitations or deformation compatibility requirements of this chapter. In lieu of analysis, this may be defined as a wall line in a story where the story stiffness is less than seventy percent (70%) of the story above for the

direction under consideration.

"Story strength" means the total strength of all seismic-resisting elements sharing the same story shear in the direction under consideration.

"Wallline" means any length of a wall along a principal axis of the building used to provide resistance to lateral loads. Parallel wall lines separated by less than four (4) feet shall be considered one (1) wall line for the distribution of loads.

"Weakwall line" means a wall line laterally braced with nonconforming structural materials or a wall line in a story where the story strength is less than eighty percent (80%) of the story above in the direction under consideration.

(ORD-13-0024, § 1(exh. A), 2013)

18.70.040 - General requirements for phased construction.

When the building contains three (3) or more levels, the work specified in this chapter shall be permitted to be done in the following phases. Work shall start with Phase 1 unless otherwise approved by the Building Official. When the building does not contain the conditions shown in any phase, the sequence of retrofit work shall proceed to the next phase in numerical order.

- A. Phase 1 Work. The first phase of the retrofit work shall include the ground floor portion of the wood structure that contains parking or other similar open floor space.
- B. Phase 2 Work. The second phase of the retrofit work shall include the walls of any level of wood construction with two (2) or more levels above, which are laterally braced with nonconforming structural materials.
- C. Phase 3 Work. The third and final phase of the retrofit work shall include the remaining portions of the building up to, but not including, the top story as specified in Subsection 18.70.050.B.

(ORD-13-0024, § 1(exh. A), 2013)

18.70.050 - Analysis and design.

- A. General. Every building within the scope of this chapter shall be analyzed, designed and constructed in conformance with this code except as modified herein. No alteration of the existing lateral-force-resisting or vertical load-carrying system shall reduce the strength or stiffness of the existing structure.
- B. Scope. This chapter requires the alteration, repair, replacement or addition of structural elements and their connections to meet the strength and stiffness requirements herein. The lateral load path analysis shall include the resisting elements and connections from the wood diaphragm above any soft, weak or open front wall lines to the foundation soil interface or reinforced concrete slab or masonry wall supporting elements below. The top story of any building need not be analyzed. The lateral load path analysis for added structural elements shall also include evaluation of the allowable soil bearing and lateral pressures in accordance with Section 1803 of the California Building Code adopted in Chapter 18.40.

EXCEPTION: When an open front, weak or soft wall line exists due to parking at the ground level of a two (2) level building and the parking area is less than twenty percent (20%) of the ground floor level, then only the wall lines in the open, weak or soft directions of the enclosed parking area, need comply with the provisions of this chapter.

- C. Design base shear. The design base shear shall be seventy-five percent (75%) of that currently required by ASCE 7-05 Section 12.8.1.
- D. Vertical distribution of forces. The total seismic force shall be distributed over the height of the structure based on Formula (12.8-11 and 12.8-12) in ASCE 7-05 Section 12.8.3. Distribution of force by story weight shall be permitted for two (2) story buildings. The value of R used in the design of any story shall be less than or equal to the value of R used in the given direction for the story above.
- E. Weak story limitation. The structure shall not exceed thirty (30) feet in height or two (2) levels if the lower level strength is less than sixty-five percent (65%) of the story above. Existing walls shall be strengthened as required to comply with this provision unless the weak level can resist a total lateral seismic force of Ω_o per Subsection 18.70.050.C times the design force prescribed in Subsection 18.70.050.D. The story strength for each level of all other structures shall be a minimum of eighty percent (80%) of the story above.
- F. Story drift limitation. The calculated story drift for each retrofitted level shall not exceed the allowable deformation compatible with all vertical load-resisting elements and 0.005 or 0.04/R times the story height. The calculated story drift shall not be reduced by the effects of horizontal diaphragm stiffness but shall be increased when these effects produce rotation. The effects of rotation and soil stiffness shall be included in the calculated story drift when lateral loads are resisted by vertical elements whose required depth of embedment is determined by pole formulas such as Equation (18-1), (18-2) and (18-3) in Section 1807.3.2 of the California Building Code adopted in Chapter 18.40. The coefficient of variation of subgrade reaction used in the deflection calculations shall be provided from an approved geotechnical engineering report or other approved methods.
- G. $P\Delta$ effects. The requirements of ASCE 7-05 Section 12.8.7 shall apply except as modified herein. All framing elements not required by the design to be part of the lateral-force-resisting system shall be investigated and shown to be adequate for vertical load-carrying capacity when displaced Ω_o per Subsection 18.70.050.C times the displacements resulting from the required lateral force. The stress analysis of cantilever columns shall use a buckling factor of 2.1 for the direction normal to the axis of the beam.
- H. Ties and continuity. All parts of the structure included in the scope of Subsection 18.70.050.B shall be interconnected and the connection shall be capable of resisting the seismic force created by the parts being connected. Any smaller portion of a building shall be tied to the remainder of the building with elements having a strength of 0.1833 times the tributary dead load of the smaller portion.

A positive connection for resisting a horizontal force acting parallel to the member shall be provided for each beam, girder or truss included in the lateral load path. This force shall not be less than 0.08 times the combined tributary dead and live loads or as required by the lateral load path transfer, whichever is greater.
- I. Collector elements. Collector elements shall be provided which can transfer the seismic forces originating in other portions of the building to the elements within the scope of Subsection 18.70.050.B that provide resistance to those forces.
- J. Horizontal diaphragms. The analysis of shear demand or capacity of an existing plywood or diagonally sheathed horizontal diaphragm need not be investigated unless the diaphragm is required to transfer lateral forces from the lateral-resisting elements above the diaphragm to other lateral-force-resisting elements below the diaphragm due to offset in placement of the elements. Wood diaphragms in

structures that support floors or roofs above shall not be allowed to transmit lateral forces by rotation or cantilever. However, rotational effects shall be accounted for when unsymmetric wall stiffness increases shear demands.

EXCEPTION: Diaphragms that cantilever twenty-five percent (25%) or less of the distance between lines of lateral-force-resisting elements from which the diaphragm cantilevers may transmit their shears by cantilever provided that rotational effects on shear walls parallel and perpendicular to the load are accounted for.

K. Shear walls. Shear walls shall have sufficient strength and stiffness to resist the tributary seismic loads and shall conform to the special requirements of this subsection.

1. Gypsum or plaster products. Gypsum or plaster products shall not be used to provide lateral resistance.
2. Wood structural panels.
 - a. Drift limit. Wood structural panel shear walls shall meet the story drift limitation of Subsection 18.70.050.F. Conformance to the story drift limitation shall be determined by approved testing or calculation or analogies drawn therefrom and not the use of an aspect ratio. Calculated deflection shall be in accordance with Section 2305.3.2 of the California Building Code adopted in Chapter 18.40 and twenty-five percent (25%) shall be added to account for inelastic action and repetitive loading. Contribution to the deflection from the anchor or tie down slippage shall also be included. The slippage contribution shall include the vertical elongation of the metal, the vertical slippage of the connectors and compression or shrinkage of the wood elements. The vertical slippage shall be multiplied by the aspect ratio and added to the total horizontal deflection. Individual shear panels shall be permitted to exceed the maximum aspect ratio provided the story drift and allowable shear capacities are not exceeded.
 - b. Openings. Openings are permitted in shear walls if they do not exceed fifty percent (50%) of the height or width of the shear wall. The remaining portion of the shear wall shall be strengthened for the transfer and increase of all shearing forces caused by the opening. The resulting shear wall shall be analyzed as a mosaic of shear-resisting elements. Blocking and steel strapping shall be employed at the corners of the opening to transfer forces from discontinuous boundary elements into adjoining panel elements.

The effects of openings on the stiffness of the shear wall shall be demonstrated to comply with the requirements of Subsection 18.70.050.F. The stiffness shall be calculated using the properties of the different shear elements making up the shear wall or it shall be demonstrated by approved testing. When shear walls cannot be made to conform to the requirements of this section because of existing openings, the openings shall be relocated or reduced in width to meet the strength and stiffness requirements of the lateral loads. Relocated and altered openings shall comply with the emergency escape requirements in Chapter 10 of the California Building Code adopted in Chapter 18.40. Relocated and altered openings shall comply with the light and ventilation requirements in Chapter 12 of the California Building Code adopted in Chapter 18.40 or Chapter 3 of the California Residential Code adopted in Chapter 18.41 unless otherwise approved by the Building Official.

c.

Wood species of framing members. Allowable shear values for wood structural panels shall consider the species of the framing members. When the allowable shear values are based on Douglas Fir-larch framing members and framing members are constructed of other species of lumber, the allowable shear values shall be multiplied by the appropriate factors determined in accordance with Chapter 23 of the California Building Code adopted in Chapter 18.40.

3. Mechanical penetrations. Mechanical penetrations in shear walls that exceed the provisions of Chapter 23 of the California Building Code adopted in Chapter 18.40 or the California Building Code adopted in Chapter 18.40 or the California Residential Code adopted in Chapter 18.41 shall be accounted for in the design or the shear wall shall be analyzed as two (2) separate walls on each side of the penetration.
4. Substitution for three (3) inch nominal width framing members. Two (2) two (2) inch nominal width framing members shall be permitted in lieu of any required three (3) inch nominal width framing member when the existing and new framing member are of equal dimensions, are connected as required to transfer the in-plane shear between them and the sheathing fasteners are equally divided between them.
5. Hold-down connectors.
 - a. Expansion anchors in tension. Expansion anchors that provide tension strength by friction resistance shall not be used to connect hold down devices to existing concrete or masonry elements. Expansion anchors shall be permitted to provide tension strength by bearing.
 - b. Required depth of embedment. The required depth of embedment or edge distance for the anchor used in the hold down connector shall be provided in the concrete or masonry below any plain concrete slab unless satisfactory evidence is submitted to the Building Official that shows that the concrete slab and footings are of monolithic construction.
 - c. Required preload of bolted hold-down connectors. Bolted hold down connectors shall be preloaded to reduce slippage of the connector. Preloading shall consist of tightening the nut on the tension anchor after the placement but before the tightening of the shear bolts in the panel flange member. The tension anchor shall be tightened until the shear bolts are in firm contact with the edge of the hole nearest the direction of the tension anchor. Hold down connectors with self-jigging bolt standoffs shall be installed in a manner to permit preloading.

(ORD-13-0024, § 1(exh. A), 2013)

18.70.060 - Materials of construction.

- A. New materials. All materials approved by this title, including their appropriate allowable stresses and minimum aspect ratios, shall be permitted to meet the requirements of this chapter.
- B. Allowable foundation and lateral pressures. Allowable foundation and lateral pressures shall be permitted to use the values from Table 1806.2 of the California Building Code adopted in Chapter 18.40. The coefficient of variation of subgrade reaction shall be established by an approved geotechnical engineering report or other approved methods when used in the deflection calculations of embedded vertical elements as required in Subsection 18.70.050.F.
- C. Existing materials. All existing materials shall be in sound condition and constructed in conformance to this code before they can be used to resist the lateral loads prescribed in this chapter. The verification of existing material conditions and their conformance to these requirements shall be made by physical observation reports, material testing or record drawings as determined by the responsible registered design professional of record and approved by the Building Official.

1. Horizontal wood diaphragms. Existing horizontal wood diaphragms that require analysis under Subsection 18.70.050.J shall be permitted to use Table A-23-C of Chapter 18.68 this title for their allowable values.
2. Wood structural panel shear walls.
 - a. Allowable nail slip values. When the required drift calculations of Subsection 18.70.050.K.2.a rely on the lower slip values for common nails or surfaced dry lumber, their use in construction shall be verified by exposure. The use of box nails and unseasoned lumber may be assumed without exposure. The verification of surfaced dry lumber shall be by identification conforming to Chapter 23 of the California Building Code adopted in Chapter 18.40.
 - b. Reduction for clipped nail heads. When exposed nails do not meet the nominal head sizes required for hand-driven nails in Chapter 23 of the California Building Code adopted in Chapter 18.40, the allowable shear capacity for wood structural panel shear walls shall be proportionately reduced. The reduction shall be a percentage of the reduction in the nail head area below the required nail head area including tolerances.
 - c. Plywood panel construction. When verification of the existing plywood materials is by use of record drawings alone, the panel construction for plywood shall be assumed to be of three (3) plies.
 - d. Framing members of other species. When verification of the existing wood material is by use of record drawings, the allowable shear capacity shall be multiplied by the reduction factor of 0.82 for buildings built on or after 1960. Buildings built before this period shall use the reduction factor 0.65. When verification of the existing wood material is by identification in conformance to Chapter 23 of the California Building Code adopted in Chapter 18.40, the allowable shear capacity shall be determined in accordance with Subsection 18.70.050.K.2.c.
3. Lumber. When the existing dimensioned lumber is not identified in conformance to Chapter 23 of the California Building Code adopted in Chapter 18.40, the allowable stresses shall be permitted for the structural elements specified below.

Posts and Beams	Douglas Fir-larch No. 1
Joists and Rafters	Douglas Fir-larch No. 2
Studs, Blocking	Hem Fir Stud

4. Structural steel. All existing structural steel shall be permitted to use the allowable stresses for Grade A36. Existing pipe or tube columns shall be assumed to be of minimum wall thickness unless verified by testing or exposure.
5. Strength of concrete. All existing concrete footings shall be permitted to use the allowable stresses for plain concrete with a compressive strength of two thousand (2,000) psi. The strength of existing concrete with a record compressive strength greater than two thousand (2,000) psi shall be verified by testing, record drawings or Department records.
- 6.

Existing sill plate anchorage. Existing cast-in-place anchor bolts shall be permitted to use the allowable service loads for bolts with proper embedment when used for shear resistance to lateral loads.

(ORD-13-0024, § 1(exh. A), 2013)

18.70.070 - Required information on construction documents.

- A. General. The construction documents shall show all necessary dimensions and materials for plan review and construction and shall accurately reflect the results of the engineering investigation and design.
- B. Existing construction. The construction documents shall show the existing diaphragm and shear wall sheathing and framing materials, fastener type and spacing, diaphragm and shear wall connections, continuity ties, and collector elements. The plans shall also show the portion of the existing materials that needs verification during construction.
- C. New construction.
 1. Foundation plan elements. The foundation plan shall include the size, type, location and spacing of all anchor bolts with the required depth of embedment, edge and end distance; the location and size of all columns for braced or moment frames; referenced details for the connection of braced or moment frames to their footing; and referenced sections for any grade beams and footings.
 2. Framing plan elements. The framing plan shall include the width, location and material of shear walls; the width, location and material of frames; references on details for the column-to-beam connectors, beam-to-wall connections, and shear transfers at floor and roof diaphragms; and the required nailing and length for wall top plate splices.
 3. Shear wall schedule, notes and details. Shear walls shall have a referenced schedule on the construction documents that includes the correct shear wall capacity in pounds per foot; the required fastener type, length, gauge and head size; and a complete specification for the sheathing material and its thickness. The schedule shall also show the required location of three (3) inch nominal or two (2) two (2) inch nominal edge members; the spacing of shear transfer elements, such as framing anchors or added sill plate nails; the required hold down with its bolt, screw or nail sizes; and the dimensions, lumber grade and species of the attached framing member.

Notes shall show required edge distance for fasteners on structural wood panels and framing members; required flush nailing at the plywood surface; limits of mechanical penetrations; and the sill plate material assumed in the design. The limits of mechanical penetrations shall also be detailed showing the maximum notching and drilled hole sizes.

4. General notes. General notes shall show the requirements for material testing, special inspection, structural observation and the proper installation of newly added materials.
 5. Registered design professional of record's statement. The responsible registered design professional of record shall provide the following statements on the approved construction documents:
 - a. "I am responsible for designing this building's seismic strengthening in compliance with the minimum seismic resistance standards of Chapter 18.70 of the Long Beach Municipal Code."
- and when applicable:

- b. "The Registered Special Inspector, required as a condition of the use of structural design stresses requiring continuous inspection, will be responsible to me as required by Section 1704.1 of the California Building Code adopted in Chapter 18.40 of the Long Beach Municipal Code."

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.71 - VOLUNTARY EARTHQUAKE HAZARD REDUCTION IN EXISTING REINFORCED CONCRETE BUILDINGS AND CONCRETE FRAME BUILDINGS WITH MASONRY INFILLS

18.71.010 - Purpose.

The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on concrete buildings and concrete frame buildings with masonry infills. The Northridge Earthquake caused widespread damage to these buildings, including some collapses.

The recent Great Hanshin earthquake in Kobe, Japan, also caused several hundred of these buildings to collapse. These nonductile concrete buildings are frequently used in Long Beach for department stores, office buildings, hotels, parking structures and some mid-rise condominiums. Their performance in an earthquake is essential to the life and safety of their occupants and the overall stability of the local economy. This chapter provides voluntary retrofit standards that, when fully followed, will substantially improve the seismic performance of these buildings but will not necessarily prevent all earthquake damage.

(ORD-13-0024, § 1(exh. A), 2013)

18.71.020 - Scope.

The provisions of this chapter may be applied to all buildings designed under Building Codes in effect prior to January 13, 1976, or built with building permits issued prior to January 13, 1977, having concrete floors and/or concrete roofs supported by reinforced concrete walls or concrete frames and columns, and/or concrete frames with masonry infills.

(ORD-13-0024, § 1(exh. A), 2013)

18.71.030 - Definitions.

For purposes of this chapter, the applicable definitions and notations in Sections 1602, 1613.2 and 1902 of the California Building Code adopted in Chapter 18.40 and the following definition shall apply:

"Masonry infill" means the unreinforced or reinforced masonry wall construction within a reinforced concrete frame.

(ORD-13-0024, § 1(exh. A), 2013)

18.71.040 - General requirements.

When the owner of each building within the scope of this chapter causes an investigation of the existing construction, a structural analysis shall be made of the building by a registered design profession licensed by the State of California.

EXCEPTION: Regular concrete shear wall buildings, of four (4) stories in height and under, may be shown to be in conformance with this chapter by filing a report signed by a registered design profession licensed by the State of California containing the information specified in Section 18.71.090.

(ORD-13-0024, § 1(exh. A), 2013)

18.71.050 - Criteria selection.

A. Basis for analysis. The building shall be analyzed to determine the displacements caused by inertial force effects determined in accordance with the dynamic lateral analysis procedure of Section 18.71.060. The building structural system shall provide a complete load path for resisting the effects of seismic loading. The capacity of all parts of the structural system shall exceed the demand calculated by the dynamic analysis using the effective stiffnesses determined by a nonlinear analysis of the elements.

EXCEPTION: Buildings conforming to the requirements of Subsections 18.71.050.D.2 and 18.71.050.D.3 may be analyzed using the procedure specified in Sections 18.71.070 and 18.71.080, respectively.

B. Site geology and soil characteristics. In the absence of a soils investigation, the soil site class shall be taken as Type D.

C. Configuration requirements.

1. General. Each structure shall be designated as structurally regular or irregular.
2. Regular structures. Regular structures have no significant physical discontinuities in plan or vertical configuration or in their lateral-force-resisting systems such as the irregular features described below.

- a. Irregular structures have significant physical discontinuities in configuration or in their lateral-force-resisting systems. Irregular features include, but are not limited to, those described in Tables 12.3-1 and ASCE 7-05 Section 12.3-2.
- b. Structures having one or more of the features listed in Table 12.3-2 of ASCE 7-05 shall be designated as having a vertical irregularity.

EXCEPTION: Where none of the story drift ratios under equivalent lateral forces is greater than 1.3 times the story drift ratio of the story above, the structure may be deemed to not have the structural irregularities of Type 1 or 2 listed in Table 12.3-2 of ASCE 7-05. The story drift for this determination shall be calculated including torsional effects.

- c. Structures having one (1) or more of the features listed in Table 12.3-1 of ASCE 7-05 shall be designated as having a plan irregularity.
- d. Irregular structures conforming to the requirements of Subsection 18.71.050.D and Section 18.71.080 may be considered regular if the plan and vertical irregularities are removed by the addition of lateral load-resisting systems.

D. Selection of lateral analysis procedure.

1. General. Any structure may be analyzed using the dynamic lateral analysis procedures of Section 18.71.060. The equivalent lateral force procedure or the simplified analysis may be used for structures conforming to the requirements on the use of those analyses.
2. Equivalent lateral force. The equivalent lateral force procedure of Section 18.71.070 may be used for regular structures or irregular structures having plan irregularity only of not more than four (4) stories.
3. Simplified analysis. Regular structures of not more than four (4) stories conforming to the requirements of Section 18.71.080 may be analyzed for a prescribed strength of their systems and elements.

E. Alternative procedures.

1. General. Alternative lateral analysis procedures using rational analyses based on well-established principles of mechanics may be used in lieu of those prescribed in this chapter when approved by the Building Official.
2. Seismic isolation. Seismic isolation (Chapter 17 of ASCE 7-05, Seismic Design Requirements for Seismically Isolated Structures), energy dissipation and damping systems may be used to reduce story drift when approved by the Building Official. The isolated structure shall comply with the drift requirements of Section 18.71.060

(ORD-13-0024, § 1(exh. A), 2013)

18.71.060 - Dynamic lateral analysis procedure.

- A. General. Structures shall be analyzed for seismic forces acting concurrently on the orthogonal axes of the structure. The effects of the loading on two (2) orthogonal axes shall be combined by the square root of the sum of the squares (SRSS) methods.
- B. Ground motion. The seismic ground motion values shall be determined in accordance with ASCE 7-05 and may be one (1) of the following:
 1. The elastic design response spectrum shall be seventy-five percent (75%) of the response spectrum described in ASCE 7-05 Section 11.4.5.
 2. A site-specific response spectrum shall be seventy-five percent (75%) of the site-specific response spectrum described in ASCE 7-05 Section 11.4.7.
- C. Mathematical model. The three-dimensional mathematical model of the physical structure shall represent the spatial distribution of mass and stiffness of the structure to an extent which is adequate for the calculation of the significant features of its dynamic response. All concrete and masonry elements shall be included in the model of the physical structure.

EXCEPTION: Concrete or masonry partitions that are adequately isolated from the concrete frame members and the floor above.

Cast-in-place reinforced concrete floors with span-to-depth ratios less than three (3) to one (1) may be assumed to be rigid diaphragms. Other floors, including floors constructed of precast elements with or without a reinforced concrete topping, shall be analyzed in conformance with ASCE 7-05 Section 12.3.1.3 to determine if they must be considered as flexible diaphragms. The effective in-plane stiffness of the diaphragm, including effects of cracking and discontinuity between precast elements, shall be considered. Ramps that interconnect floor levels shall be modeled as having mass appropriately distributed on that element. The lateral stiffness of the ramp may be calculated as having properties based on the uncracked cross section of the slab exclusive of beams and girders.

D. Effective stiffness.

1. General. The effective stiffness of concrete and masonry elements or systems shall be calculated as the secant stiffness of the element or system with due consideration of the effects of tensile cracking and compression strain. The secant stiffness shall be taken from the force-displacement relationship of the element or system. The secant stiffness shall be measured as the slope from the origin to the intersection of the force-displacement relationship at the assumed displacement. The force-displacement relationship shall be determined by a nonlinear analysis. The force-displacement analysis shall include the calculation of the displacement at which strength degradation begins.

EXCEPTION: The initial effective moment of inertia of beams and columns in shear wall or infilled frame buildings may be estimated using Table 71-B. The ratio of effective moment of inertia used for the beams and for the columns shall be verified by Formulas (71-1), (71-2) and (71-3). The estimates shall be revised if the ratio used exceeds the ratio calculated by more than twenty percent (20%).

$$I_e = \left(\frac{M_{cr}}{M_a} \right)^3 I_g + \left[1 - \left(\frac{M_{cr}}{M_a} \right)^3 \right] I_{cr}$$

(71-1)

WHERE:

$$M_{cr} = \frac{f_r I_g}{y_t}$$

(71-2)

and

$$f_r = 7.5 \sqrt{f'_c}$$

(71-3)

2. Infills. The effective stiffness of an infill shall be determined from a nonlinear analysis of the infill and the confining frame. The effect of the infill on the stiffness of the system shall be determined by differencing the force-displacement relationship of the frame-infill system from the frame-only system.
3. Model of infill. The mathematical model of an infilled frame structure shall include the stiffness effects of the infill as a pair of diagonals in the bays of the frame. The diagonals shall be considered as having concrete properties and only axial loads.

Their lines of action shall intersect the beam-column joints. The secant stiffness of the force-displacement relationship, calculated as prescribed in Subsection 18.71.060.D.2, shall be used to determine the effective area of the diagonals. The effective stiffness of the frame shall be determined as specified in Subsection 18.71.060.D.1. Other procedures that provide the same effective stiffness for the combination of infill and frame may be used when approved by the Building Official.

4. Effective stiffness of elements and systems. The effective stiffness shall be determined by an iterative method. The mathematical model using assumed effective stiffness shall be used to calculate dynamic displacements. The effective stiffness of all concrete and masonry elements shall be modified to represent the secant stiffness obtained from the nonlinear force displacement analysis of the element or system at the calculated displacement. A re-analysis of the mathematical model shall be made using the adjusted effective stiffness of existing and

supplemental elements and systems until closure of the iterative process is obtained. A difference of ten percent (10%) from the effective stiffness used and that recalculated may be assumed to be closure of the iterative process.

E. Description of analysis procedures.

1. Response spectrum analysis. Response spectrum analysis is an elastic dynamic analysis of a structure utilizing the peak dynamic response of all modes having a significant contribution to total structural response. Peak modal responses are calculated using the ordinates of the appropriate response spectrum curve that correspond to the modal periods. Maximum modal contributions are combined in a statistical manner to obtain an approximate total structural response.
2. Number of modes. The requirement of Subsection 18.71.060.E.1 may be satisfied by demonstrating that for the modes considered, at least ninety percent (90%) of the participating mass of the structure is included in the calculation of response for each principal horizontal direction.
3. Combining modes. The peak displacements for each mode shall be combined by recognized methods. Modal interaction effects of three-dimensional models shall be considered when combining modal maxima.
4. Torsion. The three-dimensional analysis shall be considered as including all torsional effects including accidental torsional effects.

F. Material characteristics. The stress-strain relationship of concrete, masonry and reinforcement shall be determined by testing or from published data. The procedure for testing and determination of stress-strain values shall be as prescribed in one of the following:

1. Concrete. The compressive strength of existing concrete shall be determined by tests on cores sampled from the structure or may be taken from information given on the construction documents and confirmed by limited testing. A default value of horizontal shear stress may be used in Subsection 18.71.080.E.1 without testing of the compressive strength of the existing concrete.
 - a. The cutting of cores shall not significantly reduce the strength of the existing structure. Cores shall not be taken in columns. Existing reinforcement shall not be cut.
 - b. If the construction documents do not specify a minimum compressive strength of the classes of concrete, five (5) cores per story, with a minimum of ten (10) cores, shall be obtained for testing. Exception: If the coefficient of variation of the compressive strength does not exceed fifteen percent (15%), the number of cores per story may be reduced to two (2) and the minimum number of tests reduced to five (5).
 - c. When the construction documents specify a minimum compressive strength, two (2) cores per story, per class of concrete, shall be taken in the areas where that concrete was to be placed. A minimum of five (5) cores shall be obtained for testing. If a higher strength of concrete was specified for columns than the remainder of the concrete, cores taken in the beams for verification of the specified strength of the beams shall be substituted for tests in the columns. The strength specified for columns may be used in the analyses if the specified compressive strength in the beams is verified.
 - d.

The sampling for the concrete strength tests shall be distributed uniformly in each story. If the building has shear walls, a minimum of fifty percent (50%) of the cores shall be taken from the shear walls. Not more than twenty-five percent (25%) of the required cores shall be taken in floor and roof slabs. The remainder of cores may be taken from the center of beams at mid-span. In concrete frame buildings, seventy-five percent (75%) of the cores shall be taken from the beams.

- e. The mean value of the compressive stresses obtained from the core testing for each class of concrete shall be used in the analyses. Values of peak strain that is associated with peak compressive stress may be taken from published data for the nonlinear analyses of reinforced concrete elements.
 2. Solid grouted reinforced masonry. The compressive strength of solid grouted concrete block or brick masonry may be taken as two thousand (2,000) psi. The strain associated with peak stress may be taken as 0.0025.
 3. Partially grouted masonry. A minimum of five (5) units shall be removed from the walls and tested in conformance with ASTM C90-03 Specification for Load Bearing Concrete Masonry Units. Compressive strength of the masonry may be determined in accordance with Chapter 21 of the California Building Code adopted in Chapter 18.40, assuming Type S mortar. The strain associated with peak stress may be taken as 0.0025.
 4. Unreinforced masonry.
 - a. The stress-strain relationship of existing unreinforced masonry shall be determined by in-place cyclic testing. The test procedure shall conform to Section 18.71.100
 - b. One (1) stress-strain test per story and a minimum of five (5) tests shall be made in the unreinforced masonry infills. The location of the tests shall be uniformly distributed throughout the building.
 - c. The average values of the stress-strain values obtained from testing shall be used in the nonlinear analyses of frame-infill assemblies or in the calculation of the effective diagonal brace that is used in the simplified analysis procedure of Section 18.71.080
 5. Reinforcement. The yield stress of each type of new or existing reinforcement shall be taken from Table 71-C unless the reinforcement is sampled and tested for yield stress. The axial reinforcement in columns of post-1933 buildings shall be assumed to be hard grade unless noted otherwise on the construction documents.
 6. Combination of concrete and masonry materials. Combinations of masonry and concrete infills shall be assumed to have equal strain. The secant moduli at peak stress of the masonry and concrete shall be used to determine the effective transformed area of the composite material.
- G. Story drift limitation.
1. Definition. Story drift is the displacement of one (1) level relative to the level above or below calculated by the response spectrum analysis using the appropriate effective stiffness.
 2. Limitation. The story drift is limited to that displacement that causes any of the following effects:
 - a. Compressive strain of 0.003 in the frame confining infill or in a shear wall.
 - b. Compressive strain of 0.004 in a reinforced concrete column unless the engineer can show by published experimental research that the existing confinement reinforcement justifies higher values of strain.
 - c.

Peak strain in masonry infills as determined by experimental data or by physical testing as prescribed in Section 18.71.100

- d. Displacement that was calculated by the nonlinear analysis as when strength degradation of any element began.

EXCEPTION: This subsection may be taken as the displacement that causes a strength degradation in that line of resistance equal to ten percent (10%) of the sum of the strength of the elements in that line of resistance.

- e. A story drift of 0.015 using the dynamic analysis procedure or the forces specified in Section 18.71.070. This limitation shall not supersede the limitations of Subsections 18.71.060.G.2.a through 18.71.060.G.2.d.

H. Compressive strain determination.

1. General. The compressive strain in columns, shear walls and infills may be determined by the nonlinear analysis or a procedure that assumes plane sections remain plane.
2. Axial and flexural loading. The compressive strain shall be determined for combined flexure and axial loading. The flexural moments shall be taken from the response spectrum model for frame or shear wall buildings, and from the substructure model for infill frames. The axial loads shall have the following combination of effects, where L is unreduced live load:

$$U = 1.0D + 0.3L + 1.0E(71-4)$$

$$U = 0.9D - 1.0E(71-5)$$

- I. Shear strength limitation. The required in-plane shear strength of all columns, piers and shear walls shall be the shear associated with the moments induced at the ends of columns or piers and at the base of shear walls by the story displacements. No strength reduction factors shall be used in the determination of strength.

(ORD-13-0024, § 1(exh. A), 2013)

18.71.070 - Equivalent lateral force procedure.

- A. General. Structures shall be analyzed for prescribed forces acting concurrently on the orthogonal axes of the building. The effects of the loading on the two (2) orthogonal axes shall be combined as required by Subsection 18.71.060.A.
- B. Base Shear for Analysis. The base shear used to determine story drifts shall be determined using seventy-five percent (75%) of the base shear as determined in accordance with ASCE 7-05 Section 12.8.1.

Where:

$R = 1.4$ for concrete frame buildings with masonry infill and all other reinforced concrete buildings.

EXCEPTION: $R = 1.0$ for single-story buildings. The R value in ASCE 7-05 Table 12.2-1 for new building design shall not be used for story drift determination.

- C. Structure period. The value of T may be determined by either Method A or B as prescribed by ASCE 7-05 Section 12.8.2. The structure period calculated by Method B need not be limited to a percent of the value obtained by Method A.
- D. Vertical distribution of forces. The base shear shall be distributed over the height of the structure in conformance with Formula (71-6).

$$C_{vx} = \frac{w_x h_x^k}{\sum_{i=1}^{i=n} w_i h_i^k}$$

(71-6)

Where:

C_{vx} = Vertical distribution factor to be applied to V to obtain the story force at level x.

k = An exponent related to building period as follows:

For buildings having a period of 0.4 seconds or less,

k = 1.0

For buildings having a period of 2.0 seconds or more,

k = 2.0

For buildings having a period between 0.4 and 2.0 seconds, k may be taken as two (2) or determined by linear interpolation between one (1) and two (2).

- E. Horizontal distribution of shear. The effective stiffness of elements shall be used for the horizontal distribution of shear.
- F. Horizontal torsional moments. Provision shall be made for increased displacements resulting from horizontal torsion. The effects of torsional moments shall be included in the determination of the effective stiffness of elements and systems. Reinforced concrete floors may be considered as rigid diaphragms.
- G. Effective stiffness. The effective stiffness of concrete and masonry elements shall be determined as prescribed in Subsection 18.71.060.D.
- H. Material characteristics. Material characteristics shall be determined as prescribed in Subsection 18.71.060.F.
- I. Story drift limitations. Story drift limits shall be as prescribed in Subsection 18.71.060.G.
- J. Compressive strain determination. Compressive strain shall be determined as prescribed in Subsection 18.71.060.H.
- K. Shear strength limitation. The in-plane shear strength shall equal or exceed the shear forces determined as prescribed in Subsection 18.71.060.I.

(ORD-13-0024, § 1(exh. A), 2013)

18.71.080 - Simplified analysis procedure.

- A. General. Structures conforming to the requirements of this section may be analyzed for having a required strength by a simplified analysis procedure.
- B. Required features of the building. The building shall conform to all the following features, or the building shall be analyzed by the equivalent lateral force procedure or the dynamic lateral force procedure as prescribed by Subsection 18.71.050.D.

1. The lateral-resisting elements of the building shall be reinforced concrete shear walls or frames with solid masonry infills and infills which have openings in the masonry infills not exceeding ten percent (10%) of the gross area of the infill panel which has the opening(s).
 2. The effective shear area of reinforced concrete shear walls on each orthogonal axis shall be calculated by passing a horizontal plane through each story level. The height of the plane shall be that height where the area of the shear walls is a minimum.
 3. The reinforced concrete elements shall have no visible deterioration of concrete or reinforcement.
 4. The vertical elements in the lateral-load-resisting system shall not have significant strength discontinuities; the story strength in any story shall not be less than ninety percent (90%) of the strength of the story above.
 5. The lateral-force-resisting elements in all story levels shall form a system that is not subject to significant torsion. Significant torsion is the condition where the distance between the story center of rigidity and the story center of mass is greater than twenty percent (20%) of the width of the structure in the corresponding plan dimension.
 6. The minimum ratio of area of reinforcement to gross area of wall in existing reinforced concrete shear walls shall be 0.0015 in both the vertical and horizontal direction or the minimum ratio of axial reinforcement in the columns of frames containing infills shall be 0.01.
 7. The ratio of total height to base length of cantilevered or coupled shear walls shall be two (2) or less. The ratio of clear height to in-plane depth of piers in a shear wall shall be two (2) or less. Shear walls or piers having a height to in-plane depth ratio greater than two (2) shall be given an effective shear area of one-half ($\frac{1}{2}$) their area.
 8. All concrete frames with infilled panels conforming to Subsection 18.71.080.B.1 above shall have total height to base length ratios of two (2) to one (1) or less.
- C. Analysis procedure.
1. General. Supplemental elements may be added to the existing building to bring the structure into conformance with Subsection 18.71.090.B.
 2. Seismic loading. The seismic loading shall be calculated by Subsection 18.71.070.B. The loading of each story level shall be calculated by Formula (71-6) of Subsection 18.71.070.D.
 3. Relative rigidities. The relative rigidity of reinforced concrete shear walls may be based on the stiffness of uncracked sections. The relative rigidity of infill panels may be calculated using a common modulus of elasticity. Use of a combination of infills and reinforced concrete or masonry shear walls on any orthogonal axis is prohibited.
 4. Required calculations. The calculations may be limited to computation of loads on the reinforced concrete shear walls or infilled frame panels that comply with Subsection 18.71.080.B and computation of the drag and tie forces that develop a complete load path. The loads shall include torsional effects.
- D. Required strength of systems and elements.
1. The capacity of all parts of the structure shall exceed the demand calculated by use of the loading specified in Section 18.71.070
 2. The strength of infilled frame systems used for lateral load resistance in this section shall be calculated using only the infilled frames that conform to Subsection 18.71.080.B.1.
- E. Shear stress limit.

1. The maximum horizontal shear stress in new and existing reinforced concrete shear walls shall not exceed two (2) $(f'c)^{1/2}$. For the purpose of this chapter, the horizontal shear stress may be taken as eighty (80) psi without testing as required by Subsection 18.71.060.F.1.
2. The in-plane shear stress in any masonry infilled panel shall not exceed thirty (30) psi. The calculation of shear stresses shall use net section area and only the area of the infilled masonry.

EXCEPTION: The in-plane strength of an infill panel without openings may be calculated by procedures described in published research that were verified by experimental testing and approved by the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.71.090 - Minimum requirements for a limited structural analysis.

- A. General. Structures conforming to the requirements of this section may be shown to be in conformance with this chapter by submission of the report described in this section.
- B. Required features of the building. The building shall conform to all of the following features or the building shall be analyzed as prescribed by Subsection 18.71.050.D.
 1. The lateral-load-resisting elements of the building shall be reinforced concrete shear walls.
 2. The minimum ratio of area of reinforcement to gross area of the wall shall be 0.0015 in both the vertical and horizontal directions.
 3. The reinforced concrete elements shall have no visible deterioration of concrete or reinforcement.
 4. The area of concrete shear walls on each orthogonal axis at the first floor level shall be one and one-half percent (1.5%) of the area of the first floor of the building, where n is the number of floor and roof levels.
 5. The area of the shear walls in all stories above the first floor shall not be more than one hundred percent (100%) or less than eighty percent (80%) of the area of shear walls at the first floor.
 6. The concrete shear walls in all stories above the first floor shall be directly above the shear walls at the first floor which are used to calculate the percent of shear wall area to floor area.
 7. The wall area must be uniformly distributed such that at least eighty percent (80%) of the wall area used in the calculation is symmetrically placed about the center of the building.
 8. The area of the shear walls on each orthogonal axis shall be calculated by passing a horizontal plane through the first story level. The height of the plane shall be that height where the area of the shear walls is a minimum.
 9. The ratio of total height to base width of cantilevered or coupled shear walls shall be two (2) or less. The ratio of the clear height to in-plane depth of piers in a shear wall shall be two (2) or less. Shear walls or piers having a height to depth ratio greater than two (2) shall be given an effective area of one-half ($1/2$) of their area.
- C. Information required in the report.
 1. The report shall include data, sketches, plans and calculations that show conformance with the features given in this section.
 2. The registered design professional of record shall meet with the representative of the Department at the site to review the report.

(ORD-13-0024, § 1(exh. A), 2013)

18.71.100 - Determination of the stress-strain relationship of existing unreinforced masonry.

- A. Scope. This section covers procedures for determining the expected compressive modulus, peak strain and peak compressive stress of unreinforced brick masonry used for infills in frame buildings.
- B. General procedure. The outer wythe of multiple wythe brick masonry shall be tested by inserting two (2) flat jacks into the mortar joints of the outer wythe. The prism height, the vertical distance between the flat jacks, shall be five (5) bricks high. The test location shall have adequate overburden and/or vertical confinement to resist the flat jack forces.
- C. Preparation for the test. Remove a mortar joint at the top and bottom of the test prism by saw cutting or drilling and grinding to a smooth surface. The cuts for inserting the flat jacks shall not have a deviation from parallel of more than three-eighths ($3/8$) inch. The deviation from parallel shall be measured at the ends of the flat jacks. The width of the saw cut shall not exceed the width of the mortar joint. The length of the saw cut on the face of the wall may exceed the length of the flat jacks by not more than twice the thickness of the outer wythe plus one (1) inch.
- D. Required equipment. The flat jacks shall be rectangular or with semicircular ends to mimic the radius of the saw blade used to cut the slot for the flat jack. The length of the flat jack shall be eighteen (18) inches maximum and sixteen (16) inches minimum. This length shall be measured on the longest edge of a flat jack with semicircular ends. The maximum width of the flat jack shall not exceed the average width of the wythe of brick that is loaded. The minimum width of a flat jack shall be three and one-half ($3\frac{1}{2}$) inches measured out-to-out of the flat jack. The flat jack shall have a minimum of two (2) ports to allow air in the flat jack to be replaced by hydraulic fluid. The unused port shall be sealed after all the air is forced out of the flat jack. The thickness of the flat jack shall not exceed three-quarters ($3/4$) of the minimum height of the mortar joint. It is recommended that the height of the flat jack be about one-half ($1/2$) of the width of the slot cut for installation of the flat jack. The remaining space can be filled with steel shim plates having plan dimensions equal to the flat jack.
- E. Data acquisition equipment. The strain in the tested prism shall be recorded by gages or similar recording equipment having a minimum range of one ten-thousandth ($1/10,000$) of an inch. The compressive strain shall be measured on the surface of the prism and shall have a gage length, measured vertically on the face of the prism, of ten (10) inches minimum. The gage points shall be fixed to the wall by drilled-in anchors or by anchors set in epoxy or similar material. The support for the data-recording apparatus shall be isolated from the wall by a minimum of one-sixteenth ($1/16$) inch so that the gage length used in the calculation of strain can be taken as the measured length between the anchors of the equipment supports. The gaging equipment shall be as close to the face of the prism as possible to minimize the probability of erroneous strain measurements caused by bulging of the prism outward from its original plane.

The compressive strain data shall be measured at a minimum of two (2) points on the vertical face of the prism. These points shall be the one-third ($1/3$) points of the length of the flat jacks plus or minus one-half ($1/2$) inch. As an alternative, the strain may be measured at three (3) points on the face of the prism.

These points shall be spaced at one-quarter of the flat jack length plus or minus one-half ($1/2$) inch.

Horizontal gages at mid-height of the prism may be used to record Poisson strain, but this gage should be considered as recording data secondary in importance to the vertical gages and its placement shall not interfere with placing the vertical gaging as close as possible to the face of the prism.

- F. Loading and recording data. The loading shall be applied by hydraulic pumps that add hydraulic fluid to the flat jacks in a controlled method. The application of load shall be incremental and held constant while strains are being recorded. The increasing loading for each cycle of loading shall be divided into

a minimum of four (4) equal load increments. The strain shall be recorded at each load step. The decrease in loading shall be divided into a minimum of two (2) equal unloading increments. Strain shall be recorded on the decreasing load steps. The hydraulic pressure shall be reduced to zero and the permanent strain caused by this cycle of loading shall be recorded. This procedure shall be used for each cycle of loading.

The load applied in each cycle of load shall be determined by estimating the peak compressive stress of the existing brick masonry. The hydraulic pressure needed to cause this peak compressive stress in the prism shall be calculated by assuming the area of the loaded prism is equal to the area of the flat jack. A maximum of one-third (1/3) of this pressure, rounded to the nearest twenty-five (25) psi, shall be applied in the specified increments to the peak pressure prescribed for the first cycle of loading. After recording the strain data, this pressure shall be reduced in a controlled manner to each of the specified increments for unloading and for recording data. The maximum jack pressure on the subsequent cycles shall be one-half (1/2), two-thirds (2/3), five-sixths (5/6) and estimated peak pressure. If the estimated peak compressive stress is less than the existing peak compressive stress, the cyclic loading and unloading shall continue using increments of increasing pressure equal to those used prior to the application of estimated peak pressure.

All strain data shall be recorded to one ten-thousandth (1/10,000) of an inch. Jack pressure shall be recorded in increments of twenty-five (25) psi pressure.

G. Quality control. The flat jack shall be calibrated before use by placing the flat jack between bearing plates of two (2) inches minimum thickness in a calibrated testing machine. A calibration curve to convert hydraulic pressure in the flat jack to total load shall be prepared and included in the report of the results of testing. Flat jacks shall be recalibrated after three uses.

The hydraulic pressure in the flat jacks shall be indicated by a calibrated dial indicator having a subdivision of twenty-five (25) psi or less. The operator of the hydraulic pump shall use this dial indicator to control the required increments of hydraulic pressure in loading and unloading.

H. Interpretation of the data. The data obtained from the testing required by Subsection 18.71.060.F.4.b shall be averaged both in expected peak compressive stress and the corresponding peak strain. The envelope of the averaged stress-strain relationship of all tests shall be used for the material model of the masonry in the infilled frame. If two (2) strain measurements have been made on the surface of the prism, these strain measurements shall be averaged for determination of the stress-strain relationship for the test. If three (3) strain measurements have been made on the surface of the prism, the data recorded by the center gage shall be given a weight of two (2) for preparing the average stress-strain relationship for the test.

(ORD-13-0024, § 1(exh. A), 2013)

18.71.110 - Evaluation of existing structural conditions.

The registered design professional of record shall report any observed structural conditions and structural damage that, in the registered design professional's judgment, have imminent life-safety effects on the structure and recommend repairs. Evaluations and repairs shall be reviewed and approved by the Department.

(ORD-13-0024, § 1(exh. A), 2013)

18.71.120 - Materials of construction.

- A. General. In addition to the seismic analysis required elsewhere in this chapter, the registered design professional responsible for the seismic analysis of the building shall record the information required by this section on the approved construction documents.
- B. Information required. The construction documents shall accurately reflect the results of the engineering investigation and design, and show all pertinent dimensions and sizes for plan review and construction. The following shall be provided:
 - 1. The construction documents of the existing construction shall be adequately dimensioned and furnish adequate details in schedules, notes and sections to fully describe the existing building. The construction documents shall include a foundation plan, floor and roof plans which indicate new work, and existing construction;
 - 2. Elevations of the structural system showing sizes and dimensions;
 - 3. Schedules, sections and details showing reinforcement of walls, slabs, beams, joists, girders, columns and foundations.

EXCEPTION: If copies of the original construction documents are submitted for information during the plan check, the information required by Subsections 18.71.120.B.1 through 18.71.120.B.3 may be limited to areas of and adjacent to new construction on a complete outline at that level of the building;

- 4. Sections and details showing attachments and joining of new and existing structures. All reinforcement in the existing structure shall be shown in these sections and details;
- 5. Specifications and/or general notes fully describing demolition, materials and methods, testing and inspection requirements.
- C. Registered design professional of record's statement. The responsible registered design professional of record shall state on the approved construction documents the following:
 - 1. "I am responsible for this building's seismic strengthening design in compliance with the minimum seismic resistance standards of Chapter 18.71 of the Long Beach Municipal Code." or when applicable:
 - 2. "The registered special inspector, required as a condition of the use of structural design stresses requiring continuous inspection, will be responsible to me as required by Section 1704.1 of the California Building Code adopted in Chapter 18.40."

TABLE 71-A
RATING CLASSIFICATIONS CLASSIFICATION TYPE OF BUILDING

CLASSIFICATION	TYPE OF BUILDING
Group I	Essential buildings
Group II	Buildings with occupant load of 5,000 or more, or assembly rooms of 1,000 occupants or more, and malls as defined elsewhere in the code
Group III	1,000 to 4,999 occupants
Group IV	300 to 999 occupants

Group V	All others
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**TABLE 71-B
INITIAL EFFECTIVE MOMENT OF INERTIA OF CONCRETE MEMBERS**

MEMBER	RANGE
Rectangular beams	0.30 - 0.5 I_g
T- and L-shaped beams	0.25 - 0.45 I_g
Columns $P > 0.5 f_c' A_g$	0.7 - 0.9 I_g
Columns $P = 0.2 f_c' A_g$	0.5 - 0.7 I_g
Columns $P = - 0.05 f_c' A_g$	0.3 - 0.5 I_g

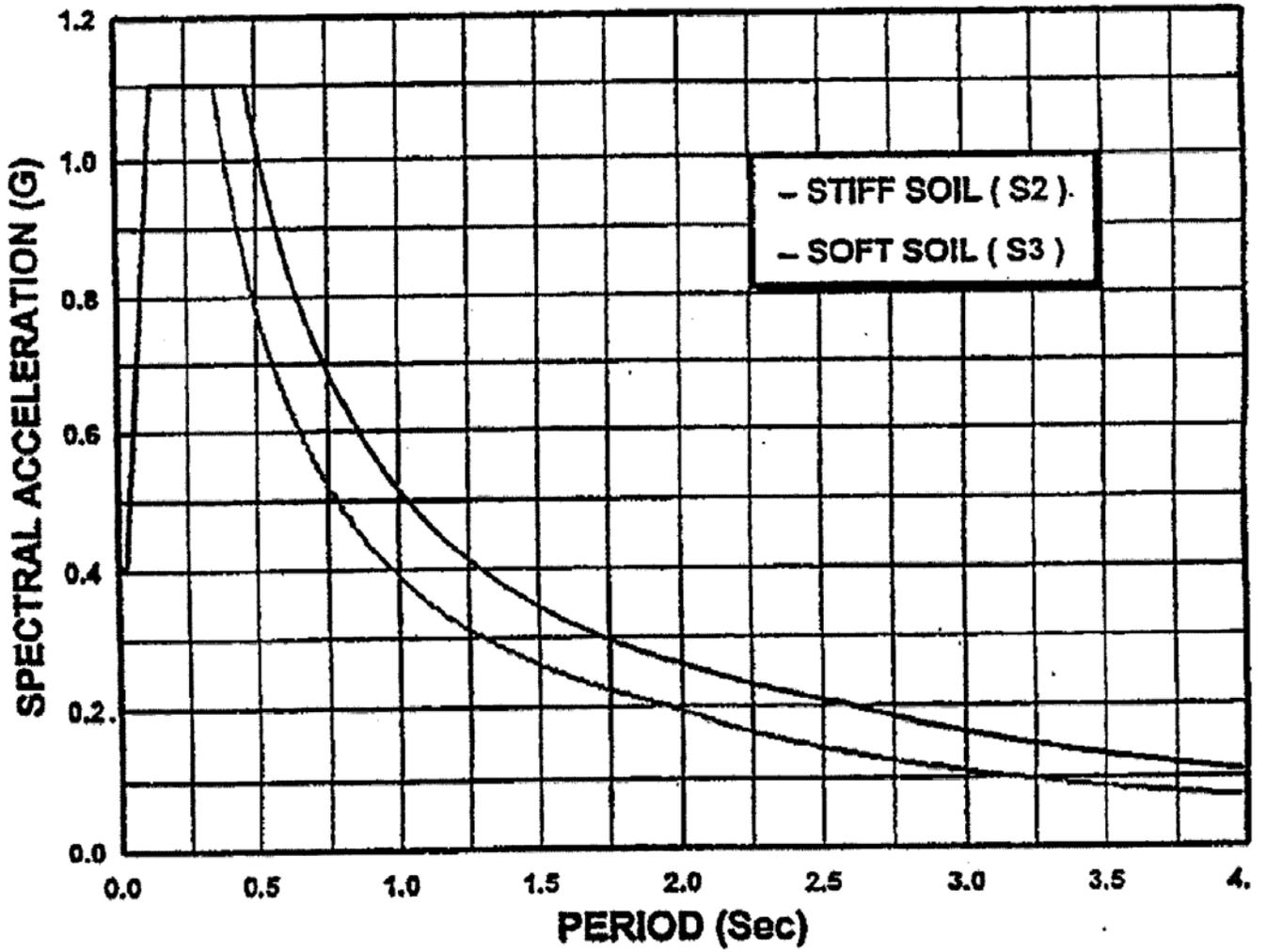
**TABLE 71-C
ASSUMED YIELD STRESS OF EXISTING REINFORCEMENT**

TYPE OF REINFORCEMENT AND ERA	ASSUMED YIELD STRESS, KSI
Pre-1940— Structural and intermediate grade, plain and deformed	45
Pre-1940—Twisted and hard grade	55
Post-1940— Structural and intermediate grade	45
Post-1940—Hard grade	60
ASTM A 615 Grade 40	50
ASTM A 615 Grade 60	70

For SI: 1 ksi = 6.894 MPa.

FIGURE 71-1 RESPONSE SPECTRA SHAPES

AVE. RETURN PERIOD= 475 YEARS DAMPING RATIO= 5%



(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.72 - VOLUNTARY EARTHQUAKE HAZARD REDUCTION IN EXISTING REINFORCED CONCRETE AND REINFORCED MASONRY WALL BUILDINGS WITH FLEXIBLE DIAPHRAGMS

18.72.010 - Purpose.

The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on reinforced concrete and masonry wall buildings with flexible diaphragms designed under the Building Codes in effect prior to January 1, 1995. These buildings are potentially hazardous and prone to significant damage, including possible collapse, in a moderate to major earthquake. These structures typically shelter large numbers of persons and property for retail, food markets, food distribution centers, warehousing, aerospace, industrial/manufacturing and general business and office use. Their continued use after an earthquake is also essential to the local economy and its post-earthquake recovery.

The provisions of this chapter are minimum standards for structural seismic resistance established primarily to reduce the risk of loss of life or injury on both subject and adjacent properties and will not necessarily prevent all earthquake damage to an existing building which complies with these standards. This chapter shall not require existing electrical, plumbing, mechanical or fire safety systems to be altered unless they constitute a hazard to life or property.

This chapter provides voluntary retrofit standards for deficient wall anchorage systems on structures that are not subject to the mandatory provisions of Chapter 18.68. When fully followed, these standards will strengthen the portion of the structure that is most vulnerable to earthquake damage.

(ORD-13-0024, § 1(exh. A), 2013)

18.72.020 - Scope.

The voluntary provisions of this chapter shall apply to existing buildings of the following types:

- A. Cast-in-place reinforced concrete or masonry wall buildings with flexible diaphragms designed under Building Codes in effect prior to January 1, 1995.
- B. Tilt-up concrete wall buildings with flexible diaphragms designed under the Building Codes in effect prior to January 1, 1995, but after January 1, 1976. All existing reinforced masonry or concrete buildings with flexible diaphragms, including tilt-up concrete wall buildings, designed under the Building Code in effect on or after January 1, 1995, shall be designed in conformance with Chapter 16 of the California Building Code adopted in Chapter 18.40.

(ORD-13-0024, § 1(exh. A), 2013)

18.72.030 - Definitions.

For the purposes of this chapter, the applicable definitions in Chapter 2, Sections 1602, 1613.2, 1902, and 2302 of the California Building Code adopted in Chapter 18.40; Sections 1.2, 3.1.1, 4.1, 5.2, 6.2 and 11.2 of ASCE 7-05, and the following shall apply:

"Anchorage system" means the system of all structural elements and connections which support the concrete or masonry wall in the lateral direction, including diaphragms and subdiaphragms, wall anchorage and continuity or crosstie connectors in subdiaphragms and main diaphragms.

"Commenced construction" means construction pursuant to a valid building permit that has progressed to the point that one of the called inspections as required by the Department has been made and the work for which the inspection has been called has been judged by the Department to be substantial and has been approved by the Department.

"Existing building" means an erected building for which a legal building permit and a Certificate of Occupancy have been issued.

"Flexible diaphragm" means any diaphragm constructed of wood structural panel, diagonal or straight wood sheathing, metal decking without a structural concrete topping, or horizontal rod bracing.

"Historical building" means any building designated or currently in the process of being designated as a historical building by an appropriate federal, State or City jurisdiction.

"Reinforced concrete wall" means a concrete wall which has fifty percent (50%) or more of the reinforcing steel required for reinforced concrete in Chapter 19 of the California Building Code adopted in Chapter 18.40.

"Reinforced masonry wall" means a masonry wall which has fifty percent (50%) or more of the reinforcing steel required by Section 2106.5 of the California Building Code adopted in Chapter 18.40.

"Retrofit" strengthens or structurally improves the lateral force-resisting system of an existing building by alteration of existing or addition of new structural elements.

"Tilt-up concrete wall" is a form of precast concrete panel construction either cast in the horizontal position at the site and after curing, lifted and moved into place in a vertical position, or cast off-site in a fabricator's shop.

(ORD-13-0024, § 1(exh. A), 2013)

18.72.040 - Analysis and design.

A. Wall panel anchorage. Concrete and masonry walls shall be anchored to all floors and roofs which provide lateral support for the wall. The anchorage shall provide a positive direct connection between the wall and floor or roof construction capable of resisting a horizontal force equal to thirty percent (30%) of the tributary wall weight for all buildings, and forty-five percent (45%) of the tributary wall weight for essential buildings, or a minimum force of two hundred fifty (250) pounds per linear foot of wall, whichever is greater.

The required anchorage shall be based on the tributary wall panel assuming simple supports at floors and roof.

EXCEPTION: An alternate design may be approved by the Building Official when justified by well-established principles of mechanics.

B.

Special requirements for wall anchors and continuity ties. The steel elements of the wall anchorage systems and continuity ties shall be designed by the allowable stress design method using a load factor of 1.7. The one-third (1/3) stress increase permitted by Section 1605.3.2 of the California Building Code adopted in Chapter 18.40 shall not be permitted for materials using allowable stress design methods.

The strength design specified in Section 1912 of the California Building Code adopted in Chapter 18.40, using a load factor of 2.0 in lieu of 1.4 for earthquake loading, shall be used for the design of embedment in concrete.

Wall anchors shall be provided to resist out-of-plane forces, independent of existing shear anchors.

EXCEPTION: Existing cast-in-place shear anchors may be used as wall anchors if the tie element can be readily attached to the anchors and if the registered design professional can establish tension values for the existing anchors through the use of approved as-built plans or testing, and through analysis showing that the bolts are capable of resisting the total shear load while being acted upon by the maximum tension force due to seismic loading. Criteria for analysis and testing shall be determined by the Building Official.

Expansion anchors are not allowed without special approval of the Building Official. Attaching the edge of plywood sheathing to steel ledgers is not considered as complying with the positive anchoring requirements of the code; and attaching the edge of steel decks to steel ledgers is not considered as providing the positive anchorage of this code unless testing and analysis are performed which establish shear values for the attachment perpendicular to the edge of the deck.

C. Development of anchor loads into the diaphragm. Development of anchor loads into roof and floor diaphragms shall comply with Section 12.11.2.2.3 of ASCE 7-05.

EXCEPTION: If continuously tied girders are present, then the maximum spacing of the continuity ties is the greater of the girder spacing or twenty-four (24) feet.

In wood diaphragms, anchorage shall not be accomplished by use of toenails or nails subject to withdrawal, nor shall wood ledgers, top plates or framing be used in cross-grain bending or cross grain tension. The continuous ties required by Section 12.11.2.2.3 of ASCE 7-05 shall be in addition to the diaphragm sheathing.

Lengths of development of anchor loads in wood diaphragms shall be based on existing field nailing of the sheathing unless existing edge nailing is positively identified on the original construction plans or at the site.

At re-entrant corners, continuity collectors may be required for existing return walls not designed as shear walls, to develop into the diaphragm a force equal to the lesser of the rocking or shear capacity of the return wall, or the tributary shear but not exceeding the capacity of the diaphragm. Shear anchors for the return wall shall be commensurate with the collector force. If a truss or beam other than rafters or purlins is supported by the return wall or by a column integral with the return wall, an independent secondary column is required to support the roof or floor members whenever rocking or shear capacity of the return wall is governing.

D.

Anchorage at pilasters. Anchorage of pilasters shall be designed for the tributary wall anchoring load per Subsection 18.72.040.A, considering the wall as a two-way slab. The edge of the two-way slab shall be considered "fixed" when there is continuity at pilasters, and considered "pinned" at roof or floor levels. The pilasters or the walls immediately adjacent to the pilasters shall be anchored directly to the roof framing such that the existing vertical anchor bolts at the top of the pilasters are bypassed without causing tension or shear failure at the top of the pilasters.

EXCEPTION: If existing vertical anchor bolts at the top of the pilasters are used for the anchorage, then additional exterior confinement shall be provided.

The minimum anchorage at a floor or roof between the pilasters shall be that specified in Subsection 18.72.040.A.

- E. Symmetry. Symmetry of connectors in the anchorage system is required. Eccentricity may be allowed when it can be shown that all components of forces are positively resisted and justified by calculations or tests.
- F. Minimum member size. Wood members used to develop anchorage forces to the diaphragm shall be of minimum three (3) inch nominal width for new construction and replacement. All such members must be designed for gravity and earthquake forces as part of the wall anchorage system. For existing structural members, the allowable stresses shall be without the one-third (1/3) stress increase per Subsection 18.72.040.B.
- G. Combination of anchor types. To repair and retrofit existing buildings, a combination of different anchor types of different behavior or stiffness shall not be permitted. The capacity of the new and existing connectors cannot be added.
- H. Prohibited anchors. Usage of connectors that were bent or stretched from the intended use shall be prohibited.
- I. Crack and damage repairs, evaluation of existing structural alterations. The registered design professional shall report any observed structural conditions and structural damage that have imminent life-safety effects on the buildings and recommend repairs, including alterations such as openings cut in existing wall panels without a building permit. Evaluations and repairs shall be reviewed and approved by the Department.
- J. Miscellaneous. Existing mezzanines relying on the concrete or masonry walls for vertical or lateral support shall be anchored to the walls for the tributary mezzanine load. Walls depending on the mezzanine for lateral support shall be anchored per Subsections 18.72.040.A through 18.72.040.C.

EXCEPTION: Existing mezzanines that have independent lateral and vertical support need not be anchored to the concrete or masonry walls.

Existing interior masonry or concrete walls not designed as shear walls, which extend to the floor above or to the roof diaphragm, shall also be anchored for out-of-plane forces per Subsections 18.72.040.A through 18.72.040.C. In the in-plane direction, the walls may be isolated or shall be developed into the diaphragm for a lateral force equal to the lesser of the rocking or shear capacity of the wall, or the tributary shear but not exceeding the diaphragm capacity.

- K. Historical buildings. Qualified historical buildings shall be permitted to use alternate building standards or deviations from this chapter in order to preserve their original or restored architectural elements and features. See California Code of Regulations, Title 24, Part 8 (California Historical Building Code) for these standards.

(ORD-13-0024, § 1(exh. A), 2013)

18.72.050 - Materials of construction.

All materials permitted by this title, including their appropriate allowable stresses and those existing configurations of materials specified in Chapter 18.68, may be utilized to meet the requirements of this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.72.060 - Information required on construction documents.

- A. General. In addition to the seismic analysis required elsewhere in this chapter, the licensed registered design professional responsible for the seismic analysis of the building shall record the information required by this section on the approved construction documents.
- B. Information required. The construction documents shall accurately reflect the results of the engineering investigation and design and show all pertinent dimensions and sizes for plan review and construction. The following shall be provided:
1. Floor plans and roof plans shall show the existing framing construction, diaphragm construction, proposed wall anchors, crossties and collectors. Existing nailing, anchors, ties and collectors shall also be shown on the plans if these are part of the design, and these structural elements need to be verified in the field.
 2. At elevations where there is alterations or damage, the details shall show the roof and floor heights, dimensions of openings, location and extent of existing damage, and proposed repair.
 3. Typical concrete or masonry wall sections with wall thickness, height and location of anchors shall be provided.
 4. Details shall include the existing and new anchors and the method of development of anchor forces into the diaphragm framing, existing and new crossties, existing and new or improved support of the roof, and floor girders at pilasters or walls.
- C. Registered design professional of record's statement. The responsible registered design professional of record shall state on the approved construction documents the following:
1. "I am responsible for this building's seismic strengthening design of the tilt-up concrete wall anchorage system in compliance with the minimum seismic resistance standards of Chapter 18.72 of the Long Beach Municipal Code."
- or when applicable:
2. "The Registered Special Inspector, required as a condition of the use of structural design stresses requiring continuous inspection, will be responsible to me as required by Section 1704.1 of the California Building Code adopted in Chapter 18.40."

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.73 - FLOOD RESISTANT DESIGN AND CONSTRUCTION

18.73.010 - Findings of fact.

The City of Long Beach finds:

- A. The flood hazard areas of the City of Long Beach are subject to periodic inundation which results in loss of life and property; creation of health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base, all of which adversely affect public health, safety and general welfare.
- B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.020 - Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To minimize expenditure of public money for costly flood control projects;
- B. To minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;
- C. To minimize prolonged business interruptions;
- D. To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- E. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- F. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- G. To ensure that those who occupy special flood hazard areas assume responsibility for their actions.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.030 - Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting and prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increase in erosion, flood heights or flood velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel flood waters;

- D. Controlling filling, dredging, grading, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.040 - Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. As used in this chapter, the words and phrases listed in this section shall have the meaning given them as follows:

- A. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
- B. "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
- C. "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.
- D. "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.
- E. "Area of shallow flooding" means a designated AO, AH, AR/AO or AR/AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- F. "Area of special flood hazard"—See "Special flood hazard area".
- G. "AR Zone" means a special flood hazard area that results from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide a 100-year or greater level of flood protection.
- H. "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year (also called the 100-year flood). Base flood is the term used throughout this chapter.
- I. "Basement" means any area of the building having its floor subgrade—i.e., below ground level—on all sides.
- J. "Breakaway walls" means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away, under abnormally high tides or wave action, without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more

than twenty (20) pounds per square foot. Use of breakaway walls must be certified by a register design professional licensed in the State of California to practice as such and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

K. "Building"—See "Structure".

L. "Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-30, VE, or V.

M. "Development" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

N. "Developed areas" means an area of a community that is:

1. A primarily urbanized, built-up area that is a minimum of twenty (20) contiguous acres, has basic urban infrastructure, including roads, utilities, communications, and public facilities, to sustain industrial, residential, and commercial activities, and
 - a. Within which seventy-five percent (75%) or more of the parcels, tracts, or lots contain commercial, industrial, or residential structures or uses; or
 - b. Is a single parcel, tract, or lot in which seventy-five percent (75%) of the area contains existing commercial or industrial structures or uses; or
 - c. Is a subdivision developed at a density of at least two (2) residential structures per acre within which seventy-five percent (75%) or more of the lots contain existing residential structures.
2. Undeveloped parcels, tracts, or lots, the combination of which is less than twenty (20) acres and contiguous on at least three (3) sides to areas meeting the criteria of paragraph 1.
3. A subdivision that is a minimum of twenty (20) contiguous acres that has obtained all necessary government approvals, provided that the actual "start of construction" of structures has occurred on at least:
 - a. Ten percent (10%) of the lots or remaining lots of a subdivision; or
 - b. Ten percent (10%) of the maximum building coverage or remaining building coverage allowed for a single lot subdivision and construction of structures is underway.Residential subdivisions must meet the density criteria in Subsection 18.73.040.N.1.c.

O. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

P. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the

construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 15, 1983, the effective date of the floodplain management regulations adopted by the City of Long Beach.

- Q. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- R. "Flood, flooding, or flood water" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source.
- S. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards, the floodway and the risk premium zones applicable to the community.
- T. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, and the water surface elevation of the base flood.
- U. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source—See "Flooding".
- V. "Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.
- W. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- X. "Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, Building Codes, health regulations, special purpose ordinances (such as grading) and other applications of police power which control development in flood-prone areas. This term describes federal, State or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
- Y. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
- Z. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Also referred to as "Regulatory Floodway".
- AA. "Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.
- BB. "Fraud and victimization" as related to Section 18.73.310 et seq. of this chapter means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and

suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

- CC. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.
- DD. "Governing body" is the City Council of the City of Long Beach that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
- EE. "Hardship" as related to Section 18.73.310 et seq. of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The City of Long Beach requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
- FF. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of the structure.
- GG. "Historic structure" means any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on the California State Inventory of Historic Places; or
 4. Individually listed on the Long Beach inventory of historic places.
- HH. "Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
- II. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
- JJ. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).
1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The wet floodproofing standards in Subsection 18.73.230.C.4;

- b. The anchoring standards in Subsection 18.73.230.A;
 - c. The construction materials and methods standards in Subsection 18.73.230.B;
 - d. The standards for utilities in Section 18.73.240
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.
- KK. "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- LL. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
- MM. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- NN. "New construction" for floodplain management purposes, means structures for which the "start of construction" commenced on or after September 15, 1983, the effective date of floodplain management regulations adopted by the City of Long Beach, and includes any subsequent improvements to such structures.
- OO. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 15, 1983, the effective date of floodplain management regulations adopted by this community.
- PP. "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
- QQ. "One-hundred-year flood" or "100-year flood"—See "Base flood".
- RR. "Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.
- SS. "Public safety and nuisance" as related to Section 18.73.310 et seq. of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- TT. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
 2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 3. Designed to be self-propelled or permanently towable by a light-duty truck; and
 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- UU. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- VV. "Remedy a violation" means to bring the structure or other development into compliance with State or City floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing State or federal financial exposure with regard to the structure or other development.
- WW. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- XX. "Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- YY. "Sheet flow area"—See "Area of shallow flooding".
- ZZ. "Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1-A30, AE, A99, AR, AR/A1-A30, AR/AE, AR/AO, AR/AH, AR/A, AH, V1-V30, VE or V.
- AB. "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- AC. "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.
- AD. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- AE. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement.

This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or State or local health, sanitary, or safety code specifications which have been identified by a local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

AF. "V zone"—See "Coastal high hazard area".

AG. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

AH. "Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

AI. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

AJ. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.050 - Lands to which this Ordinance applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Long Beach.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.060 - Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA), of the Federal Emergency Management Agency (FEMA), in a scientific and engineering report entitled "The Flood Insurance Study for the City of Long Beach", dated July 6, 1998, with accompanying Flood Insurance Rate Map (FIRMs), and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This Flood Insurance Study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator. The Flood Insurance Study and FIRMs are on file in the office of the Department of Public Works, 333 West Ocean Boulevard, Long Beach, California 90802.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.070 - Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions)

shall constitute a misdemeanor. Nothing herein shall prevent the City of Long Beach from taking such lawful action as is necessary to prevent or remedy any violations.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.080 - Abrogations and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.090 - Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the government body; and
- C. Deemed neither to limit nor repeal any other powers lawfully granted.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.100 - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Long Beach, any officer or employee thereof, the State of California, the Federal Insurance Administration, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision made hereunder.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.110 - Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.120 - Establishment of development permit.

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 18.73.060. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A.

Proposed elevation in relation to mean sea level, of the lowest floor, including basements, of all structures—in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or

- B. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, if required in Subsection 18.73.230.C.4; and
- C. All appropriate certifications listed in Section 18.73.190; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.130 - Designation of the local administrator.

The City Manager or his designated representative is hereby appointed Floodplain Administrator to administer and implement this chapter by granting or denying development permits in accordance with its provisions.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.140 - Duties and responsibilities of the Floodplain Administrator.

The duties of the Floodplain Administrator shall include but not be limited to the duties set forth in Sections 18.73.150 through 18.73.210.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.150 - Permit review.

The Floodplain Administrator shall:

- A. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
- B. Review all development permits to determine that the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined, but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one (1) foot at any point;
- C. Review proposed development to assure that all required State and federal permits have been obtained;
- D. Review all development permits to determine that the site is reasonably safe from flooding.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.160 - Use of other base flood data.

When base flood elevation data has not been provided in accordance with Section 18.73.060, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, State or other source, in order to administer Section 18.73.230. Any such information shall be submitted to the City Council for adoption.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.170 - AR Zone duties of the Floodplain Administrator.

The Floodplain Administrator shall:

- A. Use the adopted official map or legal description of those designated developed areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, AR/AO as defined in Section 18.73.040 to determine if a proposed project is in a developed area.
- B. Determine the base flood elevation to be used for individual projects within the developed areas, areas not designated as developed areas, and dual zone areas (see Section 18.73.290).
- C. Require the applicable standards in Section 18.73.230
- D. Provide written notification to the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.180 - Notification of other agencies.

Where there is an alteration or relocation of a watercourse, the Floodplain Administrator shall:

- A. Notify adjacent communities and the California Department of Water Resources prior to the alteration or relocation;
- B. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
- C. Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.190 - Information to be obtained and maintained.

The Floodplain Administrator shall obtain and maintain for public inspection and shall make available as needed for flood insurance policies:

- A. Certification required by Subsection 18.73.230.C.2 (lowest floor elevations);
- B. Certification required by Subsection 18.73.230.C.3 (elevation or floodproofing of nonresidential structures);
- C. Certification required by Subsection 18.73.230.C.4 (wet floodproofing standard);
- D. Certification of elevation required by Subsection 18.73.250.B (subdivision standards);
- E. Certification required by Subsection 18.73.280.A (floodway encroachments); and
- F. Information required by Section 18.73.300 (coastal construction standards).

(ORD-13-0024, § 1(exh. A), 2013)

18.73.200 - Interpretation of FIRM boundaries.

The Floodplain Administrator shall make interpretations where needed as to the exact location of the boundaries of areas of special flood hazards, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the boundaries shall be given a reasonable opportunity to appeal the interpretation as provided for in Sections 18.73.310, 18.73.320 and 18.73.330.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.210 - Remedial action.

The Floodplain Administrator shall take action to remedy violations of this chapter as specified in Section 18.73.070.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.220 - Appeals.

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.230 - Standards of construction.

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall meet the anchoring standards of Section 18.73.260

B. Construction materials and methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall use methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. If within Zones AH, AO, AR/AH, or AR/AO, there shall be adequate drainage paths around structures on slopes to guide flood waters around and away from the proposed structures.

C. Elevation and floodproofing. (See definitions for "basement", "lowest floor", "new construction", "substantial damage" and "substantial improvement").

1. For AR Zone requirements, see Section 18.73.290
2. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:
 - a. In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified.
 - b. In an A Zone, elevated to or above the base flood elevation, as determined by the City.
 - c. In all other zones, elevated to or above the base flood elevation.
 - d. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered design professional licensed in the State of California to practice as such, and verified by the Building Official or a duly authorized

representative to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

3. Nonresidential construction, new or substantial improvement, shall either be elevated in conformance with Subsection 18.73.230.C.2 or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed below the elevation recommended under Subsection 18.73.230.C.2 so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered design professional licensed in the State of California to practice as such that the standards of this Subsection 18.73.230.C.3 are satisfied. Such certification shall be provided to the Floodplain Administrator.
4. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following minimum criteria:
 - a. Be certified by a registered design professional licensed in the State of California to practice as such; or
 - b. Have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood water.
5. Manufactured homes shall also meet the standards in Section 18.73.260

(ORD-13-0024, § 1(exh. A), 2013)

18.73.240 - Standards for utilities.

- A. All new and replacement water supply and sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.250 - Standards for subdivisions.

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- B. All final subdivision plans shall provide the elevation of proposed structures and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered design professional licensed in the State of California to practice as such and provided to the Floodplain Administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D.

All subdivision proposals shall have public facilities and utilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.260 - Standards for manufactured homes and manufactured home parks and subdivisions.

A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

B. All manufactured homes that are placed or substantially improved on sites located within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Subsection 18.73.260A and Section 18.73.300

C. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Subsection 18.73.260.A, will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.270 - Standards for recreational vehicles.

A. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days, and be fully licensed and ready for highway use—a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
2. Meet the permit requirements of Sections 18.73.120 through 18.73.210 of this chapter and the elevation and anchoring requirements for manufactured homes in Subsection 18.73.260.A.

B. Recreation vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Subsection 18.73.270.A and Section 18.73.300

(ORD-13-0024, § 1(exh. A), 2013)

18.73.280 - Floodways.

Located within areas of special flood hazard established in Section 18.73.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered design professional licensed in the State of California to practice as such is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.
- B. If Subsection 18.73.280.A is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 18.73.230 through 18.73.300

(ORD-13-0024, § 1(exh. A), 2013)

18.73.290 - Construction standards for AR Zone areas.

Within areas designated as AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the following standards shall apply:

- A. Developed areas. All new construction in areas designated as developed areas shall meet the standards of Section 18.73.230 using the lower of either the AR base flood elevation or the elevation that is three (3) feet above the highest adjacent grade.
- B. Areas not designated as developed areas. All new construction in areas that are not designated as developed areas:
 1. Where the AR flood depth is equal to or less than five (5) feet above the highest adjacent grade, shall meet the standards of Section 18.73.230 using the lower of either the AR base flood elevation or the elevation that is three (3) feet above the highest adjacent grade.
 2. Where the AR flood depth is greater than five (5) feet above the highest adjacent grade, shall meet the standards of Section 18.73.230 using the AR base flood elevation.
- C. Dual zone areas.
 1. All new construction in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, AR/A shall meet the standards of Section 18.73.230 using the higher of either the applicable AR Zone elevation (as determined from Subsection 18.73.290.A or 18.73.290.B above) or the base flood elevation (or flood depth) for the underlying A1-30, AE, AH, AO, or A Zone.
 2. All substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A shall meet the standards of Section 18.73.230 using the base flood elevation (or flood depth) for the underlying A1-30, AE, AH, AO, or A Zone.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.300 - Coastal high hazard area.

Within coastal high hazard areas as established under Section 18.73.060, the following standards shall apply:

- A. All new construction and substantial improvement shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached

thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

- B. All new construction and other development shall be located on the landward side of the reach of mean high tide.
- C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 18.73.040. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
- D. Fill shall not be used for structural support of buildings.
- E. Manmade alteration of sand dunes which would increase potential flood damage is prohibited.
- F. The Floodplain Administrator shall obtain and maintain the following records:
 - 1. Certification by a registered engineer or architect that a proposed structure complies with Subsection 18.73.300.A; and
 - 2. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.310 - Nature of variances.

The variance criteria set forth in this chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in this chapter are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.320 - Variance procedure.

- A. The Floodplain Administrator shall hear and decide requests for variances from the requirements of this chapter.
- B. In passing upon requests for variances, the Floodplain Administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- C. Any person aggrieved by the decision of the Floodplain Administrator may, within ten (10) days from the date the aggrieved party is notified in writing of the decision, appeal such decision to the City Council by filing a written notice thereof with the City Clerk. The City Council's decision shall be reduced to writing and shall be served by mail on the aggrieved party within ten (10) days after all evidence has been received by the City Council. The decision of the City Council shall be final.
- D. Generally, variances may be used for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Items 1 through 11 in Subsection 18.73.320.B and the procedures set forth in Sections 18.73.120 through 18.73.300 have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.
- E. Upon consideration of the factors of Subsection 18.73.320.B and the purposes of this chapter, the Floodplain Administrator may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance, and report any variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.
- G. Any applicant to whom a variance is granted shall be given written notice over the signature of the Floodplain Administrator that:
1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
 2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the office of the Los Angeles County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.330 - Conditions for variances.

- A. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 18.73.040) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will provide relief and preserve the integrity of this chapter.
- D. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship (as defined in Section 18.73.040) to the applicant; and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances (as defined in Section 18.73.040—See "Public safety and nuisance"), cause fraud on or victimization (see Section 18.73.040) of the public, or conflict with existing local laws or ordinances.
- E. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Subsections 18.73.330.A through 18.73.330.D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- F. Upon consideration of the factors of Section 18.73.320 and the purposes of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(ORD-13-0024, § 1(exh. A), 2013)

18.73.340 - Alternative Compliance.

Work performed in accordance with the California Building Code adopted in Chapter 18.40 or the California Residential Code adopted in Chapter 18.41 of this title shall be deemed to comply with the provisions of this chapter.

When the requirements of this chapter conflict with the requirements of any other part of the California Building Standards Code, Title 24 of the California Codes of Regulation, the most restrictive requirements shall prevail.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.74 - LOW IMPACT DEVELOPMENT STANDARDS

18.74.010 - Purpose.

The purpose of this chapter is to require the use of low impact development (LID) standards in the planning and construction of development projects. LID standards promote the goal of environmental sustainability by helping improve the quality of receiving waters, protecting the Los Angeles and San Gabriel River watersheds, maintaining natural drainage paths, and protecting potable water supplies within the City. The LID objective of controlling and maintaining flow rate is addressed through land development and storm water management techniques that imitate the natural hydrology (or movement of water) found on the site. Using site design and best management practices that allow for storage and retention, infiltration, filtering, and flow rate adjustments achieve the goals of LID, advances sustainability and reduces the overall cost of storm water management. The use of engineered systems, structural devices, and vegetated natural designs distributes storm water and urban runoff across a development site maximizing the effectiveness of LID.

(ORD-13-0024, § 1(exh. A), 2013)

18.74.020 - Definitions.

"Brownfield" means a piece of industrial or commercial property that is abandoned or underused and often environmentally contaminated, especially one considered as a potential site for redevelopment.

"Development" means any construction to build any new public or private residential projects (whether single-family, multi unit or planned unit development); new industrial, commercial, retail and other nonresidential projects, including public agency projects; new impervious surface area; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"LID Best Management Practices Manual" means a manual of LID standards and practices for storm water pollution mitigation, including technical feasibility and implementation parameters, alternative compliance for technical infeasibility, as well as other rules, requirements and procedures as the City deems necessary, for implementing the provisions of this section of the Long Beach Municipal Code.

"Multi-Phased Project" shall mean any Development or Redevelopment implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and being used to store, treat or manage storm water runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether Developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

"Off-site Runoff Mitigation Fee" means fee paid to the City for the management of storm water runoff generated from the 0.75-inch water quality storm in excess of the storm water runoff that is infiltrated, evapotranspired and/or stored for use. The Off-site Runoff Mitigation Fee shall be used by the City to

construct or apply towards the construction of an off-site mitigation project within the same sub-watershed that will achieve at least the same level of water quality protection as if all of the runoff was retained on-site.

"Redevelopment" means land-disturbing activities that result in the replacement of more than fifty percent (50%) of an existing building, structure or impervious surface area on an already developed site. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety or grinding/overlaying and replacement of existing parking lots.

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land use in connection with the facility or activity.

(ORD-13-0024, § 1(exh. A), 2013)

18.74.030 - LID requirements and applicability.

- A. The provisions of this section set forth the requirements for and shall apply to all new Development and Redevelopment projects in the City of Long Beach. The following Development or Redevelopment projects are exempt from the requirements of this chapter:
1. Any Development or Redevelopment projects that creates, adds or replaces less than five hundred (500) square feet of impervious surface area;
 2. Any Development or Redevelopment projects involving emergency construction activities required to immediately protect public health and safety;
 3. Any Development or Redevelopment projects involving the grinding/overlaying and replacement of existing parking lots;
 4. Any Development or Redevelopment projects where land disturbing activities result in the replacement of fifty percent (50%) or less of an existing building, structure or impervious surface area; or
 5. Any Development or Redevelopment projects that are technically infeasible pursuant to Subsection 18.74.040.B; or
 6. Any Development or Redevelopment projects that do not require a building permit.
- B. LID requirements for new Development or Redevelopment projects:
1. Residential Development of four (4) units or less:
 - a. For new Development less than one (1) acre, or if Redevelopment alters more than fifty percent (50%) of existing buildings, structures or impervious surfaces of an existing developed site, comply with the standards and requirements of this chapter and implement at least two (2) adequately sized LID BMP alternatives from the LID Best Management Practices Manual.
 - b. For new Development that is one (1) acre and greater, the entire Site shall comply with the standards and requirements of this chapter and the LID Best Management Practices Manual.
 2. Residential Developments of five (5) units or more and nonresidential Developments:

For new Development, or if Redevelopment alters more than fifty percent (50%) of existing buildings, structures or impervious surfaces of an existing developed site, the entire Site shall comply with the standards and requirements of this chapter and of the LID Best Management Practices Manual.
 3. Nonresidential Developments in the Port of Long Beach Harbor District:

For new Development or Redevelopment projects located in the Port of Long Beach Harbor District as designated in Title 21 Zoning Regulations, the site shall comply with the LID BMP alternatives set forth in the Port of Long Beach Post-Construction Design Guidance Manual and in the LID Best Management Practices Manual.

- C. This chapter shall not apply to those projects for which a building permit application has been filed for and deemed complete by the Building Official prior to February 19, 2013.

(ORD-13-0024, § 1(exh. A), 2013)

18.74.040 - LID plan review.

- A. Compliance with the LID standards of this chapter shall be demonstrated through a LID plan review. Permit applicant shall be required to submit a LID plan for review to the Building Official. The LID plan shall demonstrate how the project will meet the standards and requirements of this chapter and of the LID Best Management Practices Manual. A submitted LID plan shall indicate compliance with the following standards:
1. Storm water runoff will be infiltrated, captured and reused, evapotranspired, and/or treated on-site through storm water best management practices allowed in the LID Best Management Practices Manual.
 2. The on-site storm water management techniques must be properly sized, at a minimum, to infiltrate, evapotranspire, and/or store for use without any storm water runoff leaving the site to the maximum extent feasible, for at least the volume of water produced by a storm event that results from:
 - a. The volume of runoff produced from a 0.75 inch storm event; or
 - b. The eighty-fifth (85th) percentile twenty-four (24) hour runoff event determined as the maximized capture storm water volume for the area using a forty-eight (48) to seventy-two (72) hour draw down time, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or
 - c. The volume of annual runoff based on unit basin storage water quality volume, to achieve eighty percent (80%) or more volume treatment by the method recommended in the California Storm Water Best Management Practices Handbook - Industrial/Commercial, (2003).
- B. When the on-site LID requirements are technically infeasible, the infeasibility shall be demonstrated in the submitted LID plan and shall be reviewed in consultation with the Building Official. The technical infeasibility may result from conditions that may include, but are not limited to:
1. Locations where seasonal high groundwater is within ten (10) feet of surface grade;
 2. Locations within one hundred (100) feet of a groundwater well used for drinking water;
 3. Brownfield Development sites or other locations where pollutant mobilization is a documented concern;
 4. Locations with potential geotechnical hazards; or
 5. Locations with impermeable soil type as indicated in applicable soils and geotechnical reports.
- C. If complete on-site compliance of any type is technically infeasible, a Development or Redevelopment project shall be required to comply with, at a minimum, all applicable Standard Urban Storm Water Mitigation Plan (SUSMP) requirements of Chapter 18.61 in order to maximize on-site compliance. For the remaining runoff that cannot feasibly be managed on-site, one (1) or a combination of the following shall be required:

1. An Off-site Runoff Mitigation Fee pursuant to Subsection 18.74.050.B shall be paid to the City of Long Beach's Storm Water Pollution Abatement Fund for off-site mitigation, as described in the LID Best Management Practices Manual. The funding will be applied towards the construction of an off-site mitigation project(s) within the same sub-watershed that will achieve at least the same level of water quality protection as if all of the runoff was retained on-site.
2. To provide an incentive for on-site management of storm water runoff, Development and Redevelopment projects will receive the following reduction in the Off-site Runoff Mitigation Fee based on the percentages of storm water runoff that is managed on site through infiltration, evapotranspiration, and/or capture and use:

Storm Water Runoff Managed On-site	Fee Reduction
Between 90% and 99%	75%
Between 75% and 89%	50%
Between 50% and 74%	25%

3. A Multi-Phased Project must design a system acceptable to satisfy these standards and requirements for the entire Site during the first phase and will implement these standards and requirements for each phase of Development or Redevelopment projects of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the storm water from such later phase.

(ORD-13-0024, § 1(exh. A), 2013)

18.74.050 - LID plan review, permit, and Off-Site Runoff Mitigation fees.

- A. Permit applicants who seeks to engage in new Development or Redevelopment as defined in this chapter by obtaining a building permit shall pay the required plan examination and permit fees as set forth in Chapter 18.06
- B. Permit applicants who seeks to engage in new Development or Redevelopment as defined in this chapter by obtaining a building permit and does not demonstrate complete on-site compliance as described in the LID Best Management Practices Manual are required to pay an Off-site Runoff Mitigation Fee in the manner and amount as set forth in the schedule of fees and charges established by City Council resolution.
- C. Any Development or Redevelopment projects that are exempted from this chapter shall have the option to voluntarily opt in and incorporate into the project the LID requirements of this chapter. In such case, the LID plan review, permit and Off-site Runoff Mitigation fees associated with the project shall be waived.

(ORD-13-0024, § 1(exh. A), 2013)

18.74.060 - LID Best Management Practices Manual.

- A. The Building Official shall prepare, maintain, and update, as deemed necessary and appropriate, the LID Best Management Practices Manual to include LID standards and practices and standards for storm water pollution mitigation. The LID Best Management Practices Manual shall also include technical feasibility and implementation parameters, alternative compliance for technical infeasibility, as well as other rules, requirements and procedures as the City deems necessary, for implementing the provisions of this chapter.
- B. The Building Official shall develop, as deemed necessary and appropriate, in cooperation with other City departments and stakeholders, informational bulletins, training manuals and educational materials to assist in the implementation of the LID requirements.

(ORD-13-0024, § 1(exh. A), 2013)

18.74.070 - Hardship determination.

Whenever there are practical difficulties involved in carrying out the provisions of this chapter, the Director shall have the authority to grant modifications to the provisions of this chapter for individual cases, provided the Director shall first find that special individual reason makes the strict letter of this chapter impractical and the modification is in compliance with the intent and purpose of this chapter and that such modification does not lessen the goals of LID, sustainability or increase the overall cost of storm water management.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.75 - GRADING, EXCAVATIONS AND FILLS

18.75.010 - General.

- A. Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils or geotechnical report, the soils or geotechnical report shall govern.
- B. Permits required. Except as exempted in Section 18.04.020, no grading shall be performed without first having obtained a permit as required by Section 18.04.010 therefore from the Building Official.
- C. Submittal documents. The provisions of Chapter 18.05 shall apply to the submittal of grading construction documents, including soils and geotechnical reports and any other pertinent technical reports where the Building Official determines that the nature of the work applied for is such that a report is necessary.
- D. Inspection. Inspections shall be governed by Chapter 18.07
- E. Flood hazard areas. The provisions of this chapter shall not apply to grading, excavation and earthwork construction, including fills and embankments, in floodways within flood hazard areas established in Section 1612.3 of the California Building Code adopted in Chapter 18.40 or in flood hazard areas where design flood elevations are specified but floodways have not been designated, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed work will not result in any increase in the level of the base flood.
- F. Consent of adjacent property owner. Whenever any excavation or fill requires entry onto adjacent property for any reason, the permit applicant shall obtain the written consent of the adjacent property owner or the owner's authorized representative, and shall file a copy of said consent with the Building Official before the commencement of such grading work.

In the event contours on adjacent properties are permanently changed, structures or drainage devices are added or modified, and/or the work done requires a grading permit under Section 18.04.010, a separate permit shall be required for each such affected adjoining property in addition to the consent letter. Furthermore, the adjacent property owner shall acknowledge his or her consent on plans showing such work. The consent letter will not be required if such grading permit is taken out by the adjacent property owner.

- G. Safety precaution during grading. If at any stage of work on an excavation or fill the Building Official determines that further work as authorized by an existing permit is likely to endanger any property or public way, the Building Official may require as a condition to allow the work to continue that plans for such work be amended to include adequate safety precautions. Safety precautions may include, but shall not be limited to, specifying a flatter exposed slope or construction of additional drainage facilities, berms, terracing, compaction, cribbing, retaining walls or buttress fills, sloughwalls, desilting basins, check dams, benching wire mesh and guniting, rock fences revetment or diversion walls.

No person shall excavate or fill so as to cause falling rocks, soil or debris in any form to fall, roll, slide or flow onto adjoining properties.

18.75.020 - Definitions.

For the purposes of this chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings:

Bench. A relatively level step excavated into earth material on which fill is to be placed.

Compaction. The densification of a fill by mechanical means.

Cut. See excavation.

Down drain. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

Erosion. The wearing away of the ground surface as a result of the movement of wind, water or ice.

Excavation. The removal of earth material by artificial means, also referred to as a cut.

Fill. Deposition of earth materials by artificial means.

Grade. The vertical location of the ground surface.

Grade, existing. The grade prior to grading.

Grade, finished. The grade of the site at the conclusion of all grading efforts.

Grading. An excavation or fill or combination thereof.

Key. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

Slope. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Terrace. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

(ORD-13-0024, § 1(exh. A), 2013)

18.75.030 - Grading bonds in hazardous situations required.

The Building Official may require a grading permit surety bond in such form and amounts as may be deemed necessary to assure that the grading work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions as determined by the Building Official. The condition of such bond shall be that the permit applicant will perform the work authorized by the grading permit issued pursuant to this title in a good and workmanlike manner and to the satisfaction of the Building Official. When a grading permit surety bond is required, it shall comply with provisions Section 2.84.040 and this chapter.

- A. Surety bond. Before a permit is issued for excavation or fill of two hundred and fifty (250) cubic yards (191.3 m³) or more of earth, the owner of the property shall file with the Building Official a bond for the benefit of the City. The bond shall be executed by the owner and a corporate surety authorized to do business in this state as a surety in an amount sufficient to cover the entire project.

EXCEPTION: Upon application by the owner, the Building Official may waive this requirement if:

1. The proposed grading is neither actually nor potentially hazardous;
 2. The grading work performed is in compliance with an order issued by the Building Official; or
 3. The permit applicant can substantiate, to the satisfaction of the Building Official, that the work under a grading permit will be fully executed.
- B. Cash bond. In lieu of a surety bond, the owner may file a cash bond with the Building Official on the same terms and conditions and in an amount equal to that which would be required in the surety bond. The deposit may be in the form of negotiable United States securities in lieu of cash.
- C. Application of bond to adjacent property. Where grading is required on property adjacent to the grading site under permit in order to complete a project satisfactorily, the owner of such adjacent property need not provide an additional grading bond if the original bond is of sufficient amount to include such additional grading.
- D. Conditions of the bond. Every bond shall be conditioned such that the owner shall:
1. Comply with all applicable provisions of this title and all other ordinances of the City or laws and statutes of the State.
 2. Comply with all the terms and conditions of the grading permit to the satisfaction of the Building Official.
 3. Complete all the work described by the permit, and the plans and specifications relating thereto, within the time limit specified in the permit. Upon application by the permit applicant, the Building Official may, for sufficient cause, extend the time specified in the permit pursuant to Section 18.03.050, but no such extension shall release any surety on the bond.
 4. Install temporary erosion control devices when required to do so by the provisions of this chapter.
- E. Period and termination of bond. The term of each bond shall begin on the date of filing and shall remain in effect until the work is completed to the satisfaction of the Building Official or until replaced by a new bond in the event of a change of ownership. In the event of failure to complete the work and/or failure to comply with all the conditions and terms of the permit, the Building Official may order some or all of the work to be completed to correct any hazardous conditions. The surety executing such bond, or such deposit, shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the City in causing any and all of such required work to be done and that said surety or the depositor assents to any lawful extension of time within which to construct and complete such work. Such costs shall include an amount equal to the cost to the City of administering the contract and supervising the work required. In the case of a cash bond, the deposit, or any unused portion thereof, shall be refunded to the depositor upon completion of the work to the satisfaction of the Building Official. The Building Official may release or exonerate the bond under appropriate conditions when the public health and welfare is not jeopardized.
- F. New ownership. In the event of change of ownership during grading, the new owner shall secure a new grading permit and post a new bond to ensure completion of the grading.
- G.

Amount of bond. The amount for the bond shall be set at the discretion of the Building Official, considering such factors as the size of the site, the amount of earth material in either excavation or fill, drainage requirements, and other protective devices as needed to secure the safety of the site.

- H. Installment refunds. When a substantial portion of the required grading work has been completed to the satisfaction of the Building Official, and when the completion of the remaining grading work, site development or planting is delayed, the Building Official may accept the completed portion of the grading work and consent to the proportionate reduction of the bond to an amount estimated to be adequate to ensure completion of the grading work, site development or planting remaining to be performed. Only one (1) such reduction shall be considered for each bond posted.
- I. Entry upon premises. The Building Official, the surety company, or their duly authorized representative, shall have access to the premises described in the permit for the purpose of inspecting the progress of the work.

In the event of default in the performance of any terms or conditions of the permit, the surety or any person employed or engaged in his or her behalf shall have the right to go upon the premises to complete the required work, including the installation of temporary erosion control devices.

Should the permittee or the surety fail to perform the work described by the permit and the plans and specifications relating thereto or required by any applicable law, and it is determined by the Building Official that the public health, safety or general welfare is endangered by such failure, the Building Official may enter upon the premises to perform all or any part of such work, including the installation of temporary erosion control devices.

It shall be unlawful for the owner or any other person to interfere with the ingress and egress from such premises of any authorized representative or agent of any surety company or the City engaged in the work ordered by the Building Official.

(ORD-13-0024, § 1(exh. A), 2013)

18.75.040 - Excavations.

The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than two (2) units horizontal to one (1) unit vertical (fifty (50) percent slope) unless the owner or authorized agent furnishes a geotechnical report justifying a steeper slope.

EXCEPTIONS:

1. A cut surface shall be permitted to be at a slope of one and one-half (1.5) units horizontal to one (1) unit vertical (sixty-seven (67) percent slope) provided that all of the following are met:
 - a. It is not intended to support structures or surcharges.
 - b. It is adequately protected against erosion.
 - c. It is no more than eight (8) feet (2,438 mm) in height.
 - d. Groundwater is not encountered.
 - e. It is approved by the Building Official.

2.

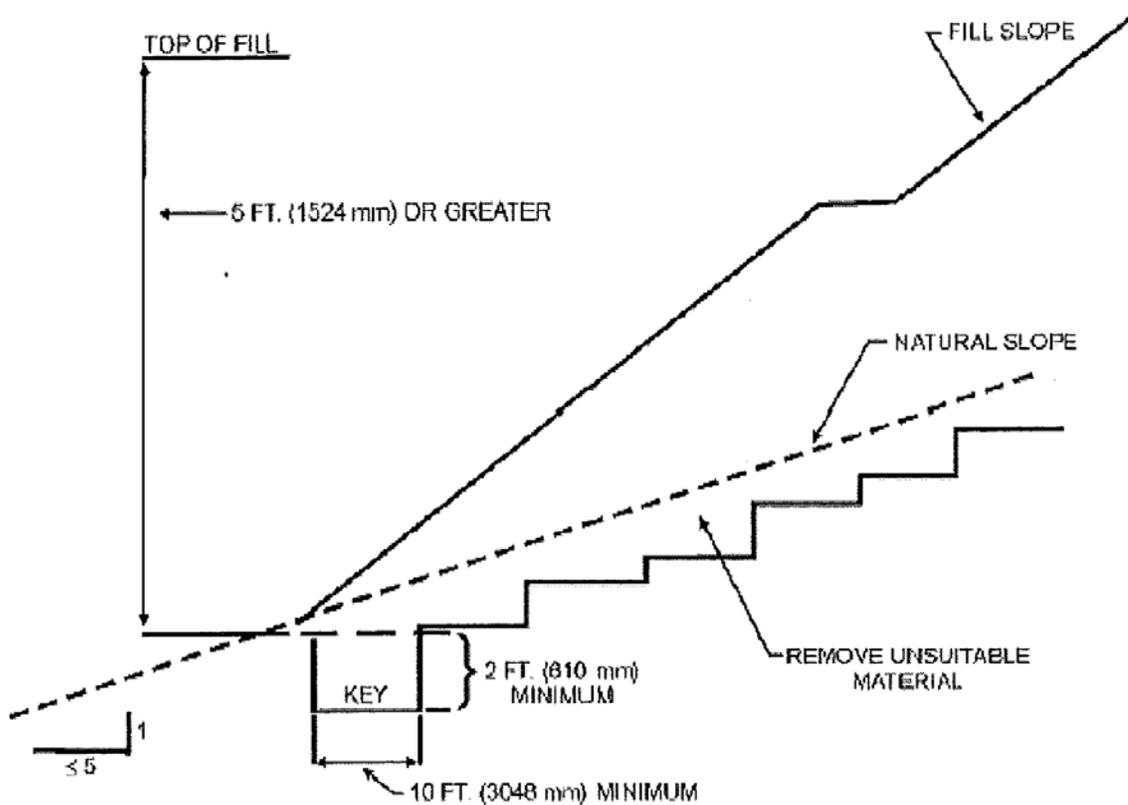
A cut surface in bedrock shall be permitted to be at a slope of one (1) unit horizontal to one (1) unit vertical (one hundred (100) percent slope).

This section shall not be construed to waive the requirements of the General Safety Orders of the California Department of Industrial Relations, nor the provisions of Section 832 of the California Civil Code concerning the rights of coterminous owners as to excavations.

(ORD-13-0024, § 1(exh. A), 2013)

18.75.050 - Fills.

- A. General. Unless otherwise recommended in the geotechnical report, fills shall comply with the provisions of this section.
- B. Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.
- C. Benching. Where existing grade is at a slope steeper than five (5) units horizontal to one (1) unit vertical (twenty (20) percent slope) and the depth of the fill exceeds five (5) feet (1,524 mm) benching shall be provided in accordance with Figure 18.75.050. A key shall be provided which is at least ten (10) feet (3,048 mm) in width and two (2) feet (610 mm) in depth.



For SI: 1 foot = 304.8 mm.

FIGURE 18.75.050
BENCHING DETAILS

- D. Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than twelve (12) inches (305 mm) in any dimension shall be included in fills.
- E.

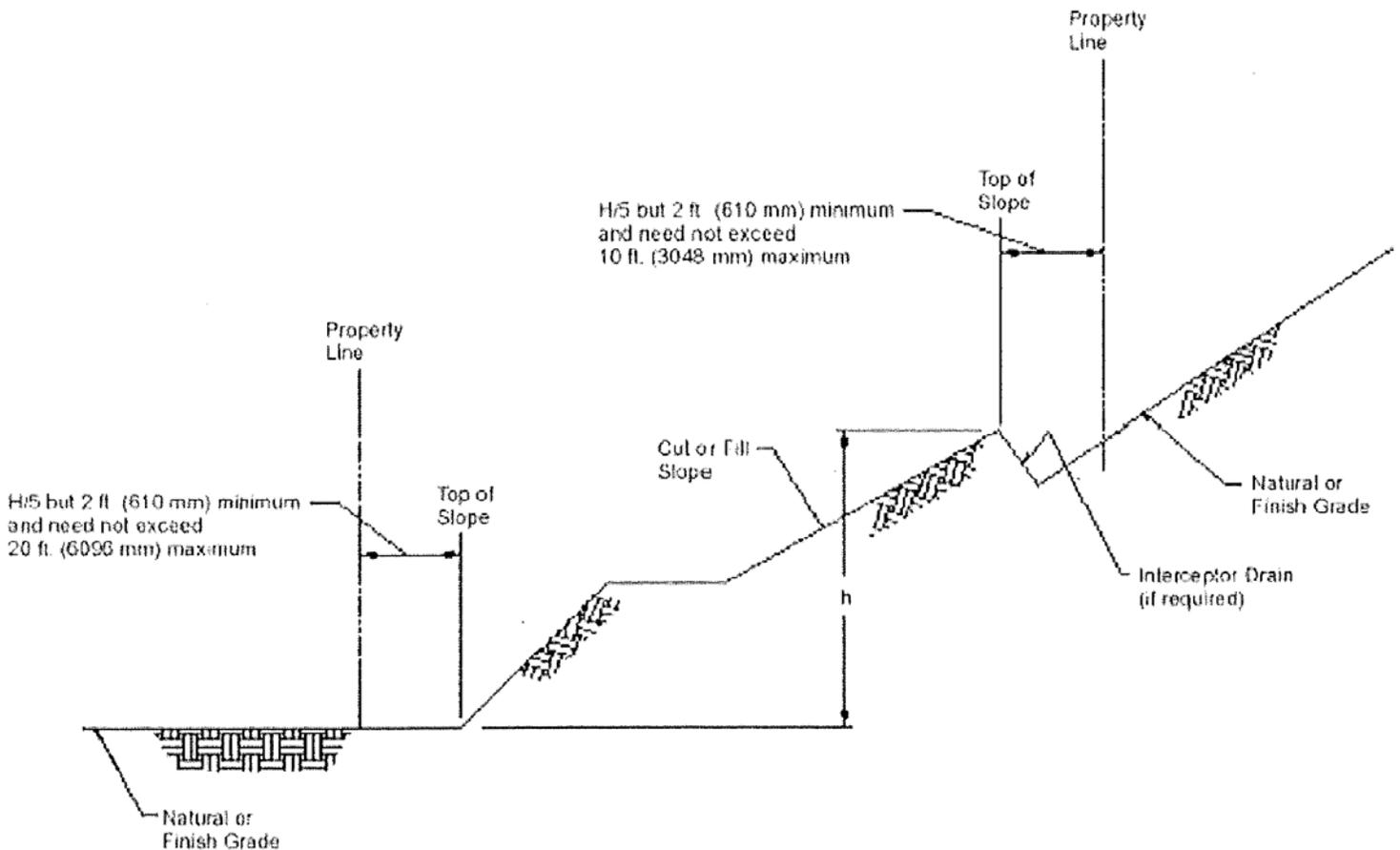
Compaction. All fill material shall be compacted to ninety (90) percent of maximum density as determined by ASTM D 1557, Modified Proctor, in lifts not exceeding twelve (12) inches (305 mm) in depth. Where cohesionless soil having less than fifteen (15) percent finer than 0.005 millimeter is used for fill, it shall be compacted to a minimum of ninety-five (95) percent relative compaction based on maximum dry density. Every fill shall be tested for relative compaction by a soil testing agency approved by the Building Official. A compaction report including a Certificate of Compliance setting forth densities so determined shall be submitted to the Building Official before approval of any fill is given.

- F. Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than two (2) units horizontal to one (1) unit vertical (fifty (50) percent slope) shall be justified by a geotechnical report or engineering data.

(ORD-13-0024, § 1(exh. A), 2013)

18.75.060 - Setbacks.

- A. General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure 18.75.060, unless substantiating data is submitted justifying reduced setbacks.



For SI: 1 foot = 304.8 mm.

FIGURE 18.75.060
DRAINAGE DIMENSIONS

- B. Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure 18.75.060, or than is required to accommodate any required interceptor drains, whichever is greater.
- C.

Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the Building Official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure 18.75.060.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provisions for the control of surface waters.

(ORD-13-0024, § 1(exh. A), 2013)

18.75.070 - Drainage and terracing.

A. General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

EXCEPTION: Drainage facilities and terracing need not be provided where the ground slope is not steeper than three (3) unit horizontal to one (1) unit vertical (thirty-three (33) percent slope).

B. Terraces. Terraces at least six (6) feet (1,829 mm) in width shall be established at not more than thirty (30) foot (9,144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two (2) terraces are required, one (1) terrace, located at approximately mid-height, shall be at least twelve (12) feet (3,658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of twenty (20) unit horizontal to one (1) unit vertical (five (5) percent slope) and shall be paved with concrete not less than three (3) inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of twelve (12) inches (305 mm) and a minimum width of five (5) feet (1,524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding thirteen thousand and five hundred (13,500) square feet (1,256 m²) (projected) without discharging into a down drain.

C. Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than forty (40) feet (12,192 mm), measured horizontally. They shall have a minimum depth of one (1) foot (305 mm) and a minimum width of three (3) feet (915 mm). The slope shall be approved by the Building Official, but shall not be less than fifty (50) unit horizontal to one (1) unit vertical (two (2) percent slope). The drain shall be paved with concrete not less than three (3) inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the Building Official.

D. Drainage across property lines. Drainage across property lines shall not be permitted except for drainage that does not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on-site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

E. Site drainage. All pads with cut or fill shall slope a minimum of two (2) percent to an approved drainage device or to a public street. Where used, the drainage device shall be an adequately designed system of catch basins and drain lines that conducts the water to a public street.

EXCEPTION: Where the slope of the underlying natural ground does not exceed three (3) percent and the compacted fill is less than three (3) feet (914 mm) in depth, the slope of the pad may be reduced to one (1) percent.

- F. Drainage around buildings. On all building sites, acceptable drainage devices shall be installed to conduct water around buildings whenever the distance from the building to the top of any slope is less than five (5) feet (1,524 mm). Where used, the drainage device shall be an adequately designed system of catch basins and drain lines that conducts the water to a public street.
- G. Maintenance of drainage. Drainage in conformance with the provisions of this chapter shall be maintained during and subsequent to construction.

(ORD-13-0024, § 1(exh. A), 2013)

18.75.080 - Erosion control.

- A. General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

EXCEPTION: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

- B. Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

(ORD-13-0024, § 1(exh. A), 2013)

18.75.090 - Referenced standards.

ASTM D1557-e01 Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort [56,000 ft-lb/ft³ (2,700kn-m/m³)].

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.76 - WATER SUBMETERS

18.76.010 - Purpose.

The City is reliant on imported water, importing as much as forty percent (40%) from the Metropolitan Water District. To address the impact of imminent water supply shortage as the result of a state-wide, multi-year droughts, 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 is available for current and future residents of the City. Nearly thirty-six percent (36%) of water usage in the City can be attributed to multifamily residential or mixed-use buildings where water consumption in each individual dwelling unit is not measured. This chapter encourages water conservation in multifamily residential and mixed-use buildings by requiring the installation of water submeters for individual dwelling units to help building owners to allocate water costs based upon water consumption in the unit and create a financial incentive for residents to conserve water.

(ORD-13-0024, § 1(exh. A), 2013)

18.76.020 - Application.

- A. This chapter applies to newly constructed multifamily residential building or newly constructed mixed-use residential and commercial building with three (3) or more dwelling units for which a permit application is submitted on or after July 1, 2014 or as determine otherwise by the Building Official when justifiable cause is demonstrated.

EXCEPTIONS: Structures in all of the following categories shall be exempt from this chapter:

1. Low income or affordable housing pursuant to a recorded regulatory agreement with a governmental agency as determined by the Department of Development Services.
2. Student dormitories.
3. Long-term health care facilities as defined in Section 1418 of the California Health and Safety Code.
4. Time-share property as defined in subdivision (aa) of Section 11212 of the California Business and Professions Code.
5. Residential care facilities as defined in subdivision (k) of Section 1569.2 of the California Health and Safety Code, or existing buildings.
6. High-rise buildings if it can be demonstrated to the satisfaction of the Building Official that the building's plumbing configuration incorporates multiple points of entry in each dwelling unit and renders the installation of water submeters infeasible.

- B. Nothing herein shall be construed to limit or alter any existing regulations related to testing and oversight of water submeters by the California Department of Food and Agriculture, Division of Measurement Standards.

(ORD-13-0024, § 1(exh. A), 2013)

18.76.030 - Submeter Requirements.

- A. Water submeters shall be installed to measure the volume of water supplied to each individual dwelling unit.
- B. Water submeters shall be located such that the primary submeter indicator or remote reader may be easily accessed and read by the tenant of the dwelling unit and the owner or owner's authorized agent of the multifamily residential or mixed-use residential and commercial building without entering the dwelling unit.
- C. Water submeters shall comply with all laws and regulations governing the approval of submeter types or the installation, maintenance, reading, billing, and testing of submeters, including, but not limited to, the California Plumbing Code adopted in Chapter 18.43.
- D. Water submeters shall be of a type approved pursuant to Section 12500.5 of the California Business and Professions Code, and shall be installed and operated in compliance with regulations established pursuant to Section 12107 of the California Business and Professions Code.

(ORD-13-0024, § 1(exh. A), 2013)

CHAPTER 18.99 - FINDINGS

18.99.010 - Purpose.

- A. The provisions of this title contain certain changes, deletions, modifications and additions to the 2013 Edition of the California Building Standards Code adopted by the City. Chapters and sections of this title, including the amendments herein, are considered amendments to the California Building Standards Code and Appendices. Some of these changes are administrative in nature in that they do not constitute changes, modifications or additions to the California Building Standards Code.
- B. Pursuant to Sections 17958.5 and 17958.7 of the California Health and Safety Code, the City Council has, by resolution made specific findings of fact and determinations relative to the unique climatic, geological or topographical conditions existing in Long Beach that necessitate amendment to the various applicable California Building Standards Code. A copy of said resolution shall be on file with the office of the City Clerk.

(ORD-13-0024 , § 1(exh. A), 2013)

CHAPTER 20.04 - GENERAL PROVISIONS

20.04.010 - Title.

The provisions of this part shall be known as the "Subdivision Regulations of the City of Long Beach" and shall be referred to therein as "these regulations."

(Ord. C-5975 § 1 (part), 1983)

20.04.020 - Purpose and intent.

The purpose of these regulations is:

- A. To provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions within the City;
- B. To implement the objectives, policies, and programs of the general plan by ensuring that all proposed subdivisions, together with the provisions for their design and improvement, are consistent with all elements of the general plan and all applicable specific plans;
- C. To preserve and protect the unique and valuable natural resources and amenities of the City's environment and to maximize the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto;
- D. To provide lots of sufficient size and appropriate design for the public health, safety, and welfare;
- E. To provide an adequate system of utilities needed for public health, safety, and convenience;
- F. To provide streets of adequate capacity and design for traffic, and to ensure maximum safety for pedestrians and vehicles; and
- G. To expedite the review and decision on subdivision requested.

(Ord. C-5975 § 1 (part), 1983)

20.04.030 - Authority.

These regulations are adopted pursuant to the Subdivision Map Act of the State of California and are supplemental to the provisions thereof. All provisions of the Subdivision Map Act and future amendments thereto not incorporated in these regulations shall, nevertheless, apply to all subdivisions and proceedings under these regulations.

(C-5975 § 1 (part), 1983)

20.04.040 - Applicability.

These regulations shall apply to the following proceedings:

- A. The recording of existing illegal lot splits (certificates of compliance or parcel maps);
- B. The division of an existing lot (subdivisions);
- C. The conversion of existing rental residential, commercial, or industrial projects to condominium projects, community apartment projects, or stock cooperatives ownership (conversions);
- D. The merger of existing recorded lots into larger lots (lot mergers); and
- E. The adjustment of lot lines between two (2) or more recorded lots (the lot line adjustments).

20.04.050 - Exemptions.

These regulations shall not apply to:

- A. The financing or leasing of apartments, offices, stores, or similar spaces within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, or trailer parks;
- B. Lease of agricultural land for agricultural purposes;
- C. Mineral, oil, or gas leases;
- D. Land dedicated for cemetery purposes under the Health and Safety Code of the State of California;
- E. Conveyance of land to a governmental agency, public entity, or public utility;
- F. Subdivisions created by short-term leases (terminable by either party on not more than thirty (30) days' notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code;
- G. The leasing of public properties;
- H. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party;
- I. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel;
- J. The financing or leasing of existing separate commercial or industrial buildings on a single parcel;
- K. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code;
- L. The conversion of four (4) or less existing rental residential units, to a stock cooperative ownership;
- M. The conversion of a community apartment project as defined in Section 11004 of the Business and Professions Code, to a condominium if all of the following requirements are met:
 - 1. At least seventy-five percent (75%) of the units in the project were occupied by record owners of the project on March 31, 1982; and
 - 2. A final or parcel map for the subject site was properly recorded after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion.
- N. The conversion of a stock cooperative as defined in Section 11003.2 of the Business and Professions Code, to a condominium if all of the following requirements are met:
 - 1. At least fifty-one percent (51%) of the units in the cooperative were occupied or individually owned by stockholders of the cooperative on January 1, 1980. As used in this paragraph, "a unit is individually owned" means a person or any entity owns an interest in no more than one (1) unit in the cooperative;
 - 2. No more than twenty-five percent (25%) of the shares of the cooperative were owned by any one (1) person - including an incorporation or Director of the cooperative, on January 1, 1980; and
 - 3. A person renting a unit in a cooperative at the time of conversion shall be entitled to all tenant rights in State or local law, including, but not limited to, those rights provided in Sections 20.32.030, 20.32.040, 20.32.050, 20.32.070, and 20.32.080, as applicable.

20.04.055 - Extension of time for subdivision-related entitlements.

Notwithstanding any provision of Title 21 of the Long Beach Municipal Code to the contrary, any conditional use permit, variance, or other similar entitlement for use which expired on or after September 13, 1993, or which would expire pursuant to the provisions of Title 21, but which was approved concurrently with and pertaining to any approved tentative subdivision or parcel map the expiration date of which was automatically extended by the provisions of Government Code Section 66452.11, shall be extended for the same period as that provided by that section for the approved tentative subdivision or parcel map to which it pertains.

(Ord. C-7215 § 1, 1994)

20.04.060 - Final tract maps.

Final tract maps shall be filed with the City Council for approval and acceptance or rejection, on behalf of the public, of any real property offered for dedication for public use in conformity with the terms of the offer of dedication thereon.

(Ord. C-5975 § 1 (part), 1983)

20.04.070 - (Final) parcel maps containing dedications to the City.

(Final) parcel maps shall be filed with the Department of Public Works for approval and acceptance or rejection, on behalf of the public, of any real property offered for dedication for public use in conformity with the terms of the offer of dedication thereon.

(Ord. C-5975 § 1 (part), 1983)

20.04.080 - Tentative maps.

A. The Planning Commission shall act upon tentative maps as follows:

1. Approve, conditionally approve, or disapprove tentative maps in accordance with these regulations;
2. Prescribe the kinds, nature, and extent of improvements required to be installed in each subdivision;
3. Grant exceptions to the requirements of these regulations where such exceptions will not be detrimental to the public welfare;
4. Grant modifications to the requirements of approved tentative maps due to unforeseen circumstances if it finds that the modification is consistent with the original approval; and
5. Waive the recordation of a parcel map in accordance with these regulations.

(Ord. C-5975 § 1 (part), 1983)

20.04.090 - Advisory agency designated.

The Planning Commission is designated as the advisory agency for the review of tentative maps and parcel maps. The Zoning Administrator is designated the advisory agency of other subdivision related proceedings, as specified herein.

(Ord. C-5975 § 1 (part), 1983)

20.04.100 - Planning Commission—Tentative map review.

The Planning Commission shall review and determine whether a tentative map should be approved, conditionally approved, or disapproved. Such action shall include:

- A. A determination of whether the tentative map complies with all of the requirements of these regulations; and
- B. Justification for granting modifications or exceptions.

(Ord. C-5975 § 1 (part), 1983)

20.04.110 - Zoning Administrator—Tentative map time extension.

The Zoning Administrator may grant extensions of time to the expiration of approved tentative maps in accordance with these regulations.

(Ord. C-5975 § 1 (part), 1983)

20.04.120 - Zoning Administrator—Lot mergers.

The Zoning Administrator may require a merger in accordance with these regulations.

(Ord. C-5975 § 1 (part), 1983)

20.04.130 - Zoning Administrator—Minor lot line adjustments.

The Zoning Administrator shall approve, conditionally approve, or disapprove minor lot line adjustment in accordance with these regulations.

(Ord. C-5975 § 1 (part), 1983)

20.04.140 - Parcel map—When required.

Whenever any provision of this title requires a subdivision map to be filed, such map shall be a parcel map if:

- A. The subdivision includes four (4) or less lots or condominium units (or other common interest subdivisions) for residential development or use; or
- B. The subdivision is for commercial or industrial development; or
- C. Each lot will have a gross area of twenty (20) acres or more and has approved access to a maintained public street or highway.

(Ord. C-5975 § 1 (part), 1983)

20.04.150 - Tract map—When required.

Whenever any provision of this part requires a subdivision map to be filed, such map shall be a tract map if the subdivision does not qualify for a parcel map.

(Ord. C-5975 § 1 (part), 1983)

20.04.160 - Compliance required.

No person shall sell, lease, finance, or transfer title to any parcel or to any portion of a subdivision or resubdivision unless a final tract map, a parcel map, a record of survey, or a certificate of compliance has been approved by the City and recorded in the office of the Los Angeles County Recorder, or unless exempted as specified in Section 20.04.050.

(Ord C-5975 § 1 (part), 1983)

20.04.170 - Violation—Building permit withheld.

No building permit shall be issued, and no structure shall be constructed or enlarged on any parcel of real property which has been subdivided in violation of the Subdivision Map Act or City regulations, until the property owner has complied with all the requirements of these regulations; except:

- A. Where the new addition is less than fifty percent (50%) of the existing gross floor area; or the cost is less than fifty percent (50%) of the market value of the property and the addition is not for resale purposes; or
- B. Where a tentative map is approved by the City and all the requirements for approval of that map have been complied with except the survey requirements; or
- C. Where only model homes are being built; provided that:
 - 1. Not more than fifteen percent (15%) of the lots or units, and in no case more than the total number of different floor plans offered in a subdivision, may be designated as sites for the construction of model homes;
 - 2. For a project which consists of condominium or other common interest units within one building with common garage parking, the model home or unit shall be a temporary structure on the site;
 - 3. Such model home sites shall be located in such a manner that existing developed residential properties shall not be adversely affected; and
 - 4. Such model sites shall be easily accessible, and provision for such accessibility shall be assured at the time the tentative map is approved.

(Ord. C-5975 § 1 (part), 1983)

20.04.180 - Fees.

At the time of submission of any application for any of the procedures authorized by the title, a filing fee shall be paid as established by resolution of the City Council.

(Ord. C-5975 § 1 (part), 1983)

20.04.190 - Violation—Penalty.

Any person who violates any provision of these regulations shall be guilty of a misdemeanor.

(Ord. C-5975 § 1 (part), 1983)

CHAPTER 20.06 - APPEALS

20.06.010 - Authorized.

Any aggrieved person may appeal a decision on a project that required a public hearing.

(Ord. C-5975 § 1 (part), 1983)

20.06.020 - Time to file appeal.

An appeal must be filed within ten (10) days after the decision.

(Ord. C-5975 § 1 (part), 1983)

20.06.030 - Filing.

An appeal shall be filed with the City Clerk on a form provided by the Department of Planning and Building. An appeal filing shall not be complete until the Department of Planning and Building has notified the City Clerk that the appropriate fees have been paid and the appropriate supporting materials submitted.

(Ord. C-6823 § 1, 1990: Ord. C-5975 § 1 (part), 1983)

20.06.040 - Hearing—Time to be held.

A public hearing on an appeal shall be held within thirty (30) days of filing of a complete appeal with the City Clerk.

(Ord. C-6823 § 2, 1990: Ord. C-5975 § 1 (part), 1983)

20.06.050 - Hearing—Notice.

A notice of the public hearing on the appeal shall be mailed by the Department of Planning and Building to the applicant and any known aggrieved person not less than ten (10) days prior to the hearing. Such notice shall contain the same information as the original notice except that it shall also give the appellant's name and state that the hearing is an appeal.

(Ord. C-5975 § 1 (part), 1983)

20.06.060 - Jurisdiction.

The Planning Commission shall have jurisdiction on appeals from decisions of the Zoning Administrator and the City Council shall have jurisdiction on appeals from the Planning Commission.

(Ord. C-5975 § 1 (part), 1983)

20.06.070 - Limitations on appeals.

There shall be no further appeals after a decision on appeal.

(Ord.-C-5975 § 1 (part), 1983)

20.06.080 - Findings.

All decisions on appeal shall be based upon the same findings of fact required in the original proceeding.

(Ord. C-5975 § 1 (part), 1983)

20.06.090 - Fees.

A fee shall be charged for filing an appeal as established by Council resolutions; provided that no fee shall be charged for the filing of an appeal by an aggrieved person other than the applicant.

(Ord. C-5975 § 1 (part), 1983)

CHAPTER 20.08 - DEFINITIONS

FOOTNOTE(S):

--- (2) ---

State Law reference— Statutory authority definitions contained in the Subdivision Map Act, Gov. Code § 66414.

20.08.010 - Generally.

- A. Whenever any words or phrases used in these regulations are not defined in this Section but are defined elsewhere in the Subdivision Map Act or other regulation of the City, such definitions shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.
- B. For purposes of these regulations, the following words and phrases shall be construed as defined in this Section.

(Ord. C-5975 § 1 (part), 1983)

20.08.020 - Advisory agency.

The official body or designated official having the authority to investigate and review tentative maps and other subdivision related proceedings, and make its recommendations to the City Council.

(Ord. C-5975 § 1 (part), 1983)

20.08.030 - Certificate of compliance.

A certificate prepared and recorded by the City which indicates that the division of certain real property complies with applicable provisions of the Subdivision Regulations and the Subdivision Map Act.

(Ord. C-5975 § 1 (part), 1983)

20.08.040 - Community apartment.

A community apartment is a project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located therein as defined in Section 11004 of the California Business and Professions Code.

(Ord. C-5975 § 1 (part), 1983)

20.08.050 - Condominium.

An estate in real property consisting of an undivided interest in common in a portion of a real property together with a separate interest in airspace in a residential, industrial, or commercial building on such real property. A condominium, may include, in addition, a separate interest in other portions of such real property as defined in Section 1350 of the California Civil Code.

(Ord. C-5975 § 1 (part), 1983)

20.08.060 - Environmental clearance.

An environmental review procedure processed in accordance with the applicable guidelines and procedures pursuant to the California Environmental Quality Act.

(Ord. C-5975 § 1 (part), 1983)

20.08.070 - Final map.

A tract map showing a subdivision of five (5) or more lots, or five (5) or more condominium, community apartment, to stock cooperative units, prepared pursuant to these regulations and applicable provisions of the Subdivision Map Act for recordation in the office of the County Recorder.

(Ord. C-5975 § 1 (part), 1983)

20.08.080 - Freeway.

A divided highway for through traffic with full control of access and with grade separations at intersections and declared to be such in compliance with the California Streets and Highways Code.

(Ord. C-5975 § 1 (part), 1983)

20.08.090 - Frontage road or service road.

A street lying adjacent and approximately parallel to and separated from a freeway or highway and which affords direct access to abutting property.

(Ord. C-5975 § 1 (part), 1983)

20.08.100 - Geological hazard.

A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, failure, or shifting of earth.

(Ord. C-5975 § 1 (part), 1983)

20.08.110 - Highway.

Any street, existing or proposed, designated as a highway on the transportation element of the general plan of the City of Long Beach.

(Ord. (C-5975 § 1 (part), 1983)

20.08.120 - Lease, building.

The right to occupy and use a building or portion of a building for a designated term. It often contains a right to use common parking or other facilities on the same or adjacent parcels.

(Ord. C-5975 § 1 (part), 1983)

20.08.130 - Lease, ground.

The right to occupy and use a parcel of land, or a portion thereof, with or without a building or buildings on it for a designated term. It usually contains all parking and other facilities within the lease area. A division of land for purposes of leasing is a subdivision as defined in these regulations.

(Ord. C-5975 § 1 (part), 1983)

20.08.135 - Limited equity cooperative.

A form of stock cooperative where the ownership corporation is a nonprofit corporation established with State or federal financial assistance as defined in Section 1103.4 of the California Business and Professions Code.

(Ord. C-5975 § 1 (part), 1983)

20.08.140 - Lot, certifiable.

A parcel of land conforming to these regulations which is identified on a recorded final parcel or tract map, a record of survey in accordance with the State Survey Law, or a certificate of compliance approved by the City.

(Ord. C-5975 § 1 (part), 1983)

20.08.150 - Lot line adjustment.

An adjustment of the boundary between two (2) or more adjacent lots where the land taken from one (1) lot is added to an adjacent lot, and where a greater number of lots than originally existed is not thereby created.

(Ord. C-5975 § 1 (part), 1983)

20.08.160 - Merger.

Consolidation of two (2) or more contiguous recorded lots when such determination is made by the City pursuant to the provisions of these regulations.

(Ord. C-5975 § 1 (part), 1983)

20.08.170 - Model home.

An example of housing style and floor plans of residential units to be erected in a proposed project.

(Ord. C-5975 § 1 (part), 1983)

20.08.175 - Owner.

Any person, persons, corporation or other legal entity who is the owner of record with the Los Angeles County Recorder's office. Also any person or persons acting with the authorization of the owner on behalf of the owner.

(Ord. C-5975 § 1 (part), 1983)

20.08.180 - Parcel map.

A map showing a subdivision for which a tentative or final tract map is not required which is prepared in accordance with these regulations and with applicable provisions of the Subdivision Map Act, for recordation in the office of the County Recorder.

(Ord. C-5975 § 1 (part), 1983)

20.08.190 - Revised tentative map.

A tentative map showing a revised arrangement of the streets, alleys, easements or lots, or a modification of the boundary of the property for which a tentative map was previously approved by the City.

(Ord. C-5975 § 1 (part), 1983)

20.08.200 - Stock cooperative.

A stock cooperative is a corporation as defined in Section 11003.2 of the California Business and Professions Code formed or utilized primarily for the purpose of holding title to improve real property in which all or substantially all shareholders have a right of exclusive occupancy of a portion of the real property, which right is transferable only with the transfer of shares of stock in the corporation.

(Ord. C-5975 § 1 (part), 1983)

20.08.210 - Subdivider.

A person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others.

(Ord. C-5975 § 1 (part), 1983)

20.08.220 - Subdivision.

Any improved or unimproved real property, or any portion thereof, shown on the latest section map of the City of Long Beach as a unit or as contiguous units, which is divided into two (2) or more lots for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements, or railroad rights-of-way. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels. Subdivision includes a condominium project, a community apartment project, or the conversion of five (5) or more existing dwelling units to a stock cooperative.

(Ord. C-5975 § 1 (part), 1983)

20.08.230 - Subdivision Map Act.

The Subdivision Map Act of the State of California, Section 66410 et seq., Division 2 of Title 7 of the California Government Code or as hereafter amended.

(Ord. C-5975 § 1 (part), 1983)

20.08.240 - Tentative map.

A map prepared in accordance with the provisions of these regulations and the applicable provisions of the Subdivision Map Act for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. Such map need not be based on an accurate or detailed final survey of the property. A tentative map shall be required prior to the approval of a final tract or parcel map.

(Ord. C-5975 § 1 (part), 1983)

20.08.250 - Traffic-control devices.

Traffic-control devices are signs, signals, pavement markings, and other officially authorized devices.

(Ord. C-5975 § 1 (part), 1983)

CHAPTER 20.12 - TENTATIVE MAPS

FOOTNOTE(S):

--- (3) ---

State Law reference— Provisions on maps generally, Gov. Code § 66425 et seq.; provisions on tentative maps, Gov. Code § 66452 et seq.

20.12.010 - Required.

When a final tract map or a (final) parcel map is required, a tentative map shall first be filed with the Department of Planning and Building.

(Ord. C-5975 § 1 (part), 1983)

20.12.020 - Preparation.

A tentative map shall be prepared by a California registered civil engineer or a California licensed surveyor in accordance with these regulations.

(Ord. C-5975 § 1 (part), 1983)

20.12.030 - Accompanying data.

The subdivider shall file as many copies of drawings, statements, and other data with the Department of Planning and Building as may be required by the Planning Commission.

(Ord. C-5975 § 1 (part), 1983)

20.12.040 - Completion required for filing.

- A. If the tentative map or the accompanying drawings, statements or other data are found to be incomplete or incorrect, the subdivider shall be promptly advised in writing of the changes or additions that must be made or provided before further action may be taken on the tentative map.
- B. A tentative map shall not be deemed filed until it complies with all provisions of this Section and until a final environmental evaluation has been made by the Planning Commission.

(Ord. C-5975 § 1 (part), 1983)

20.12.050 - Review by other agencies.

The Planning Bureau shall transmit copies of the tentative map and other required information to each of the following: Department of Public Works, Building Bureau, Fire Department, Water Department, utility companies, and to such other agencies that it determines may be affected or may have an interest in the proposed subdivision.

These departments or agencies shall submit their written reports and recommendations within the time specified by the Planning Bureau; such time limit shall not be more than fifteen (15) working days from the date of the transmittal letter. Failure of any department or agency to respond within the prescribed time limits shall be deemed to mean that it has no recommendations and no objectives to the proposed subdivision. If requested, the Planning Bureau may grant an extension of time to respond, especially if the proposed subdivision is exceptionally complicated.

(Ord. C-5975 § 1 (part), 1983)

20.12.060 - Staff recommendations.

The Department of Planning and Building shall prepare staff recommendations in writing. A copy of this report shall be available to the Planning Commission and the subdivider seven (7) days prior to the date set for the hearing.

(Ord. C-5975 § 1 (part), 1983)

20.12.070 - Hearing—Time to be held.

Within fifty (50) days after a tentative map is deemed filed, the Planning Commission shall consider the tentative map at a regularly scheduled public hearing. Such time period may be extended by mutual consent of the subdivider and the Department of Planning and Building.

(Ord. C-5975 § 1 (part), 1983)

20.12.080 - Hearing—Notice.

- A. Notice of the date, time, place, and purpose of the meeting shall be given to the subdivider or his agent at least fifteen (15) days before the hearing. The subdivider shall be responsible for giving public notice by posting notices in the following manner:
 - 1. Notices shall be posted on the subject site not less than ten (10) days prior to the hearing date;
 - 2. Notices shall be identical with the one furnished by the Department of Planning and Building;
 - 3. Notices shall be posted at a conspicuous location along a street frontage and protected against weather or vandalism; and
 - 4. If the street frontage of the subject site exceeds one hundred feet (100'), a notice shall be posted on every one hundred feet (100').
- B. Failure of the subdivider to post or maintain such notice shall be cause for the continuance of the public hearing on the proposed subdivision.
- C. The Director of Planning and Building shall be responsible for mailing written notices of the Planning Commission hearing to all property owners owning property within three hundred feet (300') of the outer boundary of the subdivision not less than ten (10) days prior to the date of hearing.

(Ord. C-5975 § 1 (part), 1983)

20.12.090 - Planning Commission—Action.

The Planning Commission shall determine whether a tentative map should be approved, conditionally approved, or disapproved.

(Ord. C-5975 § 1 (part), 1983)

20.12.100 - Planning Commission—Requirements for approval.

The Planning Commission shall approve a tentative map if the map complies with State and local regulations and if all of the following findings are made:

- A. That the proposed map is consistent with applicable general and specific plans;
- B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- C. That the site is physically suitable for the type of development;
- D. That the site is physically suitable for the proposed density of development;

- E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish and wildlife or their habitat;
- F. That the design of the subdivision or the type of improvement is not likely to cause serious public health or safety problems; and
- G. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

(Ord. C-5975 § 1 (part), 1983)

20.12.110 - Planning Commission—Conditional approval.

The Planning Commission shall impose those requirements and conditions necessary to bring a proposed subdivision into full compliance with these regulations and other City ordinances.

(Ord. C-5975 § 1 (part), 1983)

20.12.120 - Planning Commission—Findings required for modifications or exceptions.

The Planning Commission may grant modifications or exceptions to the requirements of these regulations if it makes any of the following findings:

- A. The land involved in the subdivision is unusual because of the size, shape, or topographical conditions.
- B. The improvement required by these regulations conflicts with any plan or improvement contemplated or approved by the Planning Commission and/or the Council, conflicts with the existing pattern of improvement in the area;
- C. Conformance with all the requirements would impose an unnecessary hardship upon the subdivider; or
- D. The subdivision design is of such a unique nature that it will result in a healthful, convenient, efficient, and attractive environment without sacrificing light, air, or any other factors which comprise a successful subdivision.

Such findings shall be made in writing and shall be presented at the public hearing.

(Ord. C-5975 § 1 (part), 1983)

20.12.130 - Planning Commission—Disapproval.

The Planning Commission shall deny a tentative map if it cannot make all of the required findings listed in Section 20.12.100. Such findings shall be made in writing and shall be presented at the public hearing.

(Ord. C-5975 § 1 (part), 1983)

20.12.140 - Planning Commission—Waiver of parcel map.

- A. Required Findings. The Planning Commission may determine that the recordation of a (final) parcel map be waived after a tentative map is approved if it makes all of the following findings:
 - 1. No unusual impact to public health, safety, or welfare is anticipated;
 - 2. All required dedication of public rights-of-way and public improvements have been provided for;
 - 3. The parcel map shall consist of four (4) lots/units or less; and

4. If a tentative map is for condominium conversion, all requirements as specified in the condominium conversion regulations shall be complied with in full.
- B. Final Plot Plan. When a parcel map is waived, the applicant shall file a final plot plan with the Department of Public Works and shall meet all criteria established by the Director of Public Works.
- C. Certificate of Compliance. When a parcel map is waived, a certificate of compliance shall be filed for recording with the County Recorder when the final plot plan is approved by the Director of Public Works and when there is compliance with all requirements of the tentative map.

(Ord. C-5975 § 1 (part), 1983)

20.12.150 - Withdrawal.

Any subdivider or record owner of property may withdraw a tentative map at any time. Notice of withdrawal shall be given to the Planning Commission in writing. Upon receipt of such notice, the tentative map shall be officially withdrawn.

(Ord. C-5975 § 1 (part), 1983)

20.12.160 - Revisions—Prior to approval.

After a tentative map has been deemed filed, no revisions shall be permitted, unless the subdivider agrees to extend the time, to a date acceptable to the Planning Commission, within which action must be taken on the map, provided that the extension not exceed fifty (50) days after receipt of the revision.

(Ord. C-5975 § 1 (part), 1983)

20.12.170 - Revisions—After approval.

- A. After approval of a tentative map, any revised map shall comply with all regulations in effect at the time such revised map is filed.
- B. When a tentative map has been approved, no other subdivider shall file a different tentative map for the same parcel of land without the express written consent of the current property owner of record and/or the original subdivider unless the previous tentative map has expired.
- C. The approval or conditional approval of any revised tentative map shall supersede and nullify all previously, approved tentative maps that pertain to the same parcel of land.
- D. After approval or conditional approval of a tentative map and prior to the recordation of the final map, the Planning Commission may grant a modification to the requirements and conditions if the Commission finds that the modification is consistent with the original approval. Such revisions shall not affect the time limit for recording a final map or a parcel map as prescribed by the Subdivision Map Act or these regulations.

(Ord. C-5975 § 1 (part), 1983)

20.12.180 - Expiration.

- A. An approved or conditionally approved tentative map shall expire thirty-six (36) months after its approval, except when a time extension has been granted by the Zoning Administrator.
- B. Failure to record a final map before a tentative map expires shall terminate all proceedings. Once a tentative map has expired, no further subdivision action shall take place until a new tentative map is filed.

(Ord. C-5975 § 1 (part), 1983)

20.12.190 - Time extensions.

- A. Application for time extension shall be made in writing to the Department of Planning and Building prior to the expiration date of the tentative map.
- B. The time extension shall be denied if the Zoning Administrator finds:
 - 1. The proposed project is not consistent with the current general plan or the current zoning for the site at the time when a time extension is requested; and
 - 2. No building permit has been issued for the proposed project.
- C. Each time extension shall be limited to one (1) year.
- D. The maximum time of all extensions granted shall be thirty-six (36) months.

(Ord. C-6231 § 1, 1986; Ord. C-5975 § 1 (part), 1983)

CHAPTER 20.14 - VESTING TENTATIVE MAPS

20.14.010 - Applicability.

Any tentative map, whether a parcel or a tract map, may be a vesting map.

(Ord. C-6595 § 2, 1989; Ord. C-6231 § 2 (part), 1986)

20.14.020 - Filing and processing.

The tentative maps must have the term "vesting" clearly stated on the map. All other procedures applicable to other tentative maps in Chapter 20.12 shall apply.

(Ord. C-6595 § 2, 1989; Ord. C-6231 § 2 (part), 1986)

20.14.030 - Development rights.

- A. The approval or conditional approval of a vesting subdivision map shall confer a right to proceed with the development in substantial compliance with the approved tentative map.
- B. The rights referred to herein shall expire one (1) year after the recordation of the final map or one (1) year after submittal for plan check, whichever occurs first, provided that no vesting map shall expire within one (1) year of submittal of plan check.

(Ord. C-6823 § 3, 1990; Ord. C-6595 § 4, 1989; Ord. C-6231 § 2 (part), 1986)

20.14.040 - Expiration.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the subdivision regulations for the expiration of the approval or conditional approval of a tentative map.

(Ord. C-6231 § 2 (part), 1986)

CHAPTER 20.16 - FINAL MAPS

FOOTNOTE(S):

--- (4) ---

State Law reference— Provisions on final maps, Gov. Code § 66433 et seq.

20.16.010 - Required when.

A final tract map shall be required for all subdivisions for which a tentative tract map is required. A (final) parcel map shall be required for all subdivisions for which a (tentative) parcel map is required unless waived as provided in these regulations.

(Ord. C-5975 § 1 (part), 1983)

20.16.020 - Content and form.

The content and form of each final tract map or (final) parcel map shall be prepared in accordance with the Subdivision Map Act, these regulations, and criteria established by the Planning Commission.

(Ord. C-5975 § 1 (part), 1983)

20.16.040 - Filing.

- A. The subdivider shall file a final tract map or a (final) parcel map with the Department of Public Works along with all other required documents.
- B. No final tract map or (final) parcel map shall be accepted if the tentative map has expired.
- C. Should the map or other accompanying documents, fees, or materials be found to be incomplete or incorrect in any respect, the subdivider shall be informed of the corrections, changes, or additions that must be made.

(Ord. C-5975 § 1 (part), 1983)

20.16.050 - Fee.

- A. Upon submission of a final tract map or (final) parcel map for processing, the subdivider shall pay to the City a processing fee in an amount prescribed by a City Council resolution.
- B. If a final tract map or (final) parcel map is submitted to the County Engineer for checking under an agreement for examination of tract maps and parcel maps, the subdivider shall pay a map checking fee to the County Engineer in addition to all other fees and charges required by law. This fee shall be equal to the fee established by the County of Los Angeles for checking tract and parcel maps. If a final tract map or (final) parcel map is submitted to a professional consultant for checking under an agreement for examination of tract maps and parcel maps with the City, the subdivider shall pay a map checking fee to the City to cover fees for the professional consultant in addition to all other fees and charges required by law.

(Ord. C-5975 § 1 (part), 1983)

20.16.060 - Certifications.

- A. No final tract map or (final) parcel map shall be certified by the departments or agencies unless all conditions and requirements as prescribed by the Planning Commission have been met.

- B. The required certificates and acknowledgements or appropriate combinations thereof shall appear on the title sheet in accordance with Sections 66436 or 66445 of the Government Code (Subdivision Map Act) and shall also contain, as applicable:
1. The Planning and Building Director's certificate: The Director of Planning and Building shall certify that the final map is consistent with the tentative map, with the general plan of the City, with the California Environmental Quality Act, and with other special requirements imposed by the City;
 2. The Director of Public Works' certificate:
The Director of Public Works shall certify that the map conforms with the requirements of the Subdivision Map Act and local ordinance;
 3. The City Treasurer's and Director of Public Work's certificate: The City Treasurer and Director of Public Works shall certify that there are no unpaid special assessments;
 4. All other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by the Subdivision Map Act and these regulations.

(Ord. C-5975 § 1 (part), 1983)

20.16.070 - Final parcel map—Approval.

After a duly certificated (final) parcel map is filed, the Director of Public Works shall consider and approve the map if the Director of Public Works finds that all requirements of the map have been satisfied and adequate security provisions have been made to guarantee compliance with those requirements. The Director of Public Works shall also accept or reject, on behalf of the public, any real property offered for dedication for public use.

(Ord. C-5975 § 1 (part), 1983)

20.16.080 - Final tract map—Approval.

After a duly certified final tract map is filed, the Director of Public Works shall transmit the map to the City Council. Within ten (10) days after filing or at its next regular meeting after the meeting at which it receives the map, whichever is later, the Council shall consider and approve the map if it finds that all requirements of the map have been satisfied and adequate financial security provisions have been made to guarantee compliance with those requirements.

(Ord. C-5975 § 1 (part), 1983)

20.16.085 - The City Clerk's certificate.

The City Clerk shall certify approval of Council and the action of Council upon any offer of dedication.

(Ord. C-5975 § 1 (part), 1983)

20.16.090 - Recording.

Following approval of the final tract or parcel map, the Director of Public Works shall send the map to the County Engineer for recordation by the County Recorder.

(Ord. C-5975 § 1 (part), 1983)

20.16.100 - Amendments permissible with certificate of correction or certificate of compliance.

After a final tract map or parcel map is filed in the office of the County Recorder, such a recorded final map may be modified for the purposes of correcting an error or omission shown on the recorded map, or dissolving a recorded condominium map.

A. To Correct an Error or Omission. A final map may be amended by recording a certificate of correction or an amending map to correct an error or omission in accordance with the State Subdivision Map Act. These errors or omissions may include lot numbers, acreage, street names, identification of adjacent record maps, reference of previous survey information, the description of the real property, or the location or character of any monument.

An amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor and shall be approved by the Director of Planning and Building and the City Engineer.

B. To Dissolve a Previously Recorded Condominium Map. A final map may be amended by recording a certificate of compliance to dissolve a previously recorded condominium map if the current property owner(s) finds that there is no need to maintain the subject property for a condominium purpose; instead, the owner(s) wishes to retain the property as a single ownership.

To request such an amendment, the applicant shall submit an application to the Department of Planning and Building with the following information:

1. A current title report providing the legal description of the properties included in the application; and
2. Signatures of the present fee owner(s) of the property.

Upon receiving a complete application, the requested amendment will be scheduled for a Zoning Administrator public hearing. A notice of this hearing shall be given to the applicant not less than ten (10) days prior to the date set for the hearing, and the applicant shall be responsible to post a hearing notice on the subject property. At the scheduled hearing, the Zoning Administrator shall act to approve or disapprove the requested amendment. The Zoning Administrator's decision is appealable to the Planning Commission in accordance with the Municipal Code, Chapter 21.21, Division 5. After the requested amendment is approved, the City will record a certificate of compliance indicating that the previously recorded condominium is officially dissolved.

(Ord. C-7508 § 1, 1997)

CHAPTER 20.20 - LOT LINE ADJUSTMENT

20.20.010 - Standards generally.

The procedures for a lot line adjustment shall apply to the adjustment of property boundaries between two (2) or more adjacent lots recorded with the County Recorder's office in conformance with the Subdivision Map Act by a final tract map, a (final) parcel map, a licensed surveyor map, or a record of survey, where land taken from one (1) lot is added to an adjacent lot and where a greater number of lots than originally recorded is not thereby created, provided that:

- A. Each adjusted lot shall have a minimum lot width of twenty-five feet (25') and in no case shall such lot width be less than four-fifths (4/5) of the average lot width within a radius of three hundred feet (300') from said lot;
- B. No zoning violations shall result from the adjustment;
- C. Individual sewer connections are available to each adjusted lot, or necessary easements are provided to the satisfaction of the Director of Public Works;
- D. All drainage across the adjusted lot line shall be eliminated or necessary easements are provided to the satisfaction of the Director of Public Works; and
- E. A processing fee for a lot line adjustment shall be paid to the Director of Public Works as provided for in the City Council resolution establishing fees.

(Ord. C-5975 § 1 (part), 1983)

20.20.020 - Application.

The applicant shall submit an application to the Department of Planning and Building with the following statement and maps:

- A. A title report providing the legal description of the properties included in the application;
- B. Signatures of all record owners included in the application; and
- C. Plot plan or map legibly drawn to a scale of sufficient size to show full detail, including the following information:
 1. Dimensions and boundaries of the lots included in the application;
 2. Dash lines indicating property line to be adjusted; and
 3. Location of existing and proposed buildings and distance(s) between these buildings and proposed property lines.

(Ord. C-5975 § 1 (part), 1983)

20.20.030 - Zoning Administrator's action.

At a regularly scheduled meeting, the Zoning Administrator shall act to approve or disapprove the lot line adjustment. A notice of this hearing shall be given to the applicant not less than five (5) days prior to the date set for the hearing.

(Ord. C-5975 § 1 (part), 1983)

20.20.040 - Planning Commission action.

At a regularly scheduled meeting, the Planning Commission shall act to approve or disapprove the lot line adjustment. A notice of this hearing shall be given to the applicant not less than five (5) days prior to the date set for the hearing.

(Ord. C-5975 § 1 (part), 1983)

20.20.050 - Expiration.

A. An approved lot line adjustment shall expire twenty-four(24) months after its approval if it has not been recorded, except when a time extension has been granted by the Zoning Administrator.

(Ord. C-5975 § 1 (part), 1983)

20.20.060 - Final plot plan.

After approval by the Zoning Administrator, the applicant shall file a final plot plan with the Department of Public Works based upon criteria established by the Director of Public Works.

(Ord. C-5975 § 1 (part), 1983)

20.20.070 - Recording of a certificate of compliance.

Upon approval by the Zoning Administrator and approval of the final plot plan by the Director of Public Works, the Department of Planning and Building shall file a certificate of compliance with the County Recorder.

(Ord. C-5975 § 1 (part), 1983)

CHAPTER 20.24 - FRACTIONAL LOTS

20.24.010 - Criteria for approval.

- A. A certificate of compliance may be issued for fractional lots which meet any one of the following criteria:
1. The lot division creating the fractional lot was done prior to April 4, 1975;
 2. The lot division creating the fractional lot after April 4, 1975, was the result of the Planning Commission waiver of parcel map; or
 3. The lot division creating the fractional lot after April 4, 1975, was the result of a lot line adjustment approved by the Zoning Administrator.
- B. However, in no case shall a certificate of compliance be issued for any lot or parcel which does not have a legal vehicular and pedestrian access to a public or private street; nor any lot or parcel where certification of an unrecorded lot line would create a zoning violation for building setbacks for which a standards variance or modification permit has not been issued; nor any lot or parcel which has a width of twenty-five feet (25') or less where a contiguous parcel(s) is held by the same owner and one (1) of the parcels is vacant; nor where the parcels have been developed and used as one (1) parcel or lot.

(Ord. C-6823 § 4, 1990; Ord. C-5975 § 1 (part), 1983)

20.24.020 - Conditional approval.

When a fractional lot is eligible for a certificate of compliance but the design or improvement does not comply with the provisions of these regulations or other local ordinances, the City may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property.

(Ord. C-5975 § 1 (part), 1983)

20.24.030 - Deed restriction.

When a fractional lot is substandard in size or has limited access, a deed restriction shall be recorded to restrict the type of land use and its density.

(Ord. C-5975 § 1 (part), 1983)

20.24.040 - Conditions required for building permit issuance.

For fractional lots created prior to April 4, 1975, no building permit shall be issued for the property until the current property owner:

- A. Provides a separate sewer connection to the public sewer or obtains necessary easements to the satisfaction of the Director of Public Works;
- B. Eliminates all cross-lot drainage or obtains necessary easements to the satisfaction of the Director of Public Works; and

Agrees to repair all damaged off-site improvements including curb, gutter, sidewalk, and alley adjoining the site.

The owner shall furnish a copy of the above conditions and requirements to the prospective buyer prior to the close of any escrow involving the sale or lease of condominium or other common interest units on the parcel.

(Ord. C-6823 § 5 (part), 1990: Ord. C-5975 § 1 (part), 1983)

20.24.050 - Created before April 4, 1975—Filing.

The request shall be made in writing on a form provided by the Department of Planning and Building along with the following data:

- A. A title report containing a legal description of the property;
- B. A plot plan legibly drawn to scale to show dimensions of the property and locations of existing and proposed buildings; and
- C. A document verifying that the division was lawfully created prior to April 4, 1975.

(Ord. C-5975 § 1 (part), 1983)

20.24.060 - Created before April 4, 1975—Certificate of compliance.

Where the request complies with the provisions of this Section, a certificate of compliance shall be issued by the Department of Planning and Building.

(Ord. C-5975 § 1 (part), 1983)

20.24.070 - Created before April 4, 1975—Recording.

Following issuance of the certificate of compliance, the Department of Planning and Building shall record the certificate with the County Recorder.

(Ord. C-5975 § 1 (part), 1983)

20.24.080 - Created before April 4, 1975—Map.

After issuance of a certificate of compliance, the Department of Planning and Building shall transmit a copy of such certificate to the Director of Public Works and this new recorded lot or division shall be shown on the section maps of the City of Long Beach.

(Ord. C-5975 § 1 (part), 1983)

20.24.090 - Created after April 4, 1975.

A certificate of compliance shall be issued and recorded for any fractional lot created after April 4, 1975 if the filing of a (final) parcel map for such lot is waived by the Planning Commission or a lot line adjustment for the lot is approved by the Zoning Administrator.

(Ord. C-5975 § 1 (part), 1983)

CHAPTER 20.28 - LOT MERGERS

20.28.010 - Purpose.

The procedure for requiring lot mergers is established to overcome antiquated standards of subdivision design for lot sizes when such standards will result in substantial adverse effects upon a community if each such lot were utilized in its full legal potential.

(Ord. C-5975 § 1 (part), 1983)

20.28.020 - Mergers not automatic with single ownership.

Two (2) or more contiguous parcels or units of land which have been created under the provisions of the Subdivision Map Act or any prior law regulating the division of land, or these regulations enacted pursuant thereto, shall not merge by virtue of the fact that such contiguous parcels for units are held by the same owner; and no further proceeding under the provisions of the Subdivision Map Act or these regulations shall be required for the purpose of sale, lease, or financing of such contiguous parcels or units or any of them, except as specified in this Chapter.

(Ord. C-5975 § 1 (part), 1983)

20.28.030 - Findings required.

Lot mergers shall be required if the Zoning Administrator, at a public hearing, makes any of the following findings:

- A. Any one (1) of such contiguous parcels or units held by the same owner does not conform to the minimum size standards as required by the zoning regulations, and at least one (1) of such contiguous parcels is not developed with a separate building for which a permit has been issued by the City; or
- B. A single project is developed on contiguous lots in such a manner that one (1) or more of these recorded lots could be sold separately from this project but will result in reduction of required parking, setbacks, open spaces, or violation of other development standards as specified in the current zoning regulations.

(Ord. C-5975 § 1 (part), 1983)

20.28.040 - Initiation.

A lot merger may be initiated by the record owner of the lots to be merged or by the Director of Planning and Building.

(Ord. C-5975 § 1 (part), 1983)

20.28.050 - Notice to affected property owner(s).

The owner(s) of the property to be affected by the merger shall be notified in writing. Such notice shall specify the date, time, and place when the Zoning Administrator will hold a public hearing on the matter.

(Ord. C-5975 § 1 (part), 1983)

20.28.060 - Zoning Administrator action.

At the conclusion of the hearing, the Zoning Administrator shall require a lot merger if one (1) of the findings as stated in Section 20.28.030 is made. The Zoning Administrator's decision shall be transmitted to the affected property owners.

(Ord. C-5975 § 1 (part), 1983)

20.28.070 - Recording.

Upon a determination that there has been a lot merger, the Director of Planning and Building shall file a notice of lot merger for record with the County Recorder, specifying the names of the record owners and particularly describing the real property involved. A copy of said notice shall be sent to the Director of Public Works for recordation on the official maps of the City.

(Ord. C-5975 § 1 (part), 1983)

CHAPTER 20.32 - CONDOMINIUM, COMMUNITY APARTMENT PROJECT AND STOCK COOPERATIVE CONVERSION

FOOTNOTE(S):

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State Law reference— Provisions on improvement security, Gov. Code § 66499 et seq.

ARTICLE 1. - GENERAL PROVISIONS

20.32.010 - Purpose.

This Section shall provide for the regulations of ownership conversion projects where ownership of existing buildings is subdivided whether such subdivision involves residential to residential; residential to commercial/industrial; commercial/industrial to commercial/industrial or commercial/industrial to residential use conversions, and whether such conversion is to condominium as defined in Section 1350 of the Civil Code, to community apartment projects, as defined in Section 11004 of the Business and Professions Code, or to stock cooperatives, as defined in Section 11003.2 of the Business and Professions Code. This Section recognized that a conversion is different from a new construction in that the owners of a unit in a conversion take responsibility for a building built under standards that may be less stringent than those that are currently deemed necessary, and existing tenants may be displaced by a conversion. A conversion also differs from a rental property in that the unit owner assumes long-term responsibility for the unit owned, for the common areas of the project, and the higher level of economic cost required to own instead of rent.

The intent of this Section is thus to provide increased ownership opportunities for all segments of the population; to mitigate the hardship caused by displacement of tenants (particularly those in low to moderate cost housing and those who are elderly, families with low income, the handicapped and the disabled); and to assure that conversion projects maintain long-term economic value for the owner.

Therefore, such conversions shall be permitted, provided that they shall comply with the action and minimum standards set forth in this Section for the class of conversion proposed.

(Ord. C-5975 § 1 (part), 1983)

20.32.020 - Definitions.

As used in this Chapter 20.32, the following terms shall have the meanings specified:

- A. "Conversion project, residential unit use to residential unit use" means an existing multi-family residential rental property used exclusively for residential purposes, proposed for conversion to a residential condominium, residential stock cooperative, or community apartment project to be used exclusively for residential purposes, through recordation of a tract or parcel map.
- B. "Conversion project, commercial/industrial use to commercial/industrial use" means an existing commercial or industrial property used exclusively for commercial purposes or for manufacturing or other industrial activities, proposed for conversion to a condominium or stock cooperative

which is to be used exclusively for commercial or industrial purposes through recordation of a tract or parcel map.

- C. "Conversion project, residential unit use to commercial/industrial use" means an existing multi-family residential rental property used exclusively for residential purposes, proposed for conversion to a condominium or stock cooperative, other than a residential condominium or residential stock cooperative, which is to be used exclusively for commercial or industrial purposes, through recordation of a tract or parcel map.
- D. "Conversion project, commercial/industrial use to residential unit use" means an existing commercial or industrial property used exclusively for commercial purposes or for manufacturing or other industrial activity, proposed for conversion to a residential condominium, residential stock cooperative or community apartment to be used exclusively for residential purposes through recordation of a tract or parcel map.
- E. "Existing building" means a building that a certificate of occupancy has been issued prior to filing of a tentative map.
- F. Repealed.
- G. "Median rent" means that rent or one-forty-eighth of median income as established by the United States Department of Housing and Urban Development or as recognized by the California Department of Housing and Community Development for the statistical unit for which Long Beach is a part for the most recent time period available.
- H. "Multi-family" means any building or complex of buildings containing two (2) or more dwelling units.
- I. "Owner" means the owner of any rental project and any person or persons acting in behalf of and with the consent of the owner.
- J. "Project" means the building or building complex being converted.
- K. "Tenant" means a person or family occupying a dwelling unit; or a person(s) or a firm operating commercial or industrial activities with the permission of the property owner (or a manager authorized to grant permission to occupy a rental property) by a rental or lease agreement.

(Ord. C-6686 § 8 (part), 1990; Ord. C-5975 § 1 (part), 1983)

20.32.025 - Exclusions—Certification Procedures.

- A. Notwithstanding any provision of Section 20.04.050 of the Long Beach Municipal Code, the conversion of a community apartment project or a stock cooperative to another form of ownership shall be excluded from the provisions of this Chapter 20.32 if the owner seeking such exclusion applies for and is granted a certification establishing entitlement to the exclusion under Section 66412 of the California Government Code pursuant to the provisions of this Section 20.32.025
- B.
 1. In order to be granted such certification, an owner shall apply for such certification, and the application shall include sufficient evidence and documentation to enable the certifying authority to make each and every finding set forth in Subsection C of this Section.
 2. Each application shall be accompanied by a nonrefundable fee to reimburse the City for its cost of accepting and processing the application in an amount as set forth from time to time by resolution of the City Council.
 3. Each application shall also be accompanied by, and shall not be deemed complete unless accompanied by the following:
 - a.

- A statement applying for certification of exclusion signed by the person/party authorized to act for those with record title interest in the property for which the exclusion is sought;
- b. Evidence that the provisions of California Government Code Subdivision 66412(g)(1) or Subdivision 66412(h)(1), as applicable, relating to the property proposed for exclusion have been met (Sections 20.32.025(C)(1) or (C)(2));
 - c. In the case of the conversion of stock cooperatives, evidence that the provisions of Subdivision 66412(h)(2) have been met (Section 20.32.025(C)(3));
 - d. In the case of the conversion of stock cooperatives, an enforceable plan for assuring, to the satisfaction of the City, that the provisions of Subdivision 56412(h)(3) have been or will be met (Sections 20.32.040, 20.32.050 and 20.32.060);
 - e. Evidence of insurable title in the project proposed for conversion; and
- C. The Director of Planning and Building shall issue a certificate of exclusion for each project for which application is lawfully made if, and only if, the Director of Planning and Building, or his/her lawful designee, makes the following findings based on the application reviewed by him after acceptance as complete:
1. That, in the case of a community apartment project, at least seventy-five percent (75%) of the units in the project were occupied by record owners of the project on March 31, 1982;
 2. That, in the case of stockholder cooperations, at least fifty-one percent (51%) of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of the cooperative on January 1, 1981;
 3. That, in the case of stockholder cooperatives, no more than twenty-five percent (25%) of the shares of the cooperative were owned by any one person, as defined in Section 17, including an incorporator or Director of the cooperative, on January 1, 1981;
 4. That, in the case of stockholder cooperatives, full compliance with Subdivision 66412(h)(3) has been made or assured;
 5. That evidence of insurable title in the property proposed for conversion has been filed with the City.
- D. Each certificate of exclusion issued by the Director of Planning and Building or his/her designee shall, following issuance, be recorded in the office of the Recorder of the County of Los Angeles and shall, upon such recordation, be deemed in full force and effect.
- E. For purposes of review under the California Environmental Quality Act, certificates issued pursuant to this Section shall be deemed categorically exempt.
- F. As used in this Section "certifying authority" means the Director of Planning and Building of the City of Long Beach or his/her designee.

(Ord. C-6952 § 1, 1991)

ARTICLE 2. - RESIDENTIAL RENTAL TO RESIDENTIAL/COMMERCIAL/INDUSTRIAL OWNERSHIP REQUIREMENTS

20.32.030 - Generally.

The provisions of this Article shall apply to any project consisting of the conversion of residential rental unit use to an ownership unit of any use.

(Ord. C-6686 § 1, 1990; Ord. C-5975 § 1 (part), 1983)

20.32.040 - Tenant notice.

- A. A current property owner shall be responsible to give each tenant and each prospective tenant all applicable notices, documents, and rights now or hereafter as required by these regulations. These notices shall be documented and receipts of such notices by each tenant or prospective tenant shall be furnished to the Department of Planning and Building.
- B. Each tenant shall be given written notice of the intent to seek a conversion a minimum of sixty (60) days prior to the filing of a tentative map for the subject rental property.
- C. Each tenant shall be given written notice of the public hearing at least ten (10) days prior to the public hearing on the tentative map before the Planning Commission. Such notice shall be as specified by the Director of Planning and Building and shall contain, as a minimum, an estimate as to the length of time before the conversion, if approved, would result in the tenant's eviction; an explanation of the tenant's rights and benefits if the conversion is approved; and the grounds upon which the Planning Commission can deny the request for conversion.
- D. A copy of the written staff report to the Planning Commission on the proposed conversion shall be delivered to each tenant of the subject property at least three (3) days prior to the hearing date.
- E. Each tenant shall receive written notification within ten (10) days of approval of a tentative map for the proposed conversion. Such notice shall contain, as a minimum, an explanation of the tenant's rights and benefits as a result of the conversion, and a statement that no evictions will occur as a result of conversion for at least one hundred eighty (180) days. This notice may serve as the Notice of Intention to Convert as required by Section 66427.1(a) of the California Government Code.
- F. Each tenant shall receive written notification at least ten (10) days prior to consideration of final map approval for the subject conversion by the City Council, or Director of Public Works, as applicable. Such notices shall provide an estimate of the length of time prior to eviction. For all projects, special relocation benefits shall be provided to low and very low income households in accordance with Chapter 21.60 of the Zoning Regulations. The subdivider shall specify when the tenants will be eligible for these benefits and eviction shall not occur for at least one hundred eighty (180) days after the date as specified.
- G. For a project with five (5) units or more, each tenant shall receive written notice within ten (10) days of the issuance of the final subdivision public report by the State Department of Real Estate. A copy of this report shall be available to tenants on request.
- H. No eviction shall occur as a result of conversion for at least one hundred eighty (180) days from approval of a tentative map, and the end of the ninety (90) day period of the exclusive option to purchase the unit. If a property owner does not offer the units for sale to the tenants within two (2) years after approval of a final map, the minimum one hundred eighty (180) days notice prior to the eviction including a ninety (90) day exclusive option to purchase period shall be provided to each tenant prior to eviction when the owner decides to offer the units for sale.
- I. Very low or low income households shall not be displaced from housing unless first given prior written notice of the intended conversion, on a form provided or approved by the Housing Services Bureau, at least eighteen (18) months prior to the intended date of displacement. Less notification time may be permitted in accordance with Chapter 21.60

(Ord. C-6933 §§ 1, 2, 1991; Ord. C.5975 § 1 (part), 1983)

20.32.050 - Tenant option to purchase.

Each tenant shall be given notice of an exclusive right to contract for the purchase of an occupied unit, or other available rental units in the building upon the same terms and conditions that such units will be initially offered to the general public or on terms more favorable to the tenant: This right shall run for a period of not less than ninety (90) days from:

1. The date of approval of a final map (for four (4) units or less); or
2. The date of issuance of the final subdivision public report (for five (5) units or more) unless the tenant gives prior written notice of his intention not to exercise the right.

(Ord. C-5975 § 1 (part) 1983)

20.32.060 - New tenant disclosure.

Whenever, after serving of the notice of intention to submit a tentative map for conversion (or after completion of a multi-family dwelling for which a condominium, community apartments or stock cooperative map has received tentative approval), the owner rents or leases any dwelling unit affected by such map, the person to whom the dwelling is to be rented or leased shall be informed of the owner's intention to convert. Such disclosure shall occur prior to finalization of any rental or lease agreement. Such disclosure shall be a single page document stating that an application for conversion will be or has been submitted and that the prospective tenant should consider that at some future date the building will be converted. The prospective tenant shall sign such document acknowledging that he has been notified of the potential conversion.

Any person so notified shall not be entitled to the moving expenses or displacement benefits specified in this Section. However, a tenant who resides in the complex when the first notice of intention to convert is given or when first notified of the intent to convert, shall still be entitled to the moving expenses or displacement benefits specified in this Section regardless of notice prior to execution of a rental or lease agreement. The disclosure document shall also disclose that the prospective tenant will not be entitled to these expenses or benefits. Any tenant who does not receive such notification shall be entitled to these expenses or benefits.

Regardless of each prospective tenant being informed of the proposed conversion prior to finalization of any rent or lease agreement, a notice of such intended conversion shall be posted and maintained at all times in a highly visible location outside the Manager's office or unit or the rental office, if any.

(Ord. C-5975 § 1 (part), 1983)

20.32.085 - Harassment.

After approval of the tentative map, action by the landlord which is intended to cause the tenant to quit the premises prior to one hundred eighty (180) day notice, including unreasonable rent increases, shall be considered harassment and shall be grounds for denial of a final map. As a general guideline, any rental increase or cumulative increases in a twelve-month period which exceed twenty percent (20%) of the rent existing at the commencement of such twelve (12) month period would be considered "unreasonable".

(Ord. C-5975 § 1 (part), 1983)

20.32.090 - Code compliance.

The owner seeking a conversion shall file a request with the Bureau of Building and Safety for a special code compliance inspection. The report from such inspection of all units to be converted must be received by the Bureau of Planning before an application for a tentative map for a conversion is considered complete. Such report shall list all violations relating to the applicable building, plumbing, fire, housing, electrical, earthquake, and property maintenance codes which may cause health or safety hazards.

The subdivider shall correct all listed violations prior to approval of the final map.

Such fees as are established by City Council resolution shall be paid for the inspection and for any subsequent inspection as is necessary to insure that corrections have been completed.

(Ord. C-5975 § 1 (part), 1983)

20.32.100 - Major system corrections.

The owners shall submit with the application for tentative map approval for conversion inspection reports from State licensed contractors for the heating and plumbing systems of the project, as well as reports for an inspection of the roof and an inspection for termites if applicable. All such inspections shall have been conducted within three (3) months prior to the submittal of the tentative map. Any corrections or repairs recommended as reasonably necessary within the next five (5) years shall be provided for prior to approval of the final map.

(Ord. C-5975 § 1 (part), 1983)

20.32.110 - Sound attenuation.

Sound attenuation in all wall and floor-to-ceiling assemblies abutting other dwelling units, or hallways shall be required to meet a minimum Sound Transmission Class (STC) of forty-nine (49) as defined in Uniform Building Code Standard No. 35.1 and ASTM Standard E-413 "Determination of Sound Transmission Class". (Field tested data may be substituted for the STC specifications to validate STC forty-nine (49) ratings.) Common walls where plumbing facilities or built-in facilities preclude reasonably feasible upgrading to STC forty-nine (49) shall be excepted.

(Ord. C-5975 § 1 (part), 1983)

20.32.120 - Combustion detection equipment.

A product of combustion detection system shall be provided for each residential unit. Detectors shall be mounted on the ceiling or wall (within twelve inches (12") of the ceiling) of each room used for sleeping purposes and a point located in the corridor or area giving access to rooms used for sleeping purposes. All required detectors shall be located in accordance with approved manufacturer's instructions and shall receive their primary power from the buildings wiring.

(Ord. C-5975 § 1 (part), 1983)

20.32.130 - Parking requirements.

The minimum off-street parking shall be provided as follows:

- A. One (1) bedroom or less - One (1) parking space.
- B. Two (2) bedrooms or more - One and one-quarter (1¼) parking spaces. Parking areas shall be designed and constructed in conformance with standards set forth in the zoning regulations, including, but not limited to, the standards set forth in Chapter 21.41 as applicable, and, for a

change in use, Section 21.41.203.

(Ord. C-6686 § 2, 1990; Ord. C-5975 § 1 (part), 1983)

20.32.140 - Distribution of required parking.

No less than one (1) independently accessible parking space shall be permanently available to each dwelling unit.

(Ord. C-5975 § 1 (part), 1983)

20.32.150 - Building security.

The following building security provisions shall be provided for each unit:

- A. Keying. Each unit shall have an exterior door lock which is interchangeable free from locks used in the remainder of the project.
- B. Door Jamb. Door jambs on all exterior doors shall be installed with solid backing behind the dead bolt strike in such a manner that no voids exist between the strike side of the jamb and the frame opening for a vertical distance of six inches (6") above and below each side of the strike (fifteen inches (15") minimum). Door stops on wooden jambs for in-swinging doors shall be of one (1) piece construction with the jambs. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.
- C. Locks. All units shall have dead bolt locks on all exterior doors. The strike plate shall be constructed of a minimum 16 U.S. gauge steel, bronze, or brass and secured to the jamb by a minimum of two (2) screws, which must penetrate at least two inches (2") into solid backing beyond the surface to which the strike is attached. The bolt shall have a minimum projection of one inch (1") and be constructed so as to repel cutting tool attack. The dead bolt shall have an embedment of at least three-fourths inch (3/4") into the strike receiving the projected bolt. The cylinder shall have a cylinder guard, a minimum of five (5) pin tumblers, and shall be connected to the inner portion of the lock by connecting screws of at least one-fourth inch (1/4") in diameter.
- D. Doors. Except for vehicular access doors, all exterior swinging doors of any residential building and attached garages, including the door leading from the garage area into the dwelling unit shall be at least all wood doors of solid core construction with a minimum thickness of one and three-fourths inches (1 3/4"), or with panels not less than nine-sixteenths inch (9/16") thick.

The inactive leaf of double door(s) shall be equipped with metal flush bolts having a minimum embedment of five-eighths inch (5/8") into the head and threshold of the door frame.

Glazing in exterior doors or within forty inches (40") of any locking mechanism shall be of fully tempered glass or rated burglary resistant glazing.

Except where clear vision panels are installed, all front exterior doors shall be equipped with a wide angle one hundred eighty degree (180°) door viewer.

- E. Hinges. Hinges for out-swinging doors shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins.
- F. Windows and Sliding Glass Doors. All windows and sliding glass doors less than twelve feet (12') vertically or six feet (6') horizontally from an accessible surface or an adjoining roof, balcony, landing, stair tread, platform or similar structure shall have a locking device that will withstand

eight hundred (800) pounds of vertical load and two hundred (200) pounds of horizontal load. All louvered windows in such locations shall be replaced with another type of window.

- G. Street Numbers. All residential buildings shall display a street number in a prominent location on the street side of the building in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than four inches (4") in height and shall be of a contrasting color to the background to which they are attached. Only one (1) number for the building need appear.

There shall be positioned at each entrance of a multiple family building complex of two (2) or more separate buildings (with a total of ten (10) units or more) an illuminated diagrammatic representation of the complex which shows the location of the viewer and the unit designations within the complex. In addition, each individual unit within the complex shall display a prominent identification number, not less than four inches (4") in height, which is easily visible to approaching vehicular and/or pedestrian traffic.

- H. Lighting. Aisles, passageways, recesses related to and within the building complex shall be illuminated within an intensity of at least one (1) footcandle at the ground level during the hours of darkness. During the failure of power, an emergency lighting facility shall be provided in accordance with Section 3313 and 3314 of the 1982 Uniform Building Code. For any building over seventy-five feet (75') in height, an emergency lighting facility shall be provided in accordance with Section 1807.6 of the 1982 Uniform Building Code.

Open parking lots and carports shall be provided with a maintained minimum of one (1) footcandle of light on the parking surface during the hours of darkness. All lighting devices shall be protected by weather and vandalism resistant covers.

(Ord. C-5975 § 1 (part), 1983)

20.32.160 - Energy conservation requirements.

The following minimum energy conservation standards shall be met or exceeded for all conversions prior to approval of the final map:

- A. Insulation. Insulation in ceilings and attics exposed to the exterior of the building shall be such that the resistive value of the ceilings and attics shall be of "R-value" of at least R-19.
- B. Weather Stripping. All operable doors and windows opening to the exterior or to unconditioned areas such as garages shall be fully weather-stripped, gasketed or otherwise treated to limit temperature infiltration.
- C. Pools. Swimming pool covers shall be installed for existing swimming pools.
- D. Separate Utility Meters. All units shall be converted to separate utility meters except when common water heating systems are provided or when the type of common meter system is such that it is not reasonably feasible to convert to a separate meter system.

(Ord. C-5975 § 1 (part), 1983)

20.32.170 - Consistency with general plan.

The conversion of all projects for which building permits were issued after August 4, 1978, shall be consistent with the general plan. The Planning Commission, or City Council on appeal, may waive consistency with the general plan if it finds that adequate provisions are made for the long-term maintenance of the building.

(Ord. C-6686 § 3, 1990: Ord. C-5975 § 1 (part), 1983)

20.32.180 - Minimum size.

No conversion shall be permitted if more than fifteen percent (15%) of the total number of units in the conversion have a unit size less than four hundred fifty (450) square feet.

(Ord. C-5975 § 1 (part), 1983)

ARTICLE 3. - COMMERCIAL/INDUSTRIAL/RENTAL TO COMMERCIAL/INDUSTRIAL/RESIDENTIAL OWNERSHIP

20.32.200 - Generally.

The provisions of this Article shall apply to any project consisting of the conversion of commercial/industrial rental to commercial/industrial/residential ownership.

(Ord. C-6686 § 4, 1990: Ord. C-5975 § 1 (part), 1983)

20.32.210 - Tenant notice.

- A. A current property owner shall be responsible to give each tenant and each prospective tenant all applicable notices and rights now or hereafter as required by these regulations. These notices shall be documented and receipts of such notices by each tenant or prospective tenant shall be furnished to the Department of Planning and Building.
- B. Each tenant shall be given written notice of the public hearing at least ten (10) days prior to the public hearing on the tentative map before the Planning Commission. Such notice shall be as specified by the Director of Planning and Building and shall contain, as a minimum, an estimate as to the length of time before the conversion, if approved, would result in the tenant's eviction; and explanation of the tenant's rights and benefits if the conversion is approved; and the grounds upon which the Planning Commission can deny the request for conversion.
- C. Each tenant shall receive written notification within ten (10) days of approval of a tentative map for the proposed conversion. Such notice shall contain, as a minimum, an explanation of the tenant's rights and benefits as a result of the conversion, and a statement that no evictions will occur as a result of conversion for at least one hundred eighty (180) days.
- D. Each tenant shall receive written notice of approval of a final map within ten (10) days after the approval. Such notice shall also specify that each tenant shall have a ninety (90) day exclusive option to purchase a unit, that no eviction shall occur as a result of conversion prior to the end of that ninety (90) day period. If the property owner has no intention to sell units within two (2) years after approval of a final map, such intention shall be clearly stated and a minimum of one hundred eighty (180) day notice prior to the eviction and a ninety (90) day period for an option to purchase shall be provided to each tenant.

(Ord. C-5975 § 1 (part), 1983)

20.32.220 - Tenant option to purchase.

Each tenant shall be given notice of an exclusive right to contract for the purchase of an occupied unit, or other available rental unit(s) in the building upon the same terms and conditions that such units will be initially offered to the general public or on terms more favorable to the tenant; the right shall run for a period of not less than ninety (90) days from the date of approval of a final map, unless the tenant gives prior written notice of his intention not to exercise the right.

(Ord. C-5975 § 1 (part), 1983)

20.32.230 - New tenant disclosure.

- A. Whenever, after submittal of a tentative map for conversion (or after completion of building for which a tentative map for approval of a condominium or stock cooperative has received approval) each prospective tenant shall be informed of the owner's intention to convert. Such disclosure shall occur prior to finalization of any rental or lease agreement. Such disclosure shall be a single page document stating that an application for conversion has been submitted and that the prospective tenant should consider that at some future date the building will be converted. The prospective tenant shall sign such document acknowledging that he has been notified of the potential conversion.
- B. The disclosure document shall also disclose that the prospective tenant will not be entitled to benefits or rights as required by these regulations. However, any tenant who does not receive such notification shall be entitled to these benefits.
- C. Regardless of each prospective tenant being informed of the proposed conversion prior to finalization of any rent or lease agreement, a notice of such intended conversion shall be posted and maintained at all times in a highly visible location on the site.

(Ord. C-5975 § 1 (part), 1983)

20.32.240 - Parking.

- A. A minimum number of parking spaces shall be in compliance with the parking standards as required at the time when the existing use was established, but shall not be less than one (1) space per thousand square feet of gross usable floor area.
- B. If the proposed use is different than the existing one, additional parking spaces may be required as determined from the standards of Section 21.41.203 of the Zoning Regulations.
- C. Parking spaces shall be designed and constructed in conformance with standards set forth in the Zoning Regulations.
- D. No conversion shall be permitted if the required parking spaces will be provided by a lease agreement unless the lease period is for at least thirty (30) years.

(Ord. C-6686 § 5, 1990: Ord. C-5975 § 1 (part), 1983)

20.32.250 - Building code compliance.

The owner seeking conversion shall file a request with the Bureau of Building and Safety for a special code compliance inspection. The report from such inspection of all units to be converted must be received by the Bureau of Planning before an application for a tentative map for a conversion is considered complete. Such report shall list all violations relating to the applicable building, plumbing, fire, housing, electrical, earthquake, and property maintenance codes which may cause health or safety hazards.

The subdivider shall correct all listed violations prior to approval of the final map.

Such fees as are established by City Council resolution shall be paid for the inspection and for any subsequent inspection as is necessary to ensure that corrections have been completed.

(Ord. C-5975 § 1 (part), 1983)

20.32.260 - Major system corrections.

The owner shall submit with the application for tentative map approval for conversion inspection reports from State licensed contractors for the heating and plumbing systems of the project, as well as reports for an inspection of the roof and an inspection for termites. All such inspections shall have been

conducted within three (3) months prior to the submittal of the tentative map. Any corrections or repairs recommended as reasonably necessary within the next five (5) years shall be provided for prior to approval of the final map.

(Ord. C-5975 § 1 (part), 1983)

ARTICLE 6. - MIXED USE CONVERSIONS, EXCEPTIONS AND SPECIAL REQUIREMENTS

20.32.510 - Conversions.

In any project in which conversion to mixed residential unit use and commercial/industrial use is proposed, the applicable provisions of Articles 2 and 3, as determined by the City shall apply to the use proposed for each of the individual units.

(Ord. C-5975 § 1 (part), 1983)

20.32.520 - Exceptions.

Generally, exceptions to any of the requirements of this Chapter 20.32 may be granted, provided that the exception will not be inconsistent with the intent of this Chapter 20.32 or the intent of specific provisions being exempted.

(Ord. C-5975 § 1 (part), 1983)

20.32.530 - Exceptions—Conversions to limited equity cooperatives.

Conversion of a residential rental project to limited equity cooperatives may be excepted from the requirements of Sections 20.32.110, 20.32.130, 20.32.140, 20.32.150, 20.32.160.D, 20.32.160.E, 20.32.180, 20.32.440, 20.32.460, 20.32.470, 20.32.480, 20.32.490.D and 20.32.490.E. Sections 20.32.070 and 20.32.080 may also be excepted for any tenant wishing to become a member of the cooperative.

(Ord. C-5975 § 1 (part), 1983)

20.32.540 - Exceptions—Conversions of community apartment or stock cooperatives to condominiums.

Conversion of an existing community apartment or a stock cooperative, which was established prior to August 4, 1978, to a residential condominium may be excepted from the requirements of Sections 20.32.110, 20.32.130, 20.32.140, 20.32.150, 20.32.160.A, 20.32.160.D, 20.32.160.E and 20.32.180.

(Ord. C-5975 § 1 (part), 1983)

20.32.550 - Special requirements—Conversion of a stock cooperative or a community apartment project to a condominium.

A stock cooperative or a community apartment project shall not be converted to a condominium, unless the required number of owners in the project, as specified in the bylaws or other documents, have voted in favor of such conversion. If no documents expressly specify the number of votes required to approve such a conversion, a majority vote of the owners in the project shall be required.

(Ord. C-5975 § 1 (part), 1983)

ARTICLE 9. - DISCLOSURE OF PRIOR OCCUPANCY STATUS

20.32.680 - Purpose.

Any buyer of a unit of multi-family housing is making a substantial personal investment. As buildings being offered for sale may vary substantially in quality and that variation may not be apparent, each buyer should be provided some items of background on the building prior to committing to purchase.

(Ord. C-5975 § 1 (part), 1983)

20.32.690 - Disclosure.

Any person selling a unit in a building converted to a form of multiple ownership under the provisions of Chapter 20.32, or any person representing or acting on behalf of a person selling a unit in such building shall disclose to anyone intending to buy such unit by means of inclusion in the conditions, covenants and restrictions applying to the building the following items of information:

- A. The date the building was built (date of final building inspection or original certificate of occupancy);
- B. The form of ownership of the building prior to conversion under Chapter 20.32 (rental, community apartment, stock cooperative, limited equity cooperative, or condominium) together with a description as to how that form of ownership differs from the one under which the units are offered for sale; and
- C. A full listing of the building improvement requirements required for conversion. Any exceptions to the standards of Sections 20.32.090-20.32.160, including those granted in Section 20.32.530 or 20.32.540, which have been granted to the project shall be listed separately and clearly indicate that such improvements have not been made to the building. All improvement requirements shall be fully described and not referenced only by Municipal Code section.

(Ord. C-7500 § 1, 1997; Ord. C-5975 § 1 (part), 1983)

CHAPTER 20.34 - SUBDIVISION OF A MOBILEHOME PARK
ARTICLE 1. - CONVERSION TO ANOTHER USE

20.34.010 - Change of use.

As used in this Chapter 20.34, change of use shall mean a change from use as a mobilehome park to any other residential or nonresidential use.

(Ord. C-5975 § 1 (part), 1983)

20.34.020 - Impact report.

At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted. In determining the impact of the conversion on displaced mobilehome park residents, the report shall address the availability of adequate replacement space in mobilehome parks.

(Ord. C-5975 § 1 (part), 1983)

20.34.030 - Impact report available to residents of the mobilehome park.

The subdivider shall be responsible to deliver a copy of the impact report to each resident of a mobilehome within the project at least fifteen (15) days prior to the hearing date for the tentative map before the Planning Commission.

(Ord. C-5975 § 1 (part), 1983)

20.34.040 - Impact mitigation requirements.

- A. In reviewing the proposed subdivision, the Planning Commission shall be required to:
1. Take steps to mitigate any significant impact by rezoning another site or sites for additional replacement of mobilehome park housing;
 2. Find that there already exists land zoned for replacement housing or adequate space in other mobilehome parks for those residents who will be placed; or
 3. Require the subdivider to take steps to mitigate any significant adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park; and
 4. Require the subdivider to provide for the full cost of moving the mobilehome to a new location of the mobilehome owner's choice or purchase the mobilehome from the mobilehome owner at fair market value. Fair market value shall be determined by an appraisal by a licensed appraiser or realtor acceptable to both the subdivider and mobilehome owner. The provision of moving expenses or purchase shall be the choice of the mobilehome owner, provided that relocation expenses shall not exceed the fair market value of the mobilehome. The provisions contained in this subsection shall not apply to mobilehomes owned by the landowner.

(Ord. C-6164 § 1, 1985; Ord. C-5975 § 1 (part), 1983)

20.34.050 - Termination of tenancy.

- A. After approval of a tentative map, the mobilehome park owner shall give each resident a minimum of twelve (12) months notice of the termination of tenancy.
- B. Such notice shall disclose and describe in detail the nature of the change of use and relocation assistance and benefits that will be available to that tenant.
- C. Such notice shall be delivered by a certified mail and receipts of this notification by each resident shall be furnished to the Department of Planning and Building.

(Ord. C-5975 § 1 (part), 1983)

20.34.060 - New resident disclosure.

Any person, who locates a mobilehome or rents/leases a mobilehome in a mobilehome park for which a request for a change of use has been filed, shall receive written notice of the proposed change of use before any contract or lease agreement is executed.

(Ord. C-5975 § 1 (part), 1983)

ARTICLE 2. - CONVERSION OF A MOBILEHOME PARK TO A CONDOMINIUM, COMMUNITY APARTMENT OR STOCK COOPERATIVE

20.34.070 - Applicable conversion regulations.

Where an existing mobilehome park is being converted into a mobilehome condominium, community apartment or stock cooperative, the provision for condominium conversions set forth in Chapter 20.32 shall apply, except:

- A. The minimum termination of tenancy shall be twelve (12) months; and
- B. Neither the maximum amount of moving expenses provided by Section 20.32.070 nor special displacement benefits shall apply, and the full cost of relocation shall be provided by the mobilehome park owner.

(Ord. C-5975 § 1 (part), 1983)

ARTICLE 3. - SUBDIVISION OF AN EXISTING MOBILEHOME PARK TO CREATE INDIVIDUAL OWNERSHIP LOTS

20.34.080 - Right of first refusal.

Upon the subdivision of the existing mobilehome park, any park resident who had established residency in the mobilehome park as of the date of the issuance of a subdivision public report from the Department of Real Estate shall have a right of first refusal to purchase the lot upon which his or her mobilehome is located for a period of twelve (12) months from the date of issuance of the subdivision public report. The price to be paid by such existing resident for the lot under his or her mobilehome shall be the initial offering price for that lot during the twelve (12) month right of first refusal period.

(ORD-07-0019 § 4 (part), 2007)

20.34.090 - Lifetime leases.

Lifetime leases for the occupied lots shall be offered to mobilehome owners who elect neither to purchase their site nor to relocate. The right to enter into a lifetime lease shall expire no earlier than the period of twelve (12) months from the date of issuance of the subdivision public report issued by the Department of Real Estate. All lifetime leases shall include the following conditions:

- A. Mobilehome owners shall have the option of canceling the lease at any time upon thirty (30) days written notice to the mobilehome park owners.
- B. Mobilehome owners cannot be evicted except pursuant to Article 6 of the State Mobilehome Residency Law, Civil Code Section 798.55 et seq.
- C. Terms and conditions of the lifetime lot lease shall be the same as those contained in the current lease or rental agreement for the mobilehome space.
- D. To avoid economic displacement of all nonpurchasing residents, any rent increases shall comply with Section 66427.5(f) of the California Government Code.

(ORD-07-0019 § 4 (part), 2007)

20.34.100 - Compliance with State law.

The subdivider of the mobilehome park shall comply with all applicable State and local laws in effect at the time of the subdivision and shall have given all required notices to the existing and incoming park residents during the subdivision process.

(ORD-07-0019 § 4 (part), 2007)

20.34.110 - Infrastructure facilities survey required.

Prior to approval of the final map, the applicant and/or successors shall provide the City and all purchasers a copy of an infrastructure facilities survey to be conducted by a qualified firm approved by the Department of Planning and Building. The survey shall indicate the life expectancy of the infrastructure (including, but not limited to, sewer, water, gas, electric, streets and common areas) and shall indicate existing deficiencies. If the life expectancy of the infrastructure is less than ten (10) years, the subdivider and/or successors shall identify an adequate funding source to replace the infrastructure in a timely manner to the satisfaction of the Director of Planning and Building. If the survey identifies deficiencies, the applicant and/or successors shall repair the deficiencies to comply with applicable health and safety requirements.

(ORD-07-0019 § 4 (part), 2007)

CHAPTER 20.36 - DESIGN STANDARDS

FOOTNOTE(S):

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State Law reference— Provisions authorizing local agencies to regulate and control the design of subdivisions, Gov. Code § 66411.

20.36.010 - Density, use and standards.

The number of dwelling units permitted within a proposed subdivision, the use proposed for the subdivision, and the design of the project shall conform to the density and use established by the adopted general plan and shall comply with the use and other standards contained in the Zoning Regulations.

(Ord. C-5975 § 1 (part), 1983)

20.36.020 - Lots.

The number, design, character, grade, location, and orientation of lots shall be appropriate to the subdivision location and to the type and density of development as permitted by the land use element and the Zoning Regulations. The following policies and standards shall be observed:

- A. Lot Width and Area. The minimum width and area of all lots shall conform to the requirements of the zoning district in which the subdivision is located; provided, however, if a lot is located in a zoning district for which no minimum lot width or area is specified, it shall have a minimum width of fifty feet (50') and a minimum area of six thousand (6,000) square feet. The advisory agency, or City Council on appeal, may waive the lot width and area requirements in accordance with Section 20.12.120 if it finds that:
1. Any lot facing on a curved street may have a frontage of less than required but not less than thirty-five feet (35'); or
 2. The majority of lots adjacent to or in the immediate vicinity of the proposed subdivision have a substandard lot size and/or substandard lot width; however, each new lot shall not have a lot width or size less than the average lot width and size existing within a radius of three hundred feet (300'); or
 3. The lot is a through lot with split zoning designations, frontage on two (2) parallel public streets and the lot as been developed with two (2) separate development projects fronting on each street.

These lot size requirements shall be waived for condominium and other common interest projects where one (1) lot is shown on the map and the lot boundaries overlay one (1) or more existing lots, for lot line adjustments, and for certificates of compliance.

Where determined necessary to promote the general welfare, the Planning Commission may require that lots within a subdivision be increased in size so as to conform to the size of existing nearby lots fronting on the same street; provided, however, that in such cases the Planning Commission shall not require that such lots be increased in area by more than fifty percent (50%) of the minimum lot area requirement of the zoning district.

- B. Lot Lines. The side lot lines shall be at, or nearly at, right angles to straight street lines and radial to curved street lines, except where physical conditions would make this impracticable.
- C. Lot Frontage. All lots within a proposed subdivision shall have a frontage on a public street or an approved private street.
- D. Lots Adjoining City Limits. No lot shall be divided by a City or a County boundary line.
- E. Lot Drainage. All lots shall be adequately drained. No cross-lot drainage shall be permitted.

(Ord. C-7127 § 1, 1993; Ord. C-5975 § 1 (part), 1983)

20.36.030 - Blocks—Length.

Blocks shall not exceed one thousand three hundred twenty feet (320') in length between the centerlines of any intersecting streets, except where topographical conditions, location of major or secondary highways, or the previous general layout in the vicinity require longer blocks.

(Ord. C-5975 § 1 (part), 1983)

20.36.040 - Blocks—Corners.

The subdivider shall provide corner cut-offs at all property corners at public right-of-way to the satisfaction of the Director of Public Works.

(Ord. C-5975 § 1 (part), 1983)

20.36.050 - Freeways.

Freeways shall conform in width and alignment to those designated on the transportation element of the general plan. If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for any such freeway, the subdivider shall dedicate the necessary right-of-way for the freeway. Access rights to this freeway shall also be abandoned with the final map.

(Ord. C-5975 § 1 (part), 1983)

20.36.060 - Highways.

Major, secondary, and minor highways shall conform in width and alignment to those designated on the transportation element of the general plan. If a parcel of land to be subdivided includes a portion of the right-of-way required for any such highway, the subdivider shall dedicate the necessary right-of-way for said highway. Access rights to major, secondary, and minor highways shall be abandoned with the final map except at locations as approved by the Planning Commission in accordance with Section 7580.22 of the Municipal Code.

(Ord. C-5975 § 1 (part), 1983)

20.36.070 - Local streets.

- A. Each street, public or private, providing access to lots within a subdivision, shall connect directly to a public street, and through one (1) or more other streets, shall connect to a major, secondary, or minor highway. Streets shall be laid out to conform to the alignment of existing streets in adjoining subdivision and to the logical continuation of existing streets where the adjoining land is not subdivided.
- B. Local streets serving residential lots shall have a right-of-way width of not less than fifty-six feet (56') with a roadway width of not less than thirty-six feet (36').
- C.

Local streets serving residential areas but functioning as collector streets shall have a right-of-way width of not less than sixty-four feet (64') with a roadway width of not less than forty feet (40').

- D. Local streets in areas to be used for other than residential uses shall have a right-of-way width of not less than sixty feet (60') with a roadway width of not less than forty-four feet (44').
- E. Dead-ended streets without provisions for an adequate turnaround shall be prohibited. When a temporarily dead-ended street is extended to the boundary of the subdivision, a barricade, temporary turning area, or temporary connection to another street shall be required for any such street.

(Ord. C-5975 § 1 (part), 1983)

20.36.080 - Private streets.

If off-street guest parking is provided as specified in the Zoning Regulations and if the street is not serving as a principal avenue of travel in the development, then such street may have a width of not less than twenty-eight feet (28') provided that curb parking shall be prohibited on one (1) side of the street.

If at some future time a private street is offered for public dedication and use, said private street shall be brought into compliance with the standards required for public streets at that time, to the satisfaction of the Director of Public Works and prior to public acceptance of the dedication.

(Ord. C-5975 § 1 (part), 1983)

20.36.090 - Cul-de-sac.

A cul-de-sac shall not exceed five hundred feet (500') in length unless emergency access to a public street is provided at the closed end in which case no point on the cul-de-sac may be more than four hundred (400) feet from the emergency access or five hundred feet (500') from the normal access end. A turnaround having a minimum curb radius of not less than thirty-eight feet (38') shall be provided, except where extraordinary conditions make strict enforcement of this rule impractical.

(Ord. C-5975 § 1 (part), 1983)

20.36.100 - Service road.

Where a subdivision borders on a freeway, a limited access highway or a major highway and no alley access is feasible, a service road shall be provided. The service road shall have a roadway width of not less than twenty-four feet (24') for a one-way operation and twenty-eight feet (28') for two-way. An additional eight (8) foot right-of-way shall be provided on the residential side of the service road for sidewalks, street furniture, and parkway.

(Ord. C-5975 § 1 (part), 1983)

20.36.110 - Street name.

- A. Proposed street names shall be substantially different from each other from existing street names so as not to be confusing in sound or spelling.
- B. Each proposed street, which is a continuation of any existing street, shall be given to same name as such existing street.
- C. An existing street name may be changed if good cause is shown that it would be beneficial to the neighborhood.

Street name changes may be initiated by anyone who believes it is necessary by filing such fee as prescribed by City Council resolution with the Director of Planning and Building. The Director of Planning and Building shall submit the proposed change with the sketch map prepared by the Engineering Bureau

to the Planning Commission and the City Council for review. All abutting property owners and residents who will be affected by the proposed change shall be notified by mail of the scheduled public hearing on such a change. The applicant shall be responsible for posting public hearing notices on the site in the following manner:

1. Notice shall be posted on the site not less than ten (10) days prior to the hearing date;
2. Notice shall be identical with the one furnished by the Department of Planning and Building;
3. Notice shall be posted at a conspicuous location along a street frontage and protected against weather or vandalism; and
4. If the street frontage of the subject site exceeds one hundred feet (100'), a notice shall be posted on every one hundred feet (100').

After the public hearing, the Planning Commission shall recommend such change to the City Council. After receipt of the Planning Commission recommendation, the Council may act to change said street name by a resolution and direct the Director of Public Works to change such maps and street signs as are necessary.

(Ord. C-5975 § 1 (part), 1983)

20.36.120 - Alleys.

An alley shall be required at the rear of a property where the front vehicular access is impractical, undesirable, or limited. Each new alley shall have a minimum width of twenty feet (20'). The Planning Commission may require widening of an existing alley if it has a width of less than twenty feet (20').

(Ord. C-5975 § 1 (part), 1983)

20.36.130 - Sidewalks.

A sidewalk shall be provided along each side of each street and shall have a minimum clear width of four feet (4'). If a sidewalk abuts a street curb, it shall have a minimum clear width of five feet (5').

(Ord. C-5975 § 1 (part), 1983)

20.36.140 - Bike trails.

Bike trails shall be provided in accordance with the adopted transportation element of the general plan. The bicycle trail system shall meet minimum State standards.

(Ord. C-5975 § 1 (part), 1983)

20.36.150 - Utility easements.

The subdivider shall dedicate all necessary easements for utility purposes as required by the Planning Commission.

(Ord. C-5975 § 1 (part), 1983)

CHAPTER 20.40 - DEDICATION AND IMPROVEMENTS

FOOTNOTE(S):

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Cross reference— Provisions on the Planning Commission, see the City Charter.

State Law reference— Provisions authorizing local agencies to regulate and control the design and improvement of subdivisions, Gov. Code § 66411; provisions on the "advisory agency," see Gov. Code § 66415.

20.40.010 - Dedication requirements.

As a requirement of approval of a subdivision map, a subdivider shall make provisions for dedication of necessary public rights-of-way and necessary easements within or adjacent to the subdivision as required by the Planning Commission in accordance with the design standards of this part. The dedication requirements shall not be waived, unless the Planning Commission finds that such dedication will not be necessary for present or future usage.

(Ord. C-5975 § 1 (part), 1983)

20.40.020 - Access rights.

Where it is in the interest of public safety or welfare to limit the access to any street or highway, the subdivider shall waive direct access rights to such street or highway from any property shown on the final map.

(Ord. C-5975 § 1 (part), 1983)

20.40.030 - Public access to public resources.

- A. In the event that a proposed subdivision is fronting upon the coastline or is traversed by any minor watercourse, channel, stream, or creek, the subdivider shall dedicate or make an irrevocable offer to dedicate a public access to such resources in accordance with the provisions of the current Subdivision Map Act. Such tentative subdivision map shall not be approved unless the Planning Commission finds that there is a public access by fee or by easement from a public right-of-way to land below the ordinary high tide level on any ocean coastline or bay shoreline or the bank of the water within or at a reasonable distance from the subdivision.
- B. In making the determination of what shall be reasonable public access, the Planning Commission shall consider:
 1. That access may be by highway, foot trail, bike trail, or any other means of travel;
 2. The size of the subdivision;
 3. The type of coastline or shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, diving, sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish, and scientific exploration; and
 4. The likelihood of trespassing on private property and reasonable means of avoiding such trespasses.

(Ord. C-5975 § 1 (part), 1983)

20.40.040 - Improvements—Required.

- A. As a condition of approval of a subdivision map, the subdivider shall improve or agree to improve public and private rights-of-way and perform land development works as required in these regulations. Improvement shall be installed or provided to the satisfaction of the Director of Public Works in accordance with the standard specifications prepared by the Director of Public Works. Such specifications shall be furnished to the subdivider.
- B. The subdivider may be relieved from up grading existing improvements to current standards if such improvements are in good condition and failure to perform such upgrading would not be detrimental to public health, safety, or welfare, as determined by the Planning Commission.
- C. No improvements shall be required beyond those required in the approval of the tentative map.

(Ord. C-5975 § 1 (part), 1983)

20.40.050 - Improvements—Designated.

- A. Drainage. Grading, drainage, and drainage structures necessary for a public safety and to the proper use of properties and public rights-of-way.
- B. Public Rights-of-Way. The subdivider shall improve all rights-of-way within or abutting the subdivision, including any existing public rights-of-way and any required modification to existing improvements.
- C. Sanitary Sewers. Each lot shall be provided with a separate sewer line connection to the public sewer. Any necessary sewer facilities shall be constructed as required by the Planning Commission.
- D. Subsoil Stability. All improvements and actions recommended in the approved soil report (if required) shall be provided for to the satisfaction of the Superintendent of Building and Safety.
- E. Fire hydrants and other fire prevention facilities are required.
- F. Utilities. All public utilities transmission or distribution lines serving a new subdivision shall be placed underground, except as waived by the Planning Commission.
- G. Monuments. Durable survey monuments shall be set in accordance with criteria established by the Director of Public Works.
- H. Street lighting, traffic control devices, name signs, and other street furniture.

(Ord. C-5975 § 1 (part), 1983)

20.40.060 - Improvement plans.

- A. The subdivider shall furnish all plans necessary to construct the required improvements to the Director of Public Works and/or Superintendent of Building and Safety prior to approval of the final subdivision map or the certificate of compliance.
- B. Improvement plans shall be prepared by or under the direction of a California registered professional engineer working within his or her area of expertise.

(Ord. C-5975 § 1 (part), 1983)

20.40.070 - Improvement security—Required.

- A. Any improvements, contract, or act required or authorized under any approval granted, subject to the provisions of this part, shall be secured by one of the following ways to the satisfaction of the Director of Public Works.
 - 1. Bond or bonds by one (1) or more duly authorized corporate sureties;
 - 2. A deposit, either with the City or responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public moneys;

3. An instrument of credit from one (1) or more financial institutions, subject to regulation by the State or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment;
 4. A lien upon the property to be divided, created by contract between the owner and the City, if the City finds that it would not be in the public interest to require the installation of the required improvement sooner than two (2) years after the recordation of the map; or
 5. Any form of security, including security interests in real property, which is acceptable to the City.
- B. Any written contract of security interest in real property entered into a security for performance pursuant to Subsection A shall be recorded with the County Recorder. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in an amount necessary to complete the agreed to improvements. The recorded contract or security document shall be indexed in the grantor index to the names of all record owners of the real property as specified on the map and in the grantee index to the City which approved the map. The advisory agency may at any time release all or any portion of the property subject to any lien or security interest created herein or subordinate the lien or security interest to other liens or encumbrances, if it determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of agreed upon improvements.

Any such security agreement shall be in substantially the form described in Section 66499 of the Subdivision Map Act.

- C. Final Tract Map. Subdivision security agreements for final tract maps shall be authorized by the City Council and executed by the City Manager.
- D. (Final) Parcel Map. The Director of Public Works is authorized to enter into and the Director of Public Works shall execute security agreements for improvements as required in the tentative map.

(Ord. C-5975 § 1 (part), 1983)

20.40.080 - Improvement security—Amount.

Security to guarantee the performance of any act or agreement shall be in the following amounts:

- A. An amount determined by the Director of Public Works, not less than one hundred percent (100%) of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement; and

An additional amount determined by the Director of Public Works not less than fifty percent (50%) of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act.

- B. An amount determined by the Director of Public Works necessary for the guarantee and warranty of the work for a period of one (1) year following the completion and acceptance thereof against any defective work or labor done or defective materials furnished.

(Ord. C-5975 § 1 (part), 1983)

20.40.090 - Improvement security—Release.

The improvement security hereunder shall be released in the following manner:

- A. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work, subject to the provisions of Subsection B hereof.
- B. The City Council or the Director of Public Works may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses, upon application therefor, by the subdivider; provided, however, that no such release shall be for an amount less than thirty percent (30%) of the total improvement security given for faithful performance of the act or work, and that the security shall not be reduced to an amount less than ten percent (10%) of the total improvement security given for faithful performance until final completion and acceptance of the act or work. In no event shall the City Council or the Director of Public Works authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the act or work and any other obligation imposed by this part, the Subdivision Map Act, or the improvement agreement.
- C. Security securing the payment to the contractor, his or her subcontractors and to persons furnishing labor, materials or equipment may, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the Civil Code and after acceptance of the work, be reduced to an amount not less than the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the legislative body, and if no such claims have been recorded, the security may be released in full.
- D. No security given for the guarantee or warranty of work shall be released until the expiration of the period thereof.

(Ord. C-5975 § 1 (part), 1983)

20.40.100 - Supplemental improvements for drainage, sewerage, bridges, and major thoroughfares.

- A. If the City or the Water Department has adopted a local drainage plan or map as required for the imposition of fees therefor or has established an area of benefit for bridges or major thoroughfares as provided in this Title, the City or the Water Department may impose a reasonable charge on property within the area benefitted and may provide for the collection of said charge as stated herein. The City or the Water Department may enter into reimbursement agreements with a subdivider who constructs said bridges or thoroughfares and the charges collected therefor may be utilized to reimburse the subdivider as herein stated.
- B. Reimbursement Agreements. If the subdivider has installed any supplemental improvements as required by the City, he shall be reimbursed for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements pursuant to this part.

(Ord. C-7173 § 24, 1994; Ord. C-5975 § 1 (part), 1983)

CHAPTER 21.10 - GENERAL PROVISIONS

21.10.010 - Title.

This Title of the Long Beach Municipal Code may be known and cited as the "Zoning Regulations of the City of Long Beach" or the "Zoning Regulations".

(Ord. C-6533 § 1 (part), 1988)

21.10.020 - Purpose.

The purpose of the Zoning Regulations is to promote and preserve the public health, safety, comfort, convenience, prosperity and general welfare of the people of Long Beach. Specifically, the Zoning Regulations intend to achieve the following objectives:

- A. To promote achievement of the proposals of the City General Plan;
- B. To advance the City's position as a regional center of commerce, industry, tourism, recreation and culture;
- C. To protect residential, commercial, industrial, public and institutional areas from the intrusion of incompatible land uses;
- D. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provisions for sunlight, fresh air and usable open space;
- E. To assure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy;
- F. To promote safe, expeditious and efficient movement of people and goods, with a maximum of choice in modes of travel and with adequate provisions for parking, loading and the transfer of modes of travel;
- G. To achieve excellence of design in all future developments and to preserve the natural beauty of the City's environmental setting;
- H. To promote the growth and productivity of the City's economy;
- I. To stabilize expectations regarding future development, thereby providing a basis for rational decisions;
- J. To provide opportunities for establishments to be located for efficient operation in a mutually beneficial relationship to each other and to shared services;
- K. To secure equity among individuals in the use of their property;
- L. To distribute population growth in the City in such a way as to maximize the quality of life enjoyed by all persons who have an interest in Long Beach;
- M. To guide and encourage the renewal of areas experiencing blight, deterioration and obsolescence, while protecting and preserving the City's cultural heritage; and
- N. To locate and control land uses so that no noise, vibration, electrical disturbance, smoke, gaseous or particulate matter, odor, glare, heat, radioactivity, biological material, dust, nor hazard is generated, created or emitted from any use so as to be a substantial risk to public health, safety

and welfare or to be of such an extent, intensity or duration as to be a nuisance to or adversely affect adjacent properties or uses.

(Ord. C-6533 § 1 (part), 1988)

21.10.030 - Scope.

To the extent provided by State or Federal law or regulation, the Zoning Regulations shall apply to all development including development by the City of Long Beach or use of property within the City, whether public or private, tidal or submerged, except the following excluded properties:

- A. **Roadways.** When dedicated as public freeways, streets or alleys, the Zoning Regulations shall only apply to issues of dedications, improvements, reservations, signage, parkway landscaping, street trees and curb cut locations. However, in the Coastal Zone, any development or other public works project in public rights-of-way shall be subject to the local coastal development permit requirements and procedures in Division IX of Chapter 21.25
- B. **Oil, Gas and Water.** When properties are used for oil extraction or gas extraction and processing and for City water wells, and when such uses are regulated by other provisions of the Municipal Code. However, in the Coastal Zone, all development, including drilling, new operating permits, new natural gas processing plants, drilling area changes or special condition variances, shall be subject to the local coastal development permit requirements and procedures in Division IX of Chapter 21.25
- C. **Public Utility Transmission, Distribution and Transit Lines.** When locating and using such lines only, and not when land, air rights or mineral rights are being utilized for other than transmission, distribution or transit purposes. However, in the Coastal Zone, all development shall be subject to the local coastal development permit requirements and procedures in Division IX of Chapter 21.25
- D. **Submerged Properties.** When properties are submerged, only the local coastal development permit requirements and procedures in Division IX of Chapter 21.25 shall apply, and these shall apply outside the jurisdiction of the certified Port of Long Beach Master Plan and implementing procedures.

(Ord. C-7326 § 1, 1995; Ord. C-7032 § 1, 1992; Ord. C-6533 § 1 (part), 1988)

21.10.040 - Minimum requirements.

The Zoning Regulations shall be deemed the minimum requirements to promote and preserve the health, safety, prosperity and general welfare of the people.

(Ord. C-6533 § 1 (part), 1988)

21.10.045 - Interpretation of the Ordinance.

If uncertainty arises concerning the content or application of the Zoning Ordinance and its standards, the Zoning Administrator shall be authorized to determine all pertinent facts and interpret the Ordinance. Alternatively, the Zoning Administrator may request the Planning Commission to make such interpretation. In no instance, however, shall the Zoning Administrator determine, nor shall these regulations be so interpreted, that a use shall be permitted in a zone when such use is specifically listed as permissible in another zone. The classification of use procedure, which is set forth in Division VI of Chapter 21.25 of this Title, shall be utilized to resolve such discrepancies.

(Ord. C-7326 § 30, 1995)

21.10.047 - Granting of minor modification.

Except for any development in the Coastal Zone, whenever there are practical difficulties involved in carrying out the strict provisions of this Title, the Zoning Administrator may grant minor modifications in individual cases, provided the Zoning Administrator can make a finding that a special reason or circumstance makes the strict application of this Title impractical, and that the minor modification is in conformity with the spirit and purpose of this Title.

If the Zoning Administrator determines the request is not minor in nature, then the procedures set forth in Chapter 21.25 shall be pursued to obtain a Standards Variance Permit. Each minor modification application shall be submitted together with a filing fee equal to that of a zoning confirmation letter.

This Section shall not be used to grant modifications to cases located within the Coastal Zone.

(Ord. C-7395 § 1, 1996; Ord. C-7378 § 21, 1995)

21.10.050 - Relationship to other ordinances and laws.

Any ordinance amending this Title is not intended to repeal, annul, abrogate, impair or interfere with existing provisions of any other ordinance or law. However, where the provisions of this Title impose greater restrictions than those required by other ordinances or laws, the provisions of this Title shall control.

(Ord. C-6533 § 1 (part), 1988)

21.10.060 - Applicability and effect of prior permits.

- A. Except as provided in Division XI of Chapter 21.25 of this Title, the provisions of this Title shall apply to the erection or alteration of any building or structure, or to the use of any parcel of land, on and after the effective date of the Ordinance codified in this Title and any subsequently adopted ordinance amending this Title, unless a building permit has been lawfully issued by the City for the construction of a project, in which case that project may be completed under the provisions of this Title as they existed at the time of issuance of the building permit; provided, that construction under the permit must be commenced within six (6) months of issuance of the permit. For the purpose of this Subsection 21.10.060.A, a foundation permit shall be treated as equivalent to a building permit but grading, demolition, electrical, mechanical or plumbing permits shall not be considered or treated as building permits.
- B. No official or employee of the City authorized to issue permits or licenses shall issue such permits or licenses not in conformity with the provisions of this Title where such conformity is required by law. Any permit or license issued in conflict with the provisions of this Title shall be null and void. Unless otherwise excepted, no premises shall be occupied or used and no building shall hereafter be erected, altered, used or occupied until certified by the Director of Planning and Building or his authorized designee to be in compliance with the provisions of this Title.
- C. Whenever any building or sign permit, conditional use permit, variance or special zoning approval has been issued prior to the effective date of the Zoning Regulations or any amendment thereto and the uses or improvements for which the permit was issued would not conform to the regulations or amendments, the uses or improvements may, nevertheless, be utilized or developed to the extent authorized by the issued permit, provided the permit has not expired under the terms of its issuance. The uses and improvements shall be deemed legally nonconforming and shall be subject to the provisions of this Title governing nonconformities.
- D.

Whenever construction of a building has begun under a valid building permit and the regulations are later changed, construction may continue as long as the building permit remains valid. However, if construction is discontinued for any reason, except as provided in Section 21.27.090, and the building permit lapses, terminates or is otherwise or in any way voided, then all construction authorized under any new or subsequent building or other permit must conform to the regulations in effect at the time the new or subsequent permit is issued.

(Ord. C-7663 § 1, 1999; Ord. C-6684 § 10, 1990; Ord. C-6546 § 1, 1988; Ord. C-6533 § 1 (part), 1988)

21.10.070 - Building site required.

No building or structure shall be erected or moved onto any parcel of land in the City except on a lot of record as shown on the section maps of the City, a lot certified as created in compliance with the Subdivision Map Act and local subdivision regulations, or a lot created as a result of public taking. No building or structure shall be altered or enlarged to increase the gross floor area by more than fifty percent (50%) within any one (1) year period except on a legal building site.

(Ord. C-6533 § 1 (part), 1988)

21.10.080 - Penalty for violation.

- A. Any violation of the Zoning Regulations, including maintaining property in violation of this Title, is a misdemeanor and upon conviction is punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment. The existence of such a violation for each and every day after the notice of a violation has been served shall be considered a separate and distinct offense. The City Prosecutor shall prosecute all persons guilty of such violations by continuous prosecutions, if necessary, until the violation is abated or removed.
- B. Upon discovery of a violation, the Department of Planning and Building shall issue a notice of violation to the owner of the subject property. The owner shall correct the violation, or take reasonable action to begin correction, and shall diligently pursue completion of the correction within ten (10) days after receiving notification of the violation. The Department of Planning and Building shall notify the City Prosecutor of any failure to correct the violation and shall request the City Prosecutor to take appropriate legal action. A repetitive or episodic violation of the same regulation shall be deemed a failure to correct and the Department of Planning and Building shall notify the City Prosecutor of the failure to correct.
- C. Any violation of the Zoning Regulations within the Long Beach Coastal Zone shall also constitute a violation of Division 20, Section 30000 et seq., of the Public Resources Code of the State of California and shall be subject to the remedies, fines and penalties provided in Division 20, Chapter 9, Section 30800 et seq., of the Public Resources Code. However, this provision shall not preclude any enforcement under the provisions of the Municipal Code.
- D. All cost incurred by the City in connection with such abatement of any violation of this Title, once notified, shall become an indebtedness of the owner(s) of said structure or premises, as well as a lien upon the affected property. Any person aggrieved by the imposition of costs pursuant to this Subsection may appeal such imposition within fifteen (15) days of the date of a notice to pay in accordance with procedures as set forth in Section 8.56.120 of this Code.

(Ord. C-6895 § 1, 1991; Ord. C-6595 § 5, 1989; Ord. C-6591 § 1, 1989; Ord. C-6533 § 1 (part), 1988)

21.10.090 - Continuous application of Zoning Regulations.

- A. Any violation of the Zoning Regulations is a public nuisance, punishable as a misdemeanor, and each day of continuing violation shall be deemed a separate offense. The City may undertake enforcement action after discovery of the violation regardless of when the violation actually occurred.
- B. Pursuant to Civil Code Section 3483, every successive owner of property who fails or neglects to correct a violation or to abate a continuing nuisance upon or in the use of such property, created by a former owner, is liable criminally and civilly in the same manner as the one who first created it.

(Ord. C-6595 § 20, 1989)

CHAPTER 21.15 - DEFINITIONS

FOOTNOTE(S):

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Note— Figures 15-1 through 15-7 referred to in this Chapter are located at the end of the Chapter.

21.15.010 - Purpose.

The purpose of this Chapter is to establish definitions for words, phrases and terms used in this Title, and unless the context clearly requires a different meaning, the following words, phrases and terms shall be defined as set forth in this Chapter.

(Ord. C-6533 § 1 (part), 1988)

21.15.020 - Rules of Construction.

The following general rules of construction shall apply to the provisions of this Title:

- A. The particular shall control the general.
- B. The word "shall" is mandatory and not discretionary. The word "may" is discretionary.
- C. In case of any difference of meaning or implication between the text of any provision and any caption, heading, illustration or figure, the text shall control.
- D. Words in the present tense include the future, and the words in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The words "activities" and "facilities" include any part thereof.
- F. The word "City" means the City of Long Beach, California.
- G. All public officials, bodies, and agencies to which reference is made are those of the City of Long Beach, California, unless otherwise indicated.
- H. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 1. "And" indicates that all connected items or provisions apply.
 2. "Or" indicates that the connected items or provisions apply singly or in any combination.
 3. "Either...or" indicates that the connected items or provisions shall apply singly, but not in combination.
 4. "Neither ... nor" indicates that the connected items or provisions shall not apply singly or in combination.
- I. "Occupied" shall be deemed to include the phrase "arranged, designed or intended to be occupied".

(Ord. C-6533 § 1 (part), 1988)

21.15.030 - Abandoned.

"Abandoned" means given up, deserted, forsaken, demolished or changed to another use. A nonconforming use shall be considered abandoned if not used for a period of one (1) year, if the business license establishing the use has expired, and remained expired, for a period of one (1) year or if the

structure housing the use is demolished or rebuilt.

(Ord. C-7378 § 1, 1995; Ord. C-6533 § 1 (part), 1988)

21.15.040 - Abut.

"Abut" means touching or having a common boundary at some point (Figure 15-1).

(Ord. C-6533 § 1 (part), 1988)

21.15.050 - Accessory building.

"Accessory building" means a detached building, the use of which is subordinate and customarily incidental to that of the main building or to the main use of the land. An accessory building must be located on the same lot as the main building.

(Ord. C-6533 § 1 (part), 1988)

21.15.060 - Accessory use.

"Accessory use" means a use that is customarily incidental and/or necessarily related to the principal use of the land, building, or structure. An accessory use is located on the same lot as the principal building or use and is dependent upon the principal use for the majority of its use or activity.

(Ord. C-6533 § 1 (part), 1988)

21.15.063 - Accessory use, residential.

"Accessory residential use" means a residential use that is customarily incidental and/or necessarily related to the principal nonresidential use of land, building, or structure. An accessory residential use is located on the same lot as the principal nonresidential building or use and is dependent upon the principal nonresidential use for the majority of its use or activity. The occupant of an accessory residential use is employed in or routinely conducts business in the nonresidential space. Accessory residential uses include, but are not limited to, a caretaker's or nightwatchman's residence (Section 21.15.445) an artist's studio and residence (Section 21.15.240), and parsonage (Section 21.15.2005).

(Ord. C-6895 § 27, 1991)

21.15.064 - Acutely Hazardous Material.

"Acutely Hazardous Material" means the identical list of chemicals as the Extremely Hazardous Substances prepared by the Environmental Protection Agency and any supplemental amendments to that list. Each Extremely Hazardous Material has a Threshold Planning Quantity which is used for the compliance threshold for the Risk Management and Prevention Program, unless a lesser threshold has been established by the administering agency.

(Ord. C-7247 § 29, 1994)

21.15.064.5 - Adaptive reuse.

"Adaptive reuse" means a construction or remodeling project that reconfigures existing spaces, structures or buildings to accommodate a new use or to accommodate another purpose than what it was originally designed for.

(ORD-14-0004, § 2, 2014)

21.15.065 - Addition.

"Addition" means the expansion of an existing building by creating more building area. (Also see Sections 21.15.2275 and 21.15.2250.)

(Ord. C-6822 § 21, 1990)

21.15.070 - Adjacent.

"Adjacent" means situated near or close by. "Adjacent" includes real property across alleys, streets, public waterways or other public property (Figure 15-1).

(Ord. C-6533 § 1 (part), 1988)

21.15.080 - Adjoining.

"Adjoining" means a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land (Figure 15-1).

(Ord. C-6533 § 1 (part), 1988)

21.15.090 - Adjusted earnings.

"Adjusted earnings" means the earnings level established by the United States Department of Housing and Urban Development (HUD) for the Los Angeles/Long Beach standard metropolitan statistical area, as revised from time to time.

(Ord. C-6533 § 1 (part), 1988)

21.15.100 - Administrative service.

"Administrative service" means the research, analysis, communication, management and decision center related to the principal use on a site.

(Ord. C-6533 § 1 (part), 1988)

21.15.110 - Adult entertainment business.

"Adult entertainment business" refers to any use defined in this Section.

- A. "Adult bookstore" means an establishment having twenty percent (20%) or more of its stock in trade in books, magazines and other periodicals, videotapes or other similar materials on display or available for sale or viewing on the premises which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- B. "Adult mini motion picture theater" means an enclosed building with a capacity for less than fifty (50) persons, which is used for presenting, on a regular and substantial basis, material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons in the facility.
- C. "Adult motion picture arcade" means any place to which the public is permitted or invited and where coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images on a regular and substantial basis, where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specific sexual activities or specified anatomical areas.
- D. "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons, which is used for representing on a regular and substantial basis, material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons in the facility.
- E.

"Cabaret" means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, exotic dancers, strippers, wrestlers, or similar entertainers, and where such performances are distinguished or characterized by an emphasis on specified sexual activities or display specified anatomical areas.

- F. "Massage parlor" means an establishment regulated as a massage parlor pursuant to Chapter 5.58 of the municipal code where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments or any other treatment or manipulation of the human body occurs.

A massage parlor is a principal land use where the massage service is the primary business conducted on the premises.

- G. "Model studio" means any premises on which there is conducted any business where, for any fee, compensation, consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or otherwise depicted by persons paying such consideration or gratuity. For the purposes of this Section, "model studio" shall not be deemed to include:

1. Any art studio or art gallery maintaining a business license in the City where the activity described in this Subsection is carried on as an activity that is accessory to the principal use, provided that the operator complies with the additional conditions and specifications as set forth in Chapter 21.51 entitled "Accessory Uses"; or
2. Live nude art drawing or painting, or classes related thereto, that are conducted at an educational institution such as a private or public school, vocational school, college, or university qualified by the State Board of Education to give general academic instruction.

- H. "Sexual encounter center" means any business, agency or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

- I. For the purposes of this Section, "specified anatomical areas" include the human male or female genitals, pubic hair, anus, cleft of the buttocks, or vulva with less than a fully opaque covering and/or covered male genitals in a turgid state. This provision may not be complied with by applying an opaque covering simulating the appearance of the specific anatomical part required to be covered.

- J. For the purpose of this Section, "specified sexual activities" include:

1. Actual or simulated sexual intercourse, anal intercourse, oral or anal copulation, bestiality, pedophilia, necrophilia, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or the use of excretory functions in the context of a sexual relationship; or
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
7. Human erection, urination, menstruation, vaginal or anal irrigation.

- K.

For the purpose of this Section, "regular and substantial basis" means presenting such material on four (4) or more days within any calendar month. Presenting such material on three (3) or fewer nonconsecutive days within a calendar month with at least seven (7) days between the days the material is presented shall be deemed occasional or incidental and not a violation. However, presenting such material on consecutive days or with less than a seven (7) day interval between showings is a violation. An establishment under one ownership or management at one (1) location shall be considered one (1) "business" even though there may be more than one (1) screening room or viewing room at that location.

(ORD-12-0018 (Emerg.), § 5, 2012; Ord. C-7961 § 1, 2004; Ord. C-7274 § 2, 1994; Ord. C-7064 § 1, 1992; Ord. C-6684 §§ 11, 12, 1990; Ord. C-6533 § 1 (part), 1988)

21.15.120 - Aggrieved person.

"Aggrieved person" means any person who testified personally or through a representative at a public hearing; who informed the staff of the Zoning Division of the Department of Planning and Building in writing prior to hearing of an interest in the subject of a hearing; or who, for good cause, was unable to do either.

(Ord. C-6533 § 1 (part), 1988)

21.15.130 - Airport or aircraft landing field.

"Airport" or "aircraft landing field" means an area of land or water which is used or intended to be used for the landing and takeoff of aircraft; any appurtenant areas used or intended to be used for airport buildings or other airport facilities or rights-of-way; and all other airport buildings and facilities located thereon.

(Ord. C-6533 § 1 (part), 1988)

21.15.140 - Alley.

"Alley" means a public or private way twenty feet (20') or less in width.

(Ord. C-6533 § 1 (part), 1988)

21.15.150 - Alteration.

See "Demolish" and "rebuild".

(Ord. C-6533 § 1 (part), 1988)

21.15.160 - Amortize, amortization.

"Amortize, amortization" means to reduce to no value by prorating over a period of time.

(Ord. C-6533 § 1 (part), 1988)

21.15.170 - Amusement machine.

"Amusement machine" means the following apparatus operated by or for a patron or patrons for amusement, diversion or sport in exchange for financial or other valuable consideration: juke boxes, batting cages, pinball machines, electronic or video games, shuffleboard games, mini-motion picture projectors, screens and structures, public video projectors, screens, stalls and structures, and the like.

(Ord. C-6533 § 1 (part), 1988)

21.15.180 - Amusement park.

"Amusement park" means a commercial entertainment land use located primarily in an outdoor setting and which consists of one (1) or more amusement rides.

(Ord. C-6533 § 1 (part), 1988)

21.15.190 - Amusement ride.

"Amusement ride" means a mechanical device which is not coin-operated; which provides motion or the sensation or the illusion of motion; and which does not provide transportation from one site to another. This includes carousels, ferris wheels, roller coasters, theaters or mini-theaters showing films intended primarily to create a sensation of movement, and the like. This does not include harbor tours, bus tours, shuttle buses, and the like.

(Ord. C-6533 § 1 (part), 1988)

21.15.200 - Antique shop.

"Antique shop" means any premises used for the sale of articles which are one hundred (100) or more years old or are collectible. Antique shop does not include secondhand store as defined in this Chapter.

(Ord. C-6533 § 1 (part), 1988)

21.15.205 - Apartment.

"Apartment" means a multi-family dwelling rented or leased to permanent occupants. No transient occupants are allowed unless the use is also approved and licensed as a hotel.

(Ord. C-6595 § 21, 1989)

21.15.210 - Appealable area.

"Appealable area" means that portion of the Coastal Zone seaward of the appealable area boundary, as established on a map adopted as part of the Long Beach Coastal Program.

(Ord. C-6533 § 1 (part), 1988)

21.15.220 - Arcade.

"Arcade" means a principal commercial entertainment land use consisting of five (5) or more amusement machines located within one (1) building or structure and operated in exchange for financial or other consideration. Any use or business with five (5) or more amusement machines shall be considered an arcade in addition to any other principal use of the land.

(Ord. C-6533 § 1 (part), 1988)

21.15.230 - Architectural protrusion.

"Architectural protrusion" means a projection from a wall of a building that is more than eight inches (8") in width or projection, is an integral part of the design of that wall, but which provides no usable interior space.

(Ord. C-6533 § 1 (part), 1988)

21.15.240 - Artist studio.

"Artist studio" means a premises used for the creation of fine arts. An artist studio may contain living quarters as an accessory residential use (Section 21.15.063). When studio and residence are combined they are designated as "artist studio and residence" in the use table.

(Ord. C-6895 § 2, 1991; Ord. C-6533 § 1 (part), 1988)

21.15.250 - Attached.

"Attached" means the physical connection of two (2) structures sharing four feet (4') or more of common wall.

(Ord. C-6533 § 1 (part), 1988)

21.15.260 - Attic.

"Attic" means the unfinished level between the ceiling of the top floor and the roof. Attic shall be an uninhabitable area.

(Ord. C-6533 § 1 (part), 1988)

21.15.270 - Auto detailing.

"Auto detailing" means an establishment which performs hand-washing, waxing and interior cleaning of passenger vehicles.

(Ord. C-6533 § 1 (part), 1988)

21.15.280 - Auto repair, major.

"Major auto repair" means a place providing a full range of repair and maintenance services for motor vehicles.

(Ord. C-6533 § 1 (part), 1988)

21.15.290 - Auto repair, minor.

- A. "Minor auto repair" means a place performing the following repair and maintenance services for motor vehicles:
1. **Tune-ups.** Major and minor tune-up involving spark plugs, points, condensers, valve adjustment, carburetor overhaul, adjustment of fuel injection systems, fuel pump and all necessary filters;
 2. **Lubrication.** Oil changes and filter replacement, transmission and rear end oil change;
 3. **Cooling System.** Remove and replace radiator and repair of same (not including core repair or replacement); replace water pump, heater and other hoses; replace thermostats; recharge air conditioners;
 4. **Drive Train.** Replacement of transmission and motor support mounting; replacement of driveshaft universal bearings, center support bushing, accelerator and brake cables; minor repair of hydraulic systems; replacement of shock absorbers;
 5. **Brakes.** Remove and replace shoes and brake pads; rebuild master and wheel cylinders and disc caliper; adjustment of brakes. Machine work related to turning of drums or discs;
 6. **Wheels.** Adjust steering box; replacement of rubber bushings in suspension; wheel balancing; replacement of wheel bearings;
 7. **Electrical.** Charge battery; remove, repair and replace starter, alternator, generator and regulator; rewiring of automobile and lights; repair or replacement of gauges; installation of radios;
 8. **Fuel System.** Change gas tank; change and repair of fuel lines; replace fuel gauge sending unit; tail pipe and muffler replacement.
- B. "Minor auto repair" does not include:
1. Cylinder head replacement;
 2. Valve grinding or replacement;

3. Clutch replacement;
 4. Repair, replace transmission, rear end, rear axles, king pins;
 5. Body work;
 6. Engine replacement;
 7. Repair of fuel tank;
 8. Radiator or heater core repair or replacement;
 9. Painting;
 10. Fender repair;
 11. Engine or transmission removal; or
 12. Repair activities that require entry into the engine other than those specifically listed as approved as minor automobile repair.
- C. Any activity combining any activity in Subsection 21.15.290.A with any activity in Subsection 21.15.290.B shall be defined as "major auto repair".

(Ord. C-7663 § 2, 1999; Ord. C-6533 § 1 (part), 1988)

21.15.300 - Automobile service station.

"Automobile service station" means a place of retail business engaged in supplying goods essential to the normal operation of motor vehicles.

(Ord. C-6533 § 1 (part), 1988)

21.15.310 - Automobile wrecking.

"Automobile wrecking" means the dismantling, demolition or crushing of any automotive vehicle, for the storage of abandoned or irreparably damaged vehicles. A "wrecked automobile" means any vehicle with:

- A. Dented areas in excess of one (1) square foot;
- B. Rusted exterior body parts; and/or
- C. Broken glass.

(Ord. C-6533 § 1 (part), 1988)

21.15.320 - Awning.

"Awning" means a sunscreen cantilevered from the wall of a building.

(Ord. C-6533 § 1 (part), 1988)

21.15.330 - Balcony.

"Balcony" means an open area located either recessed or projected out from the walls of a building. 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.

(Ord. C-6533 § 1 (part), 1988)

21.15.335 - Bank.

"Bank" means any national and state bank, and any federal branch and insured branch; and includes any former savings association. The term "state bank" means any bank, banking association, trust company, savings bank, industrial bank (or similar depository institution which the Board of Directors finds to be operating substantially in the same manner as an industrial bank), or other banking institution which is engaged in the business of receiving deposits, other than trust funds; and is incorporated under the laws

of any State or which is operating under the Code of Law for the District of Columbia, including any cooperative bank or other unincorporated bank the deposits of which were insured by the corporation on the day before the date of the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(ORD-13-0018, § 8, 2013)

21.15.340 - Basement.

"Basement" means any area or room in a structure in which the ceiling is not more than four feet (4') above grade.

(Ord. C-6533 § 1 (part), 1988)

21.15.350 - Bay window.

"Bay window" means a window projecting from the wall of a building containing windows on all walls of the projection. The projecting bay is floor to ceiling in height, is not more than one-half (½) the width of the room from which it projects and is not less than fifty percent (50%) glass.

(Ord. C-7032 § 2, 1992; Ord. C-6533 § 1 (part), 1988)

21.15.360 - Bed and Breakfast Inn.

"Bed and breakfast inn" means a house, or portion thereof, where short-term stay lodging rooms and meals are provided. The operator of the inn shall live on the premises, or adjacent premises.

(Ord. C-6533 § 1 (part), 1988)

21.15.370 - Billboard.

"Billboard" means a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. This includes, but is not limited to, electronic billboards, building graphics, supergraphics, building wraps, and wall drop signs containing off-site messages, and billboards painted or applied to building walls.

(ORD-12-0006, § 1, 2012; Ord. C-6533 § 1 (part), 1988)

21.15.372 - Billboard, abandoned.

A billboard shall be considered abandoned consistent with the definition and standards set forth in Section 2272 (Abandoned Display) of the Outdoor Advertising Act, California Business and Professions Code, as amended from time to time. If the billboard in question is not subject to the Outdoor Advertising Act, it shall be considered abandoned consistent with the definition of "abandoned" contained in Section 21.15.030 ("Abandoned") of this Title.

(ORD-12-0006, § 6, 2012)

21.15.374 - Billboard, electronic.

An electronic billboard is a billboard whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electronically illuminated or electronically actuated or motivated elements. This includes billboards with displays that have to be preprogrammed to display only certain types of information (i.e., time, date, temperature) and billboards whose informational content can be changed or altered by means of computer-driven electronic impulses. This includes, without limitation, billboards also known as digital billboards or LED billboards.

(ORD-12-0006, § 6, 2012)

21.15.380 - Board and Care Home.

See "Residential Care Facility".

(Ord. C-6533 § 1 (part), 1988)

21.15.390 - Boardinghouse.

"Boardinghouse" means a house, or portion thereof, where food and lodging are provided for long-term occupancy. Boardinghouse does not provide care service.

(Ord. C-6533 § 1 (part), 1988)

21.15.400 - Body or Hearing Body.

"Body or hearing body" means the individual or group duly authorized by this Title to consider changes to, relief from or special consideration under the Zoning Regulations. This definition includes the City Council, City Planning Commission, the Zoning Administrator, and the Site Plan Review Committee.

(Ord. C-6533 § 1 (part), 1988)

21.15.410 - Building.

"Building" means any roofed structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

(Ord. C-6533 § 1 (part), 1988)

21.15.420 - Building Code.

"Building Code" means the building regulations of the City of Long Beach.

(Ord. C-6533 § 1 (part), 1988)

21.15.430 - Building Coverage.

"Building coverage" means "lot coverage". (See "lot coverage".)

(Ord. C-6533 § 1 (part), 1988)

21.15.440 - Business Support Service.

"Business support service" means a commercial land use consisting of activities performed for or products supplied to other commercial land uses. Business support services include printing, photocopying, business equipment rental and office supply.

(Ord. C-6533 § 1 (part), 1988)

21.15.442 - Car title loans.

"Car title loan" means a short-term loan in which the borrower's car title is used as collateral. The borrower must be the lien holder (i.e., own the car outright). Car title loans can be regulated as either consumer or commercial loans by the State of California. This does not include loans for automobiles regulated by the Federal Trade Commission (FTC).

(ORD-13-0018, § 9, 2013)

21.15.445 - Caretaker residence.

A "caretaker residence" is an "accessory residential use" for the purpose of the twenty-four (24) hour maintenance or security of a nonresidential use.

(Ord. C-6895 § 28, 1991)

21.15.450 - Categorical Exclusion.

"Categorical exclusion" means those types of development excluded from a coastal development permit requirement pursuant to Public Resources Code Section 30610(d) and Sections 00130(c) and 00132(b) of the Local Coastal Program Implementation Regulations.

(Ord. C-6533 § 1 (part), 1988)

21.15.460 - Certificate of Occupancy.

"Certificate of occupancy" means the official certification that a premises conforms to the provisions of the Zoning Regulations and Building Code and may be used or occupied. Unless such a certificate is issued, a structure shall not be occupied.

(Ord. C-6533 § 1 (part), 1988)

21.15.470 - Chattel.

"Chattel" means any tangible, movable, personal property whatsoever, including, but not limited to: building materials, household furniture, appliances or motor vehicle parts, but not including duly licensed operable vehicles or recreational vehicles, boats, camper shells or off-the-road vehicles mounted thereon.

(Ord. C-6533 § 1 (part), 1988)

21.15.475 - Check cashing.

"Check cashing" is a commercial land use that generally includes some or all of a variety of financial services including cashing of checks, warrants, drafts, or other commercial paper serving the same purpose. "Check cashing" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Check cashing" also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cashes checks or issues money orders for a minimum flat fee not exceeding two dollars (\$2.00) per transaction as a service to its customer that is incidental to its main purpose or business.

(ORD-13-0018, § 1, 2013; Ord. C-7663 § 33, 1999)

21.15.480 - Child care—Large family daycare home.

"Large family daycare home" means a home providing accessory daytime care of seven (7) to fourteen (14) children, including those children of the daycare provider under ten (10) years of age.

(Ord. C-7550 § 1, 1998; Ord. C-7032 § 3, 1992; Ord. C-6533 § 1 (part), 1988)

21.15.490 - Child care—Small family daycare home.

"Small family daycare home" means a home providing accessory daytime care of eight (8) or less children, including those children of the daycare provider under ten (10) years of age.

(Ord. C-7550 § 2, 1998; Ord. C-7032 § 4, 1992; Ord. C-6533 § 1 (part), 1988)

21.15.500 - Chimney.

"Chimney" means that portion of a building enclosing a fireplace and flue, exterior to the walls of the building. Chimney does not include fuel storage areas, shelves, notches, voids, or contiguous storage areas not part of the operational firebox or flue and their enclosing walls. Chimneys, as projections, are limited to five feet (5') in width.

(Ord. C-6533 § 1 (part), 1988)

21.15.510 - Church.

"Church" means an institutional land use providing facilities for worship or the assemblage of the public for worship. Accessory uses include personal counseling and education in subjects relating to personal life and also the building or buildings where such activities take place. This definition includes cathedral, mosque, shrine, synagogue or temple, and other religious worship places.

(Ord. C-6533 § 1 (part), 1988)

21.15.520 - Clinic, medical.

"Medical clinic" means an organization of medical professionals providing physical or mental health service or surgical care for the sick or injured. A medical clinic does not include inpatient or overnight accommodation.

(Ord. C-6533 § 1 (part), 1988)

21.15.530 - Coastal zone.

"Coastal zone" means that area of the City as designated in Section 17 of the Statutes of 1976 of the State, exclusive of the area of the Port of Long Beach, as included in the Port of Long Beach Master Plan.

(Ord. C-6533 § 1 (part), 1988)

21.15.540 - Coastally dependent.

"Coastally dependent" means and includes:

- A. Uses and facilities for waterborne transportation;
- B. Uses and facilities for waterborne or water's edge recreation;
- C. Uses and facilities for recovery of natural resources from a marine or submarine environment;
- D. Uses and facilities for research or monitoring the marine or submarine environment;
- E. Uses and facilities for energy generation or waste disposal; and
- F. Uses determined as coastally dependent by the Harbor Department, Harbor Commission or Coastal Commission in implementation of the port's certified local coastal program.

(Ord. C-6533 § 1 (part), 1988)

21.15.550 - Code.

"Code" means the Long Beach Municipal Code.

(Ord. C-6533 § 1 (part), 1988)

21.15.555 - Collectibles.

"Collectibles" means items whose value is derived from their aesthetic properties or an anticipation that they will increase in value rather than their functional properties; such as, coins, porcelain figurines, sports cards, stamps and the like.

(Ord. C-7047 § 29, 1992)

21.15.560 - Commercial.

"Commercial" means a category of land uses characterized by the exchange of goods and services for financial or other consideration.

(Ord. C-6533 § 1 (part), 1988)

21.15.562 - Commercial loans.

"Commercial loan" means a loan of a principal amount of five thousand dollars (\$5,000.00) or more, or any loan under an open-end credit program, whether secured by either real or personal property, or both, or unsecured, the proceeds of which are intended by the borrower for use primarily for other than personal, family, or household purposes as defined in Section 22502 of the California Financial Code. For purposes of determining whether a loan is a commercial loan, the lender may rely on any written statement of intended purposes signed by the borrower. The statement may be a separate statement signed by the borrower or may be contained in a loan application or other document signed by the borrower. The lender shall not be required to ascertain that the proceeds of the loan are used in accordance with the statement of intended purposes.

(ORD-13-0018, § 10, 2013)

21.15.565 - Commercial recreation.

"Commercial recreation" means any recreational use and/or activity for which a fee is charged by a private, for profit person, partnership or corporation where that entity has the discretion to set the fee independently of the City's Recreation Commission or Council.

(Ord. C-7826 § 1, 2002; Ord. C-7032 § 45, 1992)

21.15.570 - Commercial storage/self-storage.

"Commercial storage/self-storage" means a commercial land use consisting of the rental of space for the storage of personal property (mini-warehouse) and the storage of recreational vehicles. An industrial warehouse is not considered commercial storage.

(Ord. C-7904 § 1, 2004; Ord. C-6533 § 1 (part), 1988)

21.15.580 - Commission.

"Commission" means the Planning Commission of the City.

(Ord. C-6533 § 1 (part), 1988)

21.15.590 - Communal housing.

"Communal housing" means housing for nonfamily groups with common kitchen and dining facilities but without medical, psychiatric or other care. Communal housing includes boarding house, lodging house, dormitory, fraternity house, commune, and religious home. Communal housing does not include handicapped or senior citizen housing, residential care facility, or convalescent hospital.

(Ord. C-6533 § 1 (part), 1988)

21.15.600 - Community care facility.

See "Residential care facility".

(Ord. C-6533 § 1 (part), 1988)

21.15.602 - Community correctional reentry center.

"Community correctional reentry center" means a special group residency in which the California Department of Corrections contracts with a public or private entity for the establishment and operation of a facility with programs to increase the likelihood of a successful parole by providing inmates training in industrial employment skills and other counseling as required by the State of California.

(Ord. C-7392 § 2, 1996)

21.15.605 - Community garden.

"Community garden" means a plot of land where flowers, fruits, herbs, or vegetables are cultivated by individuals of a neighborhood (noncommercial activity).

(Ord. C-7378 § 22, 1995)

21.15.607 - Computer arcade.

"Computer arcade" means a principal commercial entertainment land use consisting of five (5) or more computer terminals rented to the public for the primary purpose of playing computer games. "Computer arcade" is synonymous with "internet cafe", "internet arcade", "cyber arcade", and other internet or computer based entertainment businesses. Four (4) or less computers used in this way at one (1) site shall be considered an accessory use, subject to the provisions of Section 21.51.205. Computers used for business purposes in conjunction with printing services shall be considered a business office support use.

"Computer cafe", "cyber cafe", or "internet cafe" means an accessory use consisting of ten (10) or less computers rented to the public for the primary purpose of internet access, subject to the provisions of Section 21.51.226. Facilities that have eleven (11) or more computers shall be considered computer arcades. The principal use of a computer cafe, cyber cafe, or internet cafe shall be a restaurant of any type as defined by this Title 21.

(Ord. C-7961 § 2, 2004; Ord. C-7881 § 6, 2003)

21.15.610 - Computer program consulting service.

"Computer program consulting service" means a professional office providing computer software consulting service. Such a service shall not include hardware maintenance and repair work.

(Ord. C-6533 § 1 (part), 1988)

21.15.620 - Conditional use.

"Conditional use" means a use of land that, due to the specific nature and unique characteristics of the use, requires special standards and discretionary review to insure conformance with the purpose of the Zoning Regulations.

(Ord. C-6533 § 1 (part), 1988)

21.15.630 - Conditional use permit.

"Conditional use permit" means the discretionary permit granted by an authorized hearing body to establish a specific conditional use, subject to specified standards.

(Ord. C-6533 § 1 (part), 1988)

21.15.635 - Consumer loans.

"Consumer loan" means a loan, whether secured by either real or personal property, or both, or unsecured (i.e., signature loan), the proceeds of which are intended by the borrower for use primarily for personal, family, or household purposes (the lender shall not be required to ascertain that the proceeds of the loan are used in accordance with the statement of intended purposes). For purposes of determining whether a loan is a consumer loan, the lender may rely on any written statement of intended purposes signed by the borrower. The statement may be a separate statement signed by the borrower, or may be contained in a loan application or other document signed by the borrower. In addition to the definition of consumer loan in California Finance Code Section 22230, a "consumer loan" also means a loan of a principal amount of less than five thousand dollars (\$5,000.00), the proceeds of which are intended by the borrower for use primarily for other than personal, family, or household purposes.

(ORD-13-0018, § 11, 2013)

21.15.640 - Convalescent hospital.

"Convalescent hospital" means a facility providing long-term nursing, dietary and other medical services to convalescents or invalids but not providing surgery or primary treatments such as are customarily provided in a hospital. Convalescent hospital includes nursing home and rest home, but does not include general or specialized hospital or residential care facility. A convalescent hospital must be licensed by the State as such.

(Ord. C-6533 § 1 (part), 1988)

21.15.650 - Conversion.

"Conversion" means changing the original purpose of a building to different use.

(Ord. C-6533 § 1 (part), 1988)

21.15.660 - Corner cut-off.

"Corner cut-off" means the triangular area created by measuring from the corner of a lot six (6) to ten feet (10') along each property line or driveway and connecting the points at the end of those lines (Figure 15-4). Within the corner cut-off area, no structure or vegetation which obstructs view shall be permitted.

(Ord. C-6533 § 1 (part), 1988)

21.15.670 - Corner lot.

See "Lot, corner."

(Ord. C-6533 § 1 (part), 1988)

21.15.680 - Corral.

"Corral" means a pen or enclosure for confining livestock, as defined in this Title. It is generally a fenced-in area containing more than ninety-six (96) square feet of area which is open to the sky and which does not have a wall greater than six feet (6') in height.

(Ord. C-6533 § 1 (part), 1988)

21.15.690 - Corrosive.

"Corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action. Corrosive shall not refer to such action on inanimate surfaces.

(Ord. C-6533 § 1 (part), 1988)

21.15.700 - Courtesy parking.

"Courtesy parking" means parking provided on-premises or off-premises for visitors or customers as an accessory use.

(Ord. C-6533 § 1 (part), 1988)

21.15.705 - Courtyard.

"Courtyard" means any usable open space surrounded on two (2) sides or more of its perimeter by a wall of a building which is clear from the ground to the sky.

(Ord. C-6933 § 41, 1991)

21.15.710 - Curb level.

"Curb level" means the level of the established curb in front of a building, as measured at the center of the front. Where no curb level has been established, the City Engineer shall establish the curb level or its equivalent.

(Ord. C-6533 § 1 (part), 1988)

21.15.720 - Daycare center.

"Daycare center" means any facility which provides nonmedical care for an individual on less than a twenty-four (24) hour basis. Daycare center includes all daycare uses not qualifying as a child daycare home.

(Ord. C-6533 § 1 (part), 1988)

21.15.730 - Day nursery, preschool or nursery school.

See "Daycare center."

(Ord. C-6533 § 1 (part), 1988)

21.15.740 - Deck.

"Deck" means an open platform which is either freestanding or attached to a building or upon the roof of a building.

(Ord. C-6533 § 1 (part), 1988)

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.

(Ord. C-7619 § 1, 1999; Ord. C-6533 § 1 (part), 1988)

21.15.760 - Density.

"Density" means the existing or projected number of rooms or dwelling units per unit of land.

(Ord. C-6533 § 1 (part), 1988)

21.15.770 - Density transfer.

"Density transfer" means permitting unused allowable densities in one area to be transferred to another area. Where density transfer is permitted, the average density over an area remains constant, but internal variations may occur.

(Ord. C-6533 § 1 (part), 1988)

21.15.780 - Detached building.

"Detached building" means a building which does not have a wall of four feet (4') or more in length in common with another building. If two (2) buildings are connected only by breezeways, extended walls, extended roofs, fences, or joists, in the absence of a common wall, the buildings shall be considered detached buildings for the purpose of this definition.

(Ord. C-6533 § 1 (part), 1988)

21.15.790 - Development.

A. "Development" means:

1. The division of a parcel of land into two (2) or more parcels;
 2. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;
 3. Any mining, excavation, landfill or land disturbance; or
 4. Any use or extension of the use of land.
- B. This definition includes, but is not limited to:
1. Subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code);
 2. Any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of the land by a public agency for public recreational use;
 3. Change in the intensity of use of water, or of access thereto;
 4. Construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and
 5. The removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).
- C. As used in this Section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line.

(Ord. C-6533 § 1 (part), 1988)

21.15.800 - Development agreement.

"Development agreement" means an agreement entered into between the City of Long Beach and a contracting party which relates to a specific real property, subject to the terms of the agreement, pursuant to the provisions of this Title and Article 2.5, Chapter 4, Division I of Title 7 of the California Government Code.

(Ord. C-6533 § 1 (part), 1988)

21.15.810 - Development rights.

"Development rights" means the ability to use and improve a parcel of land as granted and regulated by the Zoning Regulations.

(Ord. C-6533 § 1 (part), 1988)

21.15.820 - Disposal.

"Disposal" means the abandonment, disposition or other removal of waste as a final action after use has been achieved or a use is no longer intended.

(Ord. C-6533 § 1 (part), 1988)

21.15.830 - Disposal site.

"Disposal site" means the location where any final disposition of waste occurs.

(Ord. C-6533 § 1 (part), 1988)

21.15.840 - District, zoning.

"Zoning district" means a section of the City delineated on the zoning map for which requirements and regulations uniformly govern the use, placement, spacing and size of land and buildings.

(Ord. C-6533 § 1 (part), 1988)

21.15.850 - Double-frontage lot.

See "Lot, through."

(Ord. C-6533 § 1 (part), 1988)

21.15.860 - Double zero side yard.

"Double zero side yard" means property developed to both side property lines (Figure 15-4).

(Ord. C-6533 § 1 (part), 1988)

21.15.870 - Drive-in restaurant.

See "Restaurant, fast-food."

(Ord. C-6533 § 1 (part), 1988)

21.15.880 - Driveway.

"Driveway" means a private roadway for the exclusive use of the occupants of a property and their guests, and which provides vehicular access to parking spaces, garages, dwellings or other structures on a site. A driveway shall not be considered as a street nor as part of any required parking.

(Ord. C-6533 § 1 (part), 1988)

21.15.890 - Duplex (two-family dwelling).

"Duplex" means a building containing two (2) dwelling units.

(Ord. C-6533 § 1 (part), 1988)

21.15.900 - Dwelling.

"Dwelling" means a building or portion thereof designed or used exclusively for permanent residential occupancy by one (1) or more persons.

(Ord. C-6533 § 1 (part), 1988)

21.15.910 - Dwelling unit.

"Dwelling unit" means one (1) or more rooms designed, occupied or intended for occupancy as separate, self-contained, permanent living quarters. Separate housing units are those in which occupants live and eat separately from any other person in the building. Each dwelling unit has direct access from outside the building or through a common hall. Any area with a direct exterior access, a bathtub or shower, and a room other than the bathroom, which can together be locked off from the remainder of the building, will be considered a dwelling unit.

(Ord. C-7032 § 5, 1992; Ord. C-6533 § 1 (part), 1988)

21.15.920 - Dwelling, multiple-family.

"Multiple-family dwelling" means a permanent building designed for or occupied by three (3) or more families living independently of each other. This includes apartment houses and condominiums, but does not include hotels, motels, communal housing, residential care facilities or convalescent hospitals.

(Ord. C-6533 § 1 (part), 1988)

21.15.930 - Dwelling, one-family.

"One-family dwelling" means a residential unit designed and intended for occupancy by one (1) family. A one-family dwelling contains one (1) kitchen for central preparation of meals. This definition includes manufactured housing (when placed on a foundation for permanent residency) and group homes.

(Ord. C-6533 § 1 (part), 1988)

21.15.940 - Easement.

"Easement" means a recorded right or interest in the land of another, which entitles the holder thereof to some use, privilege or benefit out of or over the land.

(Ord. C-6533 § 1 (part), 1988)

21.15.950 - Educational institution.

"Educational institution" means an institutional land use such as private or public school, college, or university qualified by the State Board of Education to give general academic instruction. Educational institution does not include vocational school as defined in this Chapter.

(Ord. C-6533 § 1 (part), 1988)

21.15.960 - Electrical distribution substation.

"Electrical distribution substation" means an assembly of equipment (fuel cells, microwave, cable, radio and/or other communication facilities) which is part of a system for distribution of electric power. At an electrical distribution substation, electric energy is normally received at a subtransmission voltage and is transformed to a lower voltage, and/or is produced at this lower voltage (in case a fuel cell is installed) for distribution to the consumer.

(Ord. C-6533 § 1 (part), 1988)

21.15.962 - Electrical generating station.

"Electrical generating station" means an installation containing prime movers, electric generators, auxiliary equipment, fuel storage and microwave, cable, radio and/or other communication facilities which are incorporated into the installation for the purpose of converting chemical, hydraulic and/or mechanical energy into electrical energy.

(Ord. C-6533 § 1 (part), 1988)

21.15.964 - Electronic or video game.

"Electronic game" or "video game" means any device predominantly motivated or activated by electronic and mechanical means which is designed to be operated by or for a patron or patrons and for which a fee is charged. Electronic or video game include video games and other devices of a predominantly electronic or electronic and mechanical nature considered to be substantially similar to such devices.

(Ord. C-6533 § 1 (part), 1988)

21.15.966 - Emergency shelter.

"Emergency shelter" means a dwelling area, without kitchen, provided on a short-term basis by a nonprofit organization for the temporary housing of persons.

(Ord. C-6533 § 1 (part), 1988)

21.15.970 - Entertainment service.

"Entertainment service" means a commercial land use which provides the rental of space or equipment on a short-term basis for the purpose of some leisure time activity. Entertainment service includes movie theater, social club and bowling alley.

(Ord. C-6533 § 1 (part), 1988)

21.15.980 - Equipment.

"Equipment" means items, generally mechanical, used to perform an activity; it does not include clothing.

(Ord. C-6533 § 1 (part), 1988)

21.15.990 - Equipment, garden.

"Garden equipment" means equipment primarily used to maintain landscaped areas (e.g., lawn mowers or edgers); it does not include equipment used in the construction of planters, decks or patios.

(Ord. C-6533 § 1 (part), 1988)

21.15.995 - Exterior remodeling.

"Exterior remodeling" means any change to the exterior facade of a building requiring a building permit, such as the changing of windows including frame and mullion systems, the changing of glazing when the new glazing has an exterior daylight reflectance of fifteen percent (15%) or more, or the addition or deletion of awnings, canopies, cornices, and the like.

(Ord. C-7047 § 30, 1992)

21.15.1000 - Facing.

"Facing" means orientation of the street frontage of a lot towards lots across the street.

(Ord. C-6533 § 1 (part), 1988)

21.15.1010 - Family.

"Family" means any group of individuals living together based on personal relationships. Family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, nunneries, residential care facilities or military barracks, nor does it include such commercial group living arrangements as boardinghouses, lodgings and the like.

(Ord. C-6533 § 1 (part), 1988)

21.15.1020 - Fast-food restaurant.

See "Restaurant, fast-food".

(Ord. C-6533 § 1 (part), 1988)

21.15.1030 - Feasible.

"Feasible" means the ability to construct an improvement on a site from the standpoint of physical capabilities. It does not include economic desirability.

(Ord. C-6533 § 1 (part), 1988)

21.15.1040 - Fence height.

"Fence height" means the vertical dimension of a fence measured upward from the grade or from the adjacent top of curblin or alley, whichever is greater.

(Ord. C-6533 § 1 (part), 1988)

21.15.1050 - Financial service.

"Financial service" means a commercial land use involved with the exchange of money and services related to the financial system.

(Ord. C-6533 § 1 (part), 1988)

21.15.1055 - Fixed bar.

"Fixed bar" means any counter which can accommodate seating on one (1) side and an area on the opposite side from which tavern or restaurant employees may serve alcoholic beverages exclusively to seated or standing patrons.

(Ord. C-7326 § 2, 1995; Ord. C-7032 § 46, 1992)

21.15.1060 - Flammable.

"Flammable" means and includes:

- A. A liquid which has a flash point at or below thirty-seven and eight-tenths degrees centigrade (37.8°C)(100°F), as defined by procedures described in Title 49, Code of Federal Regulations, Section 173.115;
- B. A gas for which a mixture of thirteen percent (13%) or less, by volume, with air, forms a flammable mixture at atmospheric pressure, or the flammable range with air at atmospheric pressure is wider than twelve percent (12%) regardless of the lower limits. Testing methods described in Title 49, Code of Federal Regulations, Section 173.115, shall be used;
- C. A solid which is likely to cause fires due to friction; to retain heat from processing; or which can be ignited under normal temperature conditions and when ignited burns so as to create a serious threat to public health and safety. Normal temperature conditions means temperatures normally encountered in the handling, treatment, storage and disposal of hazardous wastes;
- D. A gas, liquid, sludge or solid which ignites spontaneously or in dry or moist air at or below fifty-four and three-tenths degrees centigrade (54.3°C)(130°F) or upon exposure to water;
- E. A strong oxidizer.

(Ord. C-6533 § 1 (part), 1988)

21.15.1065 - Fleet service/company vehicle operations.

Establishments with fleet service or company vehicles providing transportation services, office equipment repair, appliance or electronic equipment repair, termite and pest control, or commercial or residential building maintenance services at off-site locations, or similar operations utilizing six (6) or more company vehicles.

(Ord. C-7550 § 15, 1998)

21.15.1070 - Floor area, gross (GFA).

- A. "Gross floor area (GFA)" means the total area of all floors of a building, as measured to the outside surfaces of exterior walls. Gross floor area includes halls, stairways, elevator shafts, garages and mezzanines, except as otherwise defined in a specific Section of this Title.
- B. For the purpose of calculating GFA in all residential districts, up to four hundred (400) square feet of garage area may be exempted from floor area. For single-family dwellings, the exemption may be up to six hundred (600) square feet.
- C.

For the purpose of calculating GFA in all residential districts, outdoor roof deck or balcony areas open to the sky or covered by patio cover or similar structure, when enclosed on all sides by a parapet, solid railing or building wall greater than three feet six inches (3'6") in height, shall be included. However, open areas within the building above normal ceiling height shall not be calculated.

- D. For the purpose of calculating GFA in all nonresidential buildings, utility and elevator cores, and stairwells and restrooms shall be exempted.

(Ord. C-7326 § 3, 1995; Ord. C-6684 § 13, 1990; Ord. C-6533 § 1 (part), 1988)

21.15.1090 - Floor area ratio.

"Floor area ratio" means the numerical value obtained by dividing the gross floor area of a building or buildings located on a lot or parcel of land by the total area of the lot or parcel of land (Figure 15-6).

(Ord. C-6533 § 1 (part), 1988)

21.15.1100 - Fortunetelling.

"Fortunetelling" means a commercial land use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortunetelling shall be limited to uses where the fortune is told through astrology, augury, card or tea reading, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, magic mediumship, necromancy, palmistry, psychometry, phrenology, prophecy, spiritual reading or any similar means. Fortunetelling does not include forecasting based on historical trends or patterns, religious or political dogma, or any of the previously listed arts when presented in an assembly of people who purchase tickets or means in exchange for the presentation at a site licensed for entertainment land uses.

(Ord. C-6533 § 1 (part), 1988)

21.15.1110 - Foster family home.

See "group home".

(Ord. C-6533 § 1 (part), 1988)

21.15.1120 - Fourplex (four-family dwelling).

"Fourplex" means a building containing four (4) dwelling units.

(Ord. C-6533 § 1 (part), 1988)

21.15.1130 - Fraternity house or sorority house.

"Fraternity house" or "sorority house" means a building, or a portion of a building, occupied by a chapter of a regularly organized college fraternity or sorority officially recognized by an educational institution.

(Ord. C-6533 § 1 (part), 1988)

21.15.1140 - Frontage.

"Frontage" means the length of that portion of a lot abutting a street.

(Ord. C-6533 § 1 (part), 1988)

21.15.1150 - Front lot line.

"Front lot line" is defined as follows:

- A. **Corner Lot.** On a corner lot, the shortest line separating the lot from an abutting street. When two (2) or more recorded lots or fractional lots are developed together, the Zoning Administrator shall determine the front lot line as that most consistent with development patterns on

surrounding lots.

- B. **Interior Lot.** On an interior lot, the lot line between the lot and the street.
- C. **Double Frontage.** On a lot fronting on two (2) streets (other than a corner lot), both lot lines abutting the streets shall be considered front lot lines.
- D. **Triangular or Gore-Shaped.** On triangular or gore-shaped lots, any lot line separating the lot from an abutting street, and which is essentially a continuation of the front lot lines of abutting lots.
- E. **Multiple Frontage.** On a lot fronting on three (3) or more streets, the Zoning Administrator shall determine the front lot line based on traffic patterns and the appropriateness of the site plan.
- F. **No Frontage.** On a lot with no street frontage, the front lot line shall be the shortest lot line abutting any public property other than an alley. Wherever no public property abuts the lot, the front lot line shall be the shortest line abutting an alley.

(Ord. C-6533 § 1 (part), 1988)

21.15.1160 - Front yard, required.

"Required front yard" means the area between the front lot line and the required front setback line extending across the entire width of the lot (Figure 15-3), as prescribed for a given land use district.

(Ord. C-6533 § 1 (part), 1988)

21.15.1170 - Garage.

"Garage" means an accessory building, or portion of a building, used for the parking or temporary storage of automobiles for the occupants of the premises. A garage (except a parking structure) shall be enclosed on all sides and possess a fully closing door at the point of vehicular access.

(Ord. C-6533 § 1 (part), 1988)

21.15.1180 - General Plan.

"General Plan" means the adopted General Plan of the City of Long Beach.

(Ord. C-6533 § 1 (part), 1988)

21.15.1190 - Grade.

"Grade" is defined as follows:

- A. The average elevation at the front top of curblines.
- B. If the average elevation of the rear property line differs from that of the front top of curb by five feet (5') or more, then grade shall be the plane connecting the average front elevation and the average rear elevation.
- C. In flood hazard areas, grade means the elevation at flood hazard level or grade as defined above, whichever is the highest point.

(Ord. C-6533 § 1 (part), 1988)

21.15.1200 - Group home.

"Group home" means any residential care facility for six (6) or fewer persons who are mentally disordered or otherwise handicapped or supervised. A group home must be licensed by the State under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code. Group home does not include any facility for wards of the juvenile court.

(Ord. C-6533 § 1 (part), 1988)

21.15.1205 - Guardrail.

"Guardrail" means a protective railing required by the Uniform Building Code, designed to withstand the pressure specified in the Uniform Building Code. The height shall not exceed the minimum height required in the Uniform Building Code. "Open guardrail" means a guardrail that is visibly open (consisting of eighty percent (80%) of railing area to be open). A visually transparent wind screen shall be considered as open guardrail.

(Ord. C-6533 § 1 (part), 1988)

21.15.1210 - Guest parking.

"Guest parking" means parking spaces provided with a residential unit for intermittent use by visitors.

(Ord. C-6533 § 1 (part), 1988)

21.15.1220 - Guestroom.

"Guestroom" means any rented or leased room which is used or designed to provide sleeping accommodations for one (1) or more guests in apartments, hotels, motels, private clubs, lodges, and fraternal organizations. In a suite of rooms, each room that provides access to a common hall or direct access to the outside area shall be considered as one (1) guestroom.

(Ord. C-6533 § 1 (part), 1988)

21.15.1230 - Halfway house.

See "Residential care facility".

(Ord. C-6533 § 1 (part), 1988)

21.15.1240 - Handicapped housing.

"Handicapped housing" means any housing which is designed and physically improved to accommodate physically handicapped persons. Handicapped housing does not include residential care facility.

(Ord. C-6533 § 1 (part), 1988)

21.15.1250 - Hazardous material.

"Hazardous material" means any substance or mixture of substances which is toxic, corrosive, flammable, an irritant, a strong sensitizer; or which generates pressure through decomposition, heat or other means, if such substance or mixture of substances may cause substantial injury, serious illness or harm to humans, domestic livestock or wildlife. Hazardous material includes extremely hazardous material.

(Ord. C-6533 § 1 (part), 1988)

21.15.1260 - Hazardous waste.

"Hazardous waste" means any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer; or which generates pressure through decomposition, heat or other means, if such a waste or mixture of wastes may cause substantial injury, serious illness or harm to humans, domestic livestock or wildlife. Hazardous waste includes extremely hazardous waste.

(Ord. C-6533 § 1 (part), 1988)

21.15.1270 - Hazardous waste area.

"Hazardous waste area" means any area where hazardous wastes are stored, mixed, handled, treated, discarded or disposed of.

(Ord. C-6533 § 1 (part), 1988)

21.15.1280 - Hazardous waste facility.

"Hazardous waste facility" means a facility which handles, stores, treats or disposes of a hazardous waste and which contains at least one (1) hazardous waste area. Hazardous waste facility does not include a facility using a biological process of the property of a producer treating oil, its products and water, and producing an effluent which is continuously discharged to navigable waters in compliance with a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 USC 1342).

(Ord. C-6533 § 1 (part), 1988)

21.15.1290 - Hazardous waste facility, off-site.

"Off-site hazardous waste facility" means an operation involving handling, treatment, storage or disposal of a hazardous waste in one (1) or more of the following situations:

- A. The hazardous waste is transported via a commercial railroad, a public road or public waters, where adjacent land is not owned by, or leased to, the producer of the waste.
- B. The hazardous waste is at a site which is not owned by, or leased to, the producer of the waste.
- C. The hazardous waste is at a site which receives hazardous waste from more than one (1) producer.

(Ord. C-6533 § 1 (part), 1988)

21.15.1300 - Hazardous waste facility, on-site.

"On-site hazardous waste facility" means an operation involving handling, treatment, storage or disposal of hazardous waste on land owned by, or leased to, a waste producer, and which received hazardous waste produced only by that producer. An operation that occurs after waste is transported by a commercial railroad, or on public waters or on a public road shall be considered an on-site operation only if the producer of the waste owns at least ninety percent (90%) of the linear frontage of the route traveled by the waste, or if the disposal site and the area where the hazardous wastes are generated are on the same continuous property.

(Ord. C-6533 § 1 (part), 1988)

21.15.1310 - Hazardous waste producer.

"Hazardous waste producer" means any use which results in the generation of hazardous waste.

(Ord. C-6533 § 1 (part), 1988)

21.15.1320 - Hedge.

"Hedge" means any cultivated plant growth which is sufficiently dense along a line as to obstruct passage of light, air or solid objects; it does not constitute a fence or garden wall.

(Ord. C-6533 § 1 (part), 1988)

21.15.1330 - Height of building.

- A. The height of a building with a sloped roof is the vertical distance above "grade", as defined in Section 21.15.1190, to the midpoint height of the highest sloped roof. A sloped roof may include, but is not limited to, a shed, hip, gable, gambrel, mansard or curved roof as shown on Figure 15-5 and is defined as a slanting surface covering the top of the structure. The measurement of this vertical distance is further described in Section 21.15.1335.

- B. The height of a building with a flat roof is the vertical distance above "grade", as defined in Section 21.15.1190, to the top of the railing, parapet or coping (whichever is higher). Examples of buildings with flat roofs are shown on Figure 15-5, and include a building with a mansard parapet. The height of a building with a mansard parapet is the vertical distance above "grade", as defined in Section 21.15.1190, to the top of the railing, parapet or coping (whichever is higher).
- C. The height of a stepped or terraced building is the maximum height of any segment of the building. The height of any dormer shall be considered the height of a separate roof. The highest roof or roof segment shall be utilized in determining compliance with the height limit.
- D. A sloped roof that includes an open roof deck that does not exceed ten percent (10%) of the footprint of the principal building is considered a sloped roof for purposes of measuring height. If the roof deck exceeds ten percent (10%) of the footprint of the principal building, the roof deck shall be considered a flat roof and building height shall be measured to the top of the railing, parapet, or coping (whichever is higher).
- E. Elevator and mechanical equipment penthouses shall not be included in the measurement of height for commercial buildings.

(Ord. C-7776 § 1, 2001: Ord. C-7729 § 1, 2001: Ord. C-6933 § 3, 1991: Ord. C-6822 § 1, 1990: Ord. C-6533 § 1 (part), 1988)

21.15.1335 - Height to midpoint of sloped roof.

"Height to midpoint of sloped roof" means the middle of the distance between the top of the ridge lines of the roof and the bottom of the ceiling of the highest story or mezzanine of the building. If the highest story or mezzanine has an open-beamed or cathedral ceiling, then height shall be measured from the top of the ridge to the bottom of the top plate of the wall supporting the roof. It is the intent of this provision that the sloped roof should not allow any greater volume in the building than a flat-roofed building with equal measured height.

(Ord. C-6822 § 2, 1990: Ord. C-6533 § 1 (part), 1988)

21.15.1338 - High crime.

"High crime" means a crime rate in a crime reporting district that is twenty percent (20%) above the City-wide average for all crimes.

(Ord. C-7032 § 47, 1992)

21.15.1340 - Highway.

"Highway" means any public right-of-way indicated as a highway on the transportation element of the General Plan.

(Ord. C-6533 § 1 (part), 1988)

21.15.1350 - Home occupation.

"Home occupation" means an accessory activity of a nonresidential nature which is performed within a dwelling unit or an accessory structure to the unit. The principal use of the dwelling unit must be a residential use, and the home occupation must be incidental to the residential use of the dwelling unit.

(Ord. C-6533 § 1 (part), 1988)

21.15.1360 - Horse.

"Horse" shall also include mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

(Ord. C-6533 § 1 (part), 1988)

21.15.1370 - Hospital.

"Hospital" means an institutional land use consisting of a facility licensed by the State Department of Public Health for the provision of clinical, temporary or emergency service of a medical, obstetrical or surgical nature to human patients, including overnight care of patients.

(Ord. C-6533 § 1 (part), 1988)

21.15.1380 - Hotel.

"Hotel" means a commercial land use for the rental of six (6) or more guestrooms or suites to primarily transient occupants for a period of not more than thirty (30) consecutive days. Hotel is distinguished from motel by having the entry to the guestrooms from a common interior corridor. (Also see definition for "bed and breakfast inn", "inn", "motel" and "residential care facility".)

(Ord. C-7047 § 1, 1992; Ord. C-6595 § 6, 1989; Ord. C-6533 § 1 (part), 1988)

21.15.1395 - Household pet.

See "Pet, household".

(Ord. C-6533 § 1 (part), 1988)

21.15.1400 - Housing Authority.

"Housing Authority" means the Housing Authority of the City, a public body functioning pursuant to the Housing Authorities Law of the State.

(Ord. C-6533 § 1 (part), 1988)

21.15.1410 - Housing, low cost.

"Low cost housing" means:

- A. Housing renting for a monthly rent of not more than thirty percent (30%) of the total monthly household income of low income households (defined to be a household earning less than eighty percent (80%) of the County median income); or
- B. Housing selling for a total purchase price not exceeding two and one-half (2½) times the annual household income of a low income household.

(Ord. C-6533 § 1 (part), 1988)

21.15.1420 - Housing, moderate cost.

"Moderate cost housing" means:

- A. Housing renting for a monthly rental of not more than thirty percent (30%) of monthly household income of a moderate income household (defined to be a household earning not more than one hundred twenty percent (120%) of the County median income); or
- B. Housing selling for a total purchase price not exceeding two and one-half (2½) times the annual household income of a moderate income household.

(Ord. C-6533 § 1 (part), 1988)

21.15.1430 - Housing, very low cost.

"Very low cost housing" means:

- A.

Housing renting for a monthly rental of not more than thirty percent (30%) of monthly household income of a very low income household (defined to be a household earning not more than fifty percent (50%) of the County median income); or

- B. Housing selling for a total purchase price not exceeding two and one-half (2½) times the annual household income of a very low-income household, adjusted for family size.

(Ord. C-6533 § 1 (part), 1988)

21.15.1440 - Illumination, indirect.

"Indirect illumination" means illumination of a sign or other structure or feature by an internal or external light source which is shielded from persons viewing the structure or feature. Shielding shall consist of hoods or translucent material.

(Ord. C-6533 § 1 (part), 1988)

21.15.1450 - Incentive zoning.

"Incentive zoning" means a system under which a property developer is granted an increase in permitted density in exchange for providing low and moderate income housing pursuant to Section 65915 et seq. of the California Government Code.

(Ord. C-6533 § 1 (part), 1988)

21.15.1460 - Industrial.

"Industrial" means a category of land use comprised of those activities necessary to convert natural resources into finished products. These activities include all resource extracting, resource processing, manufacturing, assembling, storage, transshipping and wholesaling that precede the arrival of goods at a retail land use.

(Ord. C-6533 § 1 (part), 1988)

21.15.1465 - Inn.

"Inn" means a commercial land use for the rental of five (5) or fewer guestrooms, suites or dwelling units primarily to transient occupants for a period of not more than thirty (30) consecutive days.

(Ord. C-6595 § 22, 1989)

21.15.1470 - Institutional use.

"Institutional use" means a category of land use characterized by emphasis upon educational, religious or public service activities of a nonprofit nature and/or by facilities for public assemblage.

(Ord. C-6533 § 1 (part), 1988)

21.15.1480 - Interior lot.

See "Lot, interior".

(Ord. C-6533 § 1 (part), 1988)

21.15.1490 - Irritant.

"Irritant" means any non-corrosive substance which upon immediate, prolonged or repeated contact with normal living tissue will induce a local inflammatory reaction.

(Ord. C-6533 § 1 (part), 1988)

21.15.1500 - Junk.

"Junk" means any worn-out, cast-off or discarded article or material. Junk includes any vehicle or machinery being kept for use as parts or awaiting disposal.

(Ord. C-6533 § 1 (part), 1988)

21.15.1510 - Junk or salvage yard.

"Junk or salvage yard" means property used to break up, dismantle, sort, store, distribute or sell any scrap, waste material or junk. It does not include vehicle impound yards.

(Ord. C-6533 § 1 (part), 1988)

21.15.1520 - Kennel.

"Kennel" means any property where five (5) or more animals, other than fish, birds or horses, are kept, maintained, bred or raised for sale, breeding, participating in a commercial enterprise, or personal enjoyment.

(Ord. C-6533 § 1 (part), 1988)

21.15.1530 - Key lot.

See "Lot, key".

(Ord. C-6533 § 1 (part), 1988)

21.15.1540 - Kitchen.

"Kitchen" means any room or portion thereof containing facilities designed or used for the preparation of food, including a sink and stove, oven, microwave oven, range and/or hot plate.

(Ord. C-6533 § 1 (part), 1988)

21.15.1550 - Landscaping.

"Landscaping" means changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use of the land. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation. Landscaping does not include artificial plant material.

(Ord. C-6533 § 1 (part), 1988)

21.15.1555 - Landscaping plan.

"Landscaping plan" means a plan which indicates the type, size and location of vegetative and accent material proposed for the landscaping of a site. Landscaping plan includes all irrigation and other devices necessary to maintain landscaping.

(Ord. C-6533 § 1 (part), 1988)

21.15.1560 - Laundry.

"Laundry" means an establishment to dry clean and/or wash and dry clothes brought in and carried away by the customer. This may include self-service or coin-operated facilities.

(Ord. C-6533 § 1 (part), 1988)

21.15.1570 - Laundry, industrial.

"Industrial laundry" means an establishment where large quantities of clothes are washed and/or ironed but are collected and delivered primarily by laundry employees.

(Ord. C-6533 § 1 (part), 1988)

21.15.1575 - Liquor store.

"Liquor store" means any business selling general alcoholic beverages, also known as sale of distilled spirits or hard liquor, for off-premises consumption under a "Type 21 License" of the California Alcoholic Beverage Control Board. Liquor store does not include a business selling only beer and/or wine for off-premises consumption.

(Ord. C-6684 § 3, 1990)

21.15.1580 - Lodginghouse.

"Lodginghouse" means a house with three (3) or more guestrooms where lodging is provided for compensation and where meals are not served.

(Ord. C-6533 § 1 (part), 1988)

21.15.1590 - Lot.

"Lot" means an area of land, the boundaries of which have been established in conformance with the State Subdivision Map Act, and which has either been recorded via a final tract map or a "certificate of compliance" on record with the Los Angeles County Recorder.

(Ord. C-6533 § 1 (part), 1988)

21.15.1600 - Lot area.

"Lot area" means the total horizontal area within the lot lines of a lot, excluding lot lines that may extend into Alamitos Bay or Los Cerritos Channel.

(Ord. C-6533 § 1 (part), 1988)

21.15.1610 - Lot, corner.

"Corner lot" means a lot situated at the intersection of two (2) or more streets (Figure 15-1).

(Ord. C-6533 § 1 (part), 1988)

21.15.1620 - Lot coverage.

"Lot coverage" means the percentage of the area of the lot covered by a building at all levels. This includes the perimeter of the building as viewed from a plan view, plus the area of all accessory buildings and structures, including garages not fully below grade (unless exempted—See [Section 21.31.225](#)). Lot coverage does not include any open projections such as balconies and eaves.

(Ord. C-7032 § 6, 1992; Ord. C-6533 § 1 (part), 1988)

21.15.1630 - Lot depth.

"Lot depth" means the average distance between the front and rear lot line (Figure 15-2).

(Ord. C-6533 § 1 (part), 1988)

21.15.1640 - Lot, interior.

"Interior lot" means a lot other than a corner lot (Figure 15-1).

(Ord. C-6533 § 1 (part), 1988)

21.15.1650 - Lot, key.

"Key lot" means the first interior lot to the rear of a reversed corner lot which is not separated therefrom by an alley (Figure 15-1).

(Ord. C-6533 § 1 (part), 1988)

21.15.1660 - Lot line, front.

See "Front lot line".

(Ord. C-6533 § 1 (part), 1988)

21.15.1670 - Lot line, rear.

See "Rear lot line".

(Ord. C-6533 § 1 (part), 1988)

21.15.1680 - Lot line, side.

See "Side lot line".

(Ord. C-6533 § 1 (part), 1988)

21.15.1690 - Lot, reversed corner.

"Reversed corner lot" means a corner lot in which the side lot line is substantially a continuation of the front lot line of the nearest lot to its rear (Figure 15-1).

(Ord. C-6533 § 1 (part), 1988)

21.15.1700 - Lot, through.

"Through lot" means a lot having frontage on two (2) parallel or approximately parallel streets (Figure 15-1).

(Ord. C-6533 § 1 (part), 1988)

21.15.1710 - Lot width.

"Lot width" means the horizontal distance between the midpoints of the side lot lines, measured at right angles to the line measuring lot depth (Figure 15-2).

(Ord. C-6533 § 1 (part), 1988)

21.15.1720 - Manufactured housing.

"Manufactured housing" means a dwelling unit certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) and pursuant to Section 18551 of the Health and Safety Code.

(Ord. C-6533 § 1 (part), 1988)

21.15.1725 - Massage therapy.

"Massage therapy" means the non-adult entertainment business of massage. Non-adult entertainment massage is limited to an accessory use to a physician, chiropractor, health club or beauty salon.

(Ord. C-6595 § 23, 1989)

21.15.1730 - Median income.

"Median income" means the most recent median income established by the United States Department of Housing and Urban Development (HUD) for the Los Angeles/Long Beach Standard Metropolitan Statistical area, as adjusted for the number of members of the household. For purposes of determining very low, low and moderate cost housing, the household size shall be correlated to housing sizes as follows:

Bedrooms In Unit	Persons In Household

0	1
1	2
2	3 or 4
3	5 or 6
4 or more	7 or more

(Ord. C-6533 § 1 (part), 1988)

21.15.1740 - Medical office.

"Medical office" means a commercial land use involved in the practice of medicine (not including psychiatric medicine or psychology services), but not including the overnight care of a patient.

(Ord. C-6533 § 1 (part), 1988)

21.15.1750 - Merchandise mall.

"Merchandise mall" means a retail commercial use in which six (6) or more retail sales businesses are conducted inside a building which has no permanent floor-to-ceiling walls separating the retail uses from each other. This term includes "bazaar", "indoor flea market", "indoor swap meet", "mini-mall", "mercantile center" and other similar words and phrases used to describe a merchandise mall.

(Ord. C-6533 § 1 (part), 1988)

21.15.1755 - Mezzanine.

"Mezzanine" shall be defined in accordance with the edition of the Uniform Building Code currently in effect in the City of Long Beach.

(Ord. C-6533 § 1 (part), 1988)

21.15.1760 - Mixed use.

"Mixed use" means a building, structure or premises occupied by or used by two (2) or more principal types of use, any of which is permitted in a district independent of other uses.

(Ord. C-6533 § 1 (part), 1988)

21.15.1765 - Mobile food truck.

"Mobile food truck" means a food truck selling prepared foods and is permitted only at construction sites at the time when construction workers are on the site.

(Ord. C-7607 § 15, 1999)

21.15.1770 - Mobile home.

"Mobile home" means a manufactured dwelling unit capable of being transported to a site on a trailer or on wheels. A mobile home is not considered a building, as defined by the Building Code.

(Ord. C-6533 § 1 (part), 1988)

21.15.1780 - Mobile home park.

"Mobile home park" means an area or tract of land where one (1) or more spaces for the occupancy by a mobile home are provided, rented or offered for rent. Mobile home park does not include travel trailer park.

(Ord. C-6533 § 1 (part), 1988)

21.15.1790 - Modular housing.

"Modular housing" means a dwelling unit manufactured in a factory and capable of transport to a site by being carried on a trailer or upon wheels, in whole or in modular parts, and which is placed on a permanent foundation. Modular housing complies with the Building Code definition of a building.

(Ord. C-6533 § 1 (part), 1988)

21.15.1792 - Money orders.

"Money order" means a certificate issued that allows the stated payee to receive cash on-demand. A money order functions much like a check, in that the person who purchased the money order may stop payment.

(ORD-13-0018, § 12, 2013)

21.15.1793 - Money transfers.

"Money transfer" means a service that allows users to transfer funds between personal accounts.

(ORD-13-0018, § 13, 2013)

21.15.1795 - Mortgage brokers.

"Mortgage broker" means an individual or company that arranges mortgage financing between a borrower and a lender.

(ORD-13-0018, § 14, 2013)

21.15.1797 - Mortuaries, Cremation and Interment Services.

Mortuaries, Cremation and Interment Services refers to establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. The following are Funeral, Cremation, and Interment Services use types:

- A. Cremating. Crematory services traditionally involving the purification and reduction of the human body by fire. Typical uses include crematories or crematoriums. Reduction of human body remains by chemical or other means can also be considered cremations.
- B. Interring. Interring services involving the keeping of human bodies other than buried in cemeteries. Typical uses include columbaria, mausoleums or cineraria.
- C. Mortuary. Undertaking or mortuary services such as preparing the dead for interring or burials, and arranging and managing funerals, memorials, viewings or other types of remembrance ceremonies. Beyond humans, remains of family pets could be included. Typical uses include mortuaries or funeral homes.

(ORD-13-0022, § 5, 2013)

21.15.1800 - Motel.

"Motel" means a commercial land use for the rental of six (6) or more guestrooms or suites to primarily transient occupants for a period of not more than thirty (30) consecutive days. Motel is distinguished from hotel by having entry individually and independently from outside the building or buildings. Motel also

includes tourist court, motor court, motor lodge or any other designation intended to identify the premises as providing rental or overnight accommodations primarily to motorists.

(Ord. C-7047 § 2, 1992; Ord. C-6533 § 1 (part), 1988)

21.15.1810 - Motor vehicle.

"Motor vehicle" means a machine capable of self-propulsion, with or without human guidance, whether for the performance of work or as a mode of transportation.

(Ord. C-6533 § 1 (part), 1988)

21.15.1820 - Motorcycle.

"Motorcycle" means a two-wheeled or three-wheeled motor vehicle, generally with a saddle seat and a handlebar steering device, including, but not limited to, mopeds and sidecars.

(Ord. C-6533 § 1 (part), 1988)

21.15.1830 - Municipal Code.

"Municipal Code" means the Long Beach Municipal Code.

(Ord. C-6533 § 1 (part), 1988)

21.15.1835 - Mural.

"Mural" is used in regard to signs and means a graphical image, with or without text, that covers all or a portion of a building facade, and does not contain any advertising message, but consists of an artistic representation of a subject not for the purposes of creating a sign or billboard, as defined in this Title.

(ORD-12-0006, § 7, 2012)

21.15.1840 - Natural grade.

"Natural grade" means the surface of the ground prior to grading for development.

(Ord. C-6533 § 1 (part), 1988)

21.15.1850 - New Construction.

"New construction" means structures for which the "start of construction" was commenced on or after the effective date of this ordinance.

(Ord. C-6533 § 1 (part), 1988)

21.15.1860 - Nonconformity.

"Nonconformity" means a building, structure, parking lot use, sign or portion thereof which was lawfully established but which, due to the application of this Title, no longer conforms to the regulations of the zone in which it is located, as defined in this Title. "Nonconformity" includes the term "nonconforming."

(Ord. C-6533 § 1 (part), 1988)

21.15.1870 - Nuisance.

"Nuisance" means anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

(Ord. C-6533 § 1 (part), 1988)

21.15.1880 - Nursing home.

See "Convalescent hospital."

(Ord. C-6533 § 1 (part), 1988)

21.15.1890 - Office.

"Office" means a place where business is transacted or a service is provided, with an emphasis on recordkeeping, clerical and administrative activities.

(Ord. C-6533 § 1 (part), 1988)

21.15.1900 - Open corridor.

"Open corridor" means an area providing access to a building or unit from a stairway or elevator, on the second story or above, and which is open on one (1) or more sides.

(Ord. C-6533 § 1 (part), 1988)

21.15.1910 - Open space, usable.

See "Usable open space."

(Ord. C-6533 § 1 (part), 1988)

21.15.1920 - Outdoor advertising.

See "Billboard."

(Ord. C-6533 § 1 (part), 1988)

21.15.1930 - Overlay zone.

"Overlay zone" means a set of zoning requirements that is described in the text of the Zoning Regulations, is mapped and is imposed in addition to those requirements of the underlying district.

(Ord. C-6533 § 1 (part), 1988)

21.15.1940 - Owner of property.

"Owner of property" means the owner of record on any parcel of real property as designated on the County Assessor's tax roll, or a holder of a subsequently recorded deed to the property.

(Ord. C-6533 § 1 (part), 1988)

21.15.1950 - Owner's authorized agent.

"Owner's authorized agent" means any person authorized to act for the owner of a property by virtue of a notarized statement of authorization, a proof of contract to purchase or a lease to the property.

(Ord. C-6533 § 1 (part), 1988)

21.15.1960 - Parcel.

"Parcel" means an area of land, the boundaries of which have not been legally established in conformance with the State Subdivision Map Act. Parcel is also referred to as a fractional lot.

(Ord. C-6533 § 1 (part), 1988)

21.15.1970 - Parking.

"Parking" means the stopping or stationary location of a vehicle without the operator present. Parking for seventy-two (72) hours or more shall be deemed storage.

(Ord. C-6533 § 1 (part), 1988)

21.15.1980 - Parking service.

"Parking service" means a commercial land use providing parking spaces for rent.

(Ord. C-6533 § 1 (part), 1988)

21.15.1990 - Parking space.

"Parking space" means an area with minimum dimensions as established in the parking standards for a district, which is accessible and available for the parking of one vehicle.

(Ord. C-6533 § 1 (part), 1988)

21.15.2000 - Parking structure.

"Parking structure" means a garage with more than one (1) level of parking.

(Ord. C-6533 § 1 (part), 1988)

21.15.2005 - Parsonage.

"Parsonage" means an accessory residential use for employees of a church or other religious institutional use necessary to provide spiritual guidance to members.

(Ord. C-6895 § 29, 1991)

21.15.2007 - Passive park.

"Passive park" means a plot of land that is landscaped, maintained as open space, serves a neighborhood, and is used as an informal gathering place for relaxation and play. Passive park includes, but is not limited to, parquets, urban oases, and small space sites. Permitted improvements and features include, but are not limited to, walking paths, sitting areas, play equipment, tables, fire pits, barbecues, public restrooms, landscaped and natural open spaces, habitat reserves, lakes, streams, ponds and lagoons.

(ORD-10-0019, § 1, 2010; ORD-08-0029 § 1, 2008; Ord. C-7378 § 23, 1995)

21.15.2008 - Pawn shop.

"Pawn shop" means and includes any use where a person, other than banks, trust companies, or bond brokers, who may otherwise be regulated by law and authorized to deal in commercial papers, shares of stock, bonds and other certificates of value, who keeps a pawn office, or engages in, or carries on the business of receiving jewelry, precious stones, valuables, firearms, clothing or personal property, or any other article or articles in pledge for loans, or as security, or in pawn for the repayment of monies, and exacts an interest for such loans, or who purchases articles or personal property and agrees to resell such articles so purchased to the vendors thereof, or their assigns, at prices agreed upon at or before the time of such purchases, respectively. Pawn shop also includes any use engaging in cash for gold and the like.

(ORD-13-0026, § 2, 2013; ORD-13-0018, § 15, 2013)

21.15.2009 - Pay day loans.

"Pay day loans" offer a transaction whereby a person defers depositing a customer's personal check until a specific date, pursuant to a written agreement, as provided by California Financial Code Section 23035. Personal check includes the electronic equivalent of a personal check. Pay day loan (Deferred Deposit) businesses are regulated by the State of California, Department of Corporations, and do not include consumer loans or commercial loans.

(ORD-13-0018, § 16, 2013)

21.15.2010 - Permitted use.

"Permitted use" means a use by right which is specifically authorized in a particular zoning district. It is contrasted with conditional uses, which are authorized only if certain requirements are met following review and approval.

(Ord. C-6533 § 1 (part), 1988)

21.15.2020 - Personal service.

"Personal service" means a commercial land use involved in an activity applied to an individual or individual's possessions in exchange for financial or other considerations.

(Ord. C-6533 § 1 (part), 1988)

21.15.2030 - Pet, household.

"Household pet" means an animal customarily kept in a house, such as dogs, cats, fish, caged birds, rabbits and the like. No wild, exotic, or livestock animals shall be considered household pets.

(Ord. C-7780 § 1, 2001: Ord. C-6533 § 1 (part), 1988)

21.15.2040 - Pet shop.

"Pet shop" means any premises primarily used for the sale of household pets.

(Ord. C-6533 § 1 (part), 1988)

21.15.2050 - Planning Commission.

"Planning Commission" means the City Planning Commission.

(Ord. C-6533 § 1 (part), 1988)

21.15.2060 - Planning Officer.

"Planning Officer" means an employee of the Planning Bureau of the Department of Planning and Building with the position of Division Manager or above.

(Ord. C-6533 § 1 (part), 1988)

21.15.2070 - Plat.

"Plat" means a map, generally of a subdivision, showing the location, boundaries, and ownership changes of lot divisions. To plat means to subdivide.

(Ord. C-6533 § 1 (part), 1988)

21.15.2075 - Playground.

"Playground" means a plot of land used for and typically equipped with play equipment (swings, slides, sand box, or play sets) for recreational purposes. A playground includes but is not limited to tot-lots and small playgrounds. Accessory buildings and playfields are not permitted.

(Ord. C-7378 § 24, 1995)

21.15.2080 - Plot.

"Plot" is an indefinite term usually referring to a piece of usable property. Plot often is used synonymously, and mistakenly, with parcel or site to mean plat.

(Ord. C-6533 § 1 (part), 1988)

21.15.2090 - Plot plan.

"Plot plan" means a diagram of a lot, as seen from above, showing the outline of all structures on the lot and indicating the distance of the structures from the borders of the lot. It is similar to a site plan.

(Ord. C-6533 § 1 (part), 1988)

21.15.2100 - Plumbing facilities.

"Plumbing facilities" means any appliance or fixture attached to a potable water line, gas line, sewage line or plumbing waste line.

(Ord. C-6533 § 1 (part), 1988)

21.15.2110 - Police power.

"Police power" means the authority of government to exercise controls to protect the public health, safety, morals and general welfare. Zoning is one form of police power control.

(Ord. C-6533 § 1 (part), 1988)

21.15.2120 - Poolhall.

"Poolhall" means a primary commercial entertainment land use containing one (1) or more pool or billiard tables.

(Ord. C-6533 § 1 (part), 1988)

21.15.2130 - Porch.

"Porch" means a covered pedestrian entrance to a door of the building. Porch is synonymous with "veranda" or "loggia," all of which are located at the first floor level of a structure. Porch is not synonymous with "carport" or "porte cochere." A porch may include a roof partially supported by columns and/or a handrail.

(Ord. C-6533 § 1 (part), 1988)

21.15.2140 - Port-related.

"Port-related" means:

- A. Those primary port uses and facilities involving the loading or unloading of material or products from other means of transportation for loading onto ships for combining with products or materials unloaded from ships.
- B. Communications and transportation facilities and services necessary for the movement of ships in and out of the port.
- C. Those port-related uses or facilities related to storage of materials or products involved in shipping; or uses or facilities for transporting materials or products involved in shipping; or uses or facilities for selling, repairing, or servicing of ships or materials or products being shipped.
- D. Those port-dependent uses and facilities for manufacturing of products, whereby materials for the manufacturing are shipped to the site and a significant reduction in weight, bulk or difficulty in transporting occurs in the manufacturing process.

(Ord. C-6533 § 1 (part), 1988)

21.15.2150 - Porte cochere.

"Porte cochere" means a roofed structure open on three (3) sides, through which a vehicle may be driven and which is attached to a principal use building by a continuous roof leading to the principal entrance.

(Ord. C-6533 § 1 (part), 1988)

21.15.2160 - Premises.

"Premises" means a lot, parcel, tract or plot of land, together with the buildings and structures located thereon.

(Ord. C-6533 § 1 (part), 1988)

21.15.2170 - Principal use.

"Principal use" means the main use of land or structures, as distinguished from a secondary or accessory use. For example, a house is a principal use in a residential area, and a home occupation is an accessory use.

(Ord. C-6533 § 1 (part), 1988)

21.15.2180 - Private club.

"Private club" means a facility, institution or use belonging to or restricted for use and enjoyment by particular persons and their guests, and which is organized primarily for common social and recreational purposes.

(Ord. C-6533 § 1 (part), 1988)

21.15.2190 - Professional service.

"Professional service" means a commercial land use involved in the exchange of information and advice for financial consideration.

(Ord. C-6533 § 1 (part), 1988)

21.15.2200 - Public utility service yard.

"Public utility service yard" means a premises used for the office, warehouse, storage yard, or vehicle and equipment maintenance of a public utility. Public utility service yard may include microwave, radio, cable and/or other communications equipment.

(Ord. C-6533 § 1 (part), 1988)

21.15.2210 - Public works project.

"Public works project" means any action undertaken by the City or agency under contract to the City to construct, alter, repair or maintain any City structure, utility or right-of-way. Public works project includes the erection of public signs, the painting or removing of street lines, parking space designations, or the painting or removing paint from curbs.

(Ord. C-6533 § 1 (part), 1988)

21.15.2215 - Publicly accessible exterior telephones.

"Publicly accessible exterior telephones (PAT)" shall mean an exterior telephone located on public property or on private property if the private property is open or accessible to the public, into which money may be deposited, or through which a credit card or telephone credit card number may be entered, for purposes of obtaining a telecommunications link to communicate with another who receives the communication by telephone or pager. Publicly accessible exterior telephones are prohibited unless an exterior telephone permit (PAT permit) has been approved by the Director of Financial Management pursuant to Chapter 5.71 of Title 5 of the Long Beach Municipal Code.

(Ord. C-7776 § 9, 2001)

21.15.2220 - Railroad yard.

"Railroad yard" means a facility used for the switching of railroad cars for the primary purpose of making up trains for transport to distant locations. Railroad yard does not include facilities for the loading and unloading of shipments to or from an individual business.

(Ord. C-6533 § 1 (part), 1988)

21.15.2225 - Realtor.

"Realtor" means a real estate agent, broker or an associate who holds active membership in a local real estate board that is affiliated with the National Association of Realtors or California Association of Realtors.

(ORD-13-0018, § 17, 2013)

21.15.2230 - Rear lot line.

"Rear lot line" means a line that is opposite and most distant from the front lot line. In the case of an irregular, triangular or gore shaped lot, the rear lot line is a straight line not less than ten feet (10') long, within the lot, mostly nearly parallel to and at the maximum distance from the front lot line (Figure 15-2).

(Ord. C-6533 § 1 (part), 1988)

21.15.2240 - Rear yard, required.

"Required rear yard" means the yard contained in the space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building at its closest point to the rear lot line (Figure 15-3).

(Ord. C-6533 § 1 (part), 1988)

21.15.2250 - Rebuild.

"Rebuild" means an addition or additions to a building whereby the area of the building is expanded by more than fifty percent (50%) by construction over an existing building. In calculating the fifty percent (50%) expansion, all construction after January 1, 1990, shall be included. (Also see: Sections 21.15.065 and 21.15.2275.)

(Ord. C-6822 § 3, 1990: Ord. C-6533 § 1 (part), 1988)

21.15.2260 - Recreation, commercial.

See definition for "Commercial recreation".

(Ord. C-7826 § 2, 2002: Ord. C-6533 § 1 (part), 1988)

21.15.2265 - Recreational park.

"Recreational park" means a plot of land used for formal and informal recreational activities. Recreational park includes, but is not limited to, playgrounds, playfields, and athletic courts (i.e., basketball, baseball, roller hockey, volleyball, and dog run).

(Ord. C-7378 § 25, 1995)

21.15.2270 - Recreational vehicle.

"Recreational vehicle" means a vehicle used for the conveyance and/or shelter of persons or goods for purposes of leisure time activities. This includes motor homes, travel trailers, vans, truck campers, camping trailers, boats and off the road vehicles.

Recreational vehicles shall not include the following vehicles designed and intended for commercial use and which have been converted to recreational use: airplanes, buses, moving vans, semitrailer vans, recreational vehicles used for economic gain, and "chattel".

(Ord. C-6533 § 1 (part), 1988)

21.15.2275 - Remodel.

"Remodel" means to refurbish the interior of a building, including consolidating or separating rooms, adding cabinetwork, changing flooring, wall covering, electrical equipment, mechanical equipment and/or appliances. (Also see: Section 21.15.065 and Section 21.15.2250.)

(Ord. C-6822 § 22, 1990)

21.15.2280 - Residential.

"Residential" means a land use category with the principal purpose of providing shelter for human habitation on a long-term basis.

(Ord. C-6533 § 1 (part), 1988)

21.15.2290 - Residential care facility.

"Residential care facility" means any family home, group care facility or similar facility as determined by the Director of the State Department of Social Services. A residential facility provides twenty-four (24) hour non-medical services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. Residential care facility includes shelters, board and care facilities, halfway houses, wards of the juvenile court and the like.

(Ord. C-6533 § 1 (part), 1988)

21.15.2300 - Resource recovery.

"Resource recovery" means the salvage of discarded materials or the conversion of the materials into a reusable, saleable or valuable form. Salvaged or converted materials shall not be considered waste.

(Ord. C-6533 § 1 (part), 1988)

21.15.2310 - Restaurant.

"Restaurant" means a commercial use engaged in the preparation and sale of food for immediate consumption. A restaurant includes a kitchen containing not less than a double sink, a range, an oven, and an exhaust canopy. Catering is an accessory use to a restaurant. Uses that prepare and sell food without a full kitchen are a tavern if they sell alcoholic beverages for on-premises consumption, or a ready-to-eat food establishment if they do not sell alcohol for on-premises consumption.

(Ord. C-6684 § 14, 1990; Ord. C-6533 § 1 (part), 1988)

21.15.2320 - Restaurant, dinner.

"Dinner restaurant" means a restaurant which provides primarily table service to customers with limited takeout service.

(Ord. C-6533 § 1 (part), 1988)

21.15.2330 - Restaurant, fast-food.

"Fast-food restaurant" means a restaurant which supplies food and beverages primarily in disposable containers and which is characterized by high automobile accessibility, self-service and short stays by customers.

(Ord. C-6533 § 1 (part), 1988)

21.15.2332 - Restaurant, ready-to-eat food.

"Ready-to-eat restaurant" means a use, whether it meets the definition of "restaurant" or not, that sells food in a form that is ready to eat at the time of sale, and is primarily designed for takeout, with on-site service area limited to one hundred fifty (150) square feet of dining/in front of counter area. Full service

kitchens are not allowed in "ready-to-eat restaurants". Such uses as bakeries, delicatessens, donut shops, ice cream shops, and yogurt shops are common ready-to-eat restaurants.

(Ord. C-7619 § 2, 1999; Ord. C-7326 § 4, 1995; Ord. C-6684 § 4, 1990)

21.15.2340 - Retail sales.

"Retail sales" means a commercial land use which provides for the exchange of goods directly to the ultimate consumer in exchange for financial or other considerations.

(Ord. C-6533 § 1 (part), 1988)

21.15.2350 - Reversed corner lot.

See "Lot, reversed corner".

(Ord. C-6533 § 1 (part), 1988)

21.15.2360 - Room.

"Room" means an area of a building fully enclosed by walls, windows, and/or doors, and a roof and floor. If a room is divided by walls, counters and/or cabinetry fifty percent (50%) or more across the width of the room, the divided areas shall be considered as separate rooms.

(Ord. C-6533 § 1 (part), 1988)

21.15.2370 - Room, primary.

"Primary room" means a living room, dining room or family room. In open floor plans which combine living room/dining room space, the living room/dining room shall be considered one (1) room.

(Ord. C-6533 § 1 (part), 1988)

21.15.2380 - Room, secondary.

"Secondary room" means all rooms other than primary rooms.

(Ord. C-6533 § 1 (part), 1988)

21.15.2385 - Sandwiched lot.

"Sandwiched lot" means a lot that is sixty feet (60') or less in width and contains a one- or two-story, single- or two-family dwelling that is adjoined on both sides by three (3) or more story buildings containing four (4) or more dwelling units each.

(Ord. C-6895 § 30, 1991)

21.15.2390 - School.

See "educational institution".

(Ord. C-6533 § 1 (part), 1988)

21.15.2400 - Secondary housing unit.

"Secondary housing unit" means a dwelling unit, accessory to the principal dwelling, provided as an addition to or conversion of an existing single-family dwelling.

(Ord. C-6533 § 1 (part), 1988)

21.15.2401 - Reserved.

Editor's note—

ORD-13-0026, § 3, adopted Dec. 3, 2013, repealed § 21.15.2401, entitled "Secondhand dealer", which derived ORD-13-0018, § 18, 2013.

21.15.2410 - Single-family dwelling.

- A. **Detached.** "Detached single-family dwelling" means one (1) dwelling unit located on a single lot with yard areas that separate that dwelling from other dwellings.
- B. **Attached.** "Attached single-family dwelling" means one (1) dwelling unit on a single lot with one (1) side wall in common with a dwelling on an adjoining lot.

(Ord. C-6533 § 1 (part), 1988)

21.15.2420 - Secondhand store.

"Secondhand store" means any premises used for the sale or handling of used goods. Secondhand store includes establishments for the sale or trade of used clothing, furniture and appliances. Secondhand store does not include establishments selling used jewelry, old coins and stamps.

(Ord. C-6533 § 1 (part), 1988)

21.15.2430 - Senior citizen housing.

"Senior citizen housing" means any housing constructed and maintained exclusively for residents over fifty-five (55) years of age for active senior housing or over sixty-two (62) years of age for traditional senior housing, other than residential care facilities for the elderly. (There are two (2) types of senior citizen housing: active senior housing, and traditional senior housing.)

(Ord. C-6822 § 4, 1990; Ord. C-6533 § 1 (part), 1988)

21.15.2435 - Senior citizen housing, active.

The following conditions shall apply to housing for active senior citizens:

- A. Density shall be limited to that of the R-4-N Zoning District at the applicable lot width.
- B. The parking shall be provided as designated in Table 41-1A.
- C. The use shall not abut or adjoin an automobile service or repair use.
- D. The use shall comply with all applicable development standards of the R-4-N Zone except for height and setbacks which shall comply with the standards of the district in which the use is located.

(Ord. C-7663 § 34, 1999)

21.15.2440 - Senior citizen housing, congregate care.

"Congregate care senior citizen housing" means senior citizen housing which provides meal service at a central dining facility but does not provide twenty-four (24) hour services or supervision.

(Ord. C-6533 § 1 (part), 1988)

21.15.2450 - Service station.

See "Automobile service station".

(Ord. C-6533 § 1 (part), 1988)

21.15.2460 - Service yard.

"Service yard" means any premises used primarily for outdoor storage of outdoor vehicles and heavy equipment. Service yard permits maintenance of public utilities and public services such as microwave, radio, cable and/or other communication facilities; however, it does not permit major vehicle repair. "Service yard" does not include outdoor storage of materials for on-site retail or wholesale sales.

(Ord. C-6533 § 1 (part), 1988)

21.15.2470 - Setback line.

"Setback line" means a line across the front, sides or rear of any private or public property (Figure 15-3). The setback prohibits the subsequent erection of any building, fence or other structure in the area between such line and the lot line, except as otherwise provided by this Title.

(Ord. C-6533 § 1 (part), 1988)

21.15.2475 - Shelter.

"Shelter" means a residential land use for more than six (6) transient occupants. Shelters differ from hotels and motels by providing lodging free or at nominal cost. They may sometimes, but not always, be differentiated by group sleeping halls instead of individual rooms. A shelter is classified as one type of special group residence. A shelter is an acceptable accessory use only when provided within an existing church building on a shared-use basis. A shared use exists when the sheltering of families or individuals in need of sanctuary is incidental to the primary church use for which the building is designed and intended.

(Ord. C-7064 § 7, 1992)

21.15.2480 - Shopping center.

"Shopping center" means a commercial land use consisting primarily of retail sales uses and consisting of three (3) or more lease areas on a single recorded lot.

(Ord. C-6533 § 1 (part), 1988)

21.15.2482 - Shopping center, neighborhood.

"Neighborhood shopping center" means a building containing three (3) or more tenant spaces of retail, personal service or restaurant use sharing off-street parking in the open between the building and the street. Neighborhood shopping centers do not exceed sixty thousand (60,000) square feet of gross floor area. Multi-tenant retail, personal service or restaurant use buildings or building complexes without parking, with enclosed parking, or with parking screened from the street by the building, shall not be a neighborhood shopping center.

(Ord. C-6684 § 15, 1990; Ord. C-6533 § 1 (part), 1988)

21.15.2484 - Shopping center, retail cluster.

"Retail cluster shopping center" means a shopping center containing less than sixty thousand (60,000) square feet of gross floor area, but without common open parking between the building and the street.

(Ord. C-6684 § 16, 1990; Ord. C-6533 § 1 (part), 1988)

21.15.2486 - Shopping center, regional.

"Regional shopping center" means a shopping center containing not less than one hundred thousand and one (100,001) square feet of floor area. A regional shopping center usually, but need not always, contains one (1) or more department stores.

(Ord. C-6533 § 1 (part), 1988)

21.15.2488 - Side-by-side residential units.

Two-on-a-lot projects where the units are arranged side-by-side and the majority of both units are located in the front fifty percent (50%) of the lot.

(Ord. C-7550 § 16, 1998)

21.15.2490 - Side lot line.

"Side lot line" means any lot line not a front or rear lot line (Figure 15-2).

(Ord. C-6533 § 1 (part), 1988)

21.15.2500 - Side yard, required.

"Required side yard" means the space extending from the front yard to the rear yard between the principal building and the side lot line, measured perpendicular from the side lot line to the closest point of the principal building (Figure 15-3).

(Ord. C-6533 § 1 (part), 1988)

21.15.2510 - Sign.

"Sign" means any device or structure used for visual communication or attraction, including any announcement, declaration, demonstration, display, illustration, insignia, model, statue, or symbol used to identify a place, or to advertise or promote the interest of any person; together with all appurtenant components, backgrounds, and supporting structures, except the building upon which a sign is placed. Official traffic-control devices are specifically exempted from this definition. The official flags of nations, states, counties, cities and recognized nonprofit organizations shall not be considered signs, but flags, banners or similar devices containing a commercial message shall be signs.

(ORD-13-0014, § 1, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2520 - Sign, abandoned.

"Abandoned sign" means the sign face, frame and supporting pole or structure, and all appurtenances, of any sign for a business, institution, or other land use which has abandoned the premises for ninety (90) days or more, or any land use for which the business license has expired and remained expired for one (1) year. Abandoned sign also includes any promotional activity sign for which the permit has expired. Signs associated with a demolished or abandoned building shall also be considered abandoned signs. See also "Abandoned" (Section 21.15.030).

(ORD-13-0014, § 2, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2530 - Sign area.

"Sign area" means the entire face of a sign including the advertising surface and any framing, trim or molding. For signs with more than two (2) surfaces, the area is the maximum area of all display faces which are visible from any ground. If the supporting device is in itself a part of the sign, it shall be included in the calculation of the area of the sign.

(Ord. C-6533 § 1 (part), 1988)

21.15.2540 - Reserved.

Editor's note—

ORD-13-0014, § 30, adopted Sept. 3, 2013, repealed § 21.15.2540, entitled "Sign, area identification", which derived from Ord. C-6533 § 1 (part), 1988.

21.15.2550 - Sign, awning.

"Awning sign" means a sign that is applied, painted or affixed to an awning.

(ORD-13-0014, § 3, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2560 - Reserved.

Editor's note—

ORD-13-0014, § 30, adopted Sept. 3, 2013, repealed § 21.15.2560, entitled "Sign, backdrop wall", which derived from Ord. C-6533 § 1 (part), 1988.

21.15.2570 - Sign, banner.

See "Sign, promotional activity - commercial" (Section 21.15.2720).

(ORD-13-0014, § 4, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2570.5 - Sign, building identification.

"Building identification sign" means a sign which serves to identify only the name, address, and use or principal tenant of the premises upon which it is located and provides no other advertisements or product identification.

(ORD-13-0014, § 21, 2013)

21.15.2571 - Sign, changeable copy.

A sign whose copy is periodically changed to advertise events, sales, and the like, with detachable but motionless lettering that must be manually installed, usually on a series of parallel tracks. A changeable copy sign shall not include a "trivision" sign, electronic sign, electronic message center sign, or time, date, and temperature sign.

(ORD-13-0014, § 5, 2013; Ord. C-7550 § 17, 1998)

21.15.2573 - Sign, residential neighborhood or commercial district identification.

A "residential neighborhood identification sign" or "commercial district identification sign" identifies a residential neighborhood and/or commercial or industrial district(s), and may announce its geographical boundaries (i.e., now entering or leaving neighborhood or district name) within the City. This sign shall always identify that the respective neighborhood or district is part of the City.

(ORD-13-0014, § 6, 2013; Ord. C-7500 § 20, 1997)

21.15.2575 - Sign, cabinet.

"Cabinet sign" means sign with one or several faces, which contains all the text and/or logo symbols of each face upon a facing made of translucent and/or opaque material contained within a single enclosed cabinet, box or can. A cabinet sign may or may not be internally illuminated.

(ORD-13-0014, § 22, 2013)

21.15.2577 - Sign, electronic message center.

"Electronic message center sign" is a sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically-illuminated or mechanically-driven changeable segments. This includes signs whose informational content can be changed or altered by means of computer- or circuit-driven electronic impulses. An electronic message

center sign displays only on-site sign copy, information, and advertising; otherwise it shall be considered a billboard. Electronic message center sign does not include a sign that displays only time, date, and/or temperature if it is six (6) square feet or smaller.

(ORD-13-0014, § 7, 2013; Ord. C-7500 § 21, 1997)

21.15.2580 - Sign, freestanding.

"Freestanding sign" means a sign which is supported by a structure connected permanently to the ground, or displayed directly upon a base connected permanently to the ground, and which is not structurally connected to a building or other structure. This includes but is not limited to those signs known as "pole signs." See also "Monument sign" (Section 21.15.2620).

(ORD-13-0014, § 8, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2590 - Sign, freeway-oriented.

"Freeway-oriented sign" means a freestanding sign for a business which adjoins a freeway right-of-way and which is located within one thousand five hundred feet (1,500') of the intersection of the freeway off-ramp with the surface street providing access to the premises on which the sign is located.

(Ord. C-6533 § 1 (part), 1988)

21.15.2595 - Sign, interior.

"Interior sign" means a sign that is located between one (1) and six (6) feet to the interior of any window through which the sign is visible.

(ORD-13-0014, § 23, 2013)

21.15.2600 - Sign, marquee/canopy.

"Marquee/canopy sign" means a sign that is attached to the vertical face or the soffit of a marquee or canopy. See "Awning sign" (Section 21.15.2550).

(ORD-13-0014, § 9, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2610 - Sign, menu board.

"Menu board sign" means a sign that is displayed for the use of drive-thru, fast-food restaurant patrons to identify the food and prices available on the site.

(Ord. C-6533 § 1 (part), 1988)

21.15.2620 - Sign, monument.

"Monument sign" means a sign that is displayed directly on the ground, on a base connected permanently to the ground, and which is not structurally connected to a building or structure. See also "Freestanding sign" (Section 21.15.2580).

(ORD-13-0014, § 10, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2630 - Sign, neighborhood marker.

"Neighborhood marker sign" means a sign placed upon a street light standard or traffic signal pole to identify a residential neighborhood or commercial district. These signs are administered by the Department of Public Works, and not regulated in Title 21 (see Section 21.44.240).

(ORD-13-0014, § 11, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2640 - Reserved.

Editor's note—

ORD-13-0014, § 30, adopted Sept. 3, 2013, repealed § 21.15.2640, entitled "Sign, noncommercial", which derived from Ord. C-6533 § 1 (part), 1988.

21.15.2650 - Sign, off-premises.

See "Billboard."

(Ord. C-6533 § 1 (part), 1988)

21.15.2660 - Sign, on-premises.

"On-premises sign" means a sign that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises upon which the sign is located.

(Ord. C-6533 § 1 (part), 1988)

21.15.2665 - Sign, on-site directional.

"On-site directional sign" means a class of sign that directs persons to a destination within the subject site, typically a parking lot. An on-site directional sign contains simple information such as "Enter," "Exit," "This Way," or "Do Not Enter," as well as a business name and/or logo. An on-site directional sign is intended for traffic internal to the site, and is not directed at traffic on an adjacent road or right-of-way.

(ORD-13-0014, § 24, 2013)

21.15.2670 - Reserved.

Editor's note—

ORD-13-0014, § 30, adopted Sept. 3, 2013, repealed § 21.15.2670, entitled "Sign, painted", which derived from Ord. C-6533 § 1 (part), 1988.

21.15.2680 - Reserved.

Editor's note—

ORD-13-0014, § 30, adopted Sept. 3, 2013, repealed § 21.15.2680, entitled "Sign, pennant", which derived from Ord. C-6533 § 1 (part), 1988.

21.15.2690 - Reserved.

Editor's note—

ORD-13-0014, § 30, adopted Sept. 3, 2013, repealed § 21.15.2690, entitled "Sign, political", which derived from Ord. C-6533 § 1 (part), 1988.

21.15.2700 - Sign, portable.

"Portable sign" means a sign standing upon the ground but not permanently located upon a foundation. This includes, but is not limited to, those signs known as "sandwich-board signs," "A-frame signs," and "sidewalk signs."

(ORD-13-0014, § 12, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2710 - Sign, projecting.

"Projecting sign" means a sign which is attached to, and projects outward at an angle from, a wall or other essentially vertical plane of a building or structure. A projecting sign also may be known as a "blade sign."

(ORD-13-0014 , § 13, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2720 - Sign, promotional activity - commercial.

"Promotional activity sign-commercial" means any sign utilized to promote or advertise a commercial activity or event that is permitted on a temporary basis under the provisions of Section 21.44.410, for the purpose of announcing an event, product, service, or sale of a temporary nature. Promotional activity signs are made of non-permanent materials such as cloth, vinyl, or mesh, and are not permanently attached or affixed to a building. Promotional activity signs commonly are known as "banners."

(ORD-13-0014 , § 14, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2721 - Sign, promotional activity - noncommercial.

"Promotional activity sign - noncommercial" means any sign made of cloth or paper taking the form of a banner, placard, sign board, or similar device or structure and which is utilized to promote, advertise, or advocate for or against a particular person, event or activity in a noncommercial context. Noncommercial promotional activity signs shall be removed from a premise no later than five (5) days following the conclusion of the activity or event promoted by such sign.

(ORD-13-0014 , § 25, 2013)

21.15.2723 - Sign, push-through.

"Push-through sign" or "push-through cabinet sign" refers to a cabinet sign with sign copy rendered in relief either in front of or behind the sign face, similar to channel letters. A push-through sign typically is internally illuminated with an opaque face, creating a halo effect, although other designs such as illuminated letters or exposed neon in open-faced letters are acceptable as well.

(ORD-13-0014 , § 26, 2013)

21.15.2725 - Reserved.

Editor's note—

ORD-13-0014, § 30, adopted Sept. 3, 2013, repealed § 21.15.2725, entitled "Sign, pylon", which derived from Ord. C-7663 § 35, 1999.

21.15.2730 - Sign, roof.

"Roof sign" means a sign that is mounted or positioned on the roof of a building and which projects above the parapet wall of a building with a flat roof, or above the eave line of a building with a sloped roof (gambrel, gable or hip roof), or above the deck line of a building with a mansard roof.

(ORD-13-0014 , § 15, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2740 - Sign, temporary.

"Temporary sign" refers to those signs that are permitted on a temporary basis in Division IV of Chapter 21.44. See also "Promotional activity sign - commercial" (Section 21.15.2720).

(ORD-13-0014 , § 16, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2743 - Sign, through-the-face.

See "Sign, push-through" (Section 21.15.2723).

(ORD-13-0014 , § 27, 2013)

21.15.2745 - Sign, traffic directional.

"Traffic directional sign" means any sign displayed to ensure the safe and orderly flow of automobile traffic on private property. These consist of stop signs, one-way signs, do not enter signs, speed limit signs, left/right turn-only signs, no left/right turn signs, and other traffic signs of like purpose. Traffic directional signs do not contain business information or directions to a destination. Traffic directional signs shall conform to official traffic control device standards as directed by the City Traffic Engineer.

(ORD-13-0014, § 28, 2013)

21.15.2750 - Sign, wall.

"Wall sign" means a sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign. Such a sign may not project more than fourteen inches (14") beyond the vertical wall surface or it shall be considered a projecting sign.

(ORD-13-0014, § 17, 2013; Ord. C-6533 § 1 (part), 1988)

21.15.2755 - Sign, wall painted.

"Wall-painted sign" means a sign that is painted on a building wall in lieu of a permanent, fixed wall sign structure.

(ORD-13-0014, § 29, 2013)

21.15.2760 - Sign, window.

"Window sign" means a sign which is painted on, or attached to, the interior side of window or glass doors, or which is inside a window and mounted within one foot (1') of a window.

(Ord. C-6533 § 1 (part), 1988)

21.15.2770 - Signable area.

"Signable area", as applied to individual wall signs, shall be the area of one (1) rectangle on a wall, within the required height limits, which is unbroken by major architectural features such as doors, windows, columns or architectural protrusions. Only one (1) signable area is permitted per building elevation per business. Only that portion of the building occupied by the business shall be used in calculating the signable area. A business fronting onto more than one (1) public right-of-way may not combine permitted signable area for one (1) wall with that of another wall for the purpose of placing the combined area, or any part of the combined area, on one (1) wall.

(Ord. C-6533 § 1 (part), 1988)

21.15.2780 - Site plan.

"Site plan" means a plan drawn to scale showing uses and structures proposed for a parcel of land as required by the applicable regulations. It includes lot lines, streets, building sites, reserved open space and other specific development proposals, similar to a plot plan.

(Ord. C-6533 § 1 (part), 1988)

21.15.2790 - Soaking pool.

"Soaking pool" means an artificial body of water having a depth in excess of eighteen inches (18"), a surface area of less than one hundred (100) square feet, and designed, constructed and used for immersion purposes by human beings. Soaking pool includes a therapy pool.

(Ord. C-6533 § 1 (part), 1988)

21.15.2795 - Social service office.

A social service office is defined as an office maintained and used as a place of business conducted by persons or entities engaged in offering on-site group counseling, treatment or recovery programs, but wherein no overnight care for patients or clients is given. For the purpose of this definition, "group" means eight (8) or more persons. Professional care providers that do not engage in on-site group counseling, treatment or recovery programs (MFC, MFCC, MSW, Psychiatric Nurse, Psychologist, or Psychiatrist) are considered professional offices.

(Ord. C-7729 § 11, 2001)

21.15.2800 - Solid fence.

"Solid fence" means a wood or masonry fence with no openings, a chain link fence with slats, or other opaque materials deemed to constitute "solid" by the Director of Planning and Building.

(Ord. C-7360 § 1, 1995; Ord. C-6533 § 1 (part), 1988)

21.15.2810 - Special group residence.

"Special group residence" includes, but is not limited to, fraternity and sorority houses, college dormitories, residential care facility, convalescent hospitals, senior citizen housing, handicapped housing, halfway houses, military barracks and religious homes. Special group residence does not include group homes.

(Ord. C-6533 § 1 (part), 1988)

21.15.2820 - Special setback line.

"Special setback line" means a setback line, on a lot or several lots, established by separate ordinance adopted by the City Council. The special setback line, which supersedes the normally required setback line, may be greater or less than the setback prescribed in the development standards for the particular land use district in which the lot or lots may be located.

(Ord. C-6533 § 1 (part), 1988)

21.15.2830 - Stable, private.

"Private stable" means a building or a portion of a building used to shelter and feed horses or ponies which are used exclusively by the occupants of the property on which the stable is situated.

(Ord. C-6533 § 1 (part), 1988)

21.15.2840 - Stable, commercial.

"Commercial stable" means a stable other than a private stable.

(Ord. C-6533 § 1 (part), 1988)

21.15.2850 - Stall, box.

"Box stall" means an individual shelter for a horse which is completely enclosed (except for doors, windows and other ventilating apertures) and which has a minimum area of ninety-six (96) square feet (with no dimension less than eight feet (8')). A box stall must be free and clear of any obstruction and may be located in a private or public stable.

(Ord. C-6533 § 1 (part), 1988)

21.15.2860 - Stall, tie.

"Tie stall" means an individual shelter for a horse partially enclosed on three (3) sides with a wall, fence, railing or similar structure. A tie stall has a minimum area of sixty (60) square feet (with no dimension less than five feet (5')), must be free and clear of any obstruction, and must be located in a public or private stable.

(Ord. C-6533 § 1 (part), 1988)

21.15.2870 - Standards or development standards.

"Standards" or "development standards" means the physical design and development portion of the Zoning Regulations controlling such items as building coverage, yard areas, height of structures or floor area ratios. These are distinguished from use regulations, which restrict the types of land uses allowed on a property.

(Ord. C-6533 § 1 (part), 1988)

21.15.2880 - Standard State Zoning Enabling Act (SZEA).

"Standard State Zoning Enabling Act (SZEA)" means a model act originally prepared in 1922 under the auspices of the United States Department of Commerce. It serves as the model for the zoning enabling legislation in many States.

(Ord. C-6533 § 1 (part), 1988)

21.15.2890 - Standards variance.

"Standards variance" means granting a property owner relief from development standards of the Zoning Regulations when, because of the particular physical or topographical condition of the property, compliance would result in undue hardship on the owner (as distinguished from a mere inconvenience or desire to make more money). Standards variance shall not be used to intensify the use or increase the density on a lot.

(Ord. C-6533 § 1 (part), 1988)

21.15.2900 - Street.

"Street" means a public or private right-of-way with a width of more than twenty feet (20') providing access to properties and which is designated as a street on the Official Map of the City of Long Beach.

(Ord. C-6533 § 1 (part), 1988)

21.15.2910 - Street furniture.

"Street furniture" includes such items as benches, landscaping walls, newsracks, newsstands, trash receptacles, phone booths and the like.

(Ord. C-6533 § 1 (part), 1988)

21.15.2920 - Storage.

"Storage" means placing of a material or vehicle at one location for more than seventy-two (72) hours without use.

(Ord. C-6533 § 1 (part), 1988)

21.15.2930 - Storage, hazardous waste.

See "Hazardous waste facility."

(Ord. C-6533 § 1 (part), 1988)

21.15.2940 - Story.

"Story" means that portion of a building included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling (Figure 15-7). Basements and attics are not stories.

(Ord. C-6533 § 1 (part), 1988)

21.15.2950 - Strong oxidizer.

"Strong oxidizer" means a substance that can supply oxygen to a reaction and cause a violent reaction, or that can sustain a fire when in contact with a flammable or combustible material in the absence of air.

(Ord. C-6533 § 1 (part), 1988)

21.15.2960 - Strong sensitizer.

"Strong sensitizer" means a substance which will cause a hypersensitivity on normal living tissue (through an allergic or photodynamic process) which becomes evident on reapplication of the same substance.

(Ord. C-6533 § 1 (part), 1988)

21.15.2970 - Structure.

"Structure" means a manmade object without occupiable floor area.

(Ord. C-6533 § 1 (part), 1988)

21.15.2980 - Supergraphics.

"Supergraphic" means a sign, containing either on-site or off-site advertising, consisting of sign copy and/or an image that is applied to a building, structure, or wall, or projected onto a building, structure, or wall, or printed on vinyl, mesh, fabric, or any other material, and hung from or wrapped about a building or structure, and which does not comply with the requirements for a permitted sign type under the provisions of Chapter 21.44, or the requirements for a billboard under Chapter 21.54. The term "supergraphic" also shall include signs known as "building wraps."

(ORD-13-0014 , § 18, 2013; ORD-12-0006 , § 2, 2012; Ord. C-6533 § 1 (part), 1988)

21.15.2990 - Tattoo parlor.

"Tattoo parlor" means a commercial land use where the marking or coloring of the skin is performed by pricking in coloring matter or by producing scars, and which is conducted in exchange for financial or other valuable consideration. It does not include tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office.

(Ord. C-6533 § 1 (part), 1988)

21.15.3000 - Tavern.

"Tavern" means a commercial land use providing for the on-premises sale and consumption of alcoholic beverages. Tavern includes bars, pubs, cocktail lounges and the like.

(Ord. C-6533 § 1 (part), 1988)

21.15.3010 - Therapy pool.

See "Soaking pool."

(Ord. C-6533 § 1 (part), 1988)

21.15.3015 - Thrift shop.

"Thrift shop" means a retail commercial land use, either for-profit or nonprofit, for the sale of used merchandise other than antiques, art, books, clothes, collectables, jewelry, photographic equipment and vehicles.

(Ord. C-7047 § 31, 1992)

21.15.3020 - Through lot or double frontage lot.

See "Lot, through."

(Ord. C-6533 § 1 (part), 1988)

21.15.3030 - Tire retreading establishment.

"Tire retreading establishment" means a business involved in the retreading, recapping or rebuilding of tires using previously processed rubber or synthetic products.

(Ord. C-6533 § 1 (part), 1988)

21.15.3040 - Tire store.

"Tire store" means a place of business where the sale, installation, or storage of new or used or retread tires and tubes is conducted with or without other products or services. Tire store does not include tire retreading establishment.

(Ord. C-6533 § 1 (part), 1988)

21.15.3050 - Title.

"Title," when referred to in this Title, means Title 21 of the Long Beach Municipal Code relating to the Zoning Regulations.

(Ord. C-6533 § 1 (part), 1988)

21.15.3060 - Townhouse.

"Townhouse" means a dwelling unit with one (1) or two (2) common walls, and which has direct exterior access, private yards and no common floors or ceilings with other units.

(Ord. C-6533 § 1 (part), 1988)

21.15.3070 - Toxic.

"Toxic" means capable of producing injury, illness, or damage to humans, domestic livestock or wildlife through ingestion, inhalation or absorption through any body surface.

(Ord. C-6533 § 1 (part), 1988)

21.15.3080 - Transfer of development rights (TDR).

"Transfer of development rights (TDR)" means the removal of the right to develop or build on land in one area and the transfer of that right to another area or district where such transfer is permitted.

(Ord. C-6533 § 1 (part), 1988)

21.15.3090 - Transfer station.

"Transfer station" means any facility where hazardous wastes are transferred from one vehicle to another or where hazardous wastes are stored or consolidated before being transported elsewhere.

(Ord. C-6533 § 1 (part), 1988)

21.15.3100 - Travel trailer.

"Travel trailer" means a vehicle designed for human occupancy and used for travel or recreational purposes.

(Ord. C-6533 § 1 (part), 1988)

21.15.3110 - Travel trailer park.

"Travel trailer park" means an area where spaces are offered to one (1) or more users of travel trailers. This definition includes trailer camps, recreational vehicles courts or parks and the like.

(Ord. C-6533 § 1 (part), 1988)

21.15.3120 - Treatment.

"Treatment" means any method, technique or process designed to change the physical, chemical or biological character or composition of any hazardous waste.

(Ord. C-6533 § 1 (part), 1988)

21.15.3130 - Treatment facility.

"Treatment facility" means any facility at which hazardous waste is subjected to treatment or where a resource is recovered from a hazardous waste.

(Ord. C-6533 § 1 (part), 1988)

21.15.3140 - Triplex, three-family dwelling.

"Triplex" means a building containing three (3) dwelling units.

(Ord. C-6533 § 1 (part), 1988)

21.15.3150 - Truck yard.

"Truck yard" means a facility used exclusively for breaking down and assembling tractor-trailer transport, or for parking of heavy vehicles for short periods of time. Truck yard does not include facilities for the loading and unloading of shipments to or from an individual business.

(Ord. C-6533 § 1 (part), 1988)

21.15.3160 - Usable open space.

"Usable open space" means any space on a lot not enclosed within a building which is designed for specific recreational purposes, including active and passive recreational activities. Usable open space includes yards (except the required front yard setback), courtyards, balconies, decks, porches, roof decks and patios. Usable open space does not include driveways, aisles, parking spaces or side or rear yards less than eight feet (8') in width or front yards unless permitted by the provisions of Section 21.31.242.

(Ord. C-6933 § 4, 1991; Ord. C-6533 § 1 (part), 1988)

21.15.3170 - Usable open space, common.

"Common usable open space" means usable open space designed and intended for the common use or enjoyment by residents or guests.

(Ord. C-6533 § 1 (part), 1988)

21.15.3180 - Usable open space, private.

"Private usable open space" means usable open space designed and intended for the private use and enjoyment by residents or guests. Private usable open space shall have direct access to the unit for which the space is designed.

(Ord. C-6533 § 1 (part), 1988)

21.15.3190 - Use.

- A. "Use" means the purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained. Use also means the activity conducted on the land or in the building.
- B. A business facility shall be considered a single use if separate rooms have doorways which interconnect the rooms, regardless of whether such rooms contain independent exterior doorways and/or separate addresses.

(Ord. C-6533 § 1 (part), 1988)

21.15.3200 - Variance.

See "Standards variance".

(Ord. C-6533 § 1 (part), 1988)

21.15.3205 - Vehicle.

"Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a street or highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(Ord. C-7776 § 10, 2001)

21.15.3210 - Vehicle, dismantled.

"Dismantled vehicle" means a vehicle without hoods, doors, fenders, body panels, headlights, trunk lids, tires, wheels, windows or windshields (when such items are normally part of the vehicle).

(Ord. C-7776 § 2, 2001; Ord. C-6533 § 1 (part), 1988)

21.15.3215 - Vehicle, inoperative.

"Inoperative vehicle" includes: (a) any vehicle which is not currently and validly registered for operation or use on the streets and highways in the State as required under the provisions of the California Vehicle Code; or (b) any motor vehicle which currently is incapable of being driven under its own motor power; or (c) any non-motor vehicle which currently is incapable of being moved or drawn.

(Ord. C-7776 § 11, 2001)

21.15.3220 - Vehicle, wrecked.

"Wrecked vehicle" means a vehicle with dented areas in excess of one (1) square foot, rusted exterior body parts or broken glass parts.

(Ord. C-6533 § 1 (part), 1988)

21.15.3225 - Vending cart.

A "vending cart" is any wagon, cart, or similar wheeled container, which is not a "vehicle" as defined in the Vehicle Code of the State of California, from which food, beverage, or other consumable product is offered for sale to the public.

(Ord. C-7247 § 30, 1994)

21.15.3230 - Vested right.

"Vested right" means a right which has been legally established and cannot be revoked by subsequent conditions or changes in law without due process of law. There is no vested right to an existing zoning designation.

(Ord. C-6533 § 1 (part), 1988)

21.15.3240 - Veterinary clinic.

"Veterinary clinic" means a medical facility licensed by the State Department of Public Health for the treatment of household pets. The use may include the overnight care of patients.

(Ord. C-6533 § 1 (part), 1988)

21.15.3250 - Veterinary use.

"Veterinary use" means a commercial land use consisting of the grooming, treating (medical), selling or boarding of animals. Species of equine are excluded from this definition.

(Ord. C-6533 § 1 (part), 1988)

21.15.3260 - Vocational school.

"Vocational school" means a commercial land use consisting of an institution of learning for a special skill or special knowledge. Vocational school includes trade school, business school, professional school and school for self-improvement.

(Ord. C-6533 § 1 (part), 1988)

21.15.3270 - Wall return.

"Wall return" means a fence or garden wall extending from a building to another fence or garden wall.

(Ord. C-6533 § 1 (part), 1988)

21.15.3280 - Wetbar.

"Wetbar" means a sink located some place other than the kitchen, bathroom or laundry. Wetbar does not include a stove, range, or similar appliance customarily identified with a kitchen. Where a wetbar is located in a room or a portion of a room with a stove, hotplate, range, oven or microwave oven or other kitchen-type facilities, it shall constitute a separate kitchen.

(Ord. C-6533 § 1 (part), 1988)

21.15.3290 - Window.

"Window" is an opening in a wall of a building designed to allow light and/or ventilation into a room of a building, and enclosed by casement or sash containing glass or other similar transparent or semitransparent material.

(Ord. C-6533 § 1 (part), 1988)

21.15.3300 - Wholesale, industrial.

"Industrial wholesale" means an industrial land use consisting of the exchange of large quantities of goods for future distribution and resale for financial or other considerations.

(Ord. C-6533 § 1 (part), 1988)

21.15.3310 - Wing wall.

"Wing wall" means an extension of a wall of a building beyond that enclosing the space within the building. A wing wall may be structural, such as a buttress arch, or may be provided purely for design purposes.

(Ord. C-6533 § 1 (part), 1988)

21.15.3320 - Yard, required front.

See "Front yard, required".

21.15.3330 - Yard, required rear.

See "Rear yard, required."

(Ord. C-6533 § 1 (part), 1988)

21.15.3340 - Yard, required side.

See "Side yard, required."

(Ord. C-6533 § 1 (part), 1988)

21.15.3350 - Zero bedroom unit.

"Zero bedroom unit" means a dwelling unit consisting of one (1) kitchen, one (1) bathroom and one (1) combination living and sleeping room. It shall not exceed four hundred and fifty (450) square feet gross floor area or it shall be considered a one (1) bedroom unit. A zero bedroom unit is also known as a single, a bachelor or an efficiency unit.

(Ord. C-6533 § 1 (part), 1988)

21.15.3360 - Zero lot line.

"Zero lot line" means a development form in which a building is sited on one (1) or more lot lines with no yard, or zero setback (Figure 15-4). The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.

(Ord. C-6533 § 1 (part), 1988)

21.15.3370 - Zone or zone district.

"Zone" or "zone district" means a section of the City described in the text of the Zoning Regulations and delineated on the use district maps of the City. The text sets forth the requirements for the use of land as well as improvement and development standards.

(Ord. C-6533 § 1 (part), 1988)

21.15.3380 - Zoning Administrator.

"Zoning Administrator" means the person duly appointed by the Director of Planning and Building, with confirmation by the Planning Commission, to make administrative decisions as prescribed in this Title and to handle such other duties as assigned by the Director of Planning and Building in the administration and enforcement provisions of this Title. Such person shall be a member of the Department of Planning and Building and shall have a position of Division Manager or above.

(Ord. C-6533 § 1 (part), 1988)

21.15.3390 - Zoning amendment.

"Zoning amendment" means a change in the Zoning Regulations or zoning map. Zoning amendment also includes rezoning.

(Ord. C-6533 § 1 (part), 1988)

21.15.3400 - Zoning map.

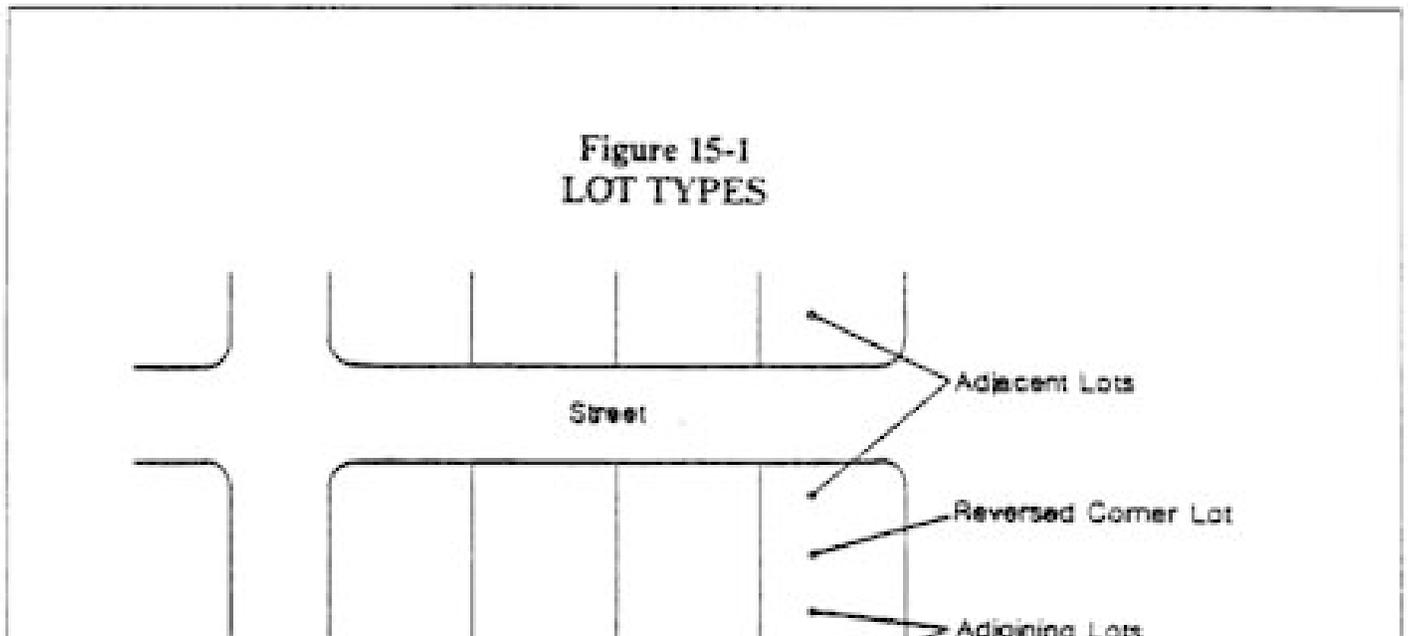
"Zoning map" means the map portion of the Zoning Regulations delineating the boundaries of land use districts and which, along with the zoning text, comprises the Zoning Ordinance or Zoning Regulations. Zoning map also includes land use district maps.

(Ord. C-6533 § 1 (part), 1988)

21.15.3410 - Zoning Regulations or Zoning Ordinance.

"Zoning Regulations" or "Zoning Ordinance" means the textual and map portions of the Zoning Regulations of the Long Beach Municipal Code.

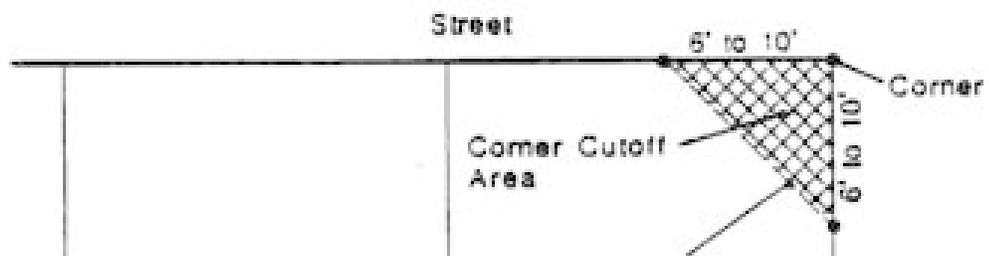
(Ord. C-6533 § 1 (part), 1988)



(Ord. C-6533 § 1 (part), 1988)

(Ord. C-7607 § 7, 1999; Ord. C-6533 § 1 (part), 1988)

Figure 15-4
CORNER CUTOFF AND ZERO LOT LINE



(Ord. C-6533 § 1 (part), 1988)

Figure 15 - 5

Height of Buildings

SLOPED ROOF



(Ord. C-7776 § 7, 2001)

(Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.21 - ADMINISTRATIVE PROCEDURES

DIVISION I. - HEARING BODIES

21.21.101 - Hearings—General.

This Chapter is intended to establish administrative procedures for all types of matters, permits and approvals for which action is provided in this Title 21. Public hearings shall be conducted in connection with each of the procedures so established by such hearing bodies and officers as are indicated in Table 21-1.

(Ord. C-6533 § 1 (part), 1988)

21.21.105 - Hearing bodies.

Four (4) hearing bodies or officers shall make decisions on the various procedures provided for in this Title 21 as follows:

- A. **City Council.** The City Council shall be responsible for actions indicated in Table 21-1. City Council actions on zoning amendments and rezonings are hearings and shall follow the noticing procedures set forth in this Chapter.
- B. **Planning Commission.** The Planning Commission shall be responsible for the hearings indicated in Table 21-1.
- C. **Zoning Administrator.** The Zoning Administrator is established to provide, among other things, a hearing officer to conduct public hearings as specified in Table 21-1. The Zoning Administrator shall be a Planning Officer designated by the Director of Planning and Building with the approval of the Planning Commission. In the absence of the Zoning Administrator, the Director of Planning and Building may assume the responsibilities of the Zoning Administrator or may designate a Planner III or other higher designation.
- D. **Site Plan Review Committee.** The Site Plan Review Committee shall consist of the Director of Planning and Building and two (2) planning officers designated by him/her.

(Ord. C-7247 § 1, 1994; Ord. C-6933 § 5, 1991; Ord. C-6895 § 3, 1991; Ord. C-6533 § 1 (part), 1988)

DIVISION II. - INITIATION OF PROCEDURES

21.21.201 - Application.

- A. **General.** Any procedure provided for in this Title 21, including, but not limited to, amendment of the Zoning Regulations, change of a zoning district, issuance of conditional permits, variances, administrative use permits, site plan review, classification of uses and density bonuses may be initiated by application of the owner of any real property in the City directly affected by the procedure, or his authorized agent. The Director of Planning and Building may request proof of ownership or authorization to apply prior to acceptance of any such application.
- B. **Zoning and Zoning Regulations.** An amendment to the Zoning Regulations and a change of zoning district may also be initiated by:
 1. Direction by action of the City Council or the Planning Commission; or

2. Direction of the Director of Planning and Building with the consent of the Planning Commission.
- C. **Filing Fee.** A filing fee shall accompany each application as required by Section 21.21.701
- D. **Complete Application.** No application shall be considered complete until applicable forms are filed, the required fee is paid, and additional information as required by the Director of Planning and Building, is received. The Director of Planning and Building shall determine when an application is complete, and the determination of the Director shall be final.

(Ord. C-6533 § 1 (part), 1988)

**Table 21-1
Discretionary Review Responsibilities**

Type of Procedure	Responsible Hearing Body				Notice Required ^(d)
	SPRC	ZA	PC	CC	
Zoning regulations amendment:					
Initial hearing			X		Yes
Final decision				X	Yes
Zone change:					
Initial hearing			X		Yes
Final decision				X	Yes
Conditional use permit:					
Initial hearing			X		Yes
Appeal				X	Yes
Variance:					
Initial hearing		X	X ^(c)		Yes
Appeal			X	X ^(c)	Yes
Administrative use permit:					
Initial hearing		X	X ^(c)		Yes
Appeal			X	X ^(c)	Yes
Site plan review:					

Initial hearing	X		X ^(a)		No
Appeal			X	X ^(a)	No
Classification of uses:					
Initial hearing		X			No
Final decision			X		No
Establishment of planned development district:					
Initial hearing			X		Yes
Final decision				X	Yes
Special setback lines:					
Initial hearing			X		Yes
Final decision				X	Yes
Local coastal permit:					
Initial hearing		X	X ^(c)		Yes
Appeal ^(b)			X	X ^(c)	Yes
Bonus density (General Plan):					
Initial hearing			X		Yes
Appeal				X	Yes
Determination of applicable law:					
Initial hearing			X		Yes
Appeal				X	Yes
Interim park use permit:					
Initial hearing				X	Yes
Appeal				None	

Abbreviations: SPRC = Site Plan Review Committee; ZA = Zoning Administrator; PC = Planning Commission; CC = City Council

- (a) Planning Commission establishes types of projects subject to Planning Commission review. Such projects can be appealed to the City Council.
- (b) Also appealable to California Coastal Commission if the project site is located within the appealable area.
- (c) The Zoning Administrator may refer such application to the Planning Commission for consideration. In this case, the City Council shall serve as the appeal body.
- (d) See Section 21.21.302 (Noticing of hearings) for noticing requirements.

(Ord. C-7378 § 2, 1995)

DIVISION III. - NOTICING OF HEARINGS

21.21.302 - Noticing requirements for hearings.

- A. **General.** Notice shall be given for all hearings requiring notice as set forth in Table 21-1 not less than fourteen (14) days, nor more than forty-five (45) days prior to the hearing. In addition to the notice required by this Section, the City may give notice of the hearing in any other manner it deems necessary or desirable, but, in any event, notice shall be given by the means set forth in this Section.
- B. **For Noticing of Zone Changes and Other Specified Procedures.** For noticing of a zone change, conditional use permit, standards variance, administrative use permit, planned development district, local coastal permit, special setback lines, density bonus, or any other planning or zoning matter not otherwise specifically provided for herein:
 - 1. **Owners and Occupants.** Notice of hearing shall be mailed or delivered to the owner of the subject real property or to the owner's duly authorized agent. One (1) notice of hearing shall also be mailed or delivered to each tenant household or to each commercial tenant as applicable, of the subject real property;
 - 2. **Project Applicant.** Notice shall be mailed or delivered to the project applicant;
 - 3. **Local Agencies.** Notice of the hearing shall be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;
 - 4. **Surrounding Property Owners.**
 - a. (1) For residential or commercial projects, notice of the hearing shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within seven hundred and fifty feet (750') of the real property that is the subject of the hearing. Notice of hearing shall also be mailed or delivered to all tenant households or commercial tenants, as applicable, of real property that is located within seven hundred and fifty feet (750') of the residential or commercial real property that is subject to the hearing.

For all institutional or City projects, notice of the hearing shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within one thousand feet (1,000') of the real property that is the subject of the hearing. Notice of hearing shall also be mailed or delivered to all tenant households or commercial tenants, as applicable, of real property that is located within one thousand feet (1,000') of the institutional or City project real property that is subject to the hearing.

- (3) For notices on City-owned property in the Port of Long Beach and the Long Beach Airport, notices shall also be mailed and delivered to the leasehold interests on those properties. Notices sent to leaseholders shall count in determination of the twenty (20) notice minimum.
 - (4) In lieu of utilizing the assessment roll, the City may utilize records of the county assessor or tax collector which contain more recent information than the assessment roll. In no event shall less than a minimum of twenty (20) nearest property owners, or owners and leaseholders as specified above, be notified.
 - (5) Notice of the hearing shall also be mailed or delivered to resident managers of any multifamily residential rental units where the property owner is not an on-site occupant when the fact of nonoccupancy is known to the person charged with the responsibility of mailing or delivering notice.
 - (6) Measurement of the distance for notification pursuant to this Subsection shall begin at the property boundary of the real property that is the subject of the hearing.
- b. In a City-initiated zoning remapping program, if the number of owners to whom notice would be mailed or delivered pursuant to this Subsection is greater than one thousand (1,000), the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth (1/8) page in at least one (1) newspaper of general circulation within the local agency in which the proceeding is conducted at least ten (10) and not more than forty-five (45) days prior to the hearing; and

5. Posting.

- a. Notice of the hearing shall be posted at least fourteen (14) days prior to the hearing in at least three (3) public places within the boundaries of the City, including one (1) public place in the area, if any, most directly affected by the proceedings. In addition, the applicant or owner of the real property which is the subject of the hearing shall post a sign of at least thirty inches (30") by forty inches (40") on each street face of the real property that is the subject of the hearing, the content of which sign shall be subject to the prior approval of development services staff.
- b. Building height variance applicants shall erect story poles which accurately represent the full extent of the proposed structure to the satisfaction of the Director of Development Services, including decks and eaves, at least fourteen (14) calendar days prior to the first public hearing and remain in place through the end of the appeal period.

- 6. Noticing of Actions in the Coastal Zone.** Additionally, when notice is required to be given for any matter in the coastal zone, in addition to any and all other notices required by this Subsection, notice shall be mailed to the California Coastal Commission and to all persons requesting notice for the individual matter or for all coastal zone hearings, and to all residents within one hundred feet (100') of the site.

C. For noticing of a zoning ordinance amendment:

1. **Publishing Advertisement.** Notice of the hearing shall be published pursuant to Section 6061 of the California Government Code in at least one (1) newspaper of general circulation within the City;
2. **Posting.** Notice of the hearing shall be posted at least fourteen (14) days prior to the hearing in at least three (3) public places within the boundaries of the City, including one (1) public place in the area, if any, most directly affected by the proceeding;
3. **Mailing.** Notice of the hearing shall be mailed, together with all proposed changes, additions, modifications or deletions to all City libraries and to anyone requesting such notice; and
4. **Amendments in the Coastal Zone.** For any matter in the coastal zone, in addition to any and all other notices required by this Subsection, notice shall be mailed to the California Coastal Commission and to all persons requesting notice for the individual matter or for all coastal zone hearings, and to all residents within one hundred feet (100') of the site.

D. For Noticing of Appeals:

1. **Responsibility for Noticing.** A notice of the public hearing on the appeal shall be mailed by the Department of Development Services for appeals to the City Planning Commission, and by the City Clerk for appeals to the City Council.

The notice shall contain the same information as the original notice except that it shall also give the appellant's name and state that the hearing is an appeal.

2. **Persons to be Noticed.** Notice of the hearing shall be mailed to the applicant and to all persons entitled to mailed notice and to any known aggrieved person, as specified in Subsection 21.21.302.B, not less than ten (10) days prior to the hearing. A person shall not be considered aggrieved for purposes of receiving this notice if the only indication of interest is the signing of a petition unless that person indicates on the petition that he wishes to receive notice.
3. **Appeals in the Coastal Zone.** For any matter in the coastal zone, in addition to any and all other notices required by this Subsection, notice shall be mailed to the California Coastal Commission and to all persons requesting notice for the individual matter or for all coastal zone hearings, and to all residents within one hundred feet (100') of the site.

(ORD-09-0016, § 1, 2009; ORD-08-0020 § 1, 2008; Ord. C-7247 § 2, 1994; Ord. C-7032 § 7, 1992; Ord. C-6589 § 1, 1989)

21.21.304 - Content of notices.

All notices shall contain, as a minimum, the following information:

- A. The applicant's name;
- B. The filing date;
- C. The case number for the project;
- D. The location of the project, including an indication of whether it is in the coastal zone;
- E. An indication of whether the project is appealable to the Coastal Commission;
- F. A description of the project;
- G. The reason for the public hearing;
- H. The date, time and place of the public hearing;
- I. The general procedures for the hearing and the receipt of public comments;
- J. The means for appeal, including an appeal to the Coastal Commission when applicable; and
- K. A statement stating substantially the following:

"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing".

(Ord. C-6533 § 1 (part), 1988)

21.21.306 - Evidence of notice.

- A. **Documentation.** When notice for any hearing is given pursuant to this Division, the following documentation shall be deemed sufficient to serve as proof that such notice was given pursuant to the requirements of law:
1. **Publication.** When notice is given by publication, an affidavit of publication by the newspaper in which publication is made showing, among other things, the date or dates of publication;
 2. **Mailing or Delivery.** When notice is given by mailing or delivery, an affidavit or proof of mailing/delivery showing, among other things, the date or dates of mailing/delivery, the person making such mailing/delivery and the persons and entities to which mailing/delivery is made;
 3. **Posting.** When notice is given by posting, an affidavit or proof of posting showing, among other things, the date or dates of posting, the person making or causing such posting to be made and the location at which posting was made.
- B. **Official Files Required.** All documentation provided for in this Section shall be maintained in the official files of the hearing for which notice was given.
- C. **Failure to Provide Documentation or Receive Notice.** Failure of documentation to be prepared or maintained pursuant to this Section shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given nor shall the failure of any person or entity to receive notice given pursuant to this Division constitute grounds for any court to invalidate the actions of the City for which the notice was given.

(Ord. C-6533 § 1 (part), 1988)

DIVISION IV. - CONDUCT OF HEARINGS AND EFFECT OF ACTION

21.21.401 - Purpose and right to comment.

- A. **Purpose.** The purpose of this Division IV is to set forth procedures for the conducting of public hearings as a means of providing decision-makers with a method for receiving and considering comments on various discretionary matters considered by them under the provisions of this Title 21 prior to acting on such matters.
- B. **Right to Comment.** Prior to the public hearing, any person affected by the pending application may file with the Department of Planning and Building a written statement either supporting or objecting to the application. Any such person may also appear at a public hearing to present oral testimony.

(Ord. C-6533 § 1 (part), 1988)

21.21.402 - Action by hearing body.

- A. Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, partially approve, deny, continue or take under advisement the subject of the public hearing.
- B. Unless a matter is continued to be heard at the next regularly scheduled meeting, or taken under advisement to be heard at the next regularly scheduled meeting, the matter shall be re-noticed in accordance with Division III "Notice of Hearings".

- C. Conditions. Reasonable and necessary conditions on development may be attached to all decisions to ensure their consistency with the Zoning Regulations.

(ORD-08-0020 § 2, 2008; Ord. C-6533 § 1 (part), 1988)

21.21.403 - Permit denial—Reapplication.

Whenever an application has been denied and the denial becomes final, no new application for the same or similar request may be accepted within one (1) year of the denial date, unless the Zoning Administrator finds that a sufficient change in circumstances has occurred to warrant a new application.

(Ord. C-6533 § 1 (part), 1988)

21.21.404 - Continuing jurisdiction.

The Director of Planning and Building shall have continuing jurisdiction over all permits issued and approvals given under the provisions of this Title and shall be responsible for monitoring compliance with the provisions and conditions of issuance or approval.

(Ord. C-6533 § 1 (part), 1988)

21.21.405 - Modification of permits.

An approved permit, variance or other entitlement may be modified as long as the modification is found to further the purposes of the Zoning Regulations. The hearing body which granted the original approval must consider and act on the modification within sixty (60) days of receiving the modification request. If the Zoning Administrator finds that the modification will not significantly alter the original approved action, notice of hearing on the requested modification shall be given to any person or entity whom the Zoning Administrator determines was aggrieved at the original hearing. If the Zoning Administrator finds that the modification may significantly alter the original approved action, notice of hearing on the requested modification shall be given as required for an initial hearing as shown on Table 21-1. For the purposes of this Section, a significant alteration shall include, but is not limited to, a request to relocate the project to a new location other than that approved by the permit, or a request to change the size of the project as approved by the permit by more than ten percent (10%).

(Ord. C-7663 § 3, 1999; Ord. C-6533 § 1 (part), 1988)

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 year after the granting of the request if the right or privilege has not been exercised in good faith within that year. 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.
- B. Upon written request received prior to the expiration of the permit, a one (1) year extension of the right or privilege may be granted by the Zoning Administrator. The request may be granted upon a finding that no substantial change of circumstances has occurred and that the extension would not be detrimental to the purpose of the Zoning Regulations. Notice of the requested extension shall be given to any person determined by the Zoning Administrator to have been aggrieved at the original hearing. Any person aggrieved by the Zoning Administrator's decision on an extension request may appeal that decision to the Planning Commission.

(Ord. C-6533 § 1 (part), 1988)

DIVISION V. - APPEALS

21.21.501 - Authorization and jurisdiction.

- A. **Authorization.** Any aggrieved person may appeal a decision on any project that required a public hearing.
- B. **Jurisdiction.** The Planning Commission shall have jurisdiction on appeals of interpretations made pursuant to Section 21.10.045 and decisions issued by the Zoning Administrator and Site Plan Review Committee, and the City Council shall have jurisdiction on appeals from the Planning Commission as indicated in Table 21-1. Decisions lawfully appealable to the California Coastal Commission shall be appealed to that body.

(Ord. C-7326 § 5, 1995; Ord. C-6533 § 1 (part), 1988)

21.21.502 - Time to file appeal.

An appeal must be filed within ten (10) days after the decision for which a public hearing was required is made.

(Ord. C-6533 § 1 (part), 1988)

21.21.503 - Form of filing.

All appeals shall be filed with the Department of Planning and Building on a form provided by that Department.

(Ord. C-6533 § 1 (part), 1988)

21.21.504 - Time for conducting hearing of appeals.

A public hearing on an appeal shall be held:

- A. In the case of appeals to the City Planning Commission, within sixty (60) days of the date of filing of the appeal with the Department of Planning and Building; or
- B. In the case of appeals to the City Council, within sixty (60) days of the receipt by the City Clerk from the Department of Planning and Building of the appeal filed with the Department.

(Ord. C-6533 § 1 (part), 1988)

21.21.505 - Findings on appeal.

All decisions on appeal shall address and be based upon the same conclusionary findings, if any, required to be made in the original decision from which the appeal is taken.

(Ord. C-6533 § 1 (part), 1988)

21.21.506 - Finality of appeals.

- A. **Decision Rendered.** After a decision on an appeal has been made and required findings of fact have been adopted, that decision shall be considered final and no other appeals may be made except:
 - 1. Projects located seaward of the appealable area boundary, as defined in Section 21.25.908 (Coastal Permit—Appealable Area) of this Title, may be appealed to the California Coastal Commission; and
 - 2. Local coastal development permits regulated under the City's Oil Code may be appealed to the City Council.
- B. **No Appeal Filed.** After the time for filing an appeal has expired and no appeal has been filed, all decisions shall be considered final, provided that required findings of fact have been adopted.

- C. **Local Coastal Development.** Decisions on local coastal development permits seaward of the appealable area shall not be final until the procedures specified in Chapter 21.25 (Coastal Permit) are completed.

(Ord. C-6533 § 1 (part), 1988)

21.21.507 - Appeals from Harbor Department environmental determinations.

- A. **Appellants.** Any person who appeared before the Board of Harbor Commissioners (the "Board") and objected to the Board's: (1) certification of an environmental impact report, (2) approval of a negative declaration or mitigated negative declaration, or (3) determination that a project is not subject to the California Environmental Quality Act ("CEQA") (collectively "environmental determinations"), may appeal that environmental determination to the City Council.
- B. **Time to File an Appeal.** An appeal of an environmental determination by the Board ("appeal") must be filed within ten (10) business days after the environmental determination.
- C. **Filing Fee.** No filing fee will be charged for an appeal.
- D. **Place to File.** An appeal must be filed with the City Clerk.
- E. **Contents of Appeal.** There is no required form for an appeal, but all appeals shall be in writing and shall contain the following information:
1. The name, address and telephone number of the person filing the appeal (the "appellant").
 2. All grounds for the appeal, specifying in detail why the appellant contends that the environmental determination does not comply with CEQA.
 3. Evidence that each ground for the appeal was submitted to the Board by the appellant or another person before the environmental determination.
 4. All documentation the appellant relies on in support of the appeal.
- F. **Effect of an Appeal.** The filing of an appeal will stay the effect of: (1) the environmental determination; (2) any project approval made pursuant to the environmental determination; and (3) any notice of determination; until the City Council renders a decision on the appeal.
- G. **Hearing on the Appeal.** The City Clerk shall set a hearing on the appeal on the agenda of the City Council not more than sixty (60) days from the date the appeal is filed with the City Clerk.
- H. **Notice of Hearing.** The City Clerk shall provide notice of the hearing to the appellant and to the board not less than ten (10) business days before the hearing.
- I. **Conduct of the Hearing.** The appellant shall have an opportunity to present its grounds for contending that the environmental determination does not comply with CEQA and the harbor department shall have an equal opportunity for rebuttal. Any other interested persons shall be limited to three (3) minutes each to state their views on the appeal.
- J. **City Council Decision.** Following the hearing, the City Council may either: (1) deny the appeal and affirm the environmental determination; or (2) grant the appeal, set aside the environmental determination and remand to the Board.

(ORD-06-0020 § 1, 2006)

DIVISION VI. - REVOCATIONS

21.21.601 - Revocations.

Except as otherwise provided, upon determination that there has been a violation of the terms or conditions or lawful requirements or provisions of any permit or approval provided by this Title, the Zoning Administrator shall schedule a public hearing before the City Council, Planning Commission or Zoning Administrator, whichever granted the permit or approval, to determine if the permit or approval should be revoked.

(Ord. C-6533 § 1 (part), 1988)

21.21.605 - Procedures for revocation.

- A. At the hearing the Zoning Administrator shall present evidence of the violation.
- B. If the hearing body or Hearing Officer finds that the conditions have been violated and that the property owner has not made a good faith effort to comply, the permit or approval shall be revoked.
- C. The property owner shall have the same right of appeal as would have been applicable if the initial application had been denied by the person or body granting the permit.

(Ord. C-6533 § 1 (part), 1988)

DIVISION VII. - FEES

21.21.701 - Fees.

- A. **Fees Required.** Every person submitting an application for any procedure, entitlement, permit or approval pursuant to this Title 21 shall pay a fee as set forth in the schedule of fees for Title 21 established by City Council resolution. Required fees shall be paid at the time of filing of any application.
- B. **Purpose of Fees.** Such fees are imposed for the purpose of reimbursing the City for costs incurred in investigating and acting upon an application and for administering the provisions of this Title relating to the application.
- C. **Refund of Fees.** Fees shall not be refunded if the City has incurred costs in connection with the application, but partial and prorated refunds may be granted by the City if projects are withdrawn prior to the public hearing.

(Ord. C-6533 § 1 (part), 1988)

DIVISION VIII. - LIMITATION OF ACTIONS

21.21.801 - Exhaustion of administrative remedies.

No person shall commence or maintain any legal action under this Title 21 until that person has exhausted all administrative remedies.

(Ord. C-6533 § 1 (part), 1988)

21.21.805 - Statute of limitations.

- A. Any legal action or proceeding to attack, review, set aside, void or annul any decision or matter or proceedings provided in this Title shall be commenced within thirty (30) days after the decision becomes final; except that legal action on developments in the coastal zone taken under the provisions of Division 20, Chapter 9, Section 30000 et seq., of the Public Resources Code shall be commenced within sixty (60) days after the decision becomes final.
- B. Thereafter, all persons are barred from bringing the action or proceedings or from raising any issue of invalidity or unreasonableness of the decision.

(Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.25 - SPECIFIC PROCEDURES

DIVISION I. - ZONE CHANGES AND ZONING REGULATION AMENDMENTS

21.25.101 - Zone changes and zoning regulation amendments.

- A. **Initiation.** Zone changes and Ordinance amendments may be initiated as provided for in Section 21.21.201
- B. **Jurisdiction.** The City Council shall have the sole authority to rezone a property or to change the text of the Zoning Regulations. However, the City Council shall not act to rezone property or to change the text of the Zoning Regulations without first receiving a recommendation from the Planning Commission in accordance with this Title.
- C. **Frequency of Amendment.** The Zoning Regulations may be amended three (3) times per year and may be amended more frequently with the consent of the City Council as expressed by a vote of two-thirds (2/3) of the members voting thereon. More than one (1) revision, or the revision of more than one (1) chapter, division, subdivision or Section of this Title, may be considered as a part of each such amendment.

(Ord. C-6533 § 1 (part), 1988)

21.25.103 - Proceedings.

The process for rezoning property or amending the Zoning Regulations shall be as follows:

- A. **Planning Commission.** The Planning Commission shall hear all proposals to rezone property or to change the text of the Zoning Regulations and shall recommend positive action on such matters to the City Council. Any action to deny a rezoning request or to change the text of the Zoning Regulations does not need to be transmitted to the Council. However, a recommendation to deny a rezoning may be appealed to the City Council.
 1. **Transmittal to City Council.** Within sixty (60) days following positive Planning Commission action, the Commission's recommendation shall be transmitted by the Department of Planning and Building to the City Clerk for presentation to the City Council.
 2. **Information Required.** The transmittal to the City Council shall give the reasons for the Commission's recommendation and shall indicate whether or not the decision was unanimous. In the event the decision was not unanimous, the view of the minority opinion shall also be disclosed.
- B. **City Council.** Upon receipt of the recommendation of Planning Commission or notice of an appeal, the City Clerk shall set a time for consideration of the matter by the City Council.
 1. **Noticing.** In addition to giving notice of the hearing as required by Section 21.21.302, the City Clerk shall also notify the Planning Commission through the Director of Planning and Building. The Planning Commission may delegate authority to the Director of Planning and Building to present orally the Planning Commission recommendation.
 2. **Council Action.**
 - a. **Change Text of Zoning Regulations or Rezoning Property.** City Council action to adopt, revise, or reject any recommendation of the Planning Commission relating to a change in the text of the Zoning Regulations or to rezoning property shall require an

affirmative vote of five (5) members of the City Council.

- b. **Effect in Coastal Zone.** When an approved change in the text of the Zoning Regulations or a rezoning affects properties in the Coastal Zone, the change or rezoning shall be transmitted to the Coastal Commission for a determination of consistency with the certified local coastal program or an amendment thereto. The change in the text or rezoning shall not be effective in the Coastal Zone until after Coastal Commission approval.

(Ord. C-6595 § 6A, 1989; Ord. C-6533 § 1 (part), 1988)

21.25.106 - Findings required.

In all cases, the Planning Commission and the City Council shall be required to make the following findings of fact before rezoning a parcel:

- A. The proposed change will not adversely affect the character, livability or appropriate development of the surrounding area; and
- B. The proposed change is consistent with the goals, objectives and provisions of the General Plan; and
- C. If the proposed change is a rezoning of an existing mobile home park, that the requirements of Section 21.25.109 have been or will be fully met.

(Ord. C-6533 § 1 (part), 1988)

21.25.108 - Timely action.

The Department of Planning and Building shall take all necessary steps to enable the Planning Commission to hear a proposal within one hundred twenty (120) days of receipt of the request from the City Council, the Planning Commission or a private property owner. Any proposal initiated by the Director of Planning and Building shall be scheduled for Planning Commission hearing at the discretion of the Director of Planning and Building.

(Ord. C-6533 § 1 (part), 1988)

21.25.109 - Special requirements—Rezoning of mobile home parks.

When any rezoning of an existing mobile home park is applied for, in addition to all other requirements of law, the applicant shall provide for the full cost of moving all mobile homes to a new location of the mobile home owner's choice or shall purchase the mobile home from the mobile home owner at fair market value (fair market value shall be determined by a licensed appraiser or realtor, acceptable to both the land owner and mobile home owner). The provision of moving expenses or purchase shall be the choice of the mobile home owner.

(Ord. C-6533 § 1 (part), 1988)

DIVISION II. - CONDITIONAL USE PERMITS

21.25.201 - Purpose.

- A. **Purpose.** The City recognizes that certain types of land use, due to the nature of the use, require individual review. Such review shall determine whether the type of use proposed, or the location of that use, is compatible with surrounding uses, or, through the imposition of development conditions, can be made compatible with surrounding uses. This Division establishes procedures for this review.

(Ord. C-6533 § 1 (part), 1988)

21.25.203 - Application.

Notwithstanding the provisions of Section 21.21.201 (Application), the right to apply for a conditional use permit shall be limited to affected property owners or their agents. Applications for conditional use permits may be submitted only for those uses specified as conditional uses in the applicable zone district. If the proposed project does not comply with an applicable development standards, a separate standards variance application shall also be required.

(Ord. C-6533 § 1 (part), 1988)

21.25.205 - Jurisdiction.

- A. **Planning Commission.** The Planning Commission shall consider all applications for conditional use permits, except as set forth in Subsection 21.25.205.B., below. The decision of the Planning Commission shall be final unless the decision is appealed to the City Council.
- B. **Exceptions.** Applications for the minor expansion of an existing conditional use shall be considered by the Zoning Administrator in accordance with the procedures for an administrative use permit as set forth in Division IV of this Chapter. Such minor expansion is limited to twenty-five percent (25%) of the existing use and five thousand (5,000) square feet of building area. Any expansion exceeding this limit shall be considered a new conditional use and shall be subject to the fees and procedures established for a new conditional use. This exception does not apply to the sale of alcoholic beverages (on-premises or off-premises).

(Ord. C-6533 § 1 (part), 1988)

21.25.206 - Required findings.

The following findings must be analyzed, made and adopted before any action is taken to approve or deny the subject permit and must be incorporated into the record of the proceedings relating to such approval or denial:

- A. The approval is consistent with and carries out the General Plan, any applicable specific plans such as the local coastal program and all zoning regulations of the applicable district;
- B. The proposed use will not be detrimental to the surrounding community including public health, safety or general welfare, environmental quality or quality of life;
- C. The approval is in compliance with the special conditions for specific conditional uses, as listed in Chapter 21.52; and
- D. The related development approval, if applicable, is consistent with the green building standards for public and private development, as listed in Section 21.45.400

(ORD-09-0013, § 1, 2009; Ord. C-7032 § 8, 1992; Ord. C-6533 § 1 (part), 1988)

21.25.207 - Timely action.

The Zoning Administrator shall set the matter for public hearing within sixty (60) days of receiving a completed application.

(Ord. C-6533 § 1 (part), 1988)

21.25.209 - Waiver of required conditions.

Conditions required by Division II of Chapter 21.52 may be waived but only if the waiver of those conditions will not conflict with other required findings, provided that conditions necessary for the protection of public health, safety and welfare may not be waived under any circumstances.

(Ord. C-6533 § 1 (part), 1988)

21.25.211 - Posting of conditions.

All conditions pertaining to the operation of the use shall be permanently posted, on a form provided by the Director of Planning and Building, at a location clearly visible to the public utilizing the facility. This provision shall apply to all facilities for which a conditional use permit has been issued since May 4, 1979. All uses previously approved shall come into compliance with this requirement within sixty (60) days of being notified of the need to comply.

(Ord. C-6595 § 24, 1989)

21.25.212 - Annual reinspection.

All projects for which a conditional use permit is approved shall be required to undergo an annual reinspection to verify compliance with the conditions of approval. The property owner shall be required to pay an annual fee to the City as established by the City Council to cover the costs of the reinspection program.

(Ord. C-6933 § 42, 1991)

DIVISION III. - STANDARDS VARIANCE

21.25.301 - Purpose.

The City recognizes that certain properties, due to their unique size, shape, location or other physical condition, cannot be developed in strict accord with the regulations of this Title. Therefore, this Division establishes guidelines and procedures for the granting of relief from certain provisions in specific situations.

(Ord. C-6533 § 1 (part), 1988)

21.25.303 - Applicability.

- A. A variance shall grant relief from specific development standards of the Zoning Regulations and shall be known as a standards variance.
- B. The standards variance procedure shall not apply to situations where the use is not permitted in a zone or the proposed residential density exceeds the maximum residential density permitted in a zone for any given lot size.

(Ord. C-6895 § 5, 1991; Ord. C-6533 § 1 (part), 1988)

21.25.305 - Jurisdiction.

- A. The Zoning Administrator shall have the authority to consider and act on requests for variances. The Zoning Administrator may approve, conditionally approve or deny a request. The Zoning Administrator's actions may be appealed to the Planning Commission.
- B. Rather than act on a variance application, the Zoning Administrator may instead refer the application to the Planning Commission for consideration. In such cases, the hearing before the Planning Commission shall be held within ninety (90) days after the filing of the application.

(Ord. C-6533 § 1 (part), 1988)

21.25.306 - Required findings.

The following findings must be analyzed, made and adopted before any action is taken to approve or deny the subject standards variance and must be incorporated into the record of proceedings relating to such approval or denial:

- A. The site or the improvements on the site are physically unique when compared to other sites in the same zone;
- B. The unique situation causes the applicant to experience hardship that deprives the applicant of a substantial right to use of the property as other properties in the same zone are used and will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purpose of the zoning regulations;
- C. The variance will not cause substantial adverse effects upon the community; and
- D. In the Coastal Zone, the variance will carry out the local coastal program and will not interfere with physical, visual and psychological aspects of access to or along the coast.

(Ord. C-7032 § 9, 1992; Ord. C-6533 § 1 (part), 1988)

21.25.309 - Timely action.

Except as provided in Subsection 21.25.305.B, the responsible hearing body shall hold a public hearing on any variance request within sixty (60) days of receiving a completed application.

(Ord. C-6533 § 1 (part), 1988)

DIVISION IV. - ADMINISTRATIVE USE PERMITS

21.25.401 - Purpose.

In order to streamline the project review process, the administrative use permit procedure is established to allow a simplified review process for projects which have insignificant effects on surrounding properties.

(Ord. C-6533 § 1 (part), 1988)

21.25.403 - Application.

The administrative use permit process applies only to the following applications:

- A. **Minor Expansion of Existing Conditional Use.** This applies to uses for which conditional use permits have been previously granted and to legal, nonconforming uses which now require a conditional use permit for the zone districts in which they are located. Such uses may be expanded through approval of an administrative use permit by twenty-five percent (25%) of the existing use, although the expansion may not exceed five thousand (5,000) square feet of additional floor area. Any expansion exceeding these limits shall be considered a new conditional use and shall be subject to the review process established in Division II of this Chapter 21.25 (Conditional Use Permits). This application shall not apply to the sale of alcoholic beverages (on-premises or off-premises).
- B. **Change From Legal Nonconforming Use to Another Nonconforming Use.** An existing, legal nonconforming use may be changed to another nonconforming use in accordance with the requirements of Section 21.27.070 (Nonconformities—Change in use) through approval of an administrative use permit.
- C.

Modification of Permit. Approved special use permits granted during or prior to 1979 may be modified through this process.

- D. **Legalization of Illegal Units.** For units created prior to 1964.
- E. **Fences in High Crime Districts.** Fence height may exceed three feet zero inches (3'0") in the front yard of residential lots located in high crime areas, through approval of an administrative use permit. (See Section 21.52.231.5 for criteria.)
- F. Uses designated in Tables 31-1 (Residential Use Table), 32-1 (Commercial Use Table), 33-2 (Industrial Use Table), 34-1 (Institutional Use Table) and 35-1 (Park Use Table) as administrative use permit uses.
- G. New construction of a building with five thousand (5,000) square feet or more of floor area in the CNP zone (see Section 21.52.247).

(Ord. C-7729 § 12, 2001; Ord. C-7663 § 4, 1999; Ord. C-7247 § 3, 1994; Ord. C-7032 § 10, 1992; Ord. C-6895 § 6, 1991; Ord. C-6595 § 7, 1989; Ord. C-6533 § 1 (part), 1988)

21.25.405 - Jurisdiction.

- A. **Zoning Administrator.** The Zoning Administrator shall have the authority to consider and act on requests for an administrative use permit. The Zoning Administrator may approve, conditionally approve or deny a request. The Zoning Administrator's actions may be appealed to the Planning Commission.
- B. **Planning Commission.** Rather than act on an administrative use permit, the Zoning Administrator may instead refer the application to the Planning Commission for consideration. In such cases, the hearing before the Commission shall be held within ninety (90) days of the filing of the application.

(Ord. C-6533 § 1 (part), 1988)

21.25.407 - Required findings.

The following findings must be analyzed, made and adopted before any action is taken to approve or deny the subject permit and must be incorporated into the record of the proceedings relating to such approval or denial:

- A. The approval is consistent with and carries out the General Plan, any applicable specific plans such as the local coastal program and all Zoning Regulations of the applicable district;
- B. The approval will not be detrimental to the surrounding community including public health, safety, general welfare, environmental quality or quality of life;
- C. The approval is in compliance with the special conditions for the use enumerated in Chapter 21.52; and
- D. The related development approval, if applicable, is consistent with the green building standards for public and private development, as listed in Section 21.45.400

(ORD-09-0013, § 2, 2009; Ord. C-7032 § 11, 1992; Ord. C-6533 § 1 (part), 1988)

21.25.409 - Timely action.

The Zoning Administrator, or Planning Commission or City Council on appeal, shall set the matter for decision within sixty (60) days of receiving a completed application.

(Ord. C-6533 § 1 (part), 1988)

21.25.412 - Annual reinspection.

All projects for which an administrative use permit is approved shall be required to undergo an annual reinspection to verify compliance with the conditions of approval. The property owner shall be required to pay an annual fee to the City as established by the City Council to cover the costs of the reinspection program.

(Ord. C-6933 § 43, 1991)

DIVISION V. - SITE PLAN REVIEW

21.25.501 - Purpose.

The site plan review process is established to meet certain community goals which are, among others, to ensure that the highest quality of land planning and design are incorporated into development projects, to ensure that new projects are compatible with existing neighborhoods in terms of scale, style and construction materials, and to ensure the maintenance, restoration, enhancement and protection of the environment.

(Ord. C-6533 § 1 (part), 1988)

21.25.502 - Applicability.

A. **Standard.** The following projects shall require site plan review:

1. **Residential.** The following residential projects require site plan review:
 - a. Five (5) or more units as one (1) project. This includes both new construction, as well as additions or adaptive reuse projects. This includes side by side projects by the same applicant where the total of new plus existing units equals five (5) or more;
 - b. Construction of a new dwelling unit or an addition greater than four hundred fifty (450) square feet in size to an existing dwelling, located on a lot less than twenty-seven feet (27') in width in the R-1-N, R-1-M, R-2-N, and R-2-A districts;
 - c. Any project proposing to utilize the incentive program established for very low and low income households; and
 - d. Any residential project proposing to utilize a wing wall.
2. **Commercial.** The following commercial projects require site plan review:
 - a. New buildings of one thousand (1,000) square feet or more;
 - b. Additions of one thousand (1,000) square feet or more to an existing commercial building. However, an addition of up to five thousand (5,000) square feet may be permitted without site plan review if the addition is less than twenty-five percent (25%) of the floor area of the existing building and is not visible from a public way;
 - c. Exterior remodeling of a building where the affected area consists of fifty feet (50') or more of building frontage in the CNA, CNP and CNR districts;
 - d. Commercial storage uses; and
 - e. Attached/roof-mounted cellular and personal communication services.
3. **Industrial or public assembly use.** Industrial projects with five thousand (5,000) square feet or more of floor area of new construction, except those located in the IP (Port) zoning district. Projects located in the IP zone shall be exempt from site plan review, except those projects which are located on a major arterial as defined by the transportation element of the General Plan.
- 4.

Adaptive Reuse. Projects involving the reuse of existing spaces, structures or buildings as allowed under California Health and Safety Code Section 17958.11 for joint living and work quarters (live-work) or as allowed in LBMC Chapter 18.63, and subject to the Special Development Standards in LBMC Section 21.45.500

5. **Project on City land.** All new construction projects with building floor area of five hundred (500) square feet or greater except roadway and utility maintenance or improvements.
 6. **Sign standards waiver requests.** The City recognizes the visual and aesthetic importance that signage has on a development. Not only does signage identify the tenants of a particular space but it helps define and shape the unique architectural character and identity of a project. To this end, this sign standards waiver section has been introduced. The intent of this provision is to allow a greater amount of creativity and flexibility in the creation, design, and application of signage on developments beyond the established sign standards. The following sign projects shall require site plan review:
 - a. Individual sign review requests for waiver of established sign standards;
 - b. Sign programs as defined in Subsection 21.44.035.B; and
 - c. Changeable copy signs.
 7. **Project on City land in the coastal zone.** All projects involving five hundred (500) square feet or more of land or water area, except roadway and utility maintenance or improvement.
 8. **Determination of nonconforming parking rights in area D of the coastal zone.** Requests for determination of nonconforming parking rights per Subsection 21.41.226.A.
- B. **Conceptual.** The following projects shall also be required to apply for conceptual site plan review prior to filing for site plan review:
1. **Residential.** Residential projects of fifty (50) or more units;
 2. **Commercial, industrial or public assembly.** Projects of fifty thousand (50,000) square feet or more of new construction;
 3. **Project on City land.** Projects of one thousand (1,000) square feet or more of new construction.

(ORD-14-0004, § 1, 2014; Ord. ORD-05-0039 § 2, 2005; Ord. C 7729 § 2, 2001; Ord. C 7726 § 1, 2001; Ord. C 7607 § 1, 1999; Ord. C 7550 § 3, 1998; Ord. C 7500 § 2, 1997; Ord. C 7399 § 1, 1996; Ord. C 7326 § 6, 1995; Ord. C 7247 § 4, 1994; Ord. C 7047 § 3, 1992; Ord. C 6684 § 17, 1990; Ord. C 6533 § 1 (part), 1988)

21.25.503 - Jurisdiction.

- A. **Site Plan Review Committee.** The Site Plan Review Committee shall consider all applications for site plan review. The Committee has the authority to approve, conditionally approve or deny a site plan application, provided that the authority to deny is not used to prohibit a permitted use on the property.
- B. **Planning commission.** The Site Plan Review Committee shall refer specific types of projects to the Planning Commission in accordance with guidelines established by the Planning Commission. Any site plan review referred to the Planning Commission shall be reviewed using the procedures established for public hearing. However, the authority of the Commission shall be limited to the same authority as the Site Plan Review Committee.
- C. **Director of Planning and Building.** The Director of Planning and Building shall have authority to conduct a conceptual site plan review on major projects. The conceptual site plan review shall result in a written report to the applicant indicating:
 - 1.

Whether site plan review will be done by the Site Plan Review Committee or the Planning Commission;

2. What other applications and/or reviews are necessary for the project as submitted;
3. A sequencing and time line for scheduling project reviews;
4. Identification of issues to be addressed; and
5. Identification of any pending or in process ordinance changes which may affect the project.

D. Redevelopment Agency Board.

1. **Design Review in Redevelopment Project Areas.** The Board of the Redevelopment Agency shall conduct architectural design review as part of the site plan review process for projects located in redevelopment project areas in accordance with the guidelines established by the Redevelopment Agency Board and the Planning Commission.
2. **Limited Jurisdiction of Site Plan Review Committee and Planning Commission.** Following approval of design development materials for a proposed project by the Redevelopment Agency Board, including a preliminary site plan, preliminary floor plans, and preliminary elevations, the Site Plan Review Committee or the Planning Commission shall conduct site plan review. The jurisdiction of this review shall be limited to a determination of compliance with the applicable development standards for the project (including, but not limited to, unit density, setbacks, building height, usable open space, screening of equipment, floor area ratio, landscaping, lot coverage, signage, and off-street parking); coordination of requirements from other City departments; and other requirements as applicable.
3. **Findings.** The approval by the Redevelopment Agency Board of design development materials for a proposed project shall be considered when the Site Plan Review Committee or Planning Commission makes findings as required in Section 21.25.506

(Ord. C-7881 § 7, 2003; Ord. C-6684 § 18, 1990; Ord. C-6533 § 1 (part), 1988)

21.25.504 - Notice.

As shown on Table 21-1, no notification is required for procedures conducted pursuant to this Division.

(Ord. C-6533 § 1 (part), 1988)

21.25.505 - Conditions of approval.

The Site Plan Review Committee, or the Planning Commission, may require reasonable conditions of approval on a site plan which may include, but need not be limited to, requirements for:

- A. A revised site plan;
- B. Reduced building height, bulk or mass;
- C. Increased setbacks;
- D. Changes in building material;
- E. Changes in rooflines;
- F. Increased usable open space;
- G. Increased screening of garages, trash receptacles, motors or mechanical equipment;
- H. Increased landscaping;
- I. Increased framing, molding or other detailing;
- J. Change in color; or
- K.

Any other changes or additions the committee or commission feels are necessary to further the goals of the site plan review process.

(Ord. C-6533 § 1 (part), 1988)

21.25.506 - Findings required.

The Site Plan Review Committee or the Planning Commission shall not approve a site plan review unless the following findings are made:

A. Development Projects.

1. The design is harmonious, consistent and complete within itself and is compatible in design, character and scale, with neighboring structures and the community in which it is located;
2. The design conforms to any applicable special design guidelines adopted by the Planning Commission or specific plan requirements, such as the design guidelines for R-3 and R-4 multifamily development, the downtown design guidelines, PD guidelines or the General Plan;
3. The design will not remove significant mature trees or street trees, unless no alternative design is possible;
4. There is an essential nexus between the public improvement requirements established by this ordinance and the likely impacts of the proposed development;
5. The project conforms with all requirements set forth in Chapter 21.64 (Transportation Demand Management), which requirements are summarized in Table 25-1; and
6. The approval is consistent with the green building standards for public and private development, as listed in Section 21.45.400

Table 25-1

Transportation Demand Management Ordinance Requirements

TDM Requirements	New Nonresidential Development		
	25,000+ Square Feet	50,000+ Square Feet	100,000+ Square Feet
Transportation information area	◆	◆	◆
Preferential carpool/vanpool parking		◆	◆
Parking designed to admit vanpools		◆	◆
Bicycle parking		◆	◆
Carpool/vanpool loading zones			◆
Efficient pedestrian access			◆

Bus stop improvements			◆
Safe bike access from street to bike parking			◆
Transit review	For all residential and nonresidential projects subject to EIR		

- B. Sign Standards Waiver Requests.** Sign standards waiver requests can only be approved when positive findings are made for all of the following:
1. The proposed sign(s) enhance(s) the theme and/or architectural character of the proposed development and is consistent, compatible, and in scale within the development and/or neighborhood;
 2. The sign design or application is not detrimental to and does not detract from the development or the surrounding community;
 3. The proposed site or development is so unique that the application of standard signage would detract from the project;
 4. For signs located seaward of the first public road inland from sea, the sign design and scale does not:
 - a. Obstruct views to or along the coast from publicly accessible places;
 - b. Adversely impact public access to and use of the water;
 - c. Adversely impact public recreational use of a public park or beach; or
 - d. Otherwise adversely affect recreation, access or the visual resources of the coast.

(ORD-09-0013, § 3, 2009; Ord. C-7881 § 1, 2003; Ord. C-7617 § 1, 1999; Ord. C-7500 § 3, 1997; Ord. C-7326 § 7, 1995; Ord. C-7247 § 5, 1994; Ord. C-6933 § 6, 1991; Ord. C-6533 § 1 (part), 1988)

21.25.507 - Timely action.

Action shall be taken within the following number of days of acceptance of a complete application:

1. Conceptual site plan review: Thirty (30) days.
2. Site plan review: Sixty (60) days.

(Ord. C-6684 § 19, 1990; Ord. C-6533 § 1 (part), 1988)

21.25.508 - Waiver of development standards.

- A. Waiver of Specific Standards.** During the site plan review, the Site Plan Review Committee may waive development standards for:
1. **Development Projects.**
 - a. Privacy;
 - b. Open space;
 - c. Pedestrian access;
 - d. Landscaping;
 - e. Wrought iron fence height;

- f. Guest parking in projects located outside of a parking impacted area, provided that guest parking is not reduced below one (1) space for each six (6) units, and guest parking for low income units in projects with ten percent (10%) or more low income units;
- g. Tandem parking as valet parking;
- h. Required garage for residential projects of forty (40) units or more at densities of twenty-nine (29) units per acre or less;
- i. Subterranean parking in the front setback;
- j. Courtyard dimensions; and
- k. Setbacks in commercial zones for yards adjacent to residential use may be reduced to ten feet (10') for single-story commercial buildings.

2. **Signage Projects.**

- a. Size;
- b. Height;
- c. Location;
- d. Placement;
- e. Number of signs; and
- f. Type of sign.

The Committee or Commission may waive such standards only if it finds such a waiver improves project design. For signs located seaward of the first public road inland from the sea, the Committee or Commission may waive sign standards only if it finds such a waiver improves the project design and does not:

- a. Obstruct views to or along the coast from publicly accessible places;
- b. Adversely impact public access to and use of the water;
- c. Adversely impact public recreational use of a public park or beach; or
- d. Otherwise adversely affect recreation, access or the visual resources of the coast.

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

B. **Limitations.** A waiver may or may not be granted if the waiver would in any way degrade the environment or result in any changes to classification of land use or to density. Development projects not required to file for site plan review may not apply in order to obtain a waiver for development standards.

(ORD-09-0013, § 4, 2009; Ord. C-7617 § 2, 1999; Ord. C-7500 § 4, 1997; Ord. C-7326 § 8, 1995; Ord. C-7047 § 4, 1992; Ord. C-6933 § 7, 1991; Ord. C-6895 § 7, 1991; Ord. C-6533 § 1 (part), 1988)

21.25.509 - Environmental review.

For the purposes of the California Environmental Quality Act, site plan review may be considered a categorically exempt project.

(Ord. C-6533 § 1 (part), 1988)

DIVISION VI. - CLASSIFICATION OF USES

21.25.601 - Purpose and jurisdiction.

- A. **Purpose.** The classification of use procedure is established in recognition of the fact that zoning regulations relating to land use do not address every conceivable compatible land use which may be permitted within a given zone district. This procedure allows for the review of land use proposals not specifically permitted or prohibited in a zone district but which may be appropriate uses given their similar characteristics to other permitted uses.
- B. **Jurisdiction.** The Zoning Administrator shall consider all classification of use applications and shall determine if the proposed use should be a permitted use in the zone under consideration. The Zoning Administrator's determination shall be filed with the Planning Commission for final action. Residential zones shall not be subject to this procedure.

(Ord. C-6533 § 1 (part), 1988)

21.25.602 - Application.

Any person wishing to determine whether or not a specific use may be permitted in a specific zone district may file an application for classification of use.

(Ord. C-6533 § 1 (part), 1988)

21.25.603 - Noticing.

As shown on Table 21-1, no notification is required for procedures conducted pursuant to this Division VI.

(Ord. C-6533 § 1 (part), 1988)

21.25.604 - Findings required.

A use shall be determined to be a permitted use in a zone if it is found that:

- A. Permitting the use in the zone will carry out the intent of the zone;
- B. Permitting the use in the zone will carry out the General Plan, including the local coastal plan, when applicable;
- C. The use is not a use specifically listed as a permitted, conditional or prohibited use in another zone generally considered to be less restrictive than the zone under consideration; and
- D. The use is similar in scale, intensity of use and environmental impacts to uses permitted in the zone under consideration.

(Ord. C-6533 § 1 (part), 1988)

21.25.605 - Timely action.

The Zoning Administrator shall hold a public hearing on any request for a classification of use within sixty (60) days of receiving a completed application.

(Ord. C-6533 § 1 (part), 1988)

21.25.606 - Summary of action.

The Zoning Administrator shall make a written summary of the action. The summary shall include the required findings and shall be transmitted to the Director of Planning and Building, the Planning Commission, the applicant and any person requesting such summary. When the zone under consideration is located in the coastal zone, the summary shall also be transmitted to the Coastal Commission.

(Ord. C-6533 § 1 (part), 1988)

21.25.607 - Effective date of action.

The action to classify a use shall become effective at the end of Planning Commission hearing unless, for projects in the coastal zone, the Executive Director of the Coastal Commission informs the Zoning Administrator that either:

- A. The Coastal Commission did not receive notice of the action at least fourteen (14) days prior to the effective date of the action;
- B. The notice of action was incomplete or inadequate; or
- C. The action is determined to constitute an amendment to the local coastal program.

(Ord. C-6533 § 1 (part), 1988)

21.25.608 - Effect of determination.

After the effective date, the determination to classify a particular use in a zone shall apply to all subsequent requests to establish that same use in that zone.

(Ord. C-6533 § 1 (part), 1988)

21.25.609 - Record of determination.

The Department of Planning and Building shall maintain a current list of all uses classified in accordance with this Chapter, and the list shall be available to the public.

(Ord. C-6533 § 1 (part), 1988)

DIVISION VII. - PLANNED DEVELOPMENT DISTRICT—PROCEDURES

21.25.701 - Purpose.

The Planned Development (PD) district is established to allow flexible development plans to be prepared for certain areas of the City which may benefit from unique or special land use and design controls not otherwise possible under conventional zoning regulations. This Division establishes the procedures for securing the planned development zone designation, and for granting a planned development permit for any project located in a PD district.

(Ord. C-6533 § 1 (part), 1988)

21.25.703 - Planned development ordinance required.

A PD zone may only be established by an ordinance specifying, among other things, the goals, objectives, use and development standards for the district. Such standards shall apply to all development within the district.

(Ord. C-6533 § 1 (part), 1988)

21.25.704 - Establishment or amendment of Planned Development district.

In addition to meeting all qualifying standards set forth in Chapter 21.37, and notwithstanding any other provisions of this Title 21, the following procedures shall apply to the establishment or amendment of any Planned Development district:

- A. **Submission of a Detailed Development Plan.** The applicant shall submit a detailed development plan which indicates the use and development concept.
- B. **Planning Commission Review.** The Planning Commission shall review and hold a public hearing on the proposed change to the Planned Development (PD) zone. The application shall be heard as a rezoning matter pursuant to the requirements of Division I of this Chapter. The Planning

Commission shall recommend action on the proposal to the City Council.

- C. **City Council.** The City Council has the sole authority to act on the specific plan and proposed rezoning. If the council approves the specific plan and zone change, the PD zone shall be indicated on the official zoning map by the base PD designation and a number indicating which specific plan is applicable. Specific plan numbers shall be assigned chronologically as indicated in Chapter 21.37 (Planned Development District) of this Title.

(Ord. C-6533 § 1 (part), 1988)

21.25.706 - Availability of PD ordinance.

Copies of the adopted PD ordinance shall be available in the Department of Planning and Building for distribution to the public.

(Ord. C-6533 § 1 (part), 1988)

21.25.708 - Site plan review.

Notwithstanding any other provisions of this Title 21, all development within a PD zone shall be reviewed pursuant to procedures specified in Division V of this Chapter.

(Ord. C-6533 § 1 (part), 1988)

DIVISION VIII. - SPECIAL SETBACKS

21.25.801 - Purpose.

Special setback lines may be established by ordinance as provided and regulated by this Title. These special setback lines supersede the setback requirements of the particular zoning district in which they are located. The purposes of establishing special setback lines are, among other things, to adjust zoning district requirements to conform to local conditions and existing neighborhood standards and to protect and preserve land for future right-of-way purposes.

(Ord. C-6533 § 1 (part), 1988)

21.25.802 - Effect.

Whenever a special setback line is established in accord with these regulations, the setback area shall be considered a required yard area. The special setback line and setback area shall take the place of the otherwise applicable yard requirements for the zone district, except that when the regular setback of the district is greater than a special setback, the regular setback shall supersede the special setback and be controlling.

(Ord. C-6533 § 1 (part), 1988)

21.25.803 - Initiation.

- A. **Procedure.** Notwithstanding any other provision of this Title 21, the procedure to establish or change a special setback line may be initiated in one (1) of the following three (3) ways:
1. **City Council.** The City Council may initiate the procedure by requesting a recommendation and a report on the matter from the Planning Commission.
 2. **Planning Commission.** The Planning Commission may initiate the procedure.
 3. **Petition.** Property owners of at least fifty percent (50%) of the street frontage affected may initiate the procedure by filing a petition with the Department of Planning and Building.

B.

Limitations. The minimum frontage that shall be considered in any action to establish or change a special setback line shall be one (1) block face.

(Ord. C-6533 § 1 (part), 1988)

21.25.804 - Applicable procedures.

The procedures established in this Title for rezoning shall apply to establishing or changing a setback line.

(Ord. C-6533 § 1 (part), 1988)

21.25.805 - Action required.

A. **Planning Commission.** After completing its investigation and holding the required public hearing, the Planning Commission shall file a recommendation and a report with the City Council. The Commission may recommend:

1. Approval in whole or in part;
2. Denial in whole or in part; or
3. Establishment of an alternate special setback line.

However, the Commission may not make recommendations on any property not included in the original action or petition.

B. **City Council.** Within sixty days of receiving the Planning Commission's recommendation, the City Council shall act on the recommendation. The Council shall establish or change a special setback line by ordinance.

C. **Notation.** Notation shall be made on the official zoning map in applicable areas that a special setback line has been established or changed.

(Ord. C-6533 § 1 (part), 1988)

21.25.806 - Permitted structures.

Structures permitted in, over or under established special setback areas shall be the same as those allowed in the required yard area of the applicable zone district. However, subterranean parking garages shall not be allowed under special setback areas.

(Ord. C-6533 § 1 (part), 1988)

21.25.807 - Variance.

Once a special setback line is established by ordinance, a variance to permit a structure to project into the special setback area may be granted in accordance with and subject to the findings of fact required for a variance as set forth in Division III of this Chapter. However, no variance shall be granted if the encroachment is within a setback established for the protection and preservation of rights-of-way.

(Ord. C-6533 § 1 (part), 1988)

21.25.808 - Exception for fences.

A replacement fence within the special setback area shall not be considered a nonconformity and shall be permitted provided such fence is located in a side or rear yard and provided the fence height does not exceed six feet (6'), six inches (6").

(Ord. C-6533 § 1 (part), 1988)

DIVISION IX. - LOCAL COASTAL DEVELOPMENT PERMITS

21.25.901 - Purpose.

Coastal development procedures are established to ensure that all public and private development in the Long Beach Coastal Zone is developed consistent with the City's certified local coastal program.

(Ord. C-6533 § 1 (part), 1988)

21.25.902 - Applicability.

All properties in the coastal zone are subject to the procedures outlined in this Section. The coastal zone boundaries are indicated on the official zoning map.

(Ord. C-6533 § 1 (part), 1988)

21.25.903 - Permit required.

All development in the coastal zone shall be required to obtain either a coastal permit pursuant to Section 21.25.904 or a coastal permit categorical exclusion pursuant to Section 21.25.906. Such approval must be issued prior to the start of development and shall be required in addition to any other permits or approvals required by the City.

- A. **Coastal Permit Issued by the Coastal Commission.** Developments on tidelands and submerged lands require a permit issued by the California Coastal Commission in accordance with the procedure as specified by the California Coastal Commission.
- B. **Coastal Permits Issued by the City.** The following categories of projects require coastal permits in accordance with the procedures set forth in this Division:
 1. Development on the first lot located on, adjacent to, across the street from, or abutting the beach, bay, ocean or tidelands, except minor addition to a single-family residence as specified in Subsection 21.25.903.C (categorical exclusion).
 2. All development projects which require additional discretionary review (such as a conditional use permit, subdivision map or standards variance).
 3. Traffic improvements which do not qualify for categorical exclusion.
 4. Public works projects, excluding traffic improvement projects, with an estimated cost of fifty thousand dollars (\$50,000.00) or more.
- C. **Exemptions.** The following categories of projects are exempt from the coastal permit requirement. However, a coastal permit categorical exclusion (CPCE) shall be obtained pursuant to the procedures indicated in Section 21.25.906
 1. Minor additions on existing single-family residences for the first lot located on, adjacent to, across the street from, or abutting the beach, bay ocean or tidelands. Such addition must be less than ten percent (10%) of the existing floor area and shall not create an additional story or loft.
 2. All projects (excluding the above) which are consistent with the Zoning Regulations and which do not require any discretionary review (e.g., conditional use permit, subdivision map).
 3. Traffic improvements which do not:
 - a. Alter roadway or intersection capacity by more than ten percent (10%) (except stop signs and stop lights); or
 - b. Decrease parking (except by establishing a red curb next to a corner); or
 - c. Impair access to the coast.
 4. Public works projects (excluding traffic improvements) with an estimated cost of forty-nine thousand nine hundred ninety-nine dollars (\$49,999.00) or less.

21.25.904 - Procedures—Coastal permit.

This Section outlines the procedures for issuing coastal permits. Coastal permits may be considered concurrently with or subsequent to any other procedures required by this Title or the City's subdivision regulations.

A. Jurisdiction.

1. **Planning Commission.** The Planning Commission shall consider all local coastal development permits for developments requiring a tract map, a parcel map, conditional use permit or planned development permit.
2. **Coastal Commission.** The Coastal Commission shall consider all coastal permits for projects located below the mean high tide.
3. **Zoning Administrator.** The Zoning Administrator shall consider all other local coastal development permits.

B. Hearing Required. A public hearing shall be required prior to the approval of a local coastal development permit.

C. Findings Required. Prior to approving a local coastal development permit, the responsible hearing body must find:

1. The proposed development conforms to the certified local coastal program including but not limited to all requirements for replacement of low and moderate-income housing; and
2. The proposed development conforms to the public access and recreation policies of Chapter 3 of the Coastal Act. This second finding applies only to development located seaward of the nearest public highway to the shoreline.

D. Date of Final Local Action. The date of final local action is:

1. The date when the appeal period on all local actions has expired without local appeal;
2. The date of action on the local appeal(s); or
3. The date the City is notified by the applicant that the application is approved by operation of law pursuant to Sections 65950 through 65957.1 of the Government Code.

E. Notice of Final Action. Within seven (7) calendar days of the date of the final local action on a local coastal development permit, a notice shall be sent to the Coastal Commission and to any persons who specifically request such notice by submitting a self-addressed, stamped envelope. The notice shall include the written findings of fact required to approve the local coastal development permit and the conditions imposed on the approval, if the permit is approved. Any notice of final local action shall include the procedures for appeal of the action to the Coastal Commission and an indication as to whether the development is in an appealable area.

F. Appeals to Coastal Commission. All actions on local coastal development permits located seaward of the appealable area boundary, as determined under Section 21.25.908, may be appealed by an aggrieved person to the Coastal Commission according to the procedures of the Coastal Commission, provided that:

1. All local appeals of City actions provided for by this Title have been exhausted and no fee was charged the appellant for the appeal; and
2. The Coastal Commission has not appealed the local action.

G. Effective Date. A local coastal development permit shall be effective as follows:

1. **Outside Appealable Area.** On date of final local action;
2. **Within Appealable Area.** At the conclusion of the twenty-first day after final local action, unless:
 - a. **Appeal.** If a permit is appealed, it shall become effective after action on the appeal by the Coastal Commission.
 - b. **Failure to Give Notice.** If notice to the Coastal Commission is not mailed by the City within seven (7) days after final local action, then the permit shall become effective at the conclusion of the fourteenth day after a complete notice is mailed but no sooner than at the conclusion of the twenty-first day after final local action.
 - c. **Inadequate Filing.** If the Coastal Commission notifies the City and the applicant that notice was not received or distributed in a timely manner or that the notice was not complete or does not adequately describe the development, then the permit becomes effective at the conclusion of the fourteenth day after receipt of such a notice from the Coastal Commission or on the date specified by the Coastal Commission.

(Ord. C-6533 § 1 (part), 1988)

21.25.906 - Procedures—Categorical exclusion.

This Section outlines the procedures for processing developments exempt from local coastal permit requirements.

- A. **Jurisdiction.** The Zoning Administrator, or his designee, shall determine whether a proposed development is exempt, as provided for in Subsection 21.25.903.C of this Chapter.
- B. **Means of Determination.** Determination that a proposed development is exempt shall be made by checking the proposed development with the certified local coastal program, including all maps, land use designations, implementing zoning regulations and guidelines for exemption.
- C. **No Hearing Required.** No public hearing or notice shall be required for a project determined to be exempt.
- D. **Appeal of Determination.** Any person may appeal the Zoning Administrator's determination by requesting a referral of the matter to the Executive Director of the Coastal Commission. If the determination of the Executive Director of the Coastal Commission differs from that of the Zoning Administrator, then the matter shall be resolved by a hearing before the Coastal Commission.
- E. **Effective Date.** A decision that a development is exempt shall be effective when such a decision is made by the Zoning Administrator, or his designee, unless the decision is appealed.
- F. **Records Required.** A public record, including the applicant's name, the location and brief description of the development shall be kept for all developments determined to be exempt.

(Ord. C-6533 § 1 (part), 1988)

21.25.908 - Appealable area.

Only local actions on projects located within the appealable area may be appealed to the Coastal Commission. The determination of whether a project lies seaward of the appealable area boundary shall be made as follows:

- A. **Jurisdiction.** Determination that a proposed development is seaward of the appealable area boundary shall be made by the Zoning Administrator or his designee.
- B.

Means of Determination. Determination shall be made by locating the development on the appealable area boundary map certified as part of the local coastal program.

- C. **Appeal of Determination.** Any person may appeal the Zoning Administrator's determination by requesting a referral of the matter to the Executive Director of the Coastal Commission. If the determination of the Executive Director of the Coastal Commission differs from that of the Zoning Administrator, then the matter shall be resolved by a hearing before the Coastal Commission.

(Ord. C-6533 § 1 (part), 1988)

DIVISION X. - (REPEALED)

DIVISION XI. - DETERMINATION OF APPLICABLE LAW

21.25.1101 - Purpose.

The City recognizes that gaining local and public approvals for the development of land can be time-consuming and that, during the process and prior to project completion, applicable local law, including local zoning regulations, may change. Such changes may place applicants in the approval "pipeline" at considerable economic risk. In order to reasonably reduce that risk, while maintaining appropriate opportunities for local agency review and full public input and participation, the process set forth in this Division is established for the purpose of assuring applicants of the continued applicability of certain local laws and regulations, under the terms and conditions set forth in this Division.

(Ord. C-6546 § 2 (part), 1988)

21.25.1103 - Application.

- A. Notwithstanding any provision of Section 21.21.201, the right to apply for a determination of applicable law pursuant to this Division XI shall be limited to affected property owners or their agents designated in writing at the time of application.
- B. The application for a determination pursuant to this Division XI shall include a complete description of the project for which a determination is being sought and shall also set forth an itemization of all permits and other grants of entitlement required by law for such project and an indication that such permits and grants have either been granted or that they are being applied for as a part of the application for determination.
- C. No application shall be deemed complete pursuant to this Section until it has been accepted as complete by the Department of Planning and Building, which Department may require such additional or supplemental information as it considers to be reasonably necessary to enable further processing and full understanding of the application.

(Ord. C-6546 § 2 (part), 1988)

21.25.1105 - Timely action.

Within sixty (60) days of acceptance of an application for determination as complete under this Division XI, the Zoning Administrator shall set the application for public hearing before the Planning Commission.

(Ord. C-6546 § 2 (part), 1988)

21.25.1108 - Jurisdiction.

The Planning Commission shall consider all applications for a determination pursuant to this Division XI, and the decision of the Planning Commission shall be final unless the decision is appealed to the City Council in accordance with the provisions of Division V of Chapter 21.21.

(Ord. C-6546 § 2 (part), 1988)

21.25.1110 - Determination of applicable law.

- A. The Planning Commission shall consider any application for a determination of applicable law pursuant to the provisions of this Division XI, and may grant such determination if the application meets all requirements of law including, but not limited to all requirements of this Division XI.
- B. The effect of the granting of a determination pursuant to this Division XI will be to empower an applicant to complete a project, insofar as it is described and permitted under the application, pursuant to the provisions of local law as they existed at the time that a determination granted hereunder becomes final.
- C. No determination granted hereunder shall operate to obviate or make inapplicable any change in local law following the grant of the determination if:
 - 1. The change in law is outside the scope of the project described and permitted in the application and determination; or
 - 2. The change in law affects a permit or entitlement that was not described and included, through inadvertence, mistake, or otherwise, in the application and determination; or
 - 3. It fails, in any way or for any reason, to comply with all requirements of this Division XI or any other provision of law in effect at the time of final grant of determination.

(Ord. C-6546 § 2 (part), 1988)

21.25.1113 - Findings required.

The Planning Commission, and the City Council on appeal, may grant a determination of applicable law pursuant to this Division XI if, and only if, it first makes, after public hearing, each of the following findings:

- A. The project has been or is approved for site plan review pursuant to Division V of this Chapter 21.25; and
- B. The project complies with all applicable provisions of law, including, but not limited to, all applicable zoning regulations; and
- C. The project has complied, or will comply, with all applicable environmental requirements including those relating to proceedings conducted pursuant to this Division XI;
- D. The project is consistent with the provisions of the zoning district in which it is proposed to be located; and
- E. The project is consistent with the General Plan of the City of Long Beach; and
- F. No amendments to the General Plan, the zoning regulations or the applicable zoning district have been initiated at the time of or prior to the grant of determination which would affect the use, design or lawfulness of the project.

(Ord. C-6546 § 2 (part), 1988)

21.25.1115 - Effectiveness and expiration.

- A. A determination of applicable law shall be effective for one hundred eighty (180) days following the date upon which the granting of the determination becomes final. Thereafter, the determination shall cease to be of any further force and effect, and the project shall be subject to all applicable local laws as they then or thereafter exist, unless:
 - 1.

Complete drawings and fees are submitted for plan check within the one hundred eighty (180) day period. In such case, the determination shall continue to be effective through the plan check period but in no event longer than one (1) year from the date of submittal to plan check. If a building permit is not issued within one (1) year of submittal to plan check, the determination shall expire. If a building permit is issued within the year, then the determination shall continue for the period during which the building permit is valid and lawfully in full force and effect. To remain valid, construction under the building permit must begin and be completed through the passage of the first inspection within six (6) months of issuance of the building permit. For purpose of this Subsection 21.25.1115.A.1, a foundation permit shall be treated as equivalent to a building permit but grading, demolition, electrical, mechanical or plumbing permits shall not be considered or treated as building permits; or

2. A time extension request is filed, together with all required fees, prior to the expiration of the one hundred eighty (180) day period. Such an extension shall be heard by the Planning Commission or, on appeal, the City Council and shall be noticed in the same manner as the original hearing. At such extension hearing, the Planning Commission, or on appeal, the City Council may approve the extension if they find the applicant has made a good-faith effort to complete drawings for plan check but was unable to do so because of the size or complexity of the project. Sale or transfer of title of a project shall not be grounds for an extension. No extension shall be granted that will allow the determination to continue more than one (1) year from the date of its first being granted without submittal of the project to plan check.

(Ord. C-6546 § 2 (part), 1988)

DIVISION XII. - INTERIM PARK USE PERMIT

21.25.1201 - Purpose.

The City recognizes that vacant lots, due to their nature, have the potential to create an impression of blight and decay in a neighborhood. In addition to the negative visual impact, vacant lots are a potential source for nuisances (such as trash, debris, and rodents). Thus, as a means of unifying neighborhoods for the purpose of eliminating unsightly vacant lots and enhancing their neighborhood's visual and physical surroundings, community groups may opt to replace them with interim neighborhood serving parks.

(Ord. C-7378 § 26, 1995)

21.25.1203 - Application.

Notwithstanding the provisions of Section 21.21.201 (Application), the right to apply for an interim park use permit shall be limited to affected property owners or their agents. Applications for interim park use permits may be submitted only for playground uses as indicated in the applicable zone district use table. If the proposed project does not comply with an applicable development standards, a separate standards variance application shall also be required.

(Ord. C-7378 § 26, 1995)

21.25.1205 - Jurisdiction.

The City Council shall consider all applications for an interim park use permit. The decision of the City Council shall be final.

(Ord. C-7378 § 26, 1995)

21.25.1207 - Required findings.

The following findings must be analyzed, made and adopted before any action is taken to approve or deny the subject permit and must be incorporated into the record of the proceedings relating to such approval or denial:

- A. The proposed use is compatible with the surrounding neighborhood;
- B. The proposed use will not be detrimental to the surrounding community including public health, safety or general welfare, environmental quality or quality of life; and
- C. The approval is in compliance with the special conditions of approval established for playgrounds as listed in Chapter 21.52

(Ord. C-7378 § 26, 1995)

21.25.1209 - Timely action.

The City Clerk shall set the matter for public hearing before the City Council within sixty (60) days of receiving a completed application.

(Ord. C-7378 § 26, 1995)

21.25.1211 - Waiver of required conditions.

Conditions required by Division II of Chapter 21.52 may be waived but only if the waiver of those conditions will not conflict with required findings, provided that conditions necessary for the protection of public health, safety and welfare may not be waived under any circumstances.

(Ord. C-7378 § 26, 1995)

21.25.1213 - Posting of conditions.

All conditions pertaining to the operation of the use shall be permanently posted, on a form provided by the Director of Planning and Building, at a location clearly visible to the public utilizing the facility.

(Ord. C-7378 § 26, 1995)

21.25.1215 - Annual reinspection.

All projects for which an interim park use permit was approved shall be required to undergo an annual reinspection to verify compliance with the conditions of approval. The property owner shall be required to pay an annual fee to the City as established by the City Council to cover the costs of the reinspection program.

(Ord. C-7378 § 26, 1995)

DIVISION XIII. - REASONABLE ACCOMMODATION

21.25.1301 - Purpose.

It is the policy of the City, pursuant to the Federal Fair Housing Amendments Act of 1988, to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of this Division is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City.

(Ord. C-7639 § 1, 1999)

21.25.1303 - Definitions.

- A. **Act.** The Fair Housing Amendments Act of 1988.

- B. **Applicant.** An individual making a request for reasonable accommodation pursuant to this Division.
- C. **Code.** The Long Beach Municipal Code.
- D. **Department.** The Department of Planning and Building of the City of Long Beach.
- E. **Disabled Person.** Any person who has a physical or mental impairment that substantially limits one (1) or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. People who are currently using illegal substances are not covered under the Act or this Division unless they have a separate disability.
- F. **Group Home.** Refers to any and all facilities which are regulated by the provisions of the California Community Care Facilities Act (Health and Safety Code Section 1500 et seq.), the California Residential Care Facilities for the Elderly Act (Health and Safety Code Section 1569) or any alcoholism or drug abuse recovery or treatment facility as defined by Health and Safety Code Section 11834.02 or any successor statutes.
- G. **Increased Occupancy.** Refers to a request to increase the number of individuals permitted or licensed by State or local law to occupy a group home.

(Ord. C-7639 § 1, 1999)

21.25.1305 - Notice to the public of availability of accommodation process.

The Department of Planning and Building shall prominently display in both the Development Services Center and the Planning Bureau a notice advising those with disabilities or their representatives that they may request a reasonable accommodation hearing in accordance with the procedures established in this Division.

(Ord. C-7639 § 1, 1999)

21.25.1307 - Requesting reasonable accommodation.

- A. In order to make specific housing available to an individual with a disability, a disabled person or representative may request reasonable accommodation relating to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City.
- B. If an individual needs assistance in making the request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the Department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant shall be entitled to be represented at all stages of the proceeding by a person designated by the applicant.
- C. A request for reasonable accommodation in laws, rules, policies, practices and/or procedures may be filed on an application form provided by the Department at any time that the accommodation may be necessary to ensure equal access to housing.

(Ord. C-7639 § 1, 1999)

21.25.1309 - Jurisdiction.

- A. **Zoning Officer/Building Official.** The Zoning Officer, or Building Official, as appropriate, shall have the authority to consider and act on requests for reasonable accommodation. When a request for reasonable accommodation is filed with the Department, it will be referred to the Zoning Officer or Building Official for review and consideration. The Zoning Officer or Building Official shall issue a written determination within thirty (30) days of the date of receipt of a completed application and may: (1) grant the accommodation request, (2) grant the accommodation request subject to specified nondiscriminatory conditions, or (3) deny the request. All written determinations shall give notice of

the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The notice of determination shall be sent to the applicant by certified mail, return receipt requested.

- B. If necessary to reach a determination on the request for reasonable accommodation, the Zoning Officer or Building Official may request further information from the applicant consistent with this Division, specifying in detail what information is required. In the event a request for further information is made, the thirty (30) day period to issue a written determination shall be stayed until the applicant responds to the request.

(Ord. C-7639 § 1, 1999)

21.25.1311 - Required findings.

The following findings must be analyzed, made and adopted before any action is taken to approve or deny a request for reasonable accommodation and must be incorporated into the record of the proceeding relating to such approval or denial:

- A. The housing, which is the subject of the request for reasonable accommodation, will be used by an individual protected under the Act.
- B. The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the Act.
- C. The requested reasonable accommodation will not impose an undue financial or administrative burden on the City.
- D. The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the City.
- E. For housing located in the coastal zone, a request for reasonable accommodation under this Section shall be approved by the City if it is consistent with Subsections 21.25.1311.A through 21.25.1311.D above, and the certified Local Coastal Program. Where a request for reasonable accommodation is not consistent with the certified Local Coastal Program, the City may waive compliance with an otherwise applicable provision of the Local Coastal Program and approve the request for reasonable accommodation if the City finds:
 - 1. The requested reasonable accommodation is consistent, to the maximum extent feasible, with the certified Local Coastal Program; and
 - 2. There are no feasible alternative means for providing an accommodation at the property that would provide greater consistency with the certified Local Coastal Program.

(Ord. C-7726 § 2, 2001; Ord. C-7639 § 1, 1999)

21.25.1313 - Appeals.

- A. Within thirty (30) days of the date the Zoning Officer or Building Official issues a written determination, the applicant requesting the accommodation may appeal an adverse determination or any conditions or limitations imposed in the written determination.
- B. All appeals shall contain a statement of the grounds for the appeal.
- C. Appeals shall be to the Planning Commission who shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed. All determinations on appeal shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.
- D.

An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

(Ord. C-7639 § 1, 1999)

21.25.1315 - Reasonable accommodation relating to requests for increased occupancy of group homes.

- A. All requests for reasonable accommodation relating to increased occupancy of a group home shall be filed first with the City's Zoning Officer.
- B. The Zoning Officer may hold a hearing on a request for reasonable accommodation relating to the increased occupancy of a group home, or may instead, at his/her sole discretion, refer the application to the Planning Commission for hearing. If the Zoning Officer acts on a request for reasonable accommodation pursuant to this Section, the Zoning Officer shall hear the matter and issue a written determination within thirty (30) days of the date of receipt of a completed application. If the Planning Commission acts on a request for reasonable accommodation pursuant to this Section, the Planning Commission shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) days of receipt of a completed application.
- C. Notice of hearing pursuant to this Section shall be provided not less than fourteen (14) days prior to the hearing and shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within three hundred feet (300') of the real property that is the subject of the hearing. In all cases under this Section, the applicant shall bear the cost of the radius mailing.
- D. The Zoning Officer or Planning Commission acting pursuant to this Section, shall: (1) grant the accommodation request, (2) grant the accommodation request subject to specified nondiscriminatory conditions, including, but not limited to, a condition requiring the applicant to show proof of any required State license for the activity or occupancy contemplated, or (3) deny the request.
- E. The Zoning Officer or Planning Commission, as appropriate, shall explain, in writing, the basis of the determination including the Zoning Officer's or Planning Commissioner's findings on the criteria set forth in Section 21.25.1311. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The notice of the determination shall be sent to the applicant by certified mail, return receipt requested.
- F. Within thirty (30) days of the issuance of a written determination on the hearing conducted pursuant to this Section, any aggrieved party within the meaning of this Code, may file an appeal from the determination of the Zoning Officer or Planning Commission. Appeals from a determination of the Zoning Officer shall be to the Planning Commission, appeals from a determination of the Planning Commission shall be to the City Council. All appeals shall contain a statement of the grounds for the appeal.
- G. Appeals to the Planning Commission or City Council pursuant to this Section shall be heard as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed. All determinations on appeal shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

(Ord. C-7639 § 1, 1999)

21.25.1317 - Fee.

There shall be no fee imposed in connection with a request for reasonable accommodation under the provisions of this Division, except that a fee equivalent to the fee imposed for an administrative use permit shall be required if the application for reasonable accommodation relates to an increase in the occupancy of a group home.

(Ord. C-7639 § 1, 1999)

CHAPTER 21.27 - NONCONFORMITIES

FOOTNOTE(S):

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Note— 1. Prior ordinance history: Ord. C 6533, 1988; Ord. C 6595, 1989; Ord. C 6684, 1990; Ord. C 6822, 1990; Ord. C 6933, 1991; Ord. C 7032, 1992; Ord. C 7047, 1992; Ord. C 7064, 1992; Ord. C 7247, 1994; Ord. C 7274, 1994; Ord. C 7399, 1996; Ord. C 7500, 1997; Ord. C 7550, 1998.

21.27.010 - Purpose.

The City recognizes that the eventual elimination of existing nonconforming uses and structures benefits the health, safety and welfare of the community. It is the intent of this Chapter to establish regulations and procedures which ensure that the elimination of nonconforming uses and structures occurs as expeditiously and as fairly as possible and also avoids any unreasonable invasion of established property rights.

(Ord. C 7663 § 5, 1999)

21.27.020 - Continuance of nonconforming rights.

Nonconformities, as defined in Chapter 21.15 of this Title, may continue to be used and maintained in accordance with the provisions of this Chapter. The use and maintenance is permitted as a result of vested rights obtained through the legal establishment of the nonconforming use or structure so long as the use is operated and maintained in such a manner as not to be a nuisance, a blighting influence or a direct and substantial detriment to the rights of adjoining, abutting or adjacent uses.

(Ord. C 7663 § 5, 1999)

21.27.030 - Illegal uses or structures.

Illegal uses or structures have no vested rights. Illegal uses and structures shall either be brought into legal conforming status or shall be removed.

(Ord. C 7663 § 5, 1999)

21.27.040 - Maintenance.

Ordinary maintenance and repair of a building containing a nonconforming use, such as painting, plumbing repair, shall be permitted as necessary to ensure the protection of general health, safety and welfare. All nonconforming uses and structures are subject to all applicable property maintenance and substandard buildings laws.

(Ord. C 7663 § 5, 1999)

21.27.050 - Abandonment.

A. **Loss of rights to a nonconforming use.** All rights to a nonconforming use are lost if the use is abandoned for twelve (12) months (see Section 21.15.030) or if the structure housing the use is demolished (see Section 21.15.750) except as follows:

1.

Nonconforming nonresidential structure. A nonconforming nonresidential structure, which has been abandoned for a period greater than twelve (12) months, may apply for an administrative use permit to establish a CNP (neighborhood pedestrian) permitted use and may apply for a conditional use permit to establish a CNP (neighborhood pedestrian) discretionally permitted use.

2. **Nonconforming nonresidential historic landmark.** A designated City landmark which has been abandoned for a period greater than twelve (12) months, may apply for an administrative use permit to establish a CNP (neighborhood pedestrian) permitted use or discretionally permitted use, and may apply for a conditional use permit to establish another nonconforming use subject to the following:

- a. A special building inspection is conducted to ensure the building conforms or can be repaired to conform to minimum building, plumbing, fire, housing, electrical and earthquake code provisions as necessary to protect public health and safety, and
- b. The proposed use is necessary to avoid an unnecessary hardship on the property owner due to the condition of the structure, the value of the property, or the potential economic life of the building, and
- c. The proposed change of use will provide a desirable service or will be beneficial to the neighborhood, and
- d. The proposed use and adaptive reuse design plan has obtained a certificate of appropriateness from the Cultural Heritage Commission.

B. **Loss of rights to nonconforming parking.** All nonconforming rights related to parking shall be lost if the primary structure on the lot is demolished. Rights shall not be lost if a building is merely vacated.

C. **Abandonment/revocation of rights through nuisance, blight or detrimental effect upon adjoining, abutting or adjacent property.** Any nonconforming use which is operated in such a way as to be a nuisance or a direct detriment to adjoining, abutting or adjacent properties or which is neglected to the point of being a blight on the community shall be considered to have had its nonconforming rights abandoned. Such abandonment shall be determined by a revocation hearing according to the procedures of Division VI, "Revocations", of Chapter 21.21 of this Title, provided, that:

1. A fully noticed public hearing is held before the Planning Commission; and
2. The Planning Commission, or City Council on appeal, finds that:
 - a. The use adversely affects the health, peace or safety of persons residing or working on the premises or in the surrounding area, or
 - b. The use jeopardizes or endangers the public health or safety, or
 - c. The use constitutes a direct and substantial detriment to surrounding uses by repeated adverse activities and incidences, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assault, battery, acts of vandalism, loitering, excessive littering, illegal parking, loud noises (particularly in late night or early morning), noise code violations, traffic violations, curfew violations, lewd conduct or police detentions and arrests, or
 - d. The uses cause repeated violations under Public Health and Safety Code, Title 8 or Title 9, and
 - e. The owner or operator has been unwilling or unable to eliminate the adverse activities, if any;

3. If it finds that conditions and/or modifications of the use will be ineffective in eliminating the adverse activities, the Planning Commission, or City Council on appeal, shall revoke only the nonconforming rights to the use;
4. Continuation of any use after abandonment or revocation pursuant to this Subsection shall constitute a violation of this Chapter and shall be penalized as provided for in Section 21.10.080

(Ord. C 7663 § 5, 1999)

21.27.060 - Expansion.

A nonconforming use or structure may not be expanded or altered in any way so as to increase that nonconformity, except as follows:

- A. **Uses permitted by CUP or AUP.** Any use which was originally established in a zone district by right and has since been reclassified as a discretionary use in that district shall obtain an administrative use permit or a conditional use permit prior to expansion of the use or any structure related to the use. An application to change an alcoholic beverage license to expand the range of beverages sold shall be considered an expansion of that use.
- B. **Conforming nonresidential uses with nonconforming parking.** A conforming nonresidential use with nonconforming parking may be expanded or intensified, as long as parking is provided for the expansion or intensification in accordance with current parking standards. The required number of spaces shall be calculated based on the additional square feet of new construction or other applicable unit of measurement.
- C. **Nonconforming residential uses.**
 1. **Maximum expansion.** A nonconforming residential use (i.e., that exceeds the allowable density for the zone, or is located in a zone that does not permit residential uses) may expand up to two hundred fifty (250) square feet per unit.
 2. **Parking.** Any expansion beyond two hundred fifty (250) square feet per site of cumulative addition shall require one (1) additional conforming parking space for each additional two hundred fifty (250) square feet. For single-family dwellings outside the parking impacted areas, no additional parking shall be required on sites with driveways twenty feet (20') or more in length.
 3. **Development standards.** The expansion shall be consistent in style and materials with the existing building, and shall conform to the current development standards of the zone.
- D. **Conforming residential use with nonconforming parking.** A residential use with nonconforming parking may be expanded as follows:
 1. **Demolition of nonconforming parking.** Nonconforming parking demolished during remodeling or additions may be replaced with new parking of equal size or a more conforming size. The new parking shall provide for the best feasible turning radius. For the purposes of this Section, "best feasible turning radius" means the most conforming turning radius that may be created by relocating the new parking on the lot up to the point it conflicts with the existing building.
 2. **Addition of new dwelling unit.** The addition of new dwelling units on a lot shall require the provision of additional parking spaces for the new dwelling units as well as existing units if substandard in parking in accordance with the standards for new construction.
 - 3.

Expansion of existing dwelling unit. A residential use with nonconforming parking may be expanded by up to two hundred fifty (250) square feet after July 1, 1989, without providing additional parking. Expansion beyond two hundred fifty (250) square feet per site of cumulative addition shall require one (1) additional conforming parking space for each additional two hundred fifty (250) square feet. However, for single-family dwellings outside the parking impacted areas, no additional parking shall be required on sites with driveways twenty feet (20') or more in length.

E. Nonconforming commercial, institutional and park uses.

1. **General.** Nonconforming uses shall not be expanded to occupy a greater area of land or building than was occupied at the time the use or structure became nonconforming.

F. Nonconforming industrial uses.

1. **General.** Nonconforming industrial uses shall not be expanded to occupy a greater area of land or building than was occupied at the time the use or structure became nonconforming.
2. **Machinery and equipment.** Nonconforming machinery and equipment requiring a building permit may be relocated within the site or replaced with machinery or equipment of equal size or capabilities. The number of machines or equipment, the size of the machines or equipment, or the capabilities of the machines or equipment to do heavier work may not be expanded.
3. **Outside uses.** Outside nonconforming equipment and machinery may be relocated or altered, provided the equipment or machinery is not relocated any closer to the nearest residential district.
4. **Volumes.** Increased sales, production or throughput volume shall not be considered as an expansion, provided the use does not expand to occupy additional land or another building.

(ORD-05-0037 § 1, 2005; Ord. C 7663 § 5, 1999)

21.27.065 - Interior alteration to residential uses with nonconforming parking to create additional bedrooms.

- A. **Single-family residential.** Interior alteration to create additional bedrooms is prohibited unless parking is provided in compliance with the requirements in Section 21.41. However, for single-family dwellings outside the parking impacted areas, as those areas are defined in Resolution C-24607 or any successor resolution, no additional parking shall be required on sites with driveways twenty feet (20') or more in length.
- B. **Multifamily residential.** Interior alteration to create additional bedrooms is prohibited unless parking is provided in compliance with the requirements in Section 21.41

(ORD-09-0004, § 1, 2009; ORD-05-0037 § 2, 2005)

21.27.070 - Change in use.

A nonconforming use may be changed to a conforming use, and may be changed to another nonconforming use if the use or structure housing the nonconforming use has not been abandoned for twelve (12) months (see Section 21.15.030) or the structure has not been demolished (see Section 21.15.750), as follows:

- A. **To a CNP permitted use.** An existing nonconforming nonresidential use may change to a CNP (neighborhood pedestrian) permitted use.
- B.

To another nonconforming use with an administrative use permit. An existing nonconforming use may be changed to another nonconforming use if an administrative use permit is granted as provided for in this Title and provided:

1. A special building inspection is conducted to ensure the building conforms or can be repaired to conform to minimum building, plumbing, fire, housing, electrical and earthquake code provisions as necessary to protect public health and safety; and
2. The change of use is necessary to avoid an unnecessary hardship on the property owner due to the condition of the structure, the value of the property or the potential economic life of the building; or
3. The change of use will allow a designated City landmark to be economically productive, thus extending the life of the structure, as long as the proposed use and rehabilitation are approved by the Cultural Heritage Commission; and
4. The change of use will provide a service or will be beneficial to the neighborhood, and will more closely conform to the zoning of the site than the existing use.

C. **Change of use with nonconforming parking.** A use with nonconforming parking may change to another use without adding parking except:

1. If the new use would require more parking than the existing use. Then, in order to establish the new use, the applicant must add parking equal to the difference between the parking requirement of the existing use and the new use (net change in parking intensity); and
2. If the new use is a limousine service or a fleet service/company vehicle operation, the applicant must bring the parking up to current new construction parking standards.

(Ord. C 7663 § 5, 1999)

21.27.090 - Restoration.

Any building containing a nonconforming use or any nonconforming structure may be repaired and restored to its nonconforming state if the need for repairs or restoration shall be the result of fire, explosion, earthquake, imminent public hazard, acts of terrorism, sabotage, vandalism, warfare or abatement of earthquake hazard in accordance with City regulations. Such restoration shall comply with the following conditions:

- A. **Level of restoration.** The damaged use or structure may be repaired or rebuilt to the area and footprint of the previous use or structure. Alternatively, the use or structure may be repaired or rebuilt to a more conforming area or footprint.
- B. **Additional floor area added.** If during restoration and/or reconstruction additional floor area is added, the use or structure shall abandon its nonconforming status.
- C. **Time limit.** The repairs must be commenced within one year of the event causing damage to the use or structure, and the repairs must be diligently pursued until completed.

(Ord. C 7663 § 5, 1999)

21.27.110 - Special uses and structures.

Nothing in this Chapter shall prohibit the establishment of special regulations for specific nonconforming uses and structures regulated by other Sections of the Zoning Code. Such regulations may provide for the retirement or amortization of those specific uses and structures.

(Ord. C 7663 § 5, 1999)

21.27.130 - Historic landmark and landmark district exemption.

Any building or structure designated as a historic landmark or located within a designated landmark district established under Chapter 2.63 of this Code, shall be exempted from restrictions of this Chapter relating to restoration (Section 21.27.090) and maintenance (Section 21.27.040), provided that any use or construction plans are approved with a certificate of appropriateness issued by the Cultural Heritage Commission.

(Ord. C 7729 § 3, 2001; Ord. C 7663 § 5, 1999)

21.27.150 - Amortization—Adult entertainment.

After May 18, 1996, no person shall cause or permit the continued operation, maintenance or use of a lot, building or structure as a legal nonconforming adult entertainment business which does not comply with the locational requirements of Section 21.45.110. For the purposes of this Section, the term "legal nonconforming adult entertainment business" shall mean any adult entertainment business which existed on May 1, 1988, and any adult entertainment business which received a standards variance pursuant to former Subsection 21.45.110.B.

(Ord. C 7663 § 5, 1999)

21.27.160 - Amortization—Fleet service/company vehicle operations.

Any fleet service/company vehicle operation as defined in Section 21.15.1065 which was lawfully in existence as of the effective date of this Section (August 7, 1998) which does not comply in whole or in part with the parking requirements of Section 21.41.216, shall be terminated or otherwise be brought into full compliance within one year of the effective date of this Section (August 7, 1998). For those fleet service/company vehicle operations which cannot be brought into compliance with these provisions because they do not meet the parking requirements of Section 21.41.216, the use may be extended for only one (1) additional period of time (not to exceed one (1) year), to be established by the Planning Commission, upon a showing by the operator of the use that such extension is reasonably necessary to permit the owner of the use adequate time to amortize or otherwise recover any long-term investment in the fleet service/company vehicle operation.

Any request for an extension of the one (1) year amortization period must be made in writing by the owner of the use to the Planning Commission by filing a request with the Planning Bureau of the Department of Planning and Building no later than sixty (60) days prior to the end of the one (1) year period provided for in this Section.

The Planning Commission may grant an extension of up to one (1) additional year only if the business is otherwise in compliance with all other applicable provisions of law, and upon a showing by the applicant/owner of the use:

- A. That the business involved a substantial financial investment in real property, improvement or stock in trade, or
- B. The business is subject to a written long-term lease entered into prior to January 1, 1995, with a termination date extending beyond one (1) year from the effective date of this Section, or
- C. Other factors establishing that the nature of the business is such that the business cannot be easily relocated.

(Ord. C 7663 § 5, 1999)

CHAPTER 21.29 - DEVELOPMENT AGREEMENTS

21.29.010 - Purpose and construction.

- A. The purpose of this Chapter is to establish procedures and requirements for the consideration of development agreements upon application by, or on behalf of property owners or other persons having a legal or equitable interest in the property proposed to be subject to the agreement. In this regard, it is intended that the provisions of this Chapter should be fully consistent, and in full compliance, with the provisions of Article 2.5 of Chapter 4 of Division 1 of Title 7 (commencing with Section 65864) of the California Government Code, and shall be so construed.
- B. In construing the provisions of any development agreement entered into pursuant to this Chapter, those provisions shall be read to fully effectuate, and to be consistent with, the language of this Chapter, Article 2.5 of the California Government Code, cited above, and the agreement itself. Should any apparent discrepancies between the meaning of these documents arise, then the documents shall control in construing the development agreement in the following order of priority:
 - 1. The plain terms of the development agreement itself;
 - 2. The provisions of this Chapter, and
 - 3. The provisions of Article 2.5 of the California Government Code, cited above.

(Ord. C-6533 § 1 (part), 1988)

21.29.020 - Application and processing.

- A. Any owner of real property or other person having a legal or equitable interest in the property may request and apply through the Director of Planning and Building for the City to enter into a development agreement provided that:
 - 1. The property proposed to be subject to the agreement shall be not less than eighty thousand (8,000) square feet in size;
 - 2. The application is made on forms approved, and contains all information required, by the Director;
 - 3. The status of the applicant as an owner of, or holder of legal or equitable interest in, the property is established to the satisfaction of the Director; and
 - 4. The application is accompanied by the fee established pursuant to Subsection 21.29.020.C and all other lawfully required documents, materials and information.
- B. The Director of Planning and Building, or his designee, is hereby empowered to receive, review, process and prepare, together with his recommendations, for Planning Commission and City Council consideration as applicable all applications for development agreements. He may call upon all other departments of the City to assist him in his responsibilities under this Chapter, which assistance shall be provided in a timely manner.
- C. Processing fees, as established by resolution of the City Council, shall be charged for any application for a development agreement made pursuant to the provisions of this Chapter, and shall also be so established and charged for periodic reviews conducted pursuant to Section 21.29.070

(Ord. C-6546 § 5, 1988; Ord. C-6533 § 1 (part), 1988)

21.29.030 - Public hearings.

- A. When an application for a development agreement is deemed complete by the Director of Planning and Building, he shall, within one hundred twenty (120) days, set the application, together with his recommendations relating to it, for public hearing before the Planning Commission. Following conclusion of public hearing by the Commission, the Commission may recommend to the City Council that it approve, conditionally approve, or disapprove the application.
- B. Within forty-five (45) days of final action by the Planning Commission and receipt of a written report of such action, the City Clerk shall set the application and written report of the Planning Commission for public hearing before the City Council. Following conclusion of public hearing by the City Council, the City Council shall approve, conditionally approve or deny the application.
- C. Notice of the hearings set forth in Subsections A and B of this Section 21.29.030 shall be given in the form of a notice of intention to consider adoption of a development agreement as required by Section 65867 of the California Government Code.
- D. Should the City Council approve or conditionally approve the application, it shall, as a part of its action of approval, direct the City Attorney to prepare a development agreement embodying the terms and conditions of the application as approved or conditionally approved by it, as well as an ordinance authorizing execution of the development agreement by the City manager on behalf of the City.
- E. The ordinance shall set forth findings, and the facts supporting them, that the development agreement is consistent with the Long Beach General Plan and any and all specific plans and that it will promote the welfare and public interest of the City of Long Beach.
- F. The ordinance may be subjected to referendum in the manner provided by law.

(Ord. C-6533 § 1 (part), 1988)

21.29.040 - Content of development agreement.

- A. **Mandatory contents.** A development agreement entered into pursuant to this Chapter must contain provisions that:
 - 1. Specify the duration of the agreement;
 - 2. Specify the permitted uses of the property;
 - 3. Specify the density or intensity of use;
 - 4. Set forth the maximum height and size of proposed buildings; and
 - 5. Set forth provisions, if any, for reservation or dedication of land for public purposes.
- B. **Permissive contents.** A development agreement entered into pursuant to this Chapter may:
 - 1. Include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement;
 - 2. Provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time;
 - 3. Include terms and conditions relating to applicant financing of necessary public improvements and facilities, including, but not limited to, applicant participation in benefit assessment proceedings;
 - 4. Include such other terms, conditions and requirements as the City Council may deem necessary and proper, including, but not limited to, a requirement for assuring, to the satisfaction of the City, performance of all provisions of the agreement in a timely fashion by the applicant/contracting party.

(Ord. C-6533 § 1 (part), 1988)

21.29.050 - Execution and recordation.

- A. The City shall not execute any development agreement until on or after the date upon which the ordinance approving the agreement and enacted pursuant to Section 21.29.030 becomes effective.
- B. An executed development agreement shall be recorded in the office of the Recorder of the County of Los Angeles no later than ten (10) days after it is entered into.

(Ord. C-6533 § 1 (part), 1988)

21.29.060 - Environmental review.

The approval or conditional approval of a development agreement pursuant to this Chapter 21.29 shall be deemed a discretionary act for purposes of the California Environmental Quality Act.

(Ord. C-6533 § 1 (part), 1988)

21.29.070 - Periodic review.

- A. Every development agreement approved and executed pursuant to this Chapter shall be periodically reviewed during the term of the agreement every year following the date of its execution.
- B. The purpose of the reviews conducted pursuant to this Section shall be to determine whether the applicant/contracting party or its successor in interest has complied in good faith with the terms of the development agreement. The burden shall be on the applicant/contracting party or its successor to demonstrate such compliance to the full satisfaction of, and in a manner as prescribed by the City.
- C. If, as a result of periodic review pursuant to this Section, the City Council finds and determines, on the basis of substantial evidence, that the applicant/contracting party or its successor in interest has not complied in good faith with terms or conditions of the agreement, the City Council may order, after hearing, that the agreement be terminated or modified.

(Ord. C-6533 § 1 (part), 1988)

21.29.080 - Effect of development agreement.

Unless otherwise provided by the development agreement, rules, regulations and official policies governing permitted uses of the land, governing density, and governing design, improvement and construction standards and specifications, applicable to development of the property subject to a development agreement, are the rules, regulations and official policies in force at the time of execution of the agreement. A development agreement does not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies which do not conflict with those rules, regulations and policies applicable to the property under the development agreement, nor does a development agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.

(Ord. C-6533 § 1 (part), 1988)

21.29.090 - Approved development agreements.

Pursuant to this Chapter, the City Council has approved those certain development agreements as described below:

Development Agreement	Contract Number	Ordinance Number	Effective Date
Alamitos Land Company	21694	C-6788	10/5/1990

Elks Building and Holding Association of Long Beach, Inc.	21695	C-6788	10/5/1990
IDM Commercial Development Corporation	21696	C-6788	10/5/1990
Kilroy Long Beach Associates	21697	C-6788	10/5/1990
Nationwide Theaters Corporation	21698	C-6788	10/5/1990
Goldrich and Kest	21700	C-6788	10/5/1990
Tien P. Zee	22206	C-6925	9/22/1991
Pike Properties	23523	C-7164	1/6/1994
Douglas Park		C-7960	12/21/2004

(ORD-09-0031, §§ 1—6, 2009; Ord. C-7959 § 2, 2004; Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.30 - DISTRICTS ESTABLISHED

21.30.010 - Districts designated.

The incorporated territory of the City of Long Beach is divided into the land use districts indicated in Table 30-1 in order to regulate the location of residences, businesses and industries; the location of buildings and structures; the uses of land; the height and bulk of buildings; the area of yards and other open space facilities; and off-street parking facilities.

(Ord. C-7047 § 6, 1992; Ord. C-6933 § 9, 1991; Ord. C-6533 § 1 (part), 1988)

21.30.020 - Regulations for all districts.

These Zoning Regulations divide the City into districts within which the location, height and bulk of buildings or structures and the uses of buildings, structures or land are regulated as specified.

(Ord. C-6533 § 1 (part), 1988)

21.30.030 - Use district map adopted.

The use districts and the boundaries of such districts are shown upon a map consisting of thirty (30) parts, being numbered consecutively from 1 to 30, containing the districts which are established by this Chapter. The use district map is on file in the office of the Department of Planning and Building, and said map and all notations, references and other information shown on it, including the index map and the chart showing the symbols and legends employed, are incorporated by reference and shall be deemed as much a part of this Title as if the matters and information set forth by the map were fully described in this Chapter.

(Ord. C-6533 § 1 (part), 1988)

21.30.040 - District boundary determination.

In the event uncertainty exists as to the boundaries of any district shown on the use district map, the following shall govern:

Table 30-1 Zoning Districts Established		
Use District Symbol	Use Classification	Chapter
R-1-S	Single-family Residential, small lot	<u>21.31</u>
R-1-M	Single-family Residential, moderate lot	<u>21.31</u>
R-1-T	Single-family Residential, townhomes	<u>21.31</u>
R-1-N	Single-family Residential, standard lot	<u>21.31</u>

R-1-L	Single-family Residential, large lot	<u>21.31</u>
R-2-S	Two-family Residential, small lot	<u>21.31</u>
R-2-I	Two-family Residential, intensified development	<u>21.31</u>
R-2-N	Two-family Residential, standard lot	<u>21.31</u>
R-2-A	Two-family Residential, accessory second unit	<u>21.31</u>
R-2-L	Two-family Residential, large lot	<u>21.31</u>
R-3-S	Low-density Multi-family Residential, small lot	<u>21.31</u>
R-3-4	Low-density Multi-family Residential	<u>21.31</u>
R-3-T	Multi-family Residential, Townhouse	<u>21.31</u>
R-4-H	Dense Multiple Residential, high-rise	<u>21.31</u>
R-4-N	Medium-density Multiple Residential	<u>21.31</u>
R-4-R	Moderate-density Multiple Residential	<u>21.31</u>
RM	Mobile homes, modular and manufactured residential	<u>21.31</u>
R-4-U	Dense Multiple Residential, urban	<u>21.31</u>
CO	Office Commercial	<u>21.32</u>
CH	Highway Commercial	<u>21.32</u>
CT	Tourist and Entertainment Commercial	<u>21.32</u>
CS	Commercial Storage	<u>21.32</u>
CNP	Neighborhood Pedestrian-Oriented Commercial	<u>21.32</u>
CNA	Neighborhood Commercial Automobile-Oriented	<u>21.32</u>
CNR	Neighborhood Commercial and Residential	<u>21.32</u>
CCA	Community Commercial Automobile-Oriented	<u>21.32</u>
CCP	Community Commercial Pedestrian-Oriented	<u>21.32</u>

CCR	Community R-4-R Commercial	<u>21.32</u>
CCN	Community R-4-N Commercial	<u>21.32</u>
CHW	Regional Highway Commercial	<u>21.32</u>
IL	Light Industrial	<u>21.33</u>
IM	Medium Industrial	<u>21.33</u>
IG	General Industrial	<u>21.33</u>
IP	Port-related Industrial	<u>21.33</u>
I	Institutional	<u>21.34</u>
P	Park	<u>21.35</u>
PR	Public Right-of-Way	<u>21.36</u>
PD	Planned Development	<u>21.37</u>
(H)	Horse Overlay	<u>21.38</u>
(HR)	High-Rise Overlay	<u>21.39</u>
(HL)	Height-Limit Overlay	<u>21.40</u>

- A. Unless otherwise indicated by dimensions shown on the map, every district boundary line is intended to follow lot lines or the centerlines of streets or alleys as they existed at the time the district was established.
- B. Where a single lot or parcel of land is divided by a district boundary line, each portion of the lot or parcel shall comply with the provisions of the regulations that apply to the district wherein that portion of the lot is located.
- C. Where uncertainty exists as to the location of the district boundary line, the Zoning Administrator shall have the authority to make a determination as to the intended location of the boundary.

(Ord. C-7663 § 29, 1999; Ord. C-7360 § 2, 1995; Ord. C-6533 § 1 (part), 1988)

21.30.050 - Zoning of annexed territory.

Upon formal notification by the City of its intention to undertake an annexation, the Department of Planning and Building shall initiate a study to determine the appropriate zoning for the property intended for annexation. After such a study, the Zoning Administrator shall begin proceedings for the rezoning of the property in accordance with the procedures governing a rezoning. At the conclusion of the

proceeding, the Zoning Administrator shall notify the appropriate City agency of the rezoning classification of the property should the annexation be consummated. The City shall convey this information to the Local Agency Formation Commission if required to do so.

(Ord. C-6533 § 1 (part), 1988)

21.30.060 - Reclaimed submerged lands.

- A. **Reclaimed By Natural Accretion.** Unless otherwise determined by a rezoning, any submerged lands which may be reclaimed by natural accretion shall immediately be subject to the same regulations of this Title as those specified for the most restrictive abutting district, provided the zoning conforms to the principles and policies stated in the local coastal program of the General Plan. The use district map shall be adjusted by a notation indicating the classification without further procedure. If the most restrictive abutting zone does not conform to the principles and policies of the local coastal program, such restrictive zoning shall apply until the area in question is rezoned.
- B. **Reclaimed By Fill.** Any submerged lands to be reclaimed by fill for use as a land area shall be rezoned prior to City Council approval of the fill. However, fill activities required in an emergency for the protection of public health or safety shall be exempt from this requirement, and any fill in the port district indicated on the Port Master Plan automatically be designated Port District (MP).

(Ord. C-6533 § 1 (part), 1988)

21.30.070 - Vacated street or alley.

Whenever a dedicated street or alley or any portion thereof is vacated, it shall be automatically classified in the same district as the abutting property, and the use district map shall be adjusted without further procedure. If opposite sides of the street or alley are in different zones, the new boundary of the use district shall be at the centerline of the former street or alley.

(Ord. C-6533 § 1 (part), 1988)

21.30.080 - Savings.

In adopting this Chapter 21.30, it is the intention of the City Council that the use districts and use district boundaries as first adopted herein shall be the same as those in effect on the date of adoption of the Ordinance first codifying and adopting this Chapter 21.30, and should the provisions of this Chapter 21.30 be, for any reason, invalidated, voided or set aside, in whole or in part, it is the intention of the City Council that the use districts and use district boundaries as they existed immediately prior to the adoption of this Chapter 21.30 shall continue in full force and effect until they may thereafter be lawfully amended, revised or repealed.

(Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.31 - RESIDENTIAL DISTRICTS

21.31.010 - Purpose.

The intent of this Chapter is to create, preserve and enhance residential areas for a range of housing types and lifestyles. These regulations are directed toward minimizing conflicts and incompatibilities between mixed housing types and between the activities which may occur within the various types of residential development. These regulations also serve to encourage the maintenance and rehabilitation of existing residences and to ensure that new housing is an asset to existing neighborhoods.

(Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.31.020 - Districts established.

Nineteen (19) residential zoning districts are established by this Chapter as follows:

- A. The R-1-S District is a single-family residential district with small lots. The District recognizes the existing subdivision pattern and is established to accommodate the requirements of a modern home on existing small lots. This Zone is only appropriate in high open space amenity areas such as the Coastal Zone. This implements Land Use District No. 1 of the General Plan.
- B. The R-1-M District is a single-family residential district with moderate sized lots. This District recognizes the difficulty of developing odd sized and shaped parcels with normal sized lots. It also recognizes the City's objective of providing more affordable ownership housing and the effect of lot size on housing costs. This District implements Land Use District No. 1 of the General Plan.
- C. The R-1-N District is a single-family residential district with standard lots. This District recognizes the outdoor lifestyle characteristic of Southern California and is established to protect such areas from overcrowding and conversion to higher densities. This implements Land Use District No. 1 of the General Plan.
- D. The R-1-L District is a single-family residential district with large lots. This District recognizes the need for an open, uncrowded living environment within metropolitan centers. This implements Land Use District No. 1 of the General Plan.
- E. The R-1-T District is a single-family district of townhouses. It implements Land Use District No. 3A of the General Plan.
- F. The R-2-S District is a two-family residential district with small lots. This District recognizes existing subdivision and use patterns in distinct portions of the City and is established to accommodate such patterns without crowding and congestion. This Zone is generally not suitable outside of the Coastal Zone. This Zone implements Land Use District No. 2 of the General Plan.
- G. The R-2-I District is a two-family residential district with intensified development on the lots. This District recognizes existing subdivision and use patterns in distinct portions of the City and allows an intensity of development appropriate only in areas within immediate proximity to public open space. This Zone implements Land Use District No. 2 of the General Plan.
- H. The R-2-N District is a two-family residential district with standard lots. This District recognizes the need for two-family, moderate density housing with outdoor living space. This Zone implements Land Use District No. 2 of the General Plan.
- I. The R-2-A District is a two-family residential district with standard lots. This District restricts one (1) unit to a small accessory unit. This District recognizes the desire to maintain the existing character of a community by retaining single-family dwellings while adding a second unit to the rear. This Zone implements Land Use District No. 2 of the General Plan.
- J. The R-2-L District is a two-family residential district with large lots. It recognizes the use pattern of two-family dwellings in older, large lot subdivisions. It also encourages the preservation of these neighborhoods and also provides opportunity for spacious, well-designed, two-family developments. This Zone implements Land Use District No. 2 of the General Plan.
- K. The R-3-S District is a three-family residential district. This District recognizes the constraints small lots place on multifamily developments and the adverse consequences related to large scale multifamily development in existing neighborhoods of single-family use. This Zone implements Land Use District No. 3B of the General Plan.
- L. The R-3-4 district is a four-family residential district. The district recognizes the constraints lot size places on multifamily development and the adverse consequences related to large scale multifamily uses development in single-family neighborhoods.
- M. The R-3-T district is a townhouse or row house residential district on small (especially shallow) lots. It is intended for residential lots located along significant traffic arteries where a lot line to lot line, high lot coverage, inward-oriented dwelling is appropriate. This district is typically appropriate in areas in transition from commercial to residential use. This implements land use district No. 3A of the General Plan.
- N. The R-4-R district is a moderate density, multifamily residential district with restrictions on building height. It is intended to provide a moderate density use consistent in scale with existing older and lower density developments. The district is designed to encourage full development in established moderate density neighborhoods. This implements land use district No. 3B of the General Plan.

Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-3-A	R-3-S	R-3-4	R-4-T	R-4-R	R-4-N	R-4-H(d)	R-4-U	R-M	R-4-M
Single-family detached	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N
Single-family attached	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Duplex	N	N	N	N	Y(b)	Y(b)	Y	Y	Y	Y(c)	Y	Y	Y	Y	Y	Y	Y	N	N
Three-family dwelling	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	N	N
Four-family dwelling	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	Y	Y	N	N
Multi-family dwelling	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N
Townhouse	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Modular or manufactured housing unit placed on a permanent foundation	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	Y	Y
Mobile home park (as to unsold spaces) (see Section 21.52.243)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Subdivision of existing mobile home park (see Section 21.52.244)																			C
Secondary housing units (see Section 21.51.275)	N	N	A	A	N	N	N	A	A	A	A	A	A	A	A	A	A	N	N
Special group residence (senior citizen housing, handicapped housing, residential care facility, communal)	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N

housing, convalescent hospital) (see Section 21.52.271)																			
Commercial Uses																			
Bed and breakfast inns (see Section 21.52.209)	N	N	N	N	N	N	N	N	N	N	N	N	AP	AP	AP	AP	AP	N	N
Office commercial (see Section 21.52.251)	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	Y(a)	C	N	N
Residential historic landmark buildings (see Section 21.52.265.5)	AP	AP	AP	N															
Restaurant (see Section 21.52.269)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N
Retail commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y(a)	N	N	N
Through-block commercial (see Section 21.52.279)	N	N	N	C	N	N	N	N	C	N	C	C	C	C	C	C	C	C	
Other Uses																			
Carnival, fiesta, other outdoor exhibition or celebration (see Section 21.53.109)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N
Church (see Section 21.51.213)	N	N	N	C	N	N	N	N	C	C	C	C	C	C	C	C	C	N	N

Table 31-1

Uses in Residential Zones

R-2-I	2	1,000	4,800	40	3(i)	3	8	32 ft./35 ft. (e) 3 St.	N/A	2%(o)	N/A
R-2-N	2	3,000	6,000	50	<u>15</u>	4(b)	20	25 ft. 2 St.	60%	6%(o)	0.60
R-2-A(n)	2	3,000	6,000	50	<u>15</u>	4(b)	20	25 ft. 2 St.	60%	6%(o)	0.60
R-2-L	2	4,000	8,000	50	<u>15</u>	4	10	35 ft. 2 St.	40%	8%(o)	N/A
R-3-S(l)	3	2,100	6,300	50	<u>15</u>	10% (q)	20	25 ft. 2 St.	N/A	250(p)	N/A
R-3-4	4	1,700	4,500	50	<u>15</u>	10% (q)	20	25 ft. 2 St.	N/A	200(p)	N/A
R-3-T(l)	N/A	See Table 31-2B	3,000	25(g)	<u>15</u>	10% (q)	20	28 ft.(f) 2 St.	N/A	250(p)	N/A
R-4-R(l)	N/A	See Table 31-2B	18,000	120	<u>15</u>	10% (q)	20	28 ft. 2 St. (f)	N/A	150(p)	N/A
R-4-N(l)	N/A	See Table 31-2B	18,000	120	<u>15</u>	10% (q) (r)	20(r)	38 ft.(f) 3 St.	N/A	150(p)	N/A
R-4-H(l)	N/A	See Table 31-2B	18,000	120	10(m)	10% (q) (r)	20(r)	See Table 31-3A	50%	150(p)	N/A
RM	N/A	2,400	18,000	120	10	4	10	30 ft. 2 St.	65%	200(p)	N/A
R-4-U(l)	N/A	See Table 31-2B	22,500	180	10	10% (q) (r)	20(r)	65 ft.(f) 5 St.	N/A	150(p)	3.0
R-4-M	1	3,100 sq. ft.	3,100 sq. ft.	32 ft.	0 ft.	5 ft.	3 ft.	20 ft.	75%	10%	N/A

Abbreviations: Sq. Ft. = square feet; St. = story

NOTES: Table 31-2A, Residential Development Standards

(a) If this lot size exceeds the standards for the neighborhood (as defined in the subdivision regulations), the standard of the neighborhood may be used.

(b) If a lot is 27 feet or less in width, see Subsection 21.31.215.F, special narrow lot standards.

(c) These standards apply only to new subdivisions of land area. They do not apply to new construction on existing lots or to air space divisions of existing lots.

- (d) In general, height is measured to the midpoint of the roof (Section 21.15.1330—Definitions). However, in some zones, the building height limit consists of 2 numbers. The first number indicates the height of the midpoint of roof, and second number indicates height of building measured to peak of roof. A project shall conform to both standards.
- (e) An additional 2 feet may be permitted to accommodate access stairs to the roof.
- (f) See Section 21.31.220 for special height provisions.
- (g) New subdivisions, including corner lots, shall orient the lots to the side street.
- (h) For garages and other accessory structures, refer to Section 21.31.245 (Accessory structures).
- (i) Average setback may apply as outlined in Subsection 21.31.215.C (Front yard averaging).
- (j) Special standards apply for reverse corner lots as specified in Subsection 21.31.215.D (Rear yard).
- (k) The setback shall be measured from the centerline of an abutting alley where such exists. For shallow lots, see Special Standards in Subsection 21.31.215.D.
- (l) If the garage takes direct access from the street, the garage shall be set back pursuant to Section 21.31.245.
- (m) Commercial uses—see Special Development Standard, Section 21.45.160.
- (n) One unit is limited to not more than 800 square feet or 12 percent of lot area, whichever is greater.
- (o) Percent of lot area per unit.
- (p) Square foot per unit. See Sections 21.31.230 (Usable Open Space) and 21.31.240 (Privacy Standards) for detailed standards.
- (q) The side yard setback is 10 percent of lot width on each side, but in no case shall the interior side yard setback be required to exceed 10 feet (except as specified in footnote(s)). The side street side yard setback shall be 15 percent of lot width, but in no case shall it be required to exceed 15 feet. Neither setback shall ever be less than 3 feet.
- (r) See Subsections 21.31.215.D.3 and 21.31.215.E.3, Special Side and Rear Yard Setback Restrictions.

(ORD-08-0020 § 3, 2008; ORD-07-0019 § 2, 2007; Ord. C-7633 § 30, 1999; Ord. C-7607 §§ 9, 10, 1999)

Table 31-2B

Residential Densities For Multi-family Districts

The density allowed shall be that provided in the row corresponding to the site width and area. If the site width and area are in ranges located in different rows, then the higher of the two (2) densities is allowed.

District	Site Area (Sq. Ft.)	Site Width (Ft.)	Permitted Density Sq. Ft. of Site Area Per Unit
R-3-T	0—3,200	0—25	1 unit per lot
	3,201—15,000	26—120	1 unit per 3,000 sq. ft.
	15,001 or more	121 or more	1 unit per 2,400 sq. ft.
R-4-R	0—3,200	0—25	1 unit per lot
	3,201—15,000	26—120	1 unit per 1,500 sq. ft.
	15,001 or more	121 or more	1 unit per 1,450 sq. ft.
R-4-N	0—3,200	0—25	1 unit per lot
	3,201—15,000	26—120	1 unit per 1,500 sq. ft.
	15,001—22,500	121—180	1 unit per 1,200 sq. ft.
	22,501 or more	181 or more	1 unit per 975 sq. ft.

R-4-H	0—3,200	0—25	1 unit per lot
	3,201—15,000	26—120	1 unit per 1,500 sq. ft.
	15,001—22,500	121—180	1 unit per 1,200 sq. ft.
	22,501 or more	181 or more	See Table 31.3A
R-4-U	0—3,200	0—25	1 unit per lot
	3,201—15,000	26—120	1 unit per 1,500 sq. ft.
	15,001—22,500	121—180	1 unit per 975 sq. ft.
	22,5001—30,000	181—240	1 unit per 500 sq. ft.
	30,001 or more	241 or more	1 unit per 400 sq. ft.
R-4-M	3,100 sq. ft. min.	32 ft. min.	1 unit per lot

- A. **Net Lot Area.** All densities are calculated on the basis of net lot area. This is the existing lot area minus any dedications for public right-of-way (streets or alleys) to meet minimum City standards.
- B. **Fractional Densities.** Fractional numbers of units shall not be counted in determining the number of units allowed on the site except that at least one (1) unit shall be allowed on any legal or certified lot.
- C. **Narrow or Small Lots.** Any lot which is twenty-five feet (25') or less in width, or has a lot area of two thousand four hundred (2,400) square feet or less (except in the R-2-I and R-2-S Zones) shall be permitted to contain only one (1) single-family residence.

(ORD-07-0019 § 3, 2007; Ord. C-6895 § 10, 1991; Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.31.210 - Minimum lot area and lot width.

The minimum lot area and lot width indicated in Table 31-2A apply only to new subdivisions of land area. They do not apply to new construction on existing lots or to air space subdivisions.

(Ord. C-7663 § 6, 1999; Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.31.215 - Yard requirements.

Yards shall be provided for the purpose of providing light, air, pedestrian and vehicular circulation, emergency access and general aesthetic improvements. All lots shall have one (1) front yard and one (1) rear yard, with the exception of through lots, which may have two (2) front yards and no rear yard. All other property lines for all lots shall be considered side property lines.

- A. **Measurements.** All yard areas shall be measured as described in Chapter 21.15 (Definitions) of this Title. All yards shall be measured after dedications or reservations for required rights-of-way.
- B. **Permitted Structures.** Table 31-3 lists all the structures permitted to be placed in required yard areas provided the minimum setback is maintained. No structures are permitted in a side yard if any structures are in the other side yard except projections into a street side yard. This table does not restrict the location of the listed structures when they are located outside of a required yard area. For garages in yard areas, see Section 21.31.245.
- C. **Front Yards.** Front yard depths shall conform to the standards specified in Table 31-2A, unless the following conditions apply to a lot:
1. **Key Lot.** If the lot is a key lot, as defined in Chapter 21.15 (Definitions), and the abutting corner lot is built to the side yard line, then the front yard of the key lot shall be one-half (½) of that required for the nearest interior lot in the same block facing the same street. This is illustrated on Figure 31-1.
 2. **Through Lots.**
 - a. If the lot is a through lot and adjoining lots face opposite street frontages, then the through lot shall be considered to have two (2) front yards, and the front yards shall have the same required front yard setback as the adjacent zone district (Figure 31-2).
 - b. If all lots in a block are through lots fronting in the same direction, then only one (1) front yard shall be required, and the front yard shall be that one from which primary pedestrian access is taken along the entire block (Figure 31-2).

Table 31-3**Permitted Projections and Structures in Required Yards**

Structure	Front(a) Maximum Projection Into the Required Front Yard	Side(b) Minimum Distance to Interior Side Property Line	Rear(c) Minimum Distance to Rear Property Line	Street Side(b) Maximum Projection into Street Side Yard
Antennas	Not permitted	Property line	Property line	Not permitted
Architectural protrusions	2 ft. 6 in.	2 ft. 6 in.	3 ft.	2 ft. 6 in. or ½ the required setback, whichever is less
Awnings	2 ft. 6 in.	2 ft. 6 in.	3 ft.	2 ft. 6 in.
Balconies	5 ft. or ½ the required setback, whichever is less	2 ft. 6 in.	3 ft.	5 ft. or ½ the required setback, whichever is less
Single-family				
Multi-family				
Barbecues (not exceed 6 ft. 6 in. in height)	Not permitted	Property line	Property line	Property line
Basement	Not permitted	Same as principal structure	Same as principal structure	Same as principal structure
Bay windows				
R-1 and R-2	2 ft. 6 in.	3 ft.	3 ft.	2 ft. 6 in. or ½ the required setback, whichever is less
R-3 and R-4	2 ft. 6 in.	4 ft.	15 ft.	
Carports	Not permitted	3 ft. to column, 2 ft. 6 in. to eave or roof overhang	3 ft. to column, 2 ft. 6 in. to eave or roof overhang	Not permitted
Chimney (maximum 5 ft. width)	2 ft. 6 in.	2 ft. 6 in.	3 ft.	2 ft. 6 in.
Cornices, eaves, and roof overhangs	2 ft. 6 in.	2 ft. 6 in.	3 ft.	2 ft. 6 in.
Decks above grade with open guard rail (no roof deck)	5 ft.	3 ft.	3 ft.	5 ft. or ½ the required setback, whichever is less
Decks at grade (no higher than 30 in. above grade)	Property line	Property line	Property line	Property line

Detached accessory structures	Not permitted	See <u>Section 21.31.245</u>	See <u>Section 21.31.245</u>	Not permitted
Electrical transformers	(d)	Property line(d)	Property line	(d)
Fences	See Table 43-1	See Table 43-1	See Table 43-1	See Table 43-1
Ground mounted air conditioners	Not permitted	3 ft.	3 ft.	Property line, with screening
Lamppost	Property line	Property line	Property line	Property line
Patio covers	5 ft. or 1/2 the required setback, whichever is less, to column	3 ft. to column, 2 ft. 6 in. to eave or roof overhang	3 ft. to column, 2 ft. 6 in. to eave or roof overhang	5 ft. or 1/2 the required setback, whichever is less
Pool equipment	Not permitted	Property line	Property line	Property line, with screening
Porches	5 ft. or 1/2 the required setback, whichever is less, to column	3 ft. to column, 2 ft. 6 in. to eave or roof overhang	3 ft. to column, 2 ft. 6 in. to eave or roof overhang	5 ft. or 1/2 the required setback, whichever is less
Porte cochere (over circular drive)	Permitted by site plan review only			
Roof deck(c)	Not permitted	Not permitted	3 ft.	Not permitted
Semi-subterranean garage (not to exceed 4 ft. above grade)	Not permitted	See <u>Section 21.31.245</u>	See <u>Section 21.31.245</u>	Not permitted
Solar collector	Not permitted	Property line	Property line	Not permitted
Stairway landings (exterior) (c)	Not permitted more than 2 ft. 6 in. above grade	3 ft.	3 ft.	Not permitted more than 2 ft. 6 in. above grade
Utility enclosures and equipment (includes water heaters, electrical panels, gas, and water meters)	Not permitted	2 ft. 6 in.	3 ft.	Not permitted
Wall returns	See Table 43-1 Fences			
Window-mounted air conditioners	Not permitted	2 ft. 6 in.	3 ft.	Not permitted
Wing walls	Permitted by site plan review only			

Footnotes:

- (a) In the R-2-I Zone, permitted structures may extend to within 6 in. of the front property line.
- (b) A side property line abutting an alley, public waterway, or public property other than a street shall be considered an interior side property line.
- (c) Decks above grade, roof decks, and stairway railing shall not exceed the applicable building/structure height limit (measured to the railing) for the applicable zoning district.
- (d) Transformers are allowed in front yard and street side yards only on lots without alleys, and only if the transformer is painted to match the building, is screened by a 3 ft. solid wall or hedge, and is located as far as possible on the lot. The utility company's design for the electric system, including locations and aesthetic treatment, shall be in accordance with the regulations of the Public Utilities Commission of the State of California.

(Ord. C-7663 § 31, 1999; Ord. C-7378 § 5, 1995)

Figure 31-1

FRONT YARD SETBACK EXCEPTION

Section 21.31.215(C)-Key Lot-

If the lot is a key lot and the abutting corner lot is built to the side yard line, then the front yard of the key lot shall be one-half of that required for the nearest interior lot in the same block facing the same street.

Figure 31-2

FRONT YARDS ON THROUGH LOTS

Section 21.31.215(C)2a—

If the lot is a through lot and adjoining lots face opposite street frontages, then the through lots shall be considered to have two front yards, and the front yards shall have the same required front yard setback as the adjacent zone district

Section 21.31.215(C)2b—Through Lot

If all lots in a block are through lots fronting the same direction, then only one front yard shall be required, and the front yard shall be that one from which primary pedestrian access is taken along the entire block face.

- 3. **Averaging in R-1-S, R-2-S and R-2-I Districts.** If one or both adjoining lots encroach in the front yard setback in the R-1-S, R-2-S and R-2-I districts, then the front yard setback shall be established by the average setback of adjoining lots. If the subject lot adjoins a vacant lot, street or alley on one side, that side shall be considered a lot with no yard encroachment. Projections shall not be considered encroachments.
 - 4. **Garages.** Garages are subject to the front yard setback requirements specified in Section 21.31.245 of this Chapter.
 - 5. **Parking Prohibited.** Parking in the front yard setback is prohibited, except as provided in Section 21.41.276, recreational vehicles, or Section 21.41.281, vehicle parking in setbacks.
- D. **Rear Yards.** Rear yard depths shall conform to the standards specified in Chapter 21.31, Table 31-2, unless the conditions outlined in Section 21.31.215(D) apply. For triangular or gore-shaped lots, the rear lot line shall be established as provided for in the definition of rear lot line in Chapter 21.15 (Definitions) of this Title.
- 1. **Reverse Corner Lots.** The rear yard setback for a reversed corner lot shall be the same as the side yard setback.
 - 2. **Shallow Lots.** On lots less than one hundred feet (100') in depth, the following special standards shall apply:
 - a. In the R-1-S, R-1-M, R-2-S and R-2-I districts, the rear setback may be reduced to ten percent (10%) of lot depth, but not less than five feet (5');
 - b. In the R-1-L and R-2-L districts, the rear setback may be reduced to thirty percent (30%) of lot depth, but not less than fifteen feet (15');
 - c. In the R-1-N district, the rear setback may be reduced to ten percent (10%) of lot depth on the first story and thirty percent (30%) on the second story;
 - d. In all other zones, the rear setback may be reduced to twenty percent (20%) of lot depth, but not less than ten feet (10').

3. **Buffers.** In R-4-N, R-4-H, R-4-U districts and commercial zones which allow multifamily residential development, on sites adjoining, abutting or adjacent to R-1, R-2, or R-3 districts, a buffer setback facing the R-1, R-2 or R-3 district is required as follows:

- a. The minimum building setback shall be:

<u>BUILDING STORY</u>	<u>SETBACK*</u>
Two-story or less (excluding mezzanine of the 2nd story and not to exceed 25' in height)	20'
Third story (and 2nd story mezzanine)	30'
Fourth story or more	40'

* This setback is measured from the property line or from the centerline of the abutting alley.

- b. If a building facing low-density residential and exceeding twenty-five feet (25') in height and fifty feet (50') in length, at least one-half (½) of such building facade shall be setback forty feet (40') from the property line.
- c. Within the required setback area, a five foot (5') wide planter strip containing a solid screen of trees planted ten feet (10') or closer on center shall be provided along the property line.
- d. No continuous building wall shall extend eighty-four feet (84') in length without recess of the building. This recess shall be at least ten feet (10') in each dimension.

- E. **Side Yards.** Side yards shall be required as set forth in Subsection 21.31.215.E, provided that:

1. **Zero Side Yard.** One (1) zero side yard is permitted in the R-1-M, R-1-T, and R-3-T districts, subject to the following provisions:
- a. The side yard opposite the zero side yard shall be equal to or greater than twice the required width of an individual side yard for the zone;
- b. Any structure on the property adjoining the zero side yard shall not be less than eight feet (8') from the proposed zero lot line structure.
2. **Double Zero Side Yard.** A double zero side yard is permitted in the R-1-T and R-3-T districts, provided that:
- a. No principal use structure on an adjoining lot lies within six feet (6') of any lot line proposed as a zero lot line, unless that structure is also a zero lot line building;
- b. A street or alley or private access driveway exists at the rear of the lot; and
- c. Not more than one hundred fifty feet (150') of a continuous building is created parallel to the front lot line.
3. **Buffers.** In R-4-N, R-4-H and R-4-U districts and commercial zones which allow multifamily residential development, on sites adjoining, abutting or adjacent to R-1, R-2, or R-3 districts, a buffer setback facing the R-1, R-2 or R-3 district is required as follows:
- a. The minimum building setback shall be:

<u>BUILDING STORY</u>	<u>SETBACK*</u>
Two-story or less (excluding Mezzanine of the 2nd story and not to exceed 25' in height)	20'
Third story (and 2nd story mezzanine)	30'
Fourth story or more	40'

* This setback is measured from the property line or from the centerline of the abutting alley.

- b. If a building facing low-density residential and exceeding twenty-five feet (25') in height and fifty feet (50') in length, at least one-half (½) of such building facade shall be set back forty feet (40') from the property line.
- c. Within the required setback area, a five foot wide (5') planter strip containing a solid screen of trees planted ten feet (10') or closer shall be provided along the property line.
- d.

No continuous building wall shall extend eighty-four feet (84') in length without recess of the building. This recess shall be at least ten feet (10') in each dimension.

- F. **Side Yards on Narrow Lots.** In specific areas of the City, existing lots located in the R-1-N, R-1-M, R-2-N and R-2-A zone districts have widths which are narrower than the required minimum widths indicated in Table 31-2. The following special side yard standards are established for lots less than twenty-seven feet (27') in width in the R-1-N, R-1-M, R-2-N and R-2-A districts:
1. **Site Plan Review Required.** Any developer proposing to construct a new dwelling unit or an addition greater than four hundred fifty (450) square feet in size to an existing dwelling located on a lot less than twenty-seven feet (27') in width in the noted zoning districts must have the plans approved through site plan review. The site plan review process shall ensure that such development:
 - a. Does not reduce light and air to neighboring properties;
 - b. Minimizes curb cuts and the development of front yard areas with driveways;
 - c. Minimizes the loss of privacy on adjacent properties;
 - d. Maximizes the window area from primary rooms facing on the street; and
 - e. Maintains quality residential development.
 2. **Minimum Side Yard.** For development on a narrow lot, the minimum yard area shall be three feet (3').
 3. **Lots With Access From Alley.** If the lot abuts an alley, garage access shall be taken from that alley.
- G. **Corner Cutoff.** A corner cutoff shall be required in all residential districts at all intersections of streets, driveways, or alleys. Nothing shall be erected or allowed to grow within the corner cutoff in such a manner as to impede visibility or accessibility from three feet to eight feet (3' to 8') in height. Corner cutoffs shall be a minimum of six feet by six feet (6' x 6'). Chain link and wrought iron fences higher than three feet (3') are allowed in corner cutoffs.

(Ord. C-7326 § 9, 1995; Ord. C-7247 §§ 10, 11, 1994; Ord. C-7032 §§ 15—18, 1992; Ord. C-6933 § 15, 1991; Ord. C-6895 § 11, 1991; Ord. C-6822 § 8, 1990; Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.31.220 - Height limits.

- A. **Measurement.** A measurement of height shall use the definition of height contained in Section 21.15.1330
- B. **Exceptions.** The height limitations specified in Table 31-2A shall apply to all elements and equipment on a building, except as follows:
1. Chimneys and vent pipes shall be allowed to exceed the applicable height limit by two feet (2') (when required to exceed roof height by the Uniform Building, Plumbing and Mechanical Codes).
 2. Flagpoles, when placed on the roof of a building, may exceed the height of the building by ten feet (10'). When placed on the ground, flagpoles shall not exceed sixty feet (60') in height.
 3. Television or radio receiving or transmitting antenna(s) may exceed the applicable height limit according to the provisions contained in Section 21.46.060 (Radio and television antennas).
 4. Solar collectors may exceed the applicable height limit.
 5. The following rooftop elements and equipment in the R-4 zones may extend up to ten feet (10') above the building height:
 - a. Rooftop stair and elevator penthouse enclosures;
 - b. Rooftop heating and air conditioning equipment and ducts; and
 - c. Rooftop safety rails, spas, tubs, barbecues, wet bars, patio covers and similar nonportable rooftop amenities.
 6. **R-4-H Height Incentive.** In the R-4-H zone, the height limit shall be as shown in Table 31-3A. Both the minimum lot width and the minimum height must be achieved before the density is allowed to exceed the R-4-N density.
Any densities over R-4-N densities in the R-4-H zone are only allowed in true high-rise buildings utilizing the full high-rise package of features required in the Uniform Building Code.

(Ord. C-6933 § 17, 1991; Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.31.225 - Lot coverage.

Lot coverage shall conform to the standards specified in Table 31-2. The actual garage area up to four hundred (400) square feet per unit, and up to six hundred (600) square feet for a single-family dwelling, shall be exempt from lot coverage.

(Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.31.230 - Usable open space.

Usable open space in terms of square feet per dwelling unit shall be provided as indicated in Table 31-2A. In R-3 and R-4 zones, each dwelling unit shall provide fifty percent (50%) of the open space as common open space and fifty percent (50%) as private open space, subject to the following standards. Indoor recreational space may be substituted for common usable open space.

- A. **Open Space Dimensions.** Table 31-4 specifies the minimum open space dimensions for both common and private open space areas.
- B.

Combining Usable Open Space and Pedestrian Access. If the total width of the usable open space is eighteen feet (18') or wider, any pedestrian path incorporated into open space design may be considered usable open space.

C. **Screening of Open Space.** Private usable open space areas shall be screened as specified in Table 31-5.

Table 31-3A

R-4-H Height Incentive

Lot Width	Density	Height Minimum	Height Maximum
0—180	See Table 31-1B		5 stories—(65')
181—250	140/acre (1/310 SF)	8 stories	14 stories
251—300	175/acre (1/250 SF)	14 stories	17 stories
301—375	215/acre (1/200 SF)	17 stories	20 stories
376+	250/acre (1/175 SF)	20 stories	24 stories

Table 31-4

Usable Open Space Dimensions

Type of Usable Open Space	Minimum Length	Minimum Width	Minimum Height	Minimum Area in Square Feet
1. Common	12'	12'	As specified in UBC for habit-able overhead height	150
2. Private				
R-1 and R-2 zones	5'	5'	Same as above	50
R-3 and R-4	8'	8'	Same as above	80

Abbreviation: UBC—Uniform Building Code

Table 31-5

Screening of Open Space

The Area From Which Open Space Must Be Screened	Screen Height
1. Common open space	4'0"
2. Corridors	4'0"
3. Streets or other public right-of-way	3'0"

4. Units on same level	4'0"
5. Units across interior side yard	4'0"

D. **Recreational Amenities.** Any development shall provide on-site recreational amenities. Such amenities shall include:

1. For projects of twenty-one (21) or more units, a recreation room of three hundred (300) or more square feet, furnished with recreational facilities, a swimming pool, or such other recreational amenities as play equipment or other facilities directed to a specific demographic section of the housing market when judged to be of equivalent value by the Site Plan Review Committee.
2. Adequate planter top area for seating not less than eighteen inches (18") and not more than twenty-four inches (24") in height, or equivalent bench seating, shall be provided.

(Ord. C-7550 § 6, 1998; Ord. C-6933 §§ 18, 19, 1991; Ord. C-6822 § 9, 1990; Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.31.235 - Floor area ratio.

The maximum ratio of building floor area to lot size shall be as specified in Table 31-2. For calculating residential floor area, the total area within a building shall include stairway and elevators on all floors.

- A. **Basements.** Basements and open areas shall not be calculated in residential floor area.
- B. **Open Room.** If outdoor roof deck or balcony is enclosed on all sides by parapet, solid railing or building wall greater than three feet, six inches (3'6") in height, such open area shall be calculated in residential floor area.
- C. **Garages.** The actual garage up to four hundred (400) square feet per unit and up to six hundred (600) square feet for a single-family dwelling shall be excluded from the calculation of floor area. Floor area above the garage is not excluded.

(Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.31.240 - Privacy standards.

- A. **Applicability.** Privacy standards shall apply to all residential development of five (5) units or more requiring site plan review. In applicable cases, the privacy standards shall apply to all residential occupancy areas, as defined by the Uniform Building Code.
- B. **Standards.** The privacy standards in Table 31-6 apply to the shortest horizontal distance between the specified window and the specified property line, or to the window or wall of another unit in the same project. Each unit in a project must meet these standards in each room.
- C. **Definitions.**
 1. The measurements indicated in Table 31-6 are "line-of-sight" measurements from window to window, taken from the middle of the window.
 2. The following are considered "blank walls":
 - a. Garden walls four feet (4') or more in height;
 - b. Frosted glass, stained glass or similar translucent but nontransparent materials; and
 - c. Windows with a lower sill not less than five feet, six inches (5'6") above the finished floor level.

Table 31-6

Privacy Standards

	On-site				At Property Line			
	Primary Room-Largest Window	Secondary Room-Largest Window	Blank Wall	Public Corridor	Interior Front	Side	Rear	Street Side
Primary Room- The largest window-R-3, R-4	45 ft.	30 ft.	20 ft.	8 ft.	Frontyard setback	20 ft.	20 ft.	*
Secondary	30 ft.	15 ft.	15 ft.	0 ft.	Frontyard	5 ft.	20 ft.	*

Room- The largest window-R-3, R-4					setback			
Blank wall-R-3 R-4	20 ft.	15 ft.	5 ft.	0 ft.	Frontyard setback	5 ft.	10 ft.	*

* Fifteen percent of lot width but not less than 10 ft., nor greater than 15 ft.

(Ord. C-7378 § 8, 1995)

3. The primary room means a living room, dining room or family room. Where an open floor area plan combines the living and dining rooms, the living/dining room shall be considered one (1) room.
4. All rooms not defined above as a primary room shall be considered a secondary room.
5. In the case where windows in one (1) room are of equal size, either window may be selected by the builder as the largest window.

D. **Public Corridors.** Public circulation corridors may be located within window-to-window or window-to-wall spacing distances. However, such corridors shall also have a minimum privacy spacing distance from primary and secondary windows as established in Table 31-6.

(Ord. C-7378 § 6, 1995; Ord. C-7032 § 19, 1992; Ord. C-6933 §§ 20, 21, 1991; Ord. C-6822 § 10, 1990; Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.31.242 - Minimum courtyard dimensions.

The courtyard provision is intended to create an attractive and comfortable on-site open space area in order to enable residents to enjoy outdoor living and recreational activities. Courtyard designs shall conform to the standards as specified. Exception to the minimum dimension requirement may be granted through the site plan review process only if the Site Plan Review Committee or the Planning Commission finds that the alternative design improves the overall quality of the development and meets the intent of the courtyard provision. Standards are as follows:

- A. The minimum dimension (width and depth) of any courtyard shall be equal to the same measurement as the height of the enclosing courtyard building walls (one-to-one ratio), but shall not be required to exceed fifty-five feet (55');
- B. The height of the building wall shall be measured from the courtyard elevation to the roof eaves of the enclosing building;
- C. The courtyard dimension is a measurement of the usable open space between two (2) building walls, or to a property line. If balconies or corridors project into a courtyard, the dimension shall be measured from the edge of balconies or corridors;
- D. Special incentive is provided to encourage courtyards which are visibly open to the street. If fifty percent (50%) of the courtyard width is open to the street, special measurement provision shall apply (See Fig. 21-1);
- E. If the enclosing walls terrace back with succeeding stories, the courtyard dimension may be reduced but shall not be less than the lowest enclosing walls; and
- F. The courtyard dimensions set forth in this Section apply only to projects requiring site plan review.

(Ord. C-7032 § 20, 1992; Ord. C-6933 § 44, 1991)

21.31.245 - Accessory structures.

Attached and detached accessory structures shall be subject to the development standards indicated in Table 31-3 and as otherwise specified in this Section. Where no specific development standard is indicated, the standards for principal structures shall apply.

- A. **Garages.** This Subsection establishes the development standards for the location, height and size of a garage. The required number of parking spaces, parking stall size, turning radius and other parking standards are specified in Chapter 21.41 (Off-Street Parking and Loading Requirements) of this Title.
 1. **Setbacks.**
 - a. If the garage takes direct access from a street, the garage shall be set back twenty feet (20') from the street property line. If the garage door does not face the street, the setback shall be the same as required for principal use structures.
 - b. In the rear half of a lot, a garage may be located directly on the rear property line and on one (1) side property line, provided the other side yard is at least three feet (3') wide (except for permitted projections, see Table 31-3). Otherwise, the standards for setbacks of the principal use structures shall apply. Garages shall not be allowed in street side yard of a corner lot.
 - c. In the R-1-L Zone, the garage shall be set back fifty feet (50') from the street property line.

2. **Size.** Garages for single-family residences shall not exceed seven hundred (700) square feet in size and for two-family residences, shall not exceed one thousand one hundred (1,100) square feet in size.
 3. **Height.** No garage shall exceed one-story and thirteen feet (13') in height. Mezzanines and lofts shall not be permitted.
 4. **Other Uses in Garage.** Laundry facilities, work benches and similar uses may be located in the garage, provided such uses do not encroach into the required parking area. If such a use or room is separated from the parking area in the garage by a solid wall, the room shall be considered an additional accessory structure and shall conform to applicable standards specified in Subsection 21.31.245.C of this Title.
 5. **Garages In R-3 and R-4 Zones.** Garages in R-3 and R-4 Zoning Districts, for projects with three (3) or more units on a lot, shall conform to the standards set forth in Table 31-7. For projects with one (1) or two (2) units on a lot, the standards of this Subsection 21.31.245.A shall apply.
- B. Common recreational room or buildings shall be permitted only in multifamily residential developments containing twenty-one (21) or more dwelling units, unless otherwise permitted by site plan review. Such rooms shall be developed in accordance with the following standards:
1. **Setbacks.** Street, front, side and rear yard setbacks shall be the same as those established by Subsection 21.31.245.A.1 for garages in the R-3 and R-4 Districts.
 2. **Size.** The size of such rooms shall be limited to five hundred (500) square feet. Larger sizes may be approved through the site plan review process.
- C. **Other Attached and Detached Accessory Buildings and Structures.** All other permitted attached and detached accessory buildings shall be developed in accordance with the following standards:
1. **Use.** An attached and detached accessory building shall be used as a workshop for noncommercial hobbies or amusement; for artistic endeavors; for storage; or for other similar purposes customarily related to a residential use. These structures shall not contain bathing or cooking facilities and shall not be utilized as "dwelling units" (as defined in [Section 21.15.910](#));
 2. **Location.** An attached or detached accessory building shall be located only in the rear half of a lot. The building may be built directly on the rear property line and on one (1) side property line, provided the other side yard is at least three feet (3') wide and has no structures or projections located in it and the structure is not located in the street side yard of a corner lot;
 3. **Size.** Such buildings shall not exceed three hundred (300) square feet or five percent (5%) of the lot area in size, whichever is smaller;
 4. **Height.** No detached accessory building shall exceed one-story and thirteen feet (13') in height. Mezzanines and lofts shall not be permitted; and
 5. **Prohibited in R-1-S, R-1-M, R-2-S and R-2-I Zones.** Detached accessory buildings are prohibited in R-1-S, R-1-M, R-2-S and R-2-I Zones.
- D. **Radio and Television Antennas.** Development standards are contained in [Chapter 21.45](#) (Special Development Standards).
- E. **Swimming Pools and Spas.** Development standards are contained in [Chapter 21.45](#) (Special Development Standards).
- F. **Trash Receptacles.** Trash receptacles shall be provided as follows:
1. **One to Three Units.** Adequate receptacles shall be provided for each unit.
 2. **Four or More Units.** Common trash areas shall be provided in sufficient quantity to accommodate all refuse generated. Trash receptacle enclosures shall be provided as indicated in [Chapter 21.45](#) (Special Development Standards).

(Ord. C-7663 § 7, 1999; Ord. C-7378 § 7, 1995; Ord. C-7326 § 10, 1995; Ord. C-7247 § 12, 1994; Ord. C-7032 §§ 21, 22, 1992; Ord. C-6933 § 22, 1991; Ord. C-6822 § 11, 1990; Ord. C-6684 § 41 (part), 1990; Ord. C-6533 § 1 (part), 1988)

Table 31-7

Garages in R-3 and R-4 Zone Districts

Type of Garage	Setbacks (a,*):		Maximum Height
	Front/Side Street	Side/Rear(**)	
1. On grade	30' from street property line(s) and shall be screened by residential use from all street frontages	In the front half of the lot: no projections into the required yard. In the rear half of the lot: 5' from property line	Projecting into required yard area-13'. Outside of required yard area-same as principal structure
2. Semi-subterranean	Required yard area***	Same as on-grade garage	Not to exceed 4' above

			grade***
3. Subterranean	Required yard area***	Same as on-grade garage	Below grade

a. For developments of 1 or 2 units on a lot, refer to Subsection 21.31.245.A.

* For 3 or more units, no vehicle shall be permitted to back into the street.

** Along the interior property lines, a minimum of 5 feet landscaping buffer shall be provided in accordance with Section 21.42.040 (landscaping standards).

*** Through a site plan review process, a subterranean garage may be permitted to project into a portion of the required front or side street setback area. Further, the SPR process can be utilized to increase the maximum height of semi-subterranean garages.

(Ord. C-7326 § 11, 1995)

21.31.250 - Pedestrian access.

In the R-1-T, R-3 and R-4 zones, the following pedestrian access requirements shall apply:

- A. **Front Entry.** Every building shall have a covered front entryway developed in accordance with the following standards:
 1. **Orientation.** The front entry shall face the front property line or on a corner lot, the side street property line.
 2. **Size.** The entry shall be at least eight-feet-wide (8').
 3. **Walkway.** A decorative paved walkway, separated from and not crossing the driveway, shall be provided between the entry and the public right-of-way.
- B. **Elevators.** At least one elevator shall be provided in each multi-family building containing twenty-one (21) or more units, where some of those units have primary accesses only to the third-story or higher stories.

(Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.255 - Design, treatment and finish.

The following design standards shall apply to all single-family detached and attached dwelling units unless, through site plan review, the Site Plan Review Committee or the Planning Commission finds variation from these standards to be appropriate.

- A. **Unit Size.** All single-family dwellings shall be at least sixteen-feet-wide (16').
- B. **Roof Material.** No single-family dwelling shall have metallic or metallic-looking roofing materials.
- C. **Siding.** No single-family dwelling shall have metallic or metallic-looking siding.
- D. **Style.** Buildings in the R-1-T and R-3-T districts shall maintain a design style consistent with the style of the adjoining neighborhood.
- E. **Side-By-Side Residential Units.** Two-on-a-lot projects where the units are arranged side-by-side (see Section 21.15.2488) shall not be permitted in the R-2-N zone unless approved by the Planning Commission through site plan review.

(Ord. C-7550 § 7, 1998: Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.260 - Distance between buildings.

Two (2) or more detached principal use buildings on the same lot shall have a minimum separation of eight feet (8').

(Ord. C-7032 § 23, 1992: Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.265 - Mechanical equipment screening on rooftops.

Mechanical equipment on rooftops shall be screened as follows to improve aesthetic qualities and to prevent unauthorized access into a building.

- A. **R-4-H, PD Zones.** In the R-4-H and PD zones which allow high-rise development, all rooftop-mounted equipment (except solar collectors, heater and plumbing vents, passive air vents, roof hatches and rain gutters) shall be screened from public view both at grade and from higher buildings. The Director of Planning and Building shall review all screening for compliance with these provisions.
- B. **R-4-R, R-4-N, R-4-U and PD Zones.** In the R-4-R, R-4-N and R-4-U zones, and in PD zones planned for low-rise development, all rooftop-mounted mechanical equipment (except solar collectors, heating and plumbing vents, passive air vents, roof hatches and rain gutters) shall be screened from public view by solid screening devices at least as high as the equipment being screened.
- C.

Materials and Design. All screening devices shall be of a material requiring minimal maintenance. Wood generally shall not be used. All screening devices shall be well integrated into the design of the building through such items as parapet walls, false roofs or equipment rooms. Louvered designs are acceptable if consistent with building design style.

- D. **Substitutions.** Well planned, compact, architecturally integrated rooftop equipment may be substituted for screening with the approval of the Director of Planning and Building.
- E. **Secured.** All rooftop mechanical equipment shall be secured from unauthorized entry to the satisfaction of the Director of Planning and Building.
- F. **Fire Rings.** Rooftop fire rings shall be prohibited in all residential zones.

(Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.270 - Utility meters screening.

All utility meters shall be fully screened from view from a public right-of-way. If enclosed in cabinets visible from public rights-of-way, exterior cabinet surfaces shall be finished in materials matching the primary or accent materials of the building. The utility company's design of the electric system, including locations and aesthetic treatment, shall be in accordance with the regulations of the Public Utilities Commission of the State of California.

(Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.275 - Undergrounding of utilities.

- A. All projects requiring site plan review shall provide for the ability to connect the building to any future undergrounding of utilities that may occur in the block. Such provisions shall include a vacant duct to the appropriate feed point for the underground connection.
- B. The utility company's design of the electric system, including locations and aesthetic treatment, shall be in accordance with the regulations of the Public Utilities Commission of the State of California.
- C. All projects requiring site plan review shall underground all overhead utility service to the site. In lieu of such undergrounding, the project developer may pay an in-lieu fee to the Department of Public Works for use in undergrounding within the applicable district. Such districts shall be established within one (1) year of the effective date of this Section and separate funds established for each district. The in-lieu fee shall be established based on the average per-foot cost of undergrounding established by the City Engineer and applied to the linear footage of the project site.

(Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.280 - Off-street parking and loading requirements.

Parking and loading areas shall be provided as required in Chapter 21.41 (Off-Street Parking and Loading Requirements) of this Title.

(Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.285 - Landscaping requirements.

All lots in residential districts shall be landscaped as provided for in Chapter 21.42 (Landscaping Standards) of this Title.

(Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.290 - Fences and garden walls.

Fences and garden walls are permitted accessory structures subject to the development standards contained in Chapter 21.43 (Fences and Garden Walls) of this Title.

(Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.295 - On-premises signs.

On-site signs are permitted accessory structures subject to the development standards contained in Chapter 21.44 (On-Premises Signs) of this Title.

(Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.31.299 - Right-of-way dedications and improvements.

Public rights-of-way shall be reserved, dedicated and improved as provided for in Chapter 21.47 (Dedication, Reservation and Improvement of Public Rights-of-Way) of this Title.

(Ord. C-6684 § 41 (part), 1990: Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.32 - COMMERCIAL DISTRICTS

21.32.010 - Purpose.

The commercial districts are established to create, preserve and enhance areas for a variety of commercial activity. The intent of this Chapter is to assure the compatible and mutually beneficial interaction of commercial uses with residential consumers, industrial suppliers, and the transportation system that ties all of the uses together.

(Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.020 - Districts established.

Twelve (12) commercial districts are established by this Chapter as follows:

A. **Commercial Zoning Districts Of General Applicability.**

1. The CO-Office Commercial District permits mixed residential and commercial uses along major arterial routes. This District implements Land Use District No. 8M of the General Plan.
2. The CH-Highway Commercial District preserves and enhances areas for automobile-oriented commercial uses. The District recognizes the need for many commercial uses to have large frontages and high visibility along major highways. This District implements Land Use District No. 8A of the General Plan.
3. The CT-Tourist and Entertainment Commercial District creates, preserves and enhances areas for the development of a major tourist and entertainment industry for the City. The District recognizes that such areas have special requirements for intense and unique uses, transportation linkages, and aesthetically pleasing environments.

B. **Neighborhood Commercial Zoning Districts.** The Neighborhood Commercial Zoning District provides small scale, neighborhood compatible uses. Scale is determined by the size of adjoining residential uses, the commercial lot size and the commercial street width. Special scale restrictions apply in these districts. There are three (3) types of Neighborhood Commercial Districts:

1. The Neighborhood Pedestrian (CNP) District is oriented towards serving pedestrians with buildings located at the front setback and parking behind the buildings.
2. The Neighborhood Automobile-Oriented (CNA) District is auto-oriented with buildings set back from the front property line and parking located between the building and the street.
3. The Neighborhood Commercial and Residential (CNR) District is a mixed-use district permitting small scale commercial uses and/or moderate density residential development at R-3-T densities.

C. **Community Commercial Zoning Districts.** The Community Commercial Zoning Districts provide medium scale uses which may require buffering to ensure compatibility with adjacent neighborhood uses. These districts are located on major or minor arterials, located on larger lot sizes and adjoining larger scale residential neighborhood uses or are buffered from smaller scale residential neighborhoods. There are four (4) types of Community Commercial Districts:

1. The Community Automobile-Oriented (CCA) District permits retail and service uses for an entire community including convenience and comparison shopping goods and associated services.
2. The Community Pedestrian-Oriented (CCP) District permits retail and service uses with a development character where buildings are built to the street property line and parking is to the side or the rear.
3. The Community R-4-R (CCR) District is similar to the Community Auto-Oriented District, but also permits moderate density residential development at R-4-R densities.
4. The Community R-4-N (CCN) District is similar to the Community Auto-Oriented District, but also permits medium density residential development at R-4-N densities.

D.

Regional Commercial Zoning District. The Regional Commercial District provides for large scale, mixed uses on large sites in activity centers. These sites are located on major arterial streets and regional traffic corridors. There is one (1) type of Regional Scale Zone:

1. The Regional Highway District (CHW) is a commercial use district for mixed scale commercial uses located along major arterial streets and regional traffic corridors. Residential use is not permitted.

E. **Commercial Storage Zoning District.** The Commercial Storage (CS) District encourages storage uses in areas which are particularly difficult to use due to parcel shape, access, adverse environmental conditions, or in areas where parcels are needed to form a buffer from incompatible uses.

(Ord. C-7663 § 8, 1999; Ord. C-7047 § 7, 1992; Ord. C-6933 §§ 23, 24, 1991; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.030 - Site plan review.

Site plan review shall be required pursuant to Division V of Chapter 21.25 (Specific Procedures).

(Ord. C-7326 § 12, 1995; Ord. C-7047 § 8, 1992; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.035 - Adult Entertainment business.

Any business considered an "adult Entertainment business" as defined in Subsections 21.15.110.A through 21.15.110.K of this Title shall be subject to special locational standards as indicated in Chapter 21.45 (Special Development Standards).

(Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.040 - Reclassification of district.

Any reference to the CR (Retail Center) and CC (Commercial Corridor) Districts shall be treated as a reference to the CCA District.

(Ord. C-7663 § 9, 1999; Ord. C-6684 § 42 (part), 1990)

DIVISION I. - PERMITTED USES

21.32.110 - Permitted uses.

The principal use in all commercial districts shall be commercial, although some districts are intended for mixed commercial and residential uses. Tables 32-1A and 32-1 indicate the classes of uses permitted (Y), not permitted (N), permitted as a conditional use (C), permitted as an administrative use (AP), permitted as an accessory use (A), and permitted as a temporary use (T) in all districts. An asterisk (*) indicates that a use is permitted subject to specific development standards outlined in Chapter 21.45 (Special Development Standards) of this Title.

(Ord. C-7663 § 10, 1999; Ord. C-7247 § 13, 1994; Ord. C-7127 § 2, 1993; Ord. C-7047 §§ 9, 10, 1992; Ord. C-6933 § 25, 1991; Ord. C-6895 §§ 12, 13, 1991; Ord. C-6822 § 12, 1990; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.120 - Prohibited uses.

Any use not specifically permitted by Section 21.32.110, Tables 32-1A and 32-1, shall be prohibited, and no commercial uses shall be allowed outside of a building unless indicated as an outdoor use in Tables 32-1A and 32-1.

(Ord. C-7663 § 11, 1999; Ord. C-7127 § 2, 1993; Ord. C-7047 § 11, 1992; Ord. C-7040 § 1, 1992; Ord. C-6895 § 14, 1991; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.130 - Transition between old and new commercial zones.

Tables 32-1A and 32-1 represent two (2) sets of commercial zones permitted uses. Table 32-1 contains new commercial zones adopted by the City Council on October 20, 1992. It is the intent of the City, within a specified period of time, to rezone all commercial properties from the zones in Table 32-1A to the zones in Table 32-1 and to repeal Table 32-1A when the rezoning of all commercial properties is complete.

During the "transitional period", all uses listed in the CNP, Neighborhood Pedestrian District, Table 32-1, either permitted by right (Y), by a conditional use permit (C), by an administrative use permit (AP), as an accessory use (A), or as a temporary use (T) shall be permitted in the same manner for properties located in the existing CO, CH and CT

allowing residential uses										
On-premises sales more than 500 ft. from district allowing residential uses	N/A	N/A	N/A	Y	Y	N/A	N/A	Y	Y	

	Neighborhood			Community				Regional	Other	
Automobile (Vehicle) Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	Note: All outdoor display, storage, service and repair of vehicles is subject to special standards (see Chapter 21.45).
Auto detailing	A	A	A	A	A	A	A	A	C	Accessory to an auto related use such as auto repair or car wash. Mobile businesses prohibited.
Auto detailing (with hand held machines only)	AP	AP	AP	Y	Y	Y	Y	Y	C	Mobile businesses prohibited.
Car wash	N	N	N	C	C	C	C	AP	C	
Diesel fuel	N	N	N	AP	AP	AP	AP	AP	N	See Section

Vehicle parts (with installation); tire store	N	N	N	C	C	C	C	C	N	
Vehicle parts (without installation)	N	AP	N	AP	AP	AP	AP	Y	N	

Table 32-1

Uses In All Other Commercial Zoning Districts

	Neighborhood			Community				Regional	Other	
Billboards	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Billboards	N	N	N	N	N	N	N	C	C	Subject to special standards (see Chapter 21.54). Non-freeway-oriented billboards prohibited in CS district.

	Neighborhood			Community				Regional	Other	
Business Office Support	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Copy, fax, mail box, or supplies	Y	Y	Y	Y	Y	Y	Y	Y	N	
Equipment sales, rental,	Y	Y	Y	Y	Y	Y	Y	Y	N	Also permitted in

or repair										industrial zones (see table 33-1).
Offset printing	N	AP	N	AP	N	AP	AP	Y	N	

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Entertainment										
Amusement machines (4 or fewer)	A	A	A	A	A	A	A	A	A	See Section 21.51.205 (accessory uses).
Banquet room rental	A	A	A	A	A	A	A	A	N	Accessory to restaurant only (see Section 21.51.215).
Dancing (accessory use)	N	N	N	Y	Y	Y	Y	Y	N	Accessory to restaurant, tavern, club. City council hearing is required for new and transferred business licenses.
Drive-in theater	N	N	N	N	N	N	N	N	N	
Live or movie theater (w/100 seats or less)	AP	AP	AP	AP	AP	AP	AP	Y	N	For theaters w/more than 100 seats, see "Movie theater".

**Table 32-1
Uses In All Other Commercial Zoning Districts**

	Neighborhood			Community				Regional	Other	
Entertainment (cont'd)	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Mock boxing or wrestling	N	N	N	N	N	N	N	Y	N	City council hearing is required for new and transferred business licenses.
Movie theater (or live theater w/100+ seats)	N	N	N	C	C	C	C	C	N	
Pool tables (up to 3 tables)	A	A	A	A	A	A	A	A	N	Accessory to restaurant, tavern, club (see Section 21.51.260).
Private club, social club, nightclub, pool hall or hall rental within 500 ft. of district allowing residential uses	N	N	N	C	C	C	C	C	C	City council hearing is required for new and transferred business licenses.
Restaurant with entertainment	Y	Y	Y	Y	Y	Y	Y	Y	N	City council hearing is required for new and transferred business licenses.
Other entertainment	N	N	N	C	C	C	C	C	N	See Section 21.52.203

uses (arcade, bowling alley, computer arcade, miniature golf, tennis club, skating rink)										(arcades) and <u>Section 21.52.220.5</u> (computer arcades).
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	Neighborhood			Community				Regional	Other	
Financial Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
ATM 1. Walk up or freestanding machine on interior of building; walk up machine on exterior of building	Y	Y	Y	Y	Y	Y	Y	Y	N	1., 2. Requires 2 (5 minute) parking spaces for each ATM machine. Spaces must be located within 100 ft. Such spaces may be existing required parking.
2. Freestanding machine, exterior	AP	AP	AP	AP	AP	AP	AP	AP	N	
3. Drive-thru machine	N	AP	N	AP	C	AP	AP	AP	N	3. For drive-thru machine see standards for drive-thru lane in <u>Section 21.45.130</u>

Money orders, money transfers	Y	Y	Y	Y	Y	Y	Y	Y	N	loan businesses are subject to standards in Sections 21.45.116 and 21.52.212
Payday loans	N	N	N	C	C	C	C	C	N	
Signature loans	N	N	N	C	C	C	C	C	N	
Escrow, stocks and bonds broker	Y	Y	Y	Y	Y	Y	Y	Y	N	
All financial services not listed	N	N	N	C	C	C	C	C	N	

**Table 32-1
Uses In All Other Commercial Zoning Districts**

	Neighborhood			Community				Regional	Other	
Institutional	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Church or temple	N	AP	AP	AP	AP	AP	AP	AP	N	Also see Section 21.52.213
Convalescent hospital or home	N	N	N	N	N	C	C	N	N	
Daycare or pre-school	Y	Y	Y	Y	Y	Y	Y	Y	C	
Funeral and Mortuary	N	N	N	AP	AP	AP	AP	Y	N	Crematorium only allowed as accessory use subject to conditions of Section 21.52.211
Industrial arts	N	N	N	C	C	C	C	Y	N	

trade school or rehabilitation workshop										
Parsonage	A	A	A	A	A	A	A	A	N	Accessory to church or temple.
Private elementary or secondary school	N	N	N	C	C	C	C	C	N	Special conditions apply (see Section 21.52.263).
Professional school/business school	N	N	N	Y	Y	Y	Y	Y	N	
Public Library	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Social service office (with food distribution)	N	N	N	N	N	N	N	C	N	Also see industrial and institutional zones.
Social service office (without food distribution)	N	AP	N	AP	AP	AP	AP	Y	N	
Other institutional uses	N	N	N	AP	N	AP	AP	AP	N	
Interim Parks										
Community garden	IP	See Section 21.52.260								
Passive park	Y	Y	Y	Y	Y	Y	Y	Y	Y	See Section 21.45.155
Playground	IP	See Section 21.52.260								
Recreational park	AP	See Section 21.52.260								

**Table 32-1
Uses In All Other Commercial Zoning Districts**

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Personal Services										
Basic personal services (barber/beauty shop, diet center, dog/cat grooming, dry cleaner, locksmith, mailbox rental, nail/manicure shop, repair shop for small appliances or electronic equipment, bicycles, tailoring, shoe repair, tanning salon, travel agent, or veterinary clinic without boarding)	Y	Y	Y	Y	Y	Y	Y	Y	N	
Catering, party counseling (without trucks)	Y	Y	Y	Y	Y	Y	Y	Y	N	For catering with trucks, see industrial zones, table 33-1.
Fitness center/health club, dance/karate studio, fortunetelling	Y	Y	Y	Y	Y	Y	Y	Y	N	Limited to 5,000 square feet in neighborhood zones.

law, marketing, medicine, photography, psychiatry, psychology, real estate, or tax preparation										
All professional offices not listed	AP	N								

	Neighborhood			Community				Regional	Other	
Residential Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Artist studio with residence	AP	AP	AP	AP	AP	AP	AP	AP	N	
Caretaker residence	AP	AP	AP	AP	AP	AP	AP	AP	AP	
Group home (care of 6 or less)	N	N	Y	N	N	Y	Y	N	N	
Residential care facility (care of 7 or more)	N	N	N	N	N	C	C	N	N	
Residential historic landmark building	*	*	*	*	*	*	*	*	*	See Section 21.52.265.5 for permitted uses and special conditions.
Senior and/or	N	N	N	N	N	C	C	N	N	

handicapped housing										
Special group housing (fraternity, sorority, convalescent home, convent, monastery, etc.)	N	N	N	N	N	C	C	C	N	
Single-family or multifamily residential	N	N	Y	N	N	Y	Y	N	N	See Table 32-3 for permitted densities.

Table 32-1

Uses In All Other Commercial Zoning Districts

	Neighborhood			Community				Regional	Other	
Restaurants And Ready-To-Eat Foods	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Outdoor dining	A	A	A	A	A	A	A	A	N	A Coastal Permit and encroachment permit are required for all outdoor dining located on public right-of-way within the City's Coastal Zone.
Restaurants and ready-to-eat foods	N	C	N	C	C	C	C	C	N	Special standards apply (see

Gun shop	AP	Y	N							
Major household appliances (refrig./stove/ etc.)	N	N	N	Y	Y	Y	Y	Y	N	
Manufacture of products sold on-site	A	A	A	A	A	A	A	A	A	See Section 21.51.240
Merchandise mall, indoor swap meet	N	N	N	C	C	C	C	C	N	
Outdoor sales events (flea mkts./swap meet)	N	N	N	C	C	C	C	C	N	
Outdoor vending 1. Flower, plant, fruit, or vegetables in conjunction with sale of related products from a retail store	A	A	A	A	A	A	A	A	N	1. See Section 21.51.255
2. Food carts	AP	N	2. See Section 21.45.170							
3. Flower cart or news cart	Y	Y	Y	Y	Y	Y	Y	Y	Y	3. See Section 21.45.135
4. Mobile food truck at construction sites	T	T	T	T	T	T	T	T	T	4. See Section 21.53.106

	Neighborhood			Community				Regional	Other	
Transportation and Communication Facilities	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Communication facilities: A. Freestanding/monopole cellular and personal communication services	C	C	C	C	C	C	C	C	C	See Section 21.52.210
B. Attached/roof mounted cellular and personal communication services	Y	Y	Y	Y	Y	Y	Y	Y	N	See Section 21.45.115
C. Electrical distribution station	C	C	C	C	C	C	C	C	N	
Transportation facilities (bus terminals, cab stands, heliports, helistops)	N	N	N	N	N	N	N	C	N	
Wireless telecommunications facilities	C	C	C	C	C	C	C	C	C	See Chapter 21.56
Miscellaneous										
Storage of hazardous materials accessory to principal use (such as pest control)	C	C	C	C	C	C	C	C	N	A conditional use permit is required only if amount of material stored exceeds 55 gal. of liquid, 500

Antique furniture	Y	Y	Y
Audio equipment	N	Y	Y
Bakery (also see Ready-to-eat foods)	Y	Y	Y
Bicycle shop	Y	Y	Y
Book, stationery, video, card, gift or novelty shop	Y	Y	Y
Clothing store	Y	Y	Y
Coin, stamp, jewelry and art dealers	Y	Y	Y
Department store	N	N	Y
Discount store	N	Y	N
Drugstore	C	Y	Y
Floor and window covering	N	Y	Y
Florist, plant store (indoor)	Y	Y	Y
Flower and plant sales (outdoor)	A	A	A
Furniture store and accessories	N	Y	Y
Grocery	N	Y	Y
Hardware store (with building materials)	N	Y*	N
Hardware store (without building materials)	N	Y	Y
Hobby shop	Y	Y	Y
Itinerant vendor	T	T	T
Meat or fish market	Y	Y	Y
Merchandise mall	N	C	N
Motorcycle sale	N	C	N
Newspaper and magazine stands	Y	Y	Y
Outdoor fruit and vegetable sales	A	A	A
Outdoor sales events (flea markets, swap meets, and the like)	N	N	C
Pawn shops	N	C	N

Pet store (not including veterinarian)	N	Y	Y
Photographic equipment	Y	Y	Y
Sporting goods store	N	Y	N
Used merchandise (Other than antique furniture, audio equipment, clothing, coins, stamps, jewelry, art dealers, photographic equipment, and sporting goods)	N	C	N
Vehicle parts stores, tire stores and the like with installation	N	C	N
Vehicle parts stores, tire stores and the like without installation	N	Y	N
Vending machines	A	A	A
Manufacture of products sold on-site	A	A	A
All Other retail uses	N	AP	AP
All retail uses allowed in CCA Zone if designated in General Plan (Land Use Element) as 8R	Y	N	N
Alcohol Sales Uses			
Alcohol sales uses within 500 ft. of a residential zone (b)	N	C	C
Alcohol sales more than 500 ft. from residential zone	N	Y	Y
Automobile Uses			
Auto service station, car wash, auto detailing	N	Y*	C*
Body work and painting	N	C*	N
General repair	N	C*	N
Rental (see vehicle rental—personal services)	-	-	-
Repair, tune-up and lube	N	Y*	N
Sales and installation of tires, batteries and accessories	N	C*	N
Sales (open)	N	Y	N
Sales (show room only)	N	Y	N

Table 32-1A
Uses In All Other Commercial Zoning Districts

Use	CO	CH	CT
Towing	A	A	A
Personal Services			
Barber, beauty shops, manicure shops	Y	Y	Y
Bicycle repair	Y	Y	Y
Catering—on-site food preparation	A	A	A
Collection center for recyclables	AP	AP	AP
Dog and cat grooming	N	Y	Y
Laundromat (no on-site dry cleaning)	N	Y	Y
Laundry, commercial customers	N	N	N
Laundry (including on-site cleaning with perchloroethylene or freon 12 systems)	Y	Y	Y
Locksmith	Y	Y	Y
Mail box rental	Y	Y	N
Masseuse/massage parlor	Y*	Y*	Y*
Office for home cleaning service	Y	Y	Y
Office for home improvement or repair uses (contractors, plumbers, electricians, carpenters and cabinetmakers with no on-site storage of materials)	N	Y	Y
Recycling centers for cans and bottles	N	N	N
Reducing salon, health or sports club	Y	Y	Y
Service and repair of home garden equipment	N	C	N
Service and repair of major household items	N	C	N
Shoe repair	Y	Y	Y
Shoe-shine parlor	A	A	A
Tailoring, millinery	Y	Y	Y

Tanning salon	Y	Y	Y
Tattoo parlor	N	C	C
Television, radio, stereo and small appliance repair	N	Y	Y
Termite and pest control	N	Y	Y
Vehicle rental services	C	Y*	C
Veterinary clinic (excluding grooming and pet store)	N	C	N
All Other personal services	AP	AP	AP
All Other personal services allowed in the CCA Zone in land use designations in General Plan (Land Use Element) for 8R	Y	N	N
Professional Services			
Accounting, tax preparation, bookkeeping	Y	Y	Y
Administrative office	Y	N	Y
Architect, contractor office (no vehicles or materials)	Y	Y	Y
Artist studio	Y	Y	Y
Artist studio with residence	AP	AP	AP
Computer program consulting services	Y	Y	Y
Insurance office	Y	Y	Y
Law office	Y	N	Y
Medical, dental, and psychiatric offices	Y	Y	Y
Real estate office, escrow office	Y	Y	Y
Yacht broker	Y	Y	Y
All Other professional offices	Y	AP	Y
Financial Services			
Banks, savings and loans with drive-up windows, including commercial/industrial loan businesses	C	Y	C
Banks, savings and loans without drive-up windows, including commercial/industrial loan businesses	Y	Y	Y

Table 32-1A

Uses In All Other Commercial Zoning Districts

Use	CO	CH	CT
Bus token issuance, payment of utility bills, distribution of government checks and food stamps, sale of phone cards	Y	Y	Y
Car title loans	C	C	C
Money orders, money transfers	Y	Y	Y
Signature loans	C	C	C
Stock or bond broker	Y	Y	Y
All Other financial services	C	C	C
Restaurants			
Fast-food with drive-up window, 200 ft. or more from a district allowing residential uses	C	C	Y
Fast-food with drive-up window, less than 200 ft. from a district allowing residential use	C	C	C
Fast-food without drive-up window	Y	Y	Y
Outdoor dining	A	A	A
Ready-to-eat foods	N	Y	Y
Restaurant—dinner with the sale of alcoholic beverages not qualified for exemption (b)	C	C	C
Restaurant—dinner without the sale of alcoholic beverages (b)	Y	Y	Y
Taverns			
Taverns, bar, cocktail lounge, pub, less than 500 ft. from a district allowing residential use (b)	C	C	C
All Other taverns (b)	Y	Y	Y
Entertainment Services			
Amusement machine (4 or fewer)	A	A	A

Amusement park	N	N	C
Arcade	N	C	N
Conventions, exhibit and trade shows or fairs, including sales or rental of good exhibited	N	N	Y
Cruise ship passenger terminal	N	N	N
Dancing—principal or accessory use	C	N	C
Drive-in theater	N	C	C
Entertainment uses with the sale of alcoholic beverages 500 ft. or less from a district allowing residential uses (b)	C	C	C
Entertainment uses with the sale of alcoholic beverages Other than those described above	C	N	Y
Hall rental	N	N	C
Mock boxing or wrestling	N	C	C
Movies, theaters, private clubs (with no dancing)	N	C	C
Musical entertainment	C	N	C
Open (outdoor) commercial recreation	N	N	C
Pool hall (4 or more tables)	N	C	C
Pool tables (up to 3 tables)	A	A	A
Radio and television broadcasting	N	N	Y
Skating rink	C	C	C
Stage shows	C	N	C
Temporary special outdoor events, including promotional events, fairs, carnivals, circuses, art shows, antique shows, outdoor sporting events, trade shows, outdoor sales and the like	T	T	T
Transportation facilities, including bus terminals, cabstands, limousine services, airport passenger terminals, blimp ports, heliports and helistops	N	A	C
All other entertainment services uses	N	C	C
Commercial Storage			

Commercial storage, including recreational vehicle storage	C	C	N
--	---	---	---

Table 32-1A

Uses In All Other Commercial Zoning Districts

Use	CO	CH	CT
Parking			
Open parking as principal use	Y	N	C
Parking structures (principal use)	C	N	C
Business Support Services			
Business support services (such as light printing, business equipment rental and repair)	Y	Y	Y
Billboards			
Mini-poster	N	Y(a)	N
Painted board	N	N	N
Poster	N	Y(a)	N
Institutional Uses			
Churches	Y	Y	C
Daycare center, preschool	Y	Y	Y
Elementary, secondary school (grades 1-8)	C	N	N
Mortuary	Y	Y	Y
Social service office	C	Y	N
Trade school	C	Y	N
Other institutional uses	AP	AP	AP
Residential Use			
Housing (c) R-3-T	Y	N	N
R-4-N	Y	N	Y

R-4-R	Y	N	Y
Active senior housing	C	N	C
Traditional senior housing	C	N	C
Other special group housing	C	N	C
Caretaker residence	AP	AP	AP
Transient Housing			
Hotel, motel, inn	C	C	C
Inn	C	N	C
Residential care facility	C	N	C
Bed and breakfast	AP	N	AP
Interim Parks			
Community gardens (see Section 21.52.260)	IP	IP	IP
Passive parks (see Section 21.45.155)	Y	Y	Y
Playgrounds (see Section 21.52.260)	IP	IP	IP
Recreational parks (see Section 21.52.260)	AP	AP	AP
Miscellaneous Uses			
Cellular and personal communication services	C	C	C
Concession, Entertainment facility, Other outdoor display	T	T	T
Construction trailer	T	T	T
Electrical distribution station	Y	Y	C
Trailer used for office, nightwatchman's quarters	AP	AP	AP
Wireless telecommunications facilities (see Chapter 21.56)	C	C	C

Abbreviations:	Y=	Yes (permitted use).
	N =	Not permitted.

	C =	Conditional use permit required. Refer to <u>Chapter 21.52</u>
	A =	Accessory use. For special development standards, refer to <u>Chapter 21.51</u>
	T =	Temporary use, permitted subject to provisions contained in <u>Chapter 21.53</u>
	AP =	Administrative use permit required. For special conditions refer to <u>Chapter 21.52</u>
	IP =	Interim park use permit required. For special conditions refer to <u>Chapter 21.52</u>
	* =	Special standards apply. Refer to <u>Chapter 21.45</u>
Notes:	(a)	Billboards are subject to special development standards contained in <u>Chapter 21.54</u>
	(b)	The following alcoholic beverage sales shall be exempted from the conditional use permit requirement:
		1. Restaurants with alcoholic beverage service only with meal. This generally means any use with a fixed bar is not exempt. A service bar is not considered a fixed bar. A sushi bar, where alcoholic beverages are served at the same bar where meals are served, is considered serving alcoholic beverages only with meal service. A cocktail lounge without a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than 30 percent of gross sales consisting of alcoholic beverage sales shall lose its exemption and be required to obtain a conditional use permit to continue to sell alcohol.
		2. Use located more than 500 ft. from zoning district allowing residential use.
		3. Department store or florist with accessory sale of alcoholic beverages.
		4. Grocery stores of 20,000 sq. ft. or greater with accessory sale of alcoholic beverages.
		5. Existing legal, nonconforming uses.
	(c)	Refer to <u>Section 21.32.235</u> (Residential uses in commercial districts) for development standards. Residential zone designated as overlay zone will supersede the density and standards specified in Table 32-1.

DIVISION II. - DEVELOPMENT STANDARDS

21.32.200 - General provisions.

- A. **General Standards.** Sections 21.32.205 through 21.32.270 indicate the development standards applicable to all uses in the commercial districts. These standards shall be the standards for construction.
- B. **Additional Standards For Residential Uses.** Section 21.32.235 outlines additional development standards applicable to residential uses in commercial districts.
- C. **Additional Standards.** Section 21.32.240 contains additional development standards for the CNP, CNA, and CNR Districts.

(Ord. C-7663 § 13, 1999; Ord. C-7047 § 12, 1992; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.205 - Lot size.

Tables 32-2 and 32-2A indicate the minimum lot size requirements. These requirements apply only to a new subdivision of existing parcels.

(Ord. C-7663 § 14, 1999; Ord. C-6933 § 26, 1991; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.210 - Building height.

The height of all buildings shall be limited as indicated in Tables 32-2 and 32-2A.

(Ord. C-7663 § 15, 1999; Ord. C-7247 § 14, 1994; Ord. C-7047 § 13, 1992; Ord. C-6933 § 27, 1991; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.220 - Yards.

The yard areas indicated in Subsections 21.32.220.A through 21.32.220.D shall be clear of all structures from the ground to the sky (except as otherwise permitted) and shall be landscaped and maintained in a neat and healthy condition according to the landscaping provisions of this Title.

Table 32-2

Commercial Development Standards

Required Yard Areas Between Buildings And Property Lines									
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS
Front street (a)	0	10	0 or 8 (e)	10	0	15	15	10	15
Side street (a)	0	5	0 or 5 (e)	10	0	10	10	10	15
Adjacent to side yard of residential district (b)	10 feet								
Adjacent to rear yard of residential district (b)(d)	20 feet								
Adjacent to	5 feet								

nonresidential district (b)(c)	
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Required Yard Areas Between Parking And Property Lines

	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS
Front street (a)	30	10	30	10	10	15	15	6	6
Side street (a)	6	6	6	6	6	10	10	6	6
Alley (b)						14 feet			
Adjacent to residential district						5 feet			
Adjacent to nonresidential district	0					5 feet			0

Other Development Standards

	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS
Minimum lot size	5,000 square feet			10,000 square feet				20,000 square feet	10,000 square feet
Maximum building ht. (f)(g)			28 feet, 2 stories				38 feet, 3 stories	28 feet, 2 stories	28 feet
Maximum flagpole ht.					25 feet				

(a) In all cases, minimum setback of 10 ft. from curb face.

(b) Measured from centerline of alley.

(c) Setback may be reduced to 0 ft. if the structure is attached to a building abutting on lot or if no building on an abutting lot is within 5 ft. of property line.

(d) Setback may be reduced to 10 ft. for a single-story commercial building through site plan review.

(e) No setback is required for commercial or residential over ground floor commercial; an 8 ft. front street setback is required for ground-floor residential, and 5 ft. side street setback is required for ground-floor residential.

(f) An accessory structure is limited to 15 ft. in height.

(g) Elevator and mechanical equipment penthouses shall not be included in the measurement of height for commercial buildings.

Table 32-2A
Commercial Development Standards

Development Standard	CO	CH	CT
Maximum building height (a)(h)	40 ft. (b)	40 ft.	60 ft. (b)
Maximum flagpole height	25 ft. (c)	25 ft.	60 ft.
Minimum lot size	20,000 sf	10,000 sf	20,000 sf
Setback (building)—front street (d)	15 ft.	10 ft.	0 ft.
Setback (building)—side street (d)	15 ft.	10 ft.	5 ft.
Setback (building)—adjacent to side yard of residential district (e)	10 ft.	10 ft.	10 ft.
Setback (building)—adjacent to rear yard of residential district (e)	20 ft.	20 ft.	20 ft.
Setback (building)—adjacent to commercial or industrial district (e)	5 ft.	5 ft.	5 ft. (g)
Setback (parking)—front street (d)	30 ft. (f)	5 ft.	30 ft. (f)
Setback (parking)—side street (d)	15 ft.	5 ft.	5 ft.
Setback (parking)—alley (e)	14 ft.	14 ft.	14 ft.
Setback (parking)—adjacent to residential district (e)	5 ft.	5 ft.	5 ft.
Setback (parking)—adjacent to nonresidential district	5 ft.	3 ft.	0 ft.

(a) An accessory structure is limited to 15 ft. in height

(b) High-rise overlay applicable at appropriate locations.

(c) In a high-rise overlay zone, no flagpole shall exceed 60 ft. in height.

(d) In all cases, minimum setback of 10 ft. from curb face.

(e) Measured from centerline of alley. Special setback requirements apply to all residential development in a commercial district.

(f) This setback shall apply to the ground floor only.

(g) Setback may be reduced to 0 ft. if the structure is attached to a building abutting on lot or if no building on an abutting lot is within 5 ft. of property line.

(h) Elevator and mechanical equipment penthouses shall not be included in the measurement of height for commercial buildings.

(Ord. C-7729 § 8, 2001; Ord. C-7663 § 32, 1999).

Table 32-3

Development Standards

Residential Uses In Commercial Districts

Standard	CNR	CCR	CCN
Density	Same as R-3-T Zone	Same as R-4-R Zone	Same as R-4-N Zone
Building height	As per Table 32-2		
Setbacks	As per Table 32-2		
Lot coverage	N/A		
Permitted location within building	No restrictions		
Usable open space and privacy	Same as R-3-T Zone	Same as R-4-R Zone	Same as R-4-N Zone
Parking and loading	As per Chapter 21.41		
Other standards	Same as R-3-T Zone	Same as R-4-R Zone	Same as R-4-N Zone
Garages	Garages in nonresidential zoning districts shall conform to the applicable development standards established for parking spaces as shown on Table 32-2.		
Accessory buildings	Attached or detached accessory buildings in nonresidential districts may be located anywhere on a lot except within a required street front setback area. All Other standards shall be the same as required for principal structures in the zoning district.		

(Ord. C-7663 § 42, 1999)

Table 32-3A

Development Standards

Residential Uses In Commercial Districts

Standard	CO	CT
Density	Same as R-4-N Zone	
Building height	As per Table 32-2A	
Setbacks	As per Tables 32-2 and 32-2A	
Lot coverage	N/A	
Permitted location within building	No restriction	
Usable open space and privacy	Same as R-4-N Zone	
Parking and loading	As per Chapter 21.41	
Other standards	Same as R-4-N Zone	

(Ord. C-7663 § 32, 1999)

- A. **Required.** Yard areas shall be provided as indicated in Tables 32-2 and 32-2A.
- B. **Corner Cut-Offs.** Corner cut-offs shall be required in all commercial districts at all intersecting streets, driveways or alleys. Nothing shall be erected or allowed to grow within the corner cut-off in such a manner which impedes access or visibility. Required corner cut-offs shall be a minimum of six feet by six feet (6' x 6').
- C. **Permitted Structures.** No structures are permitted in required yards, except:
 - 1. Signs, as specified in the Chapter relating to on-premises signs (Chapter 21.44);
 - 2. Outdoor dining;
 - 3. Structures allowed in Table 31-3 (structures in required yards, residential districts);
 - 4. Vehicle parking as allowed by Table 32-2 or 32-2A;
 - 5. Vehicle loading in street frontage setbacks as provided in Section 21.41.310; and
 - 6. Awnings as allowed by the Uniform Building Code.
- D. **Required Landscaping.** All required yard areas, except yards abutting alleys and yards used for outdoor dining, shall contain an area not less than five feet (5') in width planted with trees, shrubs and/or groundcover. The four foot (4') setback area from the abutting alley shall also be landscaped unless such area is used for a driving aisle. For additional landscape requirements, see Chapter 21.42, Landscape Standards.

(ORD-10-0031, § 1, 2010; Ord. C-7663 § 16, 1999; Ord. C-7150 § 1, 1993; Ord. C-7127 § 3, 1993; Ord. C-7047 §§ 14, 15, 16, 17, 1992; Ord. C-6933 § 28, 1991; Ord. C-6822 §§ 13, 14, 1990; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.225 - Screening required.

- A. **General.** The following required screening shall apply in all commercial districts:
 - 1. **Open Storage.** Open storage shall be prohibited. Certain merchandise is permitted to be displayed outdoors for sale or rent as indicated in Tables 32-1 and 32-1A.

2. **Parking Lots.** All parking lots shall be screened as provided for in Section 21.41.266 and Chapter 21.42
 3. **Adjacent To Residential Districts.** All commercial uses adjoining or abutting a residential district shall be screened by a solid fence or wall not less than six feet, six inches (6'6") in height, except in the front yard of the residential lot, where the fence or wall shall be three feet (3') in height.
 4. **Parking Structures.** All sides of a parking structure abutting a public street shall be screened by trees, vines or other decorative screening approved by the Director of Development Services. See Chapter 21.42 for additional requirements.
- B. **Mechanical Equipment on Rooftops.** The City recognizes that mechanical equipment on rooftops can be unattractive and can provide areas for unsecured entry into buildings. Therefore, the following restrictions shall be required to improve the aesthetic quality of the City and the security of each building. These restrictions shall apply in all commercial zoning districts within the City.
1. **Required.** In all commercial zones, rooftop mechanical equipment, except solar collectors and rain gutters, shall be screened on all sides by screening not less than the height of the equipment being screened. In the high rise overlay and planned development districts, such equipment shall also be screened from view from higher buildings in the zone to the satisfaction of the Director of Planning and Building.
 2. **Secured.** All rooftop mechanical equipment shall be secured from unauthorized entry to the satisfaction of the Director of Planning and Building.
 3. **Materials.** All rooftop mechanical equipment screening devices shall be of a material requiring a low degree of maintenance. Wood shall generally not be utilized unless it can be shown that proper maintenance will occur. All screening devices shall be well integrated into the design of the building through such items as parapet walls continuous with the walls of the structure, false roofs, or equipment rooms. Louvered designs are acceptable if consistent with the building design style.
 4. **Substitutions.** Well-planned, compact, architecturally integrated rooftop equipment may be substituted for screening with the approval of the Director of Planning and Building.

(ORD-10-0031, § 2, 2010; Ord. C-7663 §§ 17, 18, 1999; Ord. C-7047 § 18, 1992; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.230 - Design of buildings.

All new and remodeled commercial buildings shall comply with the following design criteria:

- A. **Architectural Themes.** Architectural themes, modules and materials present on the main facade of the building shall be used on all other facades.
- B. **Change of Material.** Each side of a building must contain a primary and an accent material, and the accent material(s) must cover not less than ten percent (10%) of the facade.
- C. **Building Finished Grade.** All new commercial buildings requiring site plan review shall have the first habitable floor level not more than four feet (4') above grade within the front thirty feet (30') of the lot.
- D. **Special Development Standards For CNP, CNA and CNR Districts.** All new and remodeled commercial buildings in the Neighborhood Commercial zoning districts shall comply with the following design standards. Alternative designs may be approved through Site Plan Review. Site Plan Review is required for exterior remodeling of fifty feet (50') or more of building frontage.
 1. **Exterior Design.** Exterior elevations should be designed with extensive articulation to create visual interest and enhance pedestrian activity along the site. Three dimensional (3-D) elements such as cornices, pilasters and structural bays should be used to break up the facade planes. Ground floor facades should be distinguished from upper floors by cornices, changes of material and/or other architectural devices. Facades wider than fifty feet (50') should be designed with a modular expression that breaks the facade scale to a width of fifty feet (50') or less.
 2. **Street Wall.** At least two-thirds (2/3) of the front building facade should be located at the front property line. This does not apply in the CNA and CNR districts.
 - 3.

Windows. Ground floor windows should comprise at least two-thirds (2/3) of the area of the ground floor front facade. Such glass should be clear with an exterior daylight reflectance of not more than eight percent (8%). Ground floor wall sections without windows should be not more than five feet (5') in width.

4. **Entrances.** Entrances should comprise no more than one-third (1/3) of the width of the ground floor facade. Entrances should be recessed no more than five feet (5') in depth and should be located no more than fifty feet (50') apart.
5. **Awnings.** Store front awnings are encouraged. Awnings should be placed below the ground floor cornice (or below the sills of the second story windows if no cornice exists). Awnings should be divided into sections to reflect the major vertical divisions of the facade.

(Ord. C-7729 § 6, 2001; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.235 - Residential uses in commercial districts.

All residential development in commercial districts shall comply with the density and development standards indicated in Tables 32-3 and 32-3A. Residential uses shall be permitted in commercial districts as indicated in Tables 32-1 and 32-1A.

(Ord. C-7326 § 14, 1995; Ord. C-7047 §§ 19-21, 1992; Ord. C-6933 § 29, 1991; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.245 - Accessory structures.

- A. **Use Restrictions.** The use of accessory buildings and structures shall conform to the requirements of Chapter 21.51 (Accessory Uses) of this Title.
- B. **Locations Permitted.** Accessory structures and buildings may be placed anywhere on a lot except within the required street front setback area or as otherwise restricted by the provisions of Chapter 21.45 (Special Development Standards).
- C. **Trash Receptacles.** Adequate trash receptacles shall be provided to accommodate all refuse generated on a site. Such receptacles shall conform to the development standards contained in Chapter 21.45 (Special Development Standards).

(Ord. C-7776 § 3, 2001; Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.250 - Off-street parking and loading.

Off-street parking and loading shall be provided as required by Chapter 21.41 (Parking) of this Title.

(Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.255 - Landscaping requirements.

Landscaping shall be provided as required by Chapter 21.42 (Landscaping) of this Title.

(Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.260 - Fences and garden walls.

Fences and garden walls are permitted accessory structures subject to the requirements of Chapter 21.43 (Fences) of this Title.

(Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.265 - On-premises signs.

On-premises signs are permitted in all districts subject to the requirements of Chapter 21.44 (Signs) of this Title.

(Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.32.270 - Right-of-way dedications and improvements.

Public right-of-way shall be dedicated and improved as required by Chapter 21.47 (Street Improvements) of this Title.

(Ord. C-6684 § 42 (part), 1990; Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.33 - INDUSTRIAL DISTRICTS

FOOTNOTE(S):

--- (4) ---

Note— Prior ordinance history: (Ord. C-6533, 1988; Ord. C-6684, 1990; Ord. C-6895, 1991; Ord. C-7032, 1992; Ord. C-7150, 1993; Ord. C-7247, 1994; Ord. C-7326, 1995).

21.33.010 - Purpose.

- A. The industrial districts are established to preserve and enhance areas for a broad range of industrial and manufacturing uses, recognizing that such uses provide employment, contribute to the City's tax base, and create products needed by consumers and the business community at large.
- B. These regulations are intended to accommodate a broad range of current and future industrial and manufacturing uses, and associated technologies, at appropriate locations in the City, provided that safeguards are in place to address environmental and aesthetic concerns; to protect public health and safety; and to ensure that businesses operate within the clearly defined limits of what is allowed.
- C. In recognition of the fact that industrial and manufacturing technologies change over time, the City has structured these regulations to address the operating characteristics and processes of industrial uses, rather than specific businesses. Thus, the determination of whether a use is permitted by right or requires discretionary review will necessarily require interpretation based upon the criteria contained in Sections 21.33.020 through 21.33.080. Pursuant to the provisions of Subsection 21.33.060.D of this Chapter 21.33, the Zoning Administrator is authorized to make such interpretation.

(Ord. C-7360 § 3, 1995)

21.33.020 - Districts established.

Four (4) industrial districts are established by this Chapter as follows:

- A. **Light Industrial (IL).** The Light Industrial (IL) district allows a wide range of industries whose primary operations occur entirely within enclosed structures and which pose limited potential for environmental impacts on neighboring uses. While the emphasis is on industrial, manufacturing, and related uses, small-scale office and commercial uses intended to serve nearby industries and employees are permitted. The performance and development standards are intended to allow a wide range of uses as long as those uses will not adversely impact adjacent uses.

The IL district typically will include clean, non-nuisance industries whose operating characteristics (e.g., noise, hazardous materials, odors, dust, light and glare) are either confined completely within the property or result in limited secondary impacts in terms of traffic, air emissions, and hours of operation. Examples include research and development, flex space (for example, combined office/sales/warehouse/production for one firm), warehousing, small-scale incubator industries, or assembly operations. The buildings housing these uses may be low-scale, older structures within the existing street grid, or modern industrial complexes in park-like settings. These examples are not intended to limit the potential uses within the IL district, but rather to present the range of opportunities available.

B. **Medium Industrial (IM).** The Medium Industrial (IM) district allows a wide range of industries and industrial processes that involve more intensive operations. The district provides areas where most industries may locate, provided they meet the performance standards defined in Section 21.33.090 (Performance Standards). While the emphasis is on industrial, manufacturing, and related uses, office and commercial uses intended to serve nearby industries and employees may be permitted. The performance and development standards are intended to allow a wide range of uses as long as those uses will not impact adjacent uses.

The IM district generally will include industrial and manufacturing operations on a larger scale than those in the IL district. For example, factories with frequent truck traffic and outdoor storage yards might be located in the district. Outdoor storage and limited outdoor activities may be permitted. These examples are intended to represent typical characteristics within the district, not all potential operations.

C. **General Industrial (IG).** The General Industrial (IG) district is considered the City's "industrial sanctuary" district where a wide range of industries that may not be desirable in other districts may locate. The emphasis is on traditionally heavy industrial and manufacturing uses. The IG district is intended to promote an "industrial sanctuary" where land is preserved for industry and manufacturing, and where existing industries are protected from non-industrial users that may object to the operating characteristics of industry. Performance standards still must be met, but the development standards are the minimum necessary to assure safe, functional, and environmentally-sound activities.

The IG district includes uses such as large construction yards with heavy equipment, chemical manufacturing plants, rail yards, and food processing plants. The buildings that house these operations may be older industrial buildings retrofitted to accommodate the use, or new state-of-the-art manufacturing plants. As is the case with all the industrial districts, the focus of the IG district is on the operating characteristics of the use, rather than the particular product created.

D. **Port-Related Industrial (IP).** The Port-Related Industrial (IP) district is characterized predominately by maritime industry and marine resources. Uses in this district are primarily port-related or water dependent, but may also include: water-oriented commercial and recreational facilities primarily serving the general public, and utility installations and rights-of-way. All new uses in the IP district must be consistent with the Port Master Plan.

(Ord. C-7360 § 3, 1995)

21.33.030 - Fire Department preliminary review.

The permitting and licensing processes may involve Fire Department review regarding the storage of hazardous materials and other factors which could affect site plans or building designs. The Fire Department offers an informal conceptual site plan review process that provides potential applicants with information regarding such requirements. To ensure such considerations are incorporated into the land use planning and development process at an early stage, applicants are encouraged to contact the Fire Department prior to submitting formal applications to the Department of Planning and Building.

(Ord. C-7360 § 3, 1995)

21.33.040 - Site plan review.

Site plan review shall be required pursuant to Chapter 21.25, Division V (Site Plan Review).

(Ord. C-7360 § 3, 1995)

21.33.045 - Harbor Department review in IP district.

Projects proposed on property located in the IP district shall be subject to review by the Harbor Department pursuant to Section 18.12.040 of the Municipal Code.

(Ord. C-7360 § 3, 1995)

21.33.050 - Adult entertainment businesses.

Any business considered an "adult entertainment business," as defined in Subsections 21.15.110.A through 21.15.110.K of this Title, shall be subject to the special locational standards contained in Chapter 21.45 (Special Development Standards).

(Ord. C-7360 § 3, 1995)

DIVISION I. - PERMITTED USES

21.33.060 - Permitted uses.

- A. Table 33-2 shall be used to determine applicable use regulations in the industrial districts. Table 33-2 establishes general classes of uses. For each category, the table indicates whether the class of use is permitted by right (Y); not permitted (N); permitted subject to an administrative use permit (AP) as defined in Chapter 21.25, Division W (Administrative Use Permits) of this Title; or permitted subject to conditional use permit review (C) pursuant to Chapter 21.25, Division II (Conditional Use Permits) of this Title.
- B. The uses identified in Table 33-2 are more precisely defined by reference to the Standard Industrial Classification (SIC) Manual published by the federal government's Office of Management and Budget. The 1987 SIC Manual, or the most current edition of the manual, as amended, is incorporated herein by reference. The SIC Manual identifies businesses according to the operating characteristics involved in creating the product (for example, slaughtering, manufacturing pulp, manufacturing industrial inorganic chemicals, petroleum refining) and the effects that these characteristics may have on nearby uses. The actual product created is of secondary importance. For reference purposes, Table 33-1 lists two (2) digit SIC codes and the associated categories of use.
- C. The "notes and exceptions" column of the table indicates more precisely the use regulations for specific SIC codes or operating characteristics. The notes and exceptions must be reviewed in conjunction with the other information for that class of use.
- D. For uses or activities not specifically identified in Table 33-2, the Zoning Administrator shall have the authority to interpret and assign the appropriate SIC code for that use or activity. The decision of the Zoning Administrator can be appealed to the Planning Commission pursuant to Chapter 21.21, Division V (Appeals) of this Title.

(Ord. C-7360 § 3, 1995)

21.33.070 - Prohibited uses.

Any use or activity not identified by an SIC code included in Table 33-2, or any use or activity not interpreted by the Zoning Administrator as belonging to a listed SIC code, shall be prohibited.

(Ord. C-7360 § 3, 1995)

21.33.080 - Meaning of the Y/AP and Y/C designations.

- A. This Section applies to those use categories in Table 33-2 classified as "Y/AP" and "Y/C" within specified industrial districts. "Y/AP" shall mean that the use is permitted by right unless the location criteria contained in Subsection 21.33.080.C apply to the project, in which case administrative use permit (AP) review shall be required pursuant to Chapter 21.25, Division IV of this Title. "Y/C" shall mean a use is permitted by right unless the location criteria contained in Subsection 21.33.080.C apply to the project, in which case conditional use permit (C) review shall be required pursuant to Chapter 21.25, Division II of this Title.
- B. The Zoning Administrator shall be authorized to determine whether a use identified in Table 33-2 as "Y/AP" or "Y/C" is permitted by right or requires discretionary review based on the criteria defined in this Section.
- C. The location of a proposed industrial use relative to residentially-zoned property shall represent the sole factor for determining whether discretionary review is required pursuant to this Section. If any building housing the principal proposed use in an industrial district, or any outdoor activity which represents the principal use of the property, is located three hundred feet (300') or less from the nearest residential district (see Figure 33-1), then administrative use permit or conditional use permit review shall be required, as indicated in Table 33-2.

(Ord. C-7360 § 3, 1995)

Table 33-1

Two-Digit SIC Code Groups

SIC Division and Group No.	Classified Businesses and/or Activities
A. Agriculture, Forestry, and Fishing	
01	Agricultural production—crops
02	Agricultural production livestock and animal specialties
07	Agricultural services
08	Forestry
09	Fishing, hunting, and trapping
B. Mining	
10	Metal mining
12	Coal mining

<u>13</u>	Oil and gas extraction
14	Mining and quarrying of nonmetallic minerals, except fuels
C. Construction	
15	Building construction—general contractors and operative builders
16	Heavy construction other than building construction—contractors
17	Construction—special trade contractors
D. Manufacturing	
20	Food and kindred products
<u>21</u>	Tobacco products
22	Textile mill products
23	Apparel and other finished products made from fabrics and similar materials
24	Lumber and wood products, except furniture
25	Furniture and fixtures
26	Paper and allied products
27	Printing, publishing, and allied industries
28	Chemicals and allied products
29	Petroleum refining and related industries
30	Rubber and miscellaneous plastics products
31	Leather and leather products
32	Stone, clay, glass, and concrete products
33	Primary metal industries
34	Fabricated metal products, except machinery and transportation equipment

35	Industrial and commercial machinery and computer equipment
36	Electronic and other electrical equipment and components, except computer equipment
37	Transportation equipment
38	Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks
39	Miscellaneous manufacturing industries

Table 33-1
Two-Digit SIC Code Groups
(Continued)

SIC Division and Group No.	Classified Businesses and/or Activities
E. Transportation, Communications, Electric, Gas, and Sanitary Services	
40	Railroad transportation
41	Local and suburban transit and interurban highway passenger transportation
42	Motor freight transportation and warehousing
43	United States Postal Service
44	Water transportation
45	Transportation by air
46	Pipelines, except natural gas
47	Transportation services
48	Communications
49	Electric, gas, and sanitary services

F. Wholesale Trade	
50	Wholesale trade—durable goods
51	Wholesale trade—nondurable goods
G. Retail Trade	
52	Building materials, hardware, garden supply, and mobile home dealers
53	General merchandise stores
54	Food stores
55	Automotive dealers and gasoline service stations
56	Apparel and accessory stores
57	Home furniture, furnishings, and equipment stores
58	Eating and drinking places
59	Miscellaneous retail
H. Finance, Insurance and Real Estate	
60	Depository institutions
61	Nondepository credit institutions
62	Security and commodity brokers, dealers, exchanges, and services
63	Insurance carriers
64	Insurance agents, brokers, and service
65	Real estate
67	Holding and other investment offices
I. Services	
70	Hotels, rooming houses, camps, and other lodging places
72	Personal services

73	Business services
75	Automotive repair, services, and parking
76	Miscellaneous repair services

Table 33-1
Two-Digit SIC Code Groups
(Continued)

SIC Division and Group No.	Classified Businesses and/or Activities
78	Motion pictures
79	Amusement and recreation services
80	Health services
81	Legal services
82	Educational services
83	Social services
84	Museums, art galleries, and botanical and zoological gardens
86	Membership organizations
87	Engineering, accounting, research, management, and related services
88	Private households
89	Miscellaneous services
J. Public Administration	
91	Executive, legislative, and general government, except finance
92	Justice, public order, and safety

93	Public finance, taxation, and monetary policy
94	Administration of human resource programs
95	Administration of environmental quality and housing programs
96	Administration of economic programs
97	National security and international affairs
K. Nonclassifiable establishments	
99	Nonclassifiable establishments

(Ord. C-7360 § 3, 1995; Ord. C-7326 § 16, 1995)

**Table 33-2
Uses In Industrial Districts**

Use	IL	IM	IG	IP	*Notes and Exceptions
1. Agriculture And Related Uses (SIC codes 01, 02, 07*)	N	N	C	See Item 10 in this table.	a. Permitted in IL and IM <ul style="list-style-type: none"> • 0742 (Veterinary Services for Animal Specialties) • 0752 (Animal Specialty Services, Boarding, Kennels, Shelters) • 078 (Landscape and Horticultural Services)
2. Construction-Related Uses (SIC codes 138, 15, 16, 17)					"Limited outdoor accessory storage" means the storage of materials and equipment to be

2.1 With outdoor storage as principal use	N	Y/AP	Y	See Item 10 in this table.	used off-site for construction projects in progress.
2.2 Contractor's office with limited outdoor accessory storage	Y	Y	Y		

**Table 33-2
Uses In Industrial Districts
(Continued)**

Use	IL	IM	IG	IP	*Notes and Exceptions
3. Food Processing (SIC code 20*)	C	Y/C	Y/C	See Item 10 in this table.	a. Prohibited in IL, IM, and IP, and requires conditional use permit in IG:
					• 201 (Meat Products)
					• 2048 (includes slaughtering animals for animal feed)
					• 2077 (Animal and Marine Fats and Oils)
					• 2091 (Canned and Cured Seafoods)
					• 2092 (Fresh or Frozen Seafoods)
					b. Permitted in IL, IM, and IG:
					• 205 (Bakery)

					Products)
4. Manufacturing					a. Prohibited in IL, IM, and IP, and requires conditional use permit in IG:
4.1 SIC codes 23, 27, 283, 284, 31*, 36, 38, 39	Y	Y	Y	See Item 10 in this table.	• 261 (Pulp Mills)
					• 262 (Paper Mills)
4.2 SIC codes 25, 26*, 30	Y/C	Y/C	Y		• 263 (Paperboard Mills)
					• 281 (Industrial Inorganic Chemicals)
4.3 SIC codes 22, 24, 289*, 32*, 34*, 35, 37*	N	C	Y/C		• 282 (Plastics Materials)
					• 285 (Paints, Varnishes)
					• 286 (Industrial Organic Chemicals)
4.4 SIC codes 21, 29*, 33, 492*, 4932*	N	N	C		• 287 (Agricultural Chemicals)
				• 2892 (Explosives)	
				• 291 (Petroleum Refining)	
				• 311 (Leather Tanning and Finishing)	
				• 324 (Hydraulic Cement)	

Table 33-2
Uses In Industrial Districts
(Continued)

Use	IL	IM	IG	IP	*Notes and Exceptions
4. Manufacturing (continued)					<ul style="list-style-type: none"> • 325 (Structural Clay Products)
					<ul style="list-style-type: none"> •327 (Concrete, Gypsum, and Plaster Products)
					<ul style="list-style-type: none"> •3292 (Asbestos Products)
					<ul style="list-style-type: none"> •348 (Ordinance and Accessories)
					<p>b. Certain oil and gas extraction and processing are exempt from zoning regulations as provided for in Subsection 21.10.030.B, and are controlled by <u>Title 12</u> of the Municipal Code.</p>
					<p>c. SIC code 371 (Motor Vehicles and Motor Vehicle Equipment) shall be permitted in the IG district when located more than 150 ft. from a residential district, and require a conditional use</p>

					permit when located closer than 150 ft.
5. Transportation-Related Uses (SIC codes 41, 421, 4215, 423, 473, 478)					a. SIC code 45 uses shall require a conditional use permit outside the boundaries of the Long Beach Airport and/or on adjacent properties directly supporting airport operations.
5.1 With no outdoor container storage	C	C	C*		See Special Development Standards for Trucking terminals and yards. <u>Section 21.45.168</u>
5.2 With outdoor container storage associated with shipping/trucking/rail	C	C	C*		
5.3 Air transportation (SIC code 45)	N	N	Y*		
5.4 Helipads	C	C	C	See Item 10	
5.5 Electric, gas, and sanitary services (SIC code 49, except 492 and 4932. Includes refuse transfer stations)	C	C	C		
6. Wholesale Trade (SIC codes 50*, 51*, 422)	Y	Y	Y		a. Prohibited in IL, IM, and IP, and requires a conditional use

					permit in IG:
					<ul style="list-style-type: none"> • 4225 (personal storage, self-storage, including recreational vehicle, and/or miniwarehouse as defined by <u>Section 21.15.570</u>)
					<ul style="list-style-type: none"> • 5015 (motor vehicle parts, used)
					<ul style="list-style-type: none"> • 5093 (scrap and waste materials, including retail sales)
					<ul style="list-style-type: none"> • 5154 (livestock sales)

**Table 33-2
Uses In Industrial Districts
(Continued)**

Use	IL	IM	IG	IP	*Notes and Exceptions
7. Retail Trade					a. Primarily, these uses are intended to serve nearby industries and employees, and the retail's proximity will provide convenience with minimal impact on the retail operations.
7.1 Eating places	Y	Y	Y	See item	b. Any business

without drive-thru service (SIC code 5812*)				10 in this table.	involved in the sale of alcoholic beverages shall be subject to conditional use permit review and shall meet the location requirements contained in <u>Section 21.52.201</u>
7.2 Eating with drive-thru service (SIC code 5812*)	Y/C	Y/C	Y/C		The following exceptions do not require a conditional use permit: Restaurants with alcoholic beverage service only with meals, whereby alcoholic beverage sales comprise 30 percent or less of the monthly gross sales of the restaurant. This generally means that any use with a fixed bar is not exempt from the conditional use permit requirement. A service bar is not a fixed bar. A sushi bar where alcoholic beverages are served at the same bar as meals is considered as serving alcoholic beverages only with meals. A cocktail
7.3 Book and video stores; video rentals (SIC codes 5735, 5942, 7841)	Y	Y	Y		
7.4 All other retail trade (SIC codes 52	Y	C	C		

through 57, 59)					lounge without a bar but with service primarily of hors d'oeuvres and alcoholic beverages <u>shall</u> require a conditional use permit.
See item 13 in this table for "drinking places." (SIC code 5813)					
					<ul style="list-style-type: none"> • Any use located more than 500 ft. from a zone district which allows residential use.
					<ul style="list-style-type: none"> • Department store or florist shop with accessory sales of alcoholic beverages.
					<ul style="list-style-type: none"> • A grocery store of 20,000 sq. ft. or more with accessory sales of alcoholic beverages.
					<ul style="list-style-type: none"> • Existing legal, nonconforming uses.

Table 33-2
Uses In Industrial Districts
(Continued)

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Use	IL	IM	IG	IP	*Notes and Exceptions
7. Retail Trade (continued)					c. Pawnshops (included within SIC code 5932) shall require a conditional use permit in all zones.
					d. Gasoline Service Stations (SIC code 5541) and Fuel Dealers (SIC code 598) shall be permitted in the IG district.
					e. Sales of firearms in the IL zone shall require a conditional use permit.
8. Service-Related Industries					
8.1 Laundry, cleaning and garment services (SIC code 721)	Y	Y	Y	See Item 10 in this table.	a. Primarily, these uses are intended to serve nearby industries and employees, and the services' proximity will provide convenience with minimal impact on the service operations.
8.2 Other personal services (SIC codes 722, 723, 724, 725, 726, 7291)	Y	AP	AP		

8.3 Tattoo and massage parlors	N	N	N	b. Parking lots and structures which are principal uses (SIC code 752) shall be subject to parking lot development standards contained in <u>Chapter 21.41</u>
8.4 Repair services within enclosed structure (SIC codes 75* and 76)	Y	Y	Y	
8.5 Repair services with outdoor operations (SIC codes 7353, 7359, 75*)	N	Y/C	Y	
8.6 Funeral, mortuary and crematorium (SIC code 7261)	N	AP	AP	Subject to special development standards specified in <u>Section 21.52.211</u>

**Table 33-2
Uses In Industrial Districts
(Continued)**

Use	IL	IM	IG	IP	*Notes and Exceptions
9. Professional Office and Institutional Uses (SIC codes 60, 61, 62, 63, 64, 65, 66, 73 [except 7353 and 7359], 861, 862, 863, 864, 878* Division J (Public Administration))	Y	AP	AP	See Item 10 in this table.	a. Prohibited in all industrial districts: <ul style="list-style-type: none"> • 6099 (Functions related to depository banking, not elsewhere classified) • 9223 (Correctional Institutions) • 8744 (Jails, privately operated-

					<p>correctional facilities, adult privately operated), except a "Community Correctional Re-entry Center," as defined in <u>Section 21.15.602</u>, may be permitted in the IL, IM and IG zone districts pursuant to a conditional use permit as set forth in <u>Chapter 21.52</u></p> <p>b. Offices are intended to serve nearby industries and employees.</p> <p>c. Emergency shelters (8322) shall be subject to the special development standards specified in <u>Section 21.45.132</u></p>
9.1 Emergency shelters (SIC code 8322*)	N	N	N	Y	

Table 33-2
Uses In Industrial Districts
(Continued)

Use	IL	IM	IG	IP	*Notes and Exceptions
10. Port-Dependent And Support Businesses	See Items 1-9	See Items 1-9	See Items 1-9	Y	<ul style="list-style-type: none"> • <u>Ancillary Port Facilities</u>—ship building and repair, towboat and

	and 11-14 in this table.	and 11-14 in this table.	and 11-14 in this table.		<p>salvage operations, bunker barge loading, sportfishing launching, marine research, Coast Guard operations, marine-oriented fire protection, equipment storage for dredging and waterfront construction, oil spill cleanup</p> <ul style="list-style-type: none"> • <u>Commercial/Recreational Facilities</u>—water-oriented parks, sightseeing, sportfishing, water skiing, restaurants, hotels, curio shops, marinas, boat sales and manufacturing, charter boat operations, tackle shops, tourist attractions (e.g., Queen Mary), vessel storage • <u>Federal Use</u>—shipyard and drydock operations, Navy Base and support
	See Items 1-9 and 11-14 in this table.	See Items 1-9 and 11-14 in this table.	See Items 1-9 and 11-14 in this table.	Y	<ul style="list-style-type: none"> • <u>Oil And Gas Production</u>—including tankage, processing, drilling, and water injection • <u>Utilities</u>—installations and rights-of-way, including SCE station on Terminal Island
<u>11.</u> Communications	Y	Y	Y	See	a. Requires conditional

(SIC code 48*)				Item 10 in this table.	use permit in all districts: <ul style="list-style-type: none"> • 483 (Radio and television broadcasting stations) • Microwave transmission or relay towers • Wireless Telecommunications Facilities (see <u>Chapter 21.56</u>)
12. Recycling Operations					a. Collection center with attendant subject to development standards contained in <u>Section 21.52.265</u>
12.1 Containers for cans, bottles, etc. (accessory use)	Y	Y	Y	Y	
12.2 Collection center with attendant or recycling processing/manufacturing center	C	C	C	N	

**Table 33-2
Uses In Industrial Districts
(Continued)**

Use	IL	IM	IG	IP	*Notes and Exceptions
<u>13.</u> Recreation And Entertainment Uses					a. Any business involved in the sale of alcoholic beverages shall be subject to conditional use
13.1 Outdoor	C	N	N	See Item	

recreation (drive-in theater, racetrack, golf, driving range, shooting range and similar uses)				10 in this table.	permit review and shall meet the location requirements contained in <u>Section 21.52.201</u> . The following exceptions do not require conditional use permit:
13.2 Movie theaters	Y	Y	Y	N	<ul style="list-style-type: none"> • Restaurant with alcoholic beverage service only with meals, whereby alcoholic beverage sales comprise 30 percent or less of the monthly gross sales of the restaurant. This generally means that any use with a fixed bar is <u>not</u> exempt from the conditional use permit requirement. A service bar is not a fixed bar. A sushi bar where alcoholic beverages are served at the same bar as meals is considered as serving alcoholic beverages only with meals. A cocktail lounge without a bar but with service primarily of hors d'oeuvres and
13.3 Bars, nightclubs, cabarets and the like with alcohol (SIC code 5813*)	C*	C*	C*	C*	
	Y	Y	Y	Y	
13.4 Health clubs and the like (SIC code 7991)	C	N	N	N	

					alcoholic beverages shall require a conditional use permit.
					<ul style="list-style-type: none"> Any use located more than 500 ft. from a zone district which allows residential use
					<ul style="list-style-type: none"> Department store or florist shop with accessory sales of alcoholic beverages
					<ul style="list-style-type: none"> Existing legal, nonconforming uses
13.5 Interim Parks					
a. Community gardens	IP	IP	IP	N	See <u>Section 21.52.260</u>
b. Passive parks	Y	Y	Y	N	See <u>Section 21.45.155</u>
c. Playgrounds	IP	IP	IP	N	See <u>Section 21.52.260</u>
d. Recreational parks	AP	AP	AP	N	See <u>Section 21.52.260</u>

**Table 33-2
Uses In Industrial Districts
(Continued)**

Use	IL	IM	IG	IP	*Notes and Exceptions

14. Miscellaneous uses					
14.1 Caretaker, night watchman's quarters*	AP	AP	AP	AP	a. Caretaker quarters permitted only in conjunction with a permitted nonresidential use.
14.2 Art studio with associated residence	AP	AP	AP	N	b. Billboards subject to regulations and standards contained in <u>Chapter 21.54</u>
14.3 Vocational schools (SIC code 824)	Y	Y	Y	Y	c. For temporary use regulations, see <u>Chapter 21.53</u>
14.4 Job training and vocational rehabilitation (SIC code 833)	C	C	C	C	
14.5 Daycare facilities (SIC code 835)	C	C	C	C	
14.6 Museums (SIC code 841)	Y	Y	Y	Y	
14.7 Billboards* (outdoor advertising)	C	C	C	C	
14.8 Temporary outdoor events and temporary construction offices*	T	T	T	T	b. Billboards subject to regulations and standards contained in <u>Chapter 21.54</u>
14.9 Vending carts	AP	AP	AP	N	

NOTE: All uses are subject to performance standards as defined in Section 21.33.090

*	=	See "Notes and Exceptions" column.
Y	=	Permitted by right.
N	=	Not permitted.
AP	=	Administrative use permit required.
Y/AP	=	Either permitted by right or subject to administrative use permit review, depending upon criteria contained in Section 21.33.080.C.
Y/C	=	Either permitted by right or subject to conditional use permit review, depending upon criteria contained in Section

		21.33.080.C.
C	=	Conditional use permit required.
T	=	Temporary use. See <u>Chapter 21.53</u>
IP	=	Interim park use permit required. For special conditions see <u>Chapter 21.52</u>

The SIC uses are considered here primarily according to the operational characteristics involved in creating the product (e.g., slaughtering, manufacturing pulp, manufacturing industrial inorganic chemicals, petroleum refining) and the effects that these operations may have on nearby uses. The actual product created is of secondary importance. The requirement for a conditional use permit does not presuppose that a proposed use will present adverse impacts, but that the public should be informed of the proposed use and be given the opportunity to comment on the proposal at a public hearing.

(ORD-13-0018 ; § 5(exh. C), 2013; ORD-13-0022 ; § 3, 2013; ORD-13-0004 , § 1, 2013; ORD-12-0006 , § 4, 2012; ORD-11-0011, § 4(Exh. D), 2011; ORD-10-0033, § 1, 2010; Ord. C-7904 § 4, 2004; Ord. C-7550 § 8, 1998; Ord. C-7500 § 6, 1997; Ord. C-7399 § 7, 1996; Ord. C-7392 § 1, 1996; Ord. C-7378 §§ 15, 16, 1995; Ord. C-7360 § 3, 1995)

21.33.090 - Performance standards.

- A. **Purpose.** The performance standards established in this Section are intended to ensure that industrial/manufacturing uses operate in a manner that protects the public health and safety, and which does not produce adverse impacts on nearby properties nor the community at large. The standards in this Section apply to all industrial/manufacturing districts. The Director of Planning and Building shall be authorized to interpret the performance standards.
- B. **Standards May Be Changed.** Ongoing scientific and technological advances related to the identification and measurement of impacts require that these performance standards remain up to date. These standards may be modified from time to time as required by technological changes.
- C. **Noise Standards.** All uses and activities shall comply with the noise regulations contained in Chapter 8.80 (Noise) of the City of Long Beach Municipal Code.
- D. **Hours of Operation Standards.** Between the hours of ten (10:00) p.m. and seven (7:00) a.m., industrial businesses shall discontinue operations that produce noise levels at the nearest residential district or hospital property line higher than those permitted under Chapter 8.80 (Noise) of the Municipal Code.

- E. **Light and Glare Standards.** All lighting, reflective surfaces, or any other source of illumination shall not produce adverse effects on public streets or on any other parcel. Lights shall be shielded at lot lines so as not to be directly visible from any adjoining residential district.
- F. **On-Site Containment of Materials and Waste.** No material or waste shall be deposited on a property in such a form or manner that it may be transferred off the property by natural causes or forces such as wind or rain. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects, shall be stored outdoors only in closed containers approved by the Director of Planning and Building.

(Ord. C-7360 § 3, 1995)

DIVISION II. - DEVELOPMENT STANDARDS

21.33.100 - General provisions.

This Division II establishes development standards applicable to all new construction and additions to existing development in the industrial districts.

(Ord. C-7360 § 3, 1995)

21.33.110 - Minimum lot size.

All new subdivisions of land shall comply with the minimum lot size requirements indicated in Table 33-3.

(Ord. C-7360 § 3, 1995)

21.33.120 - Maximum lot coverage.

No building or structure shall be constructed to exceed the lot coverage standards indicated in Table 33-3.

(Ord. C-7360 § 3, 1995)

21.33.130 - Maximum building and structure height.

- A. No building or other structure shall be constructed to exceed the height limitations indicated in Table 33-3, except for signs, which are subject to the standards set forth in Chapters 21.44 (On-Premises Signs) and 21.54 (Billboards).
- B. Flagpoles, when placed on the roof of a building, may exceed the height limit for a principal building by ten feet (10'). When placed on the ground, flagpoles shall not exceed a height of sixty feet (60').
- C. Television or radio receiving or transmitting antennas may exceed the applicable height limit as provided for in Section 21.46.060 (Special Development Standards).
- D. The following rooftop elements and equipment may extend up to ten feet (10') above the building height:
1. Rooftop stair and elevator penthouse enclosures.
 2. Rooftop heating and air conditioning equipment and ducts.
 3. Rooftop safety rails.

(Ord. C-7360 § 3, 1995)

21.33.140 - Setbacks and yards.

- A. **Setbacks and Yards Required.** Building setbacks and yards shall be provided as indicated in Table 33-4. Yard areas shall be clear of all structures from the ground to the sky, except for permitted projections, and shall be landscaped in accordance with the landscaping provisions (Chapter 21.42) of this Title.

- B. **Corner Cut-off Required.** Corner cut-offs, as defined in Chapter 21.15 of this Title, shall be required in all industrial districts at the intersections of streets, driveways, and alleys. The corner cut-off shall be free of any structure or vegetation which impedes or obstructs access or visibility.
- C. **Permitted Projections.** No appurtenances, projections, or other building features may project into required yards, except:
1. Architectural elements not more than two feet (2') into the required yard area;
 2. Awnings;
 3. Bay windows projecting not more than two feet (2') into the required yard area;
 4. Lamp posts;
 5. A porte cochere;
 6. Roof eaves projecting no closer than two feet, six inches (2' 6") from the property line; and
 7. Signs, as specified in Chapter 21.44 (On-Premises Signs) of this Title.
- D. **Permitted Uses.** The following uses and accessory structures shall be the only uses and structures permitted in required yard areas: driveways, automobile surface parking lots, landscaping, and on-premises signs. All other uses shall be prohibited.

(Ord. C-7360 § 3, 1995)

21.33.145 - Parking areas abutting streets.

Wherever a parking area abuts a property line adjacent to a street, a five foot (5') wide landscaped strip shall be provided between the parking area and the property line abutting the public right-of-way. See Chapter 21.42 for additional requirements.

(ORD-10-0031, § 3, 2010; Ord. C-7360 § 3, 1995)

Table 33-3

General Development Standards

Standard	Zone District			
	IL	IM	IG	IP
Minimum Lot Size (a) (see <u>21.33.110</u>)	15,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	No restriction
Maximum Lot Coverage (see <u>21.33.120</u>)	55%	60%	80% (b)	No restriction
Maximum Building Height (see <u>21.33.130</u>)	4 stories or 60 ft., whichever is more restrictive	45 ft.	65 ft.	65 ft.
Maximum Non-	45 ft.	45 ft.	No restriction	No restriction

Building Structure Height				
Maximum Accessory Office Space (see also <u>21.33.170</u>)	• 25% of gross floor area for tenant spaces \geq 5,000 sq. ft.	• 25% of gross floor area	• 25% of gross floor area	No restriction
	• 45% of gross floor area for tenant spaces < 5,000 sq. ft.	• 45% of gross floor area for tenant spaces < 5,000 sq. ft.	• 45% of gross floor area for tenant spaces < 5,000 sq. ft.	
Minimum Landscaped Area	see <u>Chapter 21.42</u>	see <u>Chapter 21.42</u>	see <u>Chapter 21.42</u>	see <u>Chapter 21.42</u>
Fence Regulations	see <u>Chapter 21.43</u>	see <u>Chapter 21.43</u>	see <u>Chapter 21.43</u>	see <u>Chapter 21.43</u>

Notes:

- (a) The minimum lot size standards shall apply only to new subdivision of land. They do not apply to new construction or remodeling on existing lots or to air space subdivisions of existing lots. Lot lines of existing lots may be adjusted per Chapter 20.20 (Subdivision Regulations).
- (b) City redevelopment plans may establish an alternative standard which supersedes this standard. For the Westside Redevelopment Project Area, the maximum lot coverage standard is 60 percent for new buildings.

Table 33-4

Minimum Required Setbacks/Yards Areas

Required Setback/Yard Area	IL	IM	IG	IP
Yard Fronting on Minor Arterial or Greater Street Classification	10 ft.	10 ft.	10 ft.	10 ft.
Yard Fronting on Local or Collector Street	6 ft.	0 ft.	0 ft.	0 ft.

Parking Lot Setback for Yard Fronting on a Street	5 ft. (a)	5 ft. (a)	5 ft. (a)	5 ft. (a)
Yards Abutting Alleys	10 ft. from centerline			
Yards Abutting Residential District	20 ft.	45 ft.	45 ft.	No restriction
Yards Abutting Nonresidential District	0 ft. (b)	0 ft. (b)	0 ft. (b)	0 ft. (b)

Notes:

(a) See also Section 21.33.145

(b) Separation between buildings on adjacent lots shall be provided as required by the Fire Code and Uniform Building Code, or any successor Code.

(ORD-10-0031, § 4, 2010)

21.33.150 - Outdoor storage and activities.

A. IL District Regulations.

1. **Outdoor Storage.** Accessory outdoor storage of goods, materials, or equipment shall be permitted only in the side and rear yards. However, no materials shall be stored within any required street side yard setback. All outdoor storage areas shall be completely screened from view from public rights-of-way and adjacent properties with screening the same height as the materials being stored. Stored goods and materials shall not exceed a stacking height of eight feet (8').
2. **Activities.** Except as otherwise permitted by Table 33-2, no outdoor production, processing, or manufacturing activities associated with a business shall be permitted at any time. All such activities must be conducted within an entirely enclosed structure. This restriction shall not apply to loading operations or other necessary support functions of a business.

B. IM District Regulations.

1. **Outdoor Storage.** Outdoor storage shall be permitted except in required front street and side street yard setbacks, and required parking and loading areas. Such storage shall be fully screened from view with solid screening materials at least the same height as the materials being stored, or at least twelve feet (12'), whichever is less. Stored goods and materials shall not exceed a stacking height of fifteen feet (15'), with the exception of container storage, which shall not be stacked higher than two (2) containers.
2. **Activities.** The following are permitted outdoor activities, provided all such activities meet the performance standards contained in Section 21.33.090 of this Chapter: processing, assembly, and fabrication of goods; and the maintenance, repair, and salvage of equipment associated with a business.

C. IG District Regulations.

1. **Outdoor Storage.** Outdoor storage shall be permitted except in required front street and side street setbacks, and in required parking and loading areas. Such storage shall be fully screened from view from a public right-of-way and any adjacent or abutting residential use. Stored goods and materials shall not exceed a stacking height of fifteen feet (15').
2. **Transport Containers.** Transport containers used for storing goods, materials, or equipment to be transported by truck, train, or marine vessel may be stored anywhere on a lot, with the exception of any required corner cutoff area. No more than two (2) containers shall be stacked atop one another.
3. **Activities.** The following are permitted outdoor activities, provided all such activities meet the performance standards contained in Section 21.33.090 of this Chapter: processing, assembly, and fabrication of goods; and the maintenance, repair, and salvage of equipment associated with a business.

D. IP District Regulations.

1. **Outdoor Storage.** Outdoor storage, including the storage of transport containers used for storing goods, materials, or equipment to be transported by truck, train, or marine vessel, may occur anywhere on a lot, with the exception of any required corner cutoff area. Such storage shall be subject to any screening or security requirements established by the Long Beach Harbor Department.
2. **Activities.** All activities ordinarily associated with port and port-related businesses shall be permitted to occur out of doors consistent with regulations established by the Harbor Department.

- E. Surfacing of Outdoor Storage and Activity Areas.** In all industrial districts, all outdoor storage and activity areas shall be surfaced with paving materials as required by the Director of Planning and Building, and all such surfaced areas shall be maintained in good condition.

(Ord. C-7360 § 3, 1995)

21.33.160 - Accessory structures.

- A. **Use Restrictions.** The use of accessory buildings and structures shall conform to the requirements contained in Chapter 21.51 (Accessory Uses) of this Title.
- B. **Trash Receptacles.** Adequate trash receptacles shall be provided to accommodate the refuse generated on a site. If visible from a public street, receptacles shall conform to the applicable development standards contained in Chapter 21.45 (Special Development Standards) of this Title.

(Ord. C-7663 § 20, 1999; Ord. C-7360 § 3, 1995)

21.33.170 - Accessory office space in industrial buildings.

- A. **Maximum Area Permitted.** Office space is permitted as an accessory use within an industrial building. The accessory office space is limited to the percent of gross floor area indicated in Table 33-3.
- B. **Requirements For Tenant Spaces Containing Less than Five Thousand Square Feet.** As indicated in Table 33-3, tenant spaces which are less than five thousand (5,000) square feet of gross floor area in size may use a maximum of forty-five percent (45%) of gross floor area for office purposes. However, wherever such office space exceeds twenty-five percent (25%) of the gross floor area of an individual tenant space, an additional three (3) parking spaces shall be provided in addition to any parking required for the principal use.

C.

Office Space in Excess of Maximum Allowable. If office space in excess of the maximum allowable is proposed, the office space shall be considered the principal use, and such use shall be subject to all use regulations and development standards applicable to that principal use.

(Ord. C-7360 § 3, 1995)

21.33.180 - Rooftop equipment screening.

- A. **Purpose.** The City recognizes that mechanical equipment on rooftops can be unattractive and can facilitate unauthorized access into buildings. Therefore, the screening requirements contained in this Section shall be applied to improve the aesthetic quality of the City and to improve the security of buildings.
- B. **Applicability.** This Section applies to all development in the industrial districts for all rooftop equipment visible from an adjacent street, highway or abutting residential district.
- C. **Materials and Design.** All screening devices shall be of a material consistent with the color and style of the building, and shall be well-integrated into the building design through such features as parapet walls, false roofs, or equipment rooms. Louvered designs are acceptable if consistent with the building style. All screening materials shall be of a type requiring limited maintenance. Wood lattice shall not be permitted.
- D. **Secured.** All rooftop mechanical equipment shall be secured from unauthorized entry to the satisfaction of the Director of Planning and Building.
- E. **Approval Required.** Prior to issuance of a mechanical permit for rooftop equipment, the Director of Planning and Building shall review the proposed screening plan for compliance with the provisions of this Section.

(Ord. C-7378 § 17, 1995; Ord. C-7360 § 3, 1995)

21.33.190 - Off-street parking and loading.

Off-street parking and loading shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements) of this Title.

(Ord. C-7360 § 3, 1995)

21.33.200 - Landscaping requirements.

Landscaping shall be provided as required by Chapter 21.42 (Landscaping Standards) of this Title.

(Ord. C-7360 § 3, 1995)

21.33.210 - Fences and garden walls.

Fences and garden walls, other than those required by this Title for parking lot and outdoor storage screening, are permitted accessory structures subject to the development standards contained in Chapter 21.43 (Fences and Garden Walls) of this Title.

(Ord. C-7360 § 3, 1995)

21.33.220 - On-premises signs.

On-premises signs are permitted accessory structures subject to the development standards contained in Chapter 21.44 (On-Premises Signs) of this Title.

(Ord. C-7360 § 3, 1995)

21.33.230 - Right-of-way dedications and improvements.

Public right-of-way shall be reserved, dedicated, and/or improved as required by Chapter 21.47
(Dedication, Reservation and Improvement of Public Rights-of-Way) of this Title.

(Ord. C-7360 § 3, 1995)

CHAPTER 21.34 - INSTITUTIONAL DISTRICT

21.34.010 - Purpose.

The Institutional (I) district is established to create, preserve and enhance areas for public and institutional land uses and to provide restrictions to minimize the effect of such uses on surrounding uses.

(Ord. C-6533 § 1 (part), 1988)

21.34.020 - Long range development plan required.

Any site with a lot area exceeding forty thousand (40,000) square feet shall submit a long range development plan for the institution. Such long range development plan shall include all development of the site and site expansions (within the institutional zone or under the institution's ownership, whichever is greater) anticipated over the next twenty (20) years. Such plan shall be submitted to the Planning Commission for approval through the site plan review procedure. No site plan review shall be approved and no building permit shall be issued for any building or structure which is not consistent with the long range development plan.

(Ord. C-7032 § 27, 1992; Ord. C-6533 § 1 (part), 1988)

21.34.025 - Site plan review.

Site plan review shall be required pursuant to Division V of Chapter 21.25 (Specific Procedures).

(Ord. C-6533 § 1 (part), 1988)

21.34.030 - Adult entertainment business.

Any business considered an "adult entertainment business" as defined by Subsections 21.15.110.A through 21.15.110.K of this Title shall be subject to special locational standards as indicated in Chapter 21.45 (Special Development Standards).

(Ord. C-6533 § 1 (part), 1988)

DIVISION I. - PERMITTED USES

21.34.110 - Permitted uses.

The principal permitted uses of the institutional district shall be those of a public or institutional nature. Table 34-1 indicates the classes of uses permitted (Y), not permitted (N), permitted as a conditional use (C), permitted as an accessory use (A), permitted with an administrative use permit (AP), and permitted as a temporary use (T) in the Institutional (I) district.

(Ord. C-6895 §§ 17, 18, 1991; Ord. C-6684 § 24 (part), 1990; Ord. C-6533 § 1 (part), 1988)

21.34.120 - Prohibited uses.

Any use not specifically permitted by Section 21.34.110, Table 34-1, shall be prohibited.

(Ord. C-6533 § 1 (part), 1988)

DIVISION II. - DEVELOPMENT STANDARDS

21.34.201 - General provisions.

Sections 21.34.205 through 21.34.265 set forth the development standards applicable to all uses in the institutional district.

(Ord. C-6533 § 1 (part), 1988)

21.34.205 - Lot size.

The minimum lot size for a new subdivision shall be as indicated in Table 34-2.

(Ord. C-6533 § 1 (part), 1988)

21.34.210 - Building height.

Maximum building and structure heights shall be as indicated in Table 34-2.

(Ord. C-6533 § 1 (part), 1988)

**Table 34-1
Uses in the
Institutional District**

	Use	District I
1.	Arboretum, botanical gardens or nurseries	Y
2.	Cafeterias and restaurants	A
3	Caretaker's residence	AP
4.	Carnival, fiesta, or similar exhibition or celebration	T
5.	Cemeteries (Crematorium as accessory)	C
6.	Churches	Y
7.	Colleges, universities and vocational training centers	Y
8.	Commercial uses (as principal use)	N
9.	Construction trailer	T
10.	Convention and exhibition centers	Y
<u>11</u>	Country clubs (with golf course)	Y
12.	Cultural centers	Y
<u>13</u>	Daycare/preschool	Y
14.	Fire stations	Y

15.	Government offices	Y
16.	Hall rental	C
17.	Handicapped and senior citizen housing	C
18.	Historical landmarks, memorials and monuments	Y
<u>19</u>	Hospitals, medical centers, medical office complexes, convalescent hospitals	Y
20.	Interim storage of vehicles and service yard (2 years)	C
<u>21</u>	Libraries	Y
22.	Manufacturing	N
23.	Marinas	Y
24.	Off-premises signs	N
25.	Outdoor sales events (see <u>Section 21.52.256</u>)	C
26.	Museums	Y
27.	Parking (commercial)	C
28.	Parking (courtesy)	A
29.	Pistol or rifle range	C
30.	Police station	Y
31.	Police training academy	C
32.	Recreational facility	A
33.	Residential - single-family	Y
34.	Residential - multiple-family	N
35.	Sale of alcoholic beverage	C
36.	Schools (public or private, excluding vocational schools)	Y
37.	Schools (vocational)	N

**Table 34-1
Uses in the
Institutional District
(Continued)**

	Use	District I
38.	Social service office of nonprofit organization	Y
39.	Special group residence (communal, board and care, etc.)	C
40.	Stadium	C
41.	Trailer used for office or nightwatchman's quarters	T
42.	Water tanks	Y
43.	Wireless Telecommunications Facilities (see <u>Chapter 21.56</u>)	C

Abbreviations: Y = Permitted.

N = Not permitted

C = Conditional use permit required. Refer to Chapter 21.52

A = Permitted as an accessory use. Special conditions may apply. Refer to Chapter 21.51

T = Permitted as a temporary use subject to the requirements of Chapter 21.53 of this Title.

AP = Permitted with an administrative use permit.

(ORD-13-0022 ; § 4, 2013; ORD-11-0011, § 5(Exh. E), 2011; Ord. C-7881 § 5, 2003; Ord. C-7399 § 8, 1996; Ord. C-6895 § 18, 1991; Ord. C-6684 § 24 (part), 1990; Ord. C-6533 § 1 (part), 1988)

**Table 34-2
Development Standards**

Development Criteria	Standard
1. Minimum lot size	10,000 sf
2. Maximum lot coverage	50%
3. Maximum building height	
-Principal structure	30', or 1'

	for each 2' of distance from abutting residential district, whichever is greater
-Accessory structure	15'
-Flagpoles	Same as principal structure
Abbreviations: sf = square feet	

21.34.215 - Lot coverage.

Maximum lot coverage shall be as indicated in Table 34-2.

(Ord. C-6533 § 1 (part), 1988)

21.34.220 - Yards required.

Yard areas shall be provided as indicated in Table 34-3. The structures allowed in yard areas shall be as provided in Table 31-3 and as provided in Section 21.34.250.

(Ord. C-6822 § 15, 1990; Ord. C-6533 § 1 (part), 1988)

21.34.225 - Corner cut-offs.

- A. **Corner Cut-off Required.** Corner cut-offs shall be required in all institutional districts at intersections of streets, driveways and alleys. Corner cut-off shall be a minimum of six feet by six feet ((6') × (6')).
- B. The corner cut-off shall be free of any structure or vegetation which impedes or obstructs access or visibility.

(Ord. C-6533 § 1 (part), 1988)

**Table 34-3
Yard Requirements**

Yard	Required Setback
1. Front	20'

2. Side/rear	
a. Adjoining or abutting nonresidential district	4'
b. Adjoining or abutting residential district	15'
c. Corner lot	10'

21.34.230 - Distance between principal use buildings.

Principal use buildings shall be separated by not less than eight feet (8').

(Ord. C-6533 § 1 (part), 1988)

21.34.235 - Building design, treatment and finish.

All new and remodeled buildings shall comply with the following criteria:

- A. **Compatible Treatment.** All sides of a building visible from a public street or adjoining, abutting or adjacent to a residential district, shall be designed, treated and finished in a manner compatible with the residential area and with the other visible sides of the building.
- B. **Contrasting Material.** Not less than ten percent (10%) of a building wall shall be treated and finished with a material other than stucco or cement block, painted or unpainted, unless the Zoning Administrator determines that such contrasting material would detract from the project design or adequate landscaping above minimum standards would provide the equivalent effect.
- C. **Roof Security.** All roof areas not visible from the public right-of-way shall be provided with roof features designed to prevent people from gaining unauthorized access to the rooftop.

(Ord. C-6533 § 1 (part), 1988)

21.34.240 - Screening required.

- A. **Open Uses.** All permitted uses, including storage, shall be screened by a solid wall not less than six feet (6') in height. Material being stored shall not be visible above the wall.
- B. **Parking Lots.** All parking lots shall be screened in accordance with the provisions of Section 21.41.266 of this Title.
- C. **Refuse Storage Areas.** Refuse collection receptacles shall be located and screened as required by Chapter 21.45 (Special Development Standards) of this Title.
- D. **Mechanical Equipment Screening.** Mechanical equipment shall be screened as follows:
 - 1. **Required.** Rooftop mechanical equipment, except solar collectors and rain gutters, shall be screened on all sides by screening not less than the height of the equipment being screened.
 - 2. **Secured.** All rooftop mechanical equipment shall be secured from unauthorized entry to the satisfaction of the Director of Planning and Building.
 - 3. **Materials.** All rooftop mechanical equipment screening devices shall be of a material requiring a low degree of maintenance. Wood shall generally not be used unless it can be shown that proper maintenance will occur. All screening devices shall be well integrated into the design of the building through such items as parapet walls continuous with the walls of the structure, false roofs, or equipment rooms.

4. **Substitutions.** Well-planned, compact, architecturally-integrated rooftop equipment may be substituted for screening with the approval of the Director of Planning and Building.

(Ord. C-7633 § 21, 1999; Ord. C-6533 § 1 (part), 1988)

21.34.245 - Residential development.

Residential development in the Institutional District shall conform to the development standards of the R-1-N Zone District. Special group residences shall conform to the standards specified in Section 21.52.271.

(Ord. C-6533 § 1 (part), 1988)

21.34.250 - Accessory structures.

- A. **Use Restrictions.** The use of accessory buildings and structures shall conform to the requirements of Chapter 21.51 (Accessory Uses) of this Title.
- B. **Development Standards.** Accessory structures and buildings may be placed anywhere on a lot except within the required street front setback area or as otherwise restricted by Chapter 21.45 (Special Development Standards).
- C. **Trash Receptacles.** Adequate trash receptacles shall be provided to accommodate all refuse generated on a site. Such receptacles shall conform to the development standards for trash receptacles contained in Chapter 21.45 (Special Development Standards).

(Ord. C-7663 §§ 22, 23, 1999; Ord. C-6533 § 1 (part), 1988)

21.34.255 - Off-street parking and loading.

Off-street parking and loading shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements) of this Title. Parking may be provided on any location on the lot not otherwise prohibited, except it shall not be located within the ten feet (10') of front yard area abutting a street.

(Ord. C-6533 § 1 (part), 1988)

21.34.260 - Landscaping requirements.

Landscaping shall be provided as required by Chapter 21.42 (Landscaping Standards) of this Title.

(Ord. C-6533 § 1 (part), 1988)

21.34.265 - Fences and garden walls.

Fences and garden walls are permitted accessory structures subject to the requirements of Chapter 21.43 (Fences and Garden Walls) of this Title.

(Ord. C-6533 § 1 (part), 1988)

21.34.270 - On-premises signs.

On-premises signs are permitted accessory structures in the Institutional District subject to the development standards contained in Chapter 21.44 (On-Premises Signs) of this Title.

(Ord. C-6533 § 1 (part), 1988)

21.34.275 - Right-of-way dedications and improvements.

Public right-of-way in the Institutional District shall be dedicated and improved as required by Chapter 21.47 (Dedication, Reservation and Improvement of Public Rights-of-Way).

(Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.35 - PARK DISTRICT

FOOTNOTE(S):

--- (5) ---

Note— Prior ordinance history: (Ord. C 6533, 1988; Ord. C 6755, 1990; Ord. C 7247, 1994; Ord. C 7399, 1996; Ord. C 7663, 1999).

21.35.010 - Purpose.

The Park P district is established to set aside and preserve publicly owned natural and open areas for active and passive public use for recreational, cultural and community service activities. Parks are established to promote the mental and physical health of the community and provide physical and psychological relief from the intense urban development of the City. Such areas are characterized by landscaped open space, beaches or inland bodies of water. Table 35-2 indicates the name, type and zoning classification of the various parks located within the City of Long Beach.

(Ord. C 7895 § 1, 2003; Ord. C 7826 § 3, 2002)

21.35.020 - Site plan review required.

Site plan review shall be required pursuant to Chapter 21.25, "Specific Procedures", of this Title. A site plan review within the park district shall ensure that the building proposed will be consistent with the serenity, setting and open space character of the park in which it is located.

(Ord. C 7826 § 3, 2002)

21.35.030 - Adult entertainment business.

Pertaining to the proximity of such uses to parks, any business considered an "adult entertainment business" as defined by Subsections 21.15.110.A through 21.15.110.K of this Title shall be subject to special locational standards as indicated in Chapter 21.45, "Special Development Standards".

(Ord. C 7826 § 3, 2002)

DIVISION I. - PERMITTED USES

21.35.110 - Purpose.

A. **Permitted Uses.** Table 35-1 indicates the classes of uses permitted (Y), not permitted (N), permitted as a conditional use (C), permitted as an accessory use (A), and permitted as a temporary use (T) in the park district.

(Ord. C 7826 § 3, 2002)

21.35.120 - Prohibited uses.

Any use not specifically permitted by Table 35-1 shall be prohibited.

(Ord. C 7826 § 3, 2002)

TABLE 35-1

Uses in Park Districts

Use	District P
Alcoholic beverage sales - with permitted or conditionally permitted uses	C
Amphitheater, band shell, performance stage and the like:	
a. With a seating capacity of up to 200 persons	Y
b. With a seating capacity greater than 200 persons	C
Athletic facilities including sports fields, swimming pools, courts and the like	Y
Campgrounds (except recreational vehicle campgrounds)	Y
Circuses	N
Comfort stations	A
Commercial recreation uses ^(a) (see definition, e.g., miniature golf courses, water slides, bicycle rentals, nonmotorized vehicles, and the like)	C

TABLE 35-1
Uses in Park Districts
(Continued)

Use	District P
Commercial uses-other	N
Community gardens	Y
Community service uses ^(b) :	
a. Nonregional, City staffed	Y
b. Nonregional, nonprofit	C
c. Nonregional, for profit	N
Community service uses ^(b) -regional	N

Construction trailer	T
Cultural and educational uses (e.g., museums, ranchos, nature centers and the like)	Y
Daycare and preschools:	
a. Cooperatives and City staffed	Y
b. Nonprofit	C
Electronic video games (not to exceed 4 in any 1 building)	A
Exhibition grounds on a permanent basis for fairs, carnivals, trade shows and the like, or for continuation of fairs, carnivals, trade shows and the like beyond 10 days in length	N
Exhibitions, trade shows and the like	T
Fairs, festivals, carnivals, holiday celebrations, pageants, social events and the like for a period not to exceed 10 days	T
Food and beverage concessions (not including alcoholic)	A
Landscaped open areas	Y
Libraries of the City of Long Beach	C
Motor vehicle racing or testing	N
Natural habitat reserves or preserves	Y
Offices for the supervision and maintenance of park facilities, programs and activities	A
Parking (commercial)	N
Parks and related improvements	Y
Passive games and activities, and arts and crafts classes	Y
Police and fire stations, communication centers, schools, government buildings and the like	N
Private clubs (nonprofit and recreational only)	C

Recreational equipment sale and rental for use in park (except that motorcycles, motorized skateboards, mopeds and the like, are not permitted)	A
Recreational vehicle campground	C
Recreational vehicle storage	N
Residential uses (except caretaker or guard facilities)	N
Restaurants with or without alcoholic beverage sales	C
Sale of alcoholic beverage	C
Sewage and wastewater treatment of tertiary or more advanced level of treatment	A
Wireless Telecommunications Facilities (see Chapter 21.56)	C
Any use which violates the noise ordinance of the City	N

Abbreviations: Y = Permitted as a principal use.

N = Not permitted.

C = Conditional use permit required. Refer to [Chapter 21.52](#)

A = Permitted as accessory use. Refer to [Chapter 21.51](#)

T = Permitted as temporary use. Refer to [Chapter 21.53](#)

- (a) "Commercial recreation" is any recreational use in parks for which a fee is charged independent of City oversight. (See definition for "commercial recreation" in [Section 21.15.565](#) and findings for such uses in the park P district in [Section 21.52.610](#).)
- (b) "Community service use" is a service provided for the health and welfare of the individual receiving the service. Such uses in parks do not include the permanent provision of food, shelter or medical services except for counseling, health fairs, medical screening and the like. Nonregional community service uses serve the local community—the neighbors nearby who require the service. Regional serving community service providers serve a much wider constituency.

(ORD-11-0011, § 6(Exh. F), 2011; Ord. C-7826 § 3, 2002)

Table 35-2
Park Dedications/Designations

Park Name	Type	Dedication Type	Zoning Classification

Admiral Kidd	N	Dedicated	P
Alamitos at 72nd	M	Designated	P
Alamitos Bay Marina	SU	Designated	PD-4
Arbor Street	M	Dedicated	P
Atlantic Plaza	N	Dedicated	P
Bayshore Playground	M	Designated	P
Beach	R	Designated and Dedicated	P
Belmont Pier and Plaza	SU	Designated	PD-2 and R-4-R & P
Belmont Pool Complex	SU	Designated	PD-2 and P
Birdcage	M	Dedicated	P
Bixby	C	Dedicated	P
Bixby Knolls	N	Dedicated	P
Bouton Creek	M	Dedicated	P
Bluff	G	Dedicated	P
Burton Chace	M	Dedicated	P
California Recreation Center	N	Dedicated	P
Carroll	M	Dedicated	P
Cesar Chavez	C	Dedicated	PD-30 and PR
Channel View	G	Dedicated	PD-1
Cherry	C	Dedicated	P
Chittick Field	SU	County owned	P

College Estates	N	Dedicated	P
Colonnade	M	Dedicated	R-1-S
Colorado Lagoon	SU	Designated	P
Coolidge	N	Dedicated	P
Crocker Plaza (Victory)	G	Dedicated	PD-6
Daisy Avenue	G	Dedicated	P

Table 35-2
Park Dedications/Designations (Continued)

Park Name	Type	Dedication Type	Zoning Classification
Davies Launch Ramp	SU	Designated	P
Deforest	N	Dedicated	P
Deforest Nature Trail	SU	County owned	P
Douglas	M	Dedicated	P
Downtown Marina Mole	SU	Designated	PD-6
Drake	N	Dedicated	PD-10
East Village Arts	M	Dedicated	PD-30
El Dorado Park West	C	Dedicated	P
El Dorado Park Golf Course	GC	Dedicated	P
El Dorado Regional Park	R	Dedicated	P
El Dorado - Nature/Community Gardens	SU	Dedicated	P
Fellowship	M	Dedicated	PD-22

Fourteenth Street	M	Dedicated	PD-29 and P
Golden Shore Marine Reserve	SU	Designated	PD-6 and PD-21
Golden Shore RV	SU	Designated	PD-6 and PD-21
Heartwell	C	Dedicated	P
Heartwell (Campfire)	SU	Dedicated	Institutional
Heartwell Park Golf Course	GC	Dedicated	P
Houghton	C	Dedicated	P
Hudson	N	Dedicated	P
Jack Dunster Marine Reserve	SU	Dedicated	PD-1
Jack Nichol	G	Dedicated	PD-1
Jackson Street	M	Dedicated	R-1-N and P
La Bella Fontana di Napoli	SU	Dedicated	P
Leeway Sailing Center	SU	Designated	P
Lilly	M	Dedicated	P
Lincoln	SU	Dedicated	PD-30
Livingston Drive	M	Dedicated	P
LB Aquarium of the Pacific	SU	Designated	PD-6
LB Museum of Art	SU	Dedicated	P
Lookout	M	Dedicated	P
Los Altos	N	Dedicated	P
Los Altos Plaza	M	Dedicated	P
Los Cerritos	N	Dedicated	P

MacArthur	N	Dedicated	P
Marina Green	SU	Designated	PD-6 and P
Marina Vista	N	Designated	PD-1
Marine Park (Mother's Beach)	SU	Designated	P
Marine Stadium	SU	Designated	PD-1 and P

**Table 35-2
Park Dedications/Designations (Continued)**

Park Name	Type	Dedication Type	Zoning Classification
Martin Luther King Jr.	C	Dedicated	P
Maurice "Mossy" Kent	M	Designated	PD-4
Miracle on 4th Street	M	Privately owned	CNR
Naples Plaza (Overlook Park)	N	Dedicated	P
Orizaba	N	Dedicated	P
Pacific Electric Right-of-Way	G	Dedicated	P
Pan American	N	Dedicated	P
Peace	M	Dedicated	P
Plaza Zaferia	M	Dedicated	P
Queen Mary Events	SU	Designated	PD-21
Rainbow Harbor Esplanade	SU	Designated	PD-6
Rainbow Lagoon	SU	Designated	PD-6
Ramona	N	Dedicated	P
Recreation	C	Dedicated	P

Recreation Park Golf Course	GC	Dedicated	P
Recreation - 9 Hole (North of 6th Street)	GC	Dedicated	P
Recreation - 9 Hole (South of 6th Street)	GC	Designated	P
Rose	M	Dedicated	P
Rotary Centennial	M	Dedicated	PD-22
Santa Cruz (Victory)	M	Dedicated	PD-6
Scherer	C	Dedicated	P
Shoreline Aquatic	SU	Designated	PD-6
Silverado	C	Dedicated	P
Sims Pond	SU	Dedicated	PD-1
Skylinks	GC	Dedicated	P
Sleepy Hollow	G	Dedicated	P
Somerset	N	Dedicated	P
South Shore Launch Ramp	SU	Designated	PD-21
South Street Parkway	G	Dedicated	P
Stearns Champions	C	Dedicated	P
Treasure Island	M	Dedicated	P
Veterans	C	Dedicated	P
Victory	G	Dedicated	PD-6
Wardlow	N	Dedicated	P
Whaley	N	Dedicated	P
Will Rogers	M	Dedicated	Institutional/PD-1
Wrigley	G	County	P

N = Neighborhood; C = Community; M = Mini; SU = Special Use; GC = Golf Course; G = Greenway

(ORD-06-0004 § 1, 2006; Ord. C-7895 § 2, 2003)

DIVISION II. - DEVELOPMENT STANDARDS

21.35.205 - General provisions.

The provisions of Sections 21.35.210 through 21.35.260 shall be the standards for construction or use in the park district. Any conversion of park land must be replaced on amenity for amenity basis on at least a two to one (2:1) ratio. One (1) acre of replacement land shall be located in the park service area where the land was converted and an additional acre of replacement land shall be located in a park service area needing park land as determined by the recreation commission.

(Ord. C-7826 § 3, 2002)

21.35.210 - Lot size.

No lot shall be divided or reduced in size from that existing on the effective date of this Title.

(Ord. C-7826 § 3, 2002)

21.35.215 - Building height.

The maximum height of all buildings shall be thirty feet (30').

(Ord. C-7826 § 3, 2002)

21.35.220 - Site coverage.

Based upon park type classifications, specified in Table OSR-2 of the general plan open space and recreation element, site coverage in parks shall be limited to the following maximum percentages of total park area:

Mini and greenway parks: One percent (1%).

Regional parks: Two percent (2%).

Neighborhood parks: Seven percent (7%).

Community parks: Ten percent (10%).

Special use parks: To be determined by site plan review.

(Ord. C 7826 § 3, 2002)

21.35.225 - Yards—Required.

Ten feet (10') abutting any street right-of-way and five feet (5') abutting any other zoning district, shall be open, free of any structures and shall be landscaped.

(Ord. C 7826 § 3, 2002)

21.35.230 - Design of buildings.

All buildings shall be designed, treated and finished to blend with the open and landscaped surroundings. All mechanical appurtenances, other than rain gutters and solar collectors, shall be screened from public view.

(Ord. C 7826 § 3, 2002)

21.35.235 - Screening required.

All storage and maintenance equipment shall be screened from public view to the satisfaction of the Director of Planning and Building.

(Ord. C 7826 § 3, 2002)

21.35.240 - Accessory structures.

- A. **Use Restrictions.** The use of accessory buildings and structures shall conform to the requirements of Chapter 21.51, "Accessory Uses", of this Title.
- B. **Development Standards.** Accessory structures and buildings may be placed anywhere on a lot except within the required street front setback area or as otherwise restricted by Chapter 21.45, "Special Development Standards".
- C. **Trash Receptacles.** Adequate trash receptacles shall be provided to accommodate all refuse generated on a site. Such receptacles shall conform to the development standards contained in Chapter 21.45, "Special Development Standards".

(Ord. C 7826 § 3, 2002)

21.35.245 - On-premises signs.

- A. **Park Signs.** Each park may display one freestanding sign, not to exceed one hundred (100) square feet, on each street frontage facing each direction, and one (1) freestanding sign, not to exceed twenty-four (24) square feet, for each major vehicle entrance to the park. Such signs shall identify the name of the park only.
- B. **Building Signs.** Each building in the park district may contain one (1) wall sign on each building wall. Such signs shall not exceed fifty (50) square feet in area. Sign copy shall be limited to the identification of the facility, including the name of any person to whom the facility is dedicated.
- C. **Signs on Public Properties.** Exempt signs otherwise eligible under Section 21.44.070 shall be permitted in the park district.
- D. **Prohibited Signs.** All signs other than those specified in Subsections 21.35.245.A through 21.35.245.C shall be prohibited.

(Ord. C 7826 § 3, 2002)

21.35.250 - Off-street parking and loading.

Parking and loading spaces shall be provided as required by Chapter 21.41, "Off-Street Parking and Loading Requirements", of this Title.

(Ord. C 7826 § 3, 2002)

21.35.255 - Landscaping requirements.

Landscaping shall be provided as required by Chapter 21.42, "Landscaping Standards", of this Title.

(Ord. C 7826 § 3, 2002)

21.35.260 - Fences and garden walls.

Fences and garden walls are permitted accessory structures subject to the development standards contained in Chapter 21.43, "Fences and Garden Walls", of this Title.

(Ord. C 7826 § 3, 2002)

CHAPTER 21.36 - PUBLIC RIGHT-OF-WAY

21.36.010 - Purpose.

The Public Right-of-Way (PR) District is established to create, enhance and preserve open areas of public rights-of-way and to protect such areas from encroachment by other uses.

(Ord. C-6533 § 1 (part), 1988)

DIVISION I. - PERMITTED USES

21.36.110 - Permitted uses.

Table 36-1 indicates the classes of uses permitted (Y), not permitted (N), permitted as a conditional use (C) and permitted as an accessory use (A) in the Public Right-of-Way District. Accessory uses and conditional uses may have special development standards as outlined in Chapters 21.51 (Accessory Uses) and 21.52 (Conditional Uses), respectively, of this Title.

(Ord. C-7326 § 17, 1995; Ord. C-6684 § 26, 1990; Ord. C-6533 § 1 (part), 1988)

21.36.120 - Prohibited uses.

Any use not specifically permitted by Table 36-1 shall be prohibited.

(Ord. C-6533 § 1 (part), 1988)

DIVISION II. - DEVELOPMENT STANDARDS

21.36.210 - Development standards.

There are no special development standards for the Public Right-of-Way District.

(Ord. C-6533 § 1 (part), 1988)

TABLE 36-1

Uses in the Public Right-of-Way District

Use	District (PR)
1. Agriculture	A
2. Caretaker dwelling	A
3. Electrical distribution station, pipeline or flood-control pumping station, railroad switching station or other similar facility essential to the operation of rights-of-way	A
4. Electrical generating facility (except solar)	N

5. Flood control rights-of-way	Y
6. Freeway rights-of-way	Y
7. Public recreational facilities	A
8. Railroad or rapid transit rights-of-way	Y
9. Rail yard or maintenance yard	N
10. Right-of-way maintenance facilities	A
<u>11.</u> Solar collectors	Y
12. Tree farm or nursery	Y
<u>13.</u> Utility rights-of-way	Y
14. Wireless telecommunication facilities (see <u>Chapter 21.56</u>)	C

Abbreviations: Y = Permitted as a principal use. N = Not permitted. C = Conditional use permit required. Refer to Chapter 21.52 A = Permitted as an accessory use. Special standards may apply. Refer to Chapter 21.51

(ORD-11-0011, § 7(Exh. G), 2011; Ord. C-7399 § 10, 1996; Ord. C-7326 § 17, 1995; Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.37 - PLANNED DEVELOPMENT DISTRICTS

21.37.010 - Purpose.

The planned development (PD) district is established to allow flexible development plans to be prepared for areas of the City which may benefit from the formal recognition of unique or special land use and the definition of special design policies and standards not otherwise possible under conventional zoning district regulations. Purposes of the planned development district include permitting a compatible mix of land uses, allowing for planned commercial areas and business parks, and encouraging a variety of housing styles and densities.

(Ord. C-6533 § 1 (part), 1988)

21.37.020 - Districts established.

On and after September 1, 1988, all planned development districts shall be indicated by the PD designation, a number and a common name. Planned development districts are as follows:

1. PD-1—Southeast Area Development and Improvement Plan (SEADIP)
2. PD-2—Belmont Pier
3. PD-3—Reserved
4. PD-4—Long Beach Marina
5. PD-5—Ocean Boulevard
6. PD-6—Downtown Shoreline
7. PD-7—Long Beach Business Center
8. PD-8—Reserved
9. PD-9—Long Beach Airport Business Park
10. PD-10—Willmore City
11. PD-11—Rancho Estates
12. PD-12—Long Beach Airport Terminal
13. PD-13—Atlantic Aviation Center
14. PD-14—Reserved
15. PD-15—Redondo Avenue
16. PD-16—Reserved
17. PD-17—Alamitos Land
18. PD-18—Kilroy Airport Center
19. PD 19—Douglas Aircraft
20. PD-20—All Souls
21. PD-21—Queensway Bay
22. PD-22—Pacific Railway
23. PD-23—Douglas Center
24. PD-24—Reserved

25. PD-25—Atlantic Avenue
26. PD-26—West Long Beach Business Park
27. PD-27—Willow Street Center
28. PD-28—Pacific Theaters
29. PD-29—Long Beach Boulevard
30. PD 30—Downtown Long Beach
31. PD-31—California State University and Technology Center/Villages at Cabrillo Long Beach Vets
32. PD-32 Douglas Park

(Ord. C-7959 § 3, 2004; Ord. C-7607 § 2, 1999; Ord. C-7466 § 3, 1997; Ord. C-7343 § 3, 1995; Ord. C-7115 § 7, 1993; Ord. C-6886 § 7, 1991; Ord. C-6578 § 2, 1989; Ord. C-6518 § 2, 1988; Ord. C-6533 § 1 (part), 1988)

21.37.030 - Qualifying standards.

In order to qualify for the planned development district classification, a property must contain not less than five (5) acres in size or must be a full block face surrounded on all sides by public right-of-way. In any event, the property must have direct access to a public street.

(Ord. C-6595 § 11, 1989; Ord. C-6533 § 1 (part), 1988)

21.37.040 - Establishment procedures.

A planned development district classification shall be established in accordance with the administrative procedures contained in Division VII of Chapter 21.25 (Specific Procedures). Among other things, these procedures call for preparation and adoption of a use and development standards plan.

(Ord. C-6533 § 1 (part), 1988)

21.37.050 - Development standards.

Development plans approved by the City Council shall serve as the applicable zoning regulations for a PD zone. Whenever a PD zone does not contain any standards for a particular aspect of development such as landscaping, then the development standards for that aspect of a zoning district which is closest to the overall intent of the particular planned development district shall apply.

(Ord. C-6533 § 1 (part), 1988)

21.37.060 - Site plan review.

Site plan review is required for all development proposals within PD districts pursuant to Division V of Chapter 21.25 (Specific Procedures) of this Title. The Site Plan Review Committee shall refer to the Planning Commission all planned development project applications which vary from the general or specific use and development standards but which are consistent with the intent of the particular planned development district.

(Ord. C-6533 § 1 (part), 1988)

21.37.070 - Alcoholic beverage sales uses.

On-premises and off-premises alcoholic beverage sales uses in planned development districts shall be permitted only as conditional uses unless such uses are specifically exempted from the conditional use permit process by a particular planned development district ordinance.

(Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.38 - HORSE OVERLAY DISTRICT

21.38.010 - Purpose.

The purpose of this Chapter is to establish reasonable and uniform regulations, safeguards and controls for keeping and maintaining horses within the City. The Horse Overlay (H) district shall be considered an overlay district and must be used in conjunction with an underlying use district. Except for the supplemental regulations related to the keeping of horses described in this Chapter, all other uses shall comply with the regulations applicable to the underlying district.

(Ord. C-6533 § 1 (part), 1988)

DIVISION I. - PERMITTED USES

21.38.110 - Permitted uses.

Table 38-1 indicates all uses permitted (Y) and not permitted (N) in the Horse Overlay district.

(Ord. C-6533 § 1 (part), 1988)

Table 38-1

Uses in the Horse Overlay District

Use	Zone District:	R-1	R-2, R-3, R-4	All Other Districts
Uses and accessory uses permitted in underlying district		Y	Y	Y
Horses and ponies kept for personal use of property owner or occupant of property		Y	Y	Y
Rental of stable or stall space		N	Y	Y
Keeping of horses and ponies for off-site commercial use		N	N	Y
Regular breeding of horses or ponies for resale		N	N	Y
Rental of horses or ponies for riding		N	N	Y

Offering of instruction in horsemanship	N	N	Y
Keeping of horses and ponies for commercial purposes	N	N	Y
Abbreviations: Y = Permitted N = Not permitted			

21.38.120 - Prohibited uses.

All uses not listed in Table 38-1 as permitted uses shall be prohibited.

(Ord. C-6533 § 1 (part), 1988)

DIVISION II. - DEVELOPMENT STANDARDS

21.38.201 - Number of horses permitted.

Table 38-2 indicates the number of horses permitted within various underlying districts. In all districts, no horse shall be kept on any lot containing less than eight thousand (8,000) square feet of gross lot area.

(Ord. C-6533 § 1 (part), 1988)

Table 38-2

Number of Horses Permitted

District	Number of Horses Permitted
R-1	Not more than one horse for each 2,500 square feet of lot area; and/or
	Not more than five horses on any one lot
R-2, R-3, R-4	Not more than one horse for each 2,500 square feet of lot area
All other districts	Not more than one horse for each 1,000 square feet of lot area

21.38.203 - General.

The provisions of Sections 21.38.205 through 21.38.245 shall be the supplemental development standards in horse overlay districts.

(Ord. C-6533 § 1 (part), 1988)

21.38.205 - Stalls required.

Each horse kept on the premises shall be provided with a permanent covered stall. The number of stalls shall not exceed the permitted number of horses.

(Ord. C-6533 § 1 (part), 1988)

21.38.210 - Permitted location.

Stables, stalls and corrals shall be confined to the rear fifty percent (50%) of the lot. Corrals shall not be allowed in side yard areas.

(Ord. C-6533 § 1 (part), 1988)

21.38.215 - Distance from residential units.

A distance of at least one hundred feet (100') shall be maintained between all stable or stall walls and any dwelling unit on adjacent or abutting lots. Corrals shall not be allowed within twenty-five feet (25') of any residence.

(Ord. C-6533 § 1 (part), 1988)

21.38.220 - Distance from property line.

A minimum distance of ten feet (10') shall be maintained between any property line and any stable, stall or corral.

(Ord. C-6533 § 1 (part), 1988)

21.38.225 - Distance from accessory structures.

Stable walls with openings and stalls shall maintain a minimum distance of ten feet (10') from any other accessory structure. However, solid stable walls may be attached to accessory structures provided that both structures receive adequate light, air and ventilation.

(Ord. C-6533 § 1 (part), 1988)

21.38.230 - Construction requirements—Stalls and stables.

All stables and stalls shall be constructed in a manner which allows them to be kept in a clean and sanitary condition. Exterior walls shall be constructed in the same manner as is required for permanent buildings. All stables shall have a solid, fixed roof.

(Ord. C-6533 § 1 (part), 1988)

21.38.235 - Construction requirements—Corrals.

Corrals shall be completely enclosed by fences or stables not less than five feet, six inches (5'6") in height. All gates shall have latching devices.

(Ord. C-6533 § 1 (part), 1988)

21.38.240 - Parking requirements.

Parking shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements) of this Title.

(Ord. C-6533 § 1 (part), 1988)

21.38.245 - Landscaping.

The area between any corral or stable and any property line shall be landscaped and maintained in a neat and healthy condition. One (1), fifteen (15) gallon tree shall be planted for each thirty (30) linear feet of property line adjoining a public right-of-way. See Chapter 21.42 for additional landscaping requirements.

(ORD-10-0031, § 5, 2010; Ord. C-6533 § 1 (part), 1988)

21.38.250 - Nonconforming stables and corrals.

Property owners keeping horses within designated horse overlay districts shall bring their properties into full compliance with the requirements of this Chapter not later than April 17, 1981. Property owners keeping horses outside a horse overlay district shall discontinue such use not later than October 17, 1982.

(Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.39 - HIGH-RISE OVERLAY DISTRICT

21.39.010 - Purpose.

The purpose of this Chapter is to establish special building height limits to allow taller, highrise buildings to locate outside the downtown area.

(Ord. C-6533 § 1 (part), 1988)

21.39.020 - Building height restrictions.

Building height restrictions within the high-rise overlay district shall be indicated on the zoning map by the high-rise overlay designation followed by a number indicating the maximum allowable height in feet, a slash, and then a number indicating the maximum number of building stories allowed, such as "CO (HR-60/6)."

Where no numbers are indicated on the zoning map, the height in both feet and stories shall be determined and specified during site plan review.

(Ord. C-6533 § 1 (part), 1988)

21.39.030 - Applicable districts.

The commercial office (CO), commercial corridor (CC), commercial tourist (CT) and institutional (I) districts are the only districts appropriate for the high-rise overlay zone.

(Ord. C-6684 § 5, 1990)

DIVISION I. - PERMITTED USES

21.39.110 - Permitted uses.

Any use permitted in the underlying zoning district shall be permitted in the high-rise overlay district.

(Ord. C-6533 § 1 (part), 1988)

DIVISION II. - DEVELOPMENT STANDARDS

21.39.210 - General provisions.

Section 21.39.220 sets forth special development standards for buildings in a high-rise overlay district permitted to exceed the height limits established for the underlying district.

(Ord. C-6533 § 1 (part), 1988)

21.39.220 - High-rise restrictions.

- A. **Building Height.** Development shall not exceed the building height restrictions indicated on the zoning map as described in Section 21.39.020 above.
- B. **Lot Size.** A minimum lot size of twenty thousand (20,000) square feet and a minimum lot dimension of one hundred thirty-five feet (135') in any direction are required for any proposed building greater than forty-five feet (45') in height.
- C.

Yards. The yard areas indicated in Table 39-1 shall be required for all buildings more than forty-five feet (45') in height. The yards shall be clear of all structures from the ground to the sky, except as otherwise permitted by provisions of this Title regulating building projections.

- D. **Landscape Buffer.** All lots with buildings greater than forty-five feet (45') in height shall require a landscaped buffer on all four (4) sides of the building.
- E. **Other Standards.** For all other development standards, the standards for the underlying district shall apply.

(Ord. C-6533 § 1 (part), 1988)

21.39.230 - Residential use.

When the high-rise overlay is applied to a district which allows residential, any building containing primarily residential use shall be allowed the applicable density of the R-4-H zone.

(Ord. C-6684 § 6, 1990)

Table 39-1

High-Rise Yard Requirements

Yard	Required Setback
1. Yards abutting a street	20 ft.
2. Yards abutting residential district ^(a)	
a. If building height less than or equal to 45'	Same as underlying district
b. If building height greater than 45'	1/5 of the building height, but total setback not to exceed 15 percent of the lot width or depth as applicable
3. Yards abutting nonresidential district	Same as underlying district
(a) Includes residential district across an alley.	

CHAPTER 21.40 - HEIGHT LIMIT OVERLAY DISTRICT (HL)

21.40.010 - Purpose.

The purpose of this Chapter is to establish special building height limits in areas of the City where lower scale development is desired to maintain neighborhood character.

(Ord. C-6533 § 1 (part), 1988)

21.40.020 - Building height restrictions.

Building height restrictions within the Height Limit Overlay (HL) district shall be indicated on the zoning map by the overlay designation (HL) followed by a number indicating the maximum allowable height in feet, a slash, and then a number indicating the maximum number of building stories allowed, such as "R-3-3(HL 20/2)." Where no numbers are indicated on the zoning map, the height in both feet and stories shall be determined and specified during site plan review.

(Ord. C-6533 § 1 (part), 1988)

DIVISION I. - PERMITTED USES

21.40.110 - Permitted uses.

Any use permitted in the underlying zone district shall be permitted in the building height overlay district.

(Ord. C-6533 § 1 (part), 1988)

DIVISION II. - DEVELOPMENT STANDARDS

21.40.210 - General provisions.

Section 21.40.220 sets forth special development standards for buildings with height limits lower than those permitted in the underlying zone district.

(Ord. C-6533 § 1 (part), 1988)

21.40.220 - Lower height limits.

- A. **Building Height.** Development shall not exceed the building height restrictions indicated on the zoning map as described in Section 21.40.020 above.
- B. **Other Standards.** For all other development standards, the standards of the underlying zone district shall apply.

(Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.41 - OFF-STREET PARKING AND LOADING REQUIREMENTS

DIVISION I. - GENERAL PROVISIONS

21.41.110 - Purpose.

The purpose of this Chapter is to establish regulations for parking and loading to ensure that vehicle traffic and loading activities associated with a use do not interfere with circulation on public rights-of-way or circulation within required parking areas and to ensure that an adequate number of parking spaces is provided to serve the use of a specific site without causing traffic congestion.

(Ord. C-6533 § 1 (part), 1988)

21.41.120 - Applicability.

The provisions of this Chapter shall apply to all proposed and established land uses, buildings and structures and shall be the minimum standards for all off-street parking and loading.

(Ord. C-6533 § 1 (part), 1988)

21.41.140 - Building permit.

An application for a building permit shall include a plot plan indicating the location of the proposed parking and loading, all structures on the lot, the location of all public improvements in the adjoining right-of-way, the location of driveways and curb cuts on adjoining properties and such other information as is requested to properly evaluate the adequacy of the required parking and the suitability of curb cuts to the site.

- A. **Residential Uses.** In all new residential developments, all required parking shall be provided on the same site as the dwelling unit or units.
- B. **Other Uses.** Required parking may be located on an adjacent lot, provided the parking lot conforms to Section 21.41.222 of this Chapter. If any required parking is not located on the same lot as the proposed construction, the applicant shall submit an affidavit, signed by the owner of the lot on which the parking is proposed, indicating an irrevocable right to use the lot for the parking.

(Ord. C-6895 § 19, 1991; Ord. C-6533 § 1 (part), 1988)

21.41.150 - Maintenance.

All parking facilities and loading areas shall be maintained in a neat and orderly condition and shall be clear of obstruction by any object including appliances, hobby equipment, storage of nonoperational vehicles, and the like.

(Ord. C-6533 § 1 (part), 1988)

21.41.160 - New construction and uses.

All new construction and new uses of land shall provide off-street parking and loading according to the provisions and requirements of this Chapter.

(Ord. C-6533 § 1 (part), 1988)

21.41.170 - Established uses.

The number of existing off-street parking and loading spaces shall not be reduced, or in any other way modified, below the standards required by this Title.

(Ord. C-6533 § 1 (part), 1988)

DIVISION II. - PARKING REGULATIONS

21.41.206 - Parking—Nonconforming.

Nonconforming parking shall comply with the provisions of Chapter 21.27, Nonconformities, of this Title.

(Ord. C-7663 § 26, 1999; Ord. C-6533 § 1 (part), 1988)

21.41.209 - Parking—Rental or sale of residential parking.

Required parking for all residential uses shall be considered an inseparable part of a residential unit or development, and required parking shall not be rented or sold.

(Ord. C-6533 § 1 (part), 1988)

21.41.213 - Parking—Garage required.

- A. **Garage Required.** In all residential districts, all required parking spaces shall be provided within an enclosed garage in accordance with the development standards as specified in Section 21.31.245 (garage).
- B. **Exception.** Open parking may be permitted through site plan review for projects of forty (40) units or more at densities of twenty-nine (29) units per acre or less. If exceptions are granted to permit open parking, open parking shall comply with the same development standards as a garage.

(Ord. C-6933 § 30, 1991; Ord. C-6533 § 1 (part), 1988)

21.41.216 - Parking—Required number of spaces.

Tables 41-1A, 41-1B and 41-1C set forth the number of parking spaces required for specific land uses. Parking spaces required for multiple uses on a lot shall be calculated separately for each use, and the parking required shall be the sum of all that required for all such uses, unless otherwise permitted by Section 21.41.223 of this Chapter. In calculating the number of required spaces, fractional numbers shall be rounded up to the closest whole number.

(Ord. C-7550 § 9, 1998; Ord. C-7326 § 18, 1995; Ord. C-7247 §§ 18-20, 1994; Ord. C-7127 § 4, 1993; Ord. C-7032 § 28, 1992; Ord. C-6933 § 31, 1991; Ord. C-6755 § 2, 1990; Ord. C-6684 §§ 27, 28, 1990; Ord. C-6533 § 1 (part), 1988)

**Table 41-1A
Required Number of Parking Spaces for Residential Uses**

Number of Units/Bedrooms ^(e)	Number of Spaces per Unit ^(a)	Coastal Zone Only
Unit Parking		
-0 bedrooms (not more than 450 sq. ft.)	1.00	1.00

-1 or more bedrooms (or zero bedrooms, 451 sq. ft. or more)	1.50	2.00
-2 bedrooms or more	2.00	2.00
Guest parking ^{(b)(c)(d)(e)}	1 space/4 units	1 space/4 units

- (a) In the RM district, not more than 1 1/2 spaces per unit shall be required.
- (b) The number of guest parking spaces indicated above in the table shall be the minimum number of guest parking spaces required in any residential district.
- (c) Guest parking shall be required when 4 or more detached or attached dwelling units (including existing units on the site) are proposed as one development.
- (d) When Allowed On Street. On-street parking abutting the lot shall be considered as guest parking according to the standards for parallel parking spaces when all access to on-site parking is taken from an alley and the site is outside of the parking-impacted area. On-street parking abutting the site may not be considered as guest parking when the street is a major, minor or secondary highway.
- (e) In calculating required parking spaces, all rooms other than 1 living room, 1 dining room, 1 kitchen, and bathrooms shall be calculated as bedrooms.

Table 41-1B
Required Number of Parking Spaces for Special Residential Uses

Use	Required Number of Spaces
1. Handicapped ^(a)	
-Low rent	1 space per each 2 bedrooms
-Market rent	1 space per each 1 bedroom
2. Senior citizen ^(a)	
-Low rent	1 space per each 2 bedrooms
-Market rent	1 space per each 1 bedroom
-Congregate care, low rent	1 space per each 2 bedrooms
-Congregate care, market rent	1 space per each 1 bedroom
3. Convalescent hospital	1.2 spaces per room, or 0.6 space per bed, whichever is greater, plus 5 per 1,000 SF-

	GFA for medical office in building
4. Residential care facility	1 space per bed
5. Fraternity, sorority, dormitory	1 space per bed
6. Monastery, convent, communal, religious home and other special group residences	1 space per each 2 beds

- (a) The Planning Commission may further reduce the parking standards to 1 space per 3 bedrooms if it finds that the neighborhoods in which the facility is proposed has ample, readily available on-street parking or is well-served by public transportation and a concentration of senior services.

Table 41-1C

Required Number of Parking Spaces for

Commercial, Industrial/Manufacturing and All Other Uses

Use	Required Number of Spaces
Retail, Ready to Eat Restaurant and Personal Service Uses or Stores	
1. Community, regional or neighborhood shopping centers	5 per 1,000 SF-GFA plus parking for a detached fast-food restaurant calculated separately. However, shopping centers greater than 150,000 square feet in size may receive approval of a lower parking ratio pursuant to <u>Section 21.41.219</u>
2. Merchandise mall	10 per 1,000 SF-GFA
3. Open flea market, swap meet	4 per 1,000 GLA of display area
4. Other retail or personal service use, store or shop (commercial clusters)	4 per 1,000 SF-GFA
5. Automobile sales	2 spaces per 1,000 GFA of interior showroom, 1 per 1,000 GLA of outdoor display area, plus 4 per 1,000 GFA for accessory office and repair service area
6. Ready to eat restaurant	4 per 1,000 GFA

7. Furniture store	2 per 1,000 GFA
Automobile/Motor Vehicles	
1. Car wash (self-service/hose and hand dry or belt driven)	2 spaces per wash bay (for purposes of belt driven facilities, the conveyor length shall be divided by 18 to determine the number of wash bays)

Table 41-1C

Required Number of Parking Spaces for
Commercial, Industrial/Manufacturing and All Other Uses
(Continued)

Use	Required Number of Spaces
2. Car wash (full-service)	1 space per wash bay (conveyor length divided by 18), plus retail and office space calculated separately
3. Service station or service garage	For a service station (gas dispensing only), 1 space per pump island. For a service station with accessory retail, office, and/or auto repair, 1 space per pump island, plus 4 per 1,000 GFA for accessory retail, office and auto repair area. For a service garage (auto repair), 3 plus 4 per 1,000 GFA
Office	
1. Banks, savings and loans	5 per 1,000 GFA (no additional parking is required for accessory automatic teller machines)
2. Medical or dental office	5 per 1,000 GFA
3. Professional or unspecified office (no additional parking for restaurants or medical offices in office building if less than 10 percent of building area)	4 per 1,000 GFA up to 20,000 GFA and 2 per 1,000 GFA for GFA more than 20,000, or 1 space for each company vehicle exceeding 5, whichever is greater
Restaurants and Bars	

1. Detached fast food restaurant (located on a separate pad)	5 spaces plus 1 per 3 seats in dining area or 10 per 1,000 GFA whichever is greater
2. Dinner restaurant	10 per 1,000 GFA of dining areas plus 20 per 1,000 GFA for tavern area and 25 per 1,000 for dance floor
3. Outdoor dining at an established restaurant	0 space for 250 GLA or less, plus 5 per 1,000 GLA for 250 GLA or more, except for outdoor dining located in the CB zone, and for outdoor dining located on public sidewalks, no additional parking is required (See Footnote A)
4. Tavern	20 per 1,000 SF-GFA
Public Assembly	
1. Assembly hall, church, movie theater or other public assembly area with fixed seats	For church and assembly uses, 1 per every 3.3 fixed seats. For theaters, 1 per every 3.3 fixed seats, plus a passenger loading and unloading zone (if the fixed seat portion of the use is not 75% or greater, separate parking ratios shall be applied for accessory uses)
2. Meeting hall, banquet hall, church, or other public assembly area without fixed seats	20 per 1,000 GFA (if the assembly area is not 75% or greater, separate parking ratios shall be applied for accessory uses)
3. Elementary school, secondary school and day-care center	For elementary schools, 2 per classroom, plus 2 loading and unloading spaces and auditorium or stadium calculated separately. For high schools, 7 per classroom, plus auditorium or stadium calculated separately. For daycare, 1 space per every 10 children, plus 2 loading and unloading spaces
4. Hotel (guestrooms with direct access from an interior hallway) and motel (guestrooms with direct access to the	For hotel, 1 per guestroom, plus parking figured separately for banquet rooms, meeting rooms, restaurant and gift shops,

exterior)	plus 2 loading and unloading spaces. For motel, same as hotel, plus 2 parking spaces for the motel managers unit
5. Hospitals, convalescent hospitals	For hospitals, 2 spaces per bed. For convalescent hospitals, 1 per every 3 beds
6. Library, museum	4 per 1,000 GFA, plus 1 bus parking stall for each 5,000 sq. ft. open to public; plus passenger loading and unloading areas shall be provided
7. Trade or vocational school	20 per 1,000 GFA or 1 per 3.3 fixed seats, whichever is greater
Recreation	
1. Amusement arcade	4 per 1,000 SF except in a tavern, then 20 per 1,000 SF
2. Athletic club	5 spaces plus 4 spaces 1,000 SF-GFA; or 1 per 3 spectator seats, whichever is greater, plus 20 per 1,000 SF-GFA for exercise floors

Table 41-1C

Required Number of Parking Spaces for Commercial, Industrial/Manufacturing and All Other Uses

(Continued)

Use	Required Number of Spaces
3. Basketball courts, volleyball courts	5 per court or 1 per 3 spectator seats, whichever is greater
4. Bowling alley	5 spaces plus 4 spaces per alley, or 1 per 3 spectator seats, whichever is greater
5. Commercial horse stables and horse riding schools	1 for each 5 stalls
6. Dancing, dance hall, disco, skating rink	25 per 1,000 SF-GFA, excluding kitchen

7. Golf course	3 per hole, or spaces required for restaurant, whichever is greater
8. Golf range, batting cage, tennis alley and the like	1 per tee, cage or alley and the like
9. Miniature golf course	2 per hole
10. Open recreation	1 per 1,000 SF-GLA
<u>11.</u> Passive park use	2 per acre-GLA
12. Pool or billiard hall	2 spaces plus 5 spaces per 1,000 SF-GFA
<u>13.</u> Tennis courts, racquetball courts, handball courts and the like	3 spaces plus 3 spaces per court or 1 per 3 spectator seats, whichever is greater
Industrial/Manufacturing	
1. Service yards, storage yards and contractor yards	1 space per every 5,000 sq. ft. of yard area, plus office areas are calculated separately (minimum of 2 spaces shall be provided)
2. Manufacturing, processing, packing, assembly and the like	2 per 1,000 SF-GFA (office area greater than 25% is calculated separately)
3. Mini-warehouse (personal storage)	3 spaces plus 1 per 100 units
4. Research laboratories	3 per 1,000 SF-GFA
5. Warehouse, airplane hanger, and mechanical equipment buildings	1 per 1,000 GFA (office area greater than 25% is calculated separately)
6. Wholesale sales and distribution center	3 per 1,000 GFA (office area greater than 25% is calculated separately)

Abbreviations:

SF = square feet

GFA = gross floor area (excludes utility and elevator cores, stairwells and restrooms)

GLA = gross land area in square feet

NOTES: (A) Outdoor dining located on public sidewalks require approval of an encroachment permit issued by the Department of Public Works. Further, within the City's Coastal Zone, a coastal permit is required for all outdoor dining located on public rights-of-way.

21.41.219 - Parking requirements for uses not specified and for large shopping centers.

The requirement for a use not specifically mentioned in Tables 41-1A, 41-1B and 41-1C shall be the same as for a use specified which has similar traffic generating characteristics. The Zoning Administrator shall determine what constitutes similar traffic generating characteristics. For unique uses, the Zoning Administrator may require a parking demand study. The parking demand study should be prepared by an independent traffic engineer licensed by the State of California at the developer's expense and must be submitted to the Director of Planning and Building and the Director of Public Works for review and approval. Shopping centers of one hundred fifty thousand (150,000) square feet or more may submit a parking demand study, as outlined above, in order to reduce the standard shopping center ratio.

(Ord. C-7326 § 19, 1995; Ord. C-6533 § 1 (part), 1988)

21.41.221 - On-site parking required—Residential uses.

For all residential uses, all required off-street parking shall be provided on the project site, except certain guest parking may be permitted on the street as indicated in Table 41-1A.

(Ord. C-6533 § 1 (part), 1988)

21.41.222 - Off-site parking.

For commercial, industrial and institutional use, parking may be provided off-site according to the following limitations:

- A. **Distance from Use.** All required parking shall be located within six hundred feet (600') of the use it serves, unless otherwise specified. This distance shall be measured from the middle of the parking facility to the entrance of the use, using the shortest route legally available to a pedestrian. This distance requirement shall not apply within the downtown redevelopment project area, the westside industrial redevelopment project area, parking built to service the project areas or in parking districts.
- B. **Guaranteed Permanence.** All required off-site parking shall be guaranteed to remain as parking by a deed restriction to which the City is a party. This guarantee is not required within the downtown redevelopment project area, the westside industrial redevelopment project areas or within a parking district.
- C. **Signage.** Any site approved for off-site parking shall provide a lighted sign, not less than six (6) square feet in area, on each street frontage of the business and the parking site, with such lighted sign visible to motorists.

(Ord. C-6933 § 32, 1991; Ord. C-6595 § 25, 1989)

21.41.223 - Parking—Joint use and parking district.

- A. **Joint Use of Parking Facilities.** When two (2) or more uses share a parking facility, and when demonstrated by a signed affidavit that the hours of their demand for parking do not overlap, or only partially overlap, then the parking requirement may be reduced by the Zoning Administrator through approval of an administrative use permit.

B.

Parking District. When the property owners of a contiguous commercial district have established a parking district pursuant to the laws of the State of California, that parking district may develop a parking plan for the district. When such a plan, along with the financial arrangements to implement the plan, has been approved by the Planning Commission, or, on appeal, by the City Council, such plan shall supersede the parking requirements specified in the zoning regulations.

- C. **Redevelopment Project Areas.** When a parking plan is developed for a redevelopment project area and approved by the Planning Commission, such plan shall supersede the parking requirements specified in the zoning regulations.

(Ord. C 7247 § 21, 1994; Ord. C 6684 § 29, 1990; Ord. C 6533 § 1 (part), 1988)

21.41.226 - Special parking requirements for CNP district.

The number of required parking spaces for uses in the CNP zone district are specified as follows:

- A. In area D of the coastal zone (Second Street, between Livingston Drive and Bayshore Avenue), the parking in the CNP district shall be one-half (½) of the parking required in Chapter 21.41, Table 41-1C. In all other areas of the coastal zone and outside the coastal zone, parking in the CNP district shall be as required in Chapter 21.41, Table 41-1C. Any new parking provided, or reconfiguration of existing parking facilities, in area D of the coastal zone can utilize tandem parking subject to the provisions of Subsection 21.41.235.B of the tandem parking regulations.
1. **Restaurants.** The one-half (½) parking standard shall not apply to restaurants (new and reuse/conversion of existing nonrestaurant lease spaces) which shall conform to full parking standards. This Subsection does not apply to ready to eat restaurants (as defined in Section 21.15.2332), which may utilize the one-half (½) parking standard.
 2. **Determination of nonconforming rights.** Owners of properties with nonconforming parking rights within area D of the coastal zone may apply for site plan review to obtain a determination of nonconforming parking rights. Such determination will establish the number of nonconforming spaces that applies to the property at the time of the request and will allow the property to maintain nonconforming parking rights to the established number of spaces regardless of change in use of the existing buildings.
- B. **Outdoor dining.** In area D of the coastal zone (Second Street, between Livingston and Bayshore), outdoor dining on private property shall require the same parking as required for indoor dining.
- C. **Within established parking district.** If the site to be developed or expanded is located within a parking district established pursuant to the laws of the State of California or local ordinances, the required parking spaces shall be provided as follows:
1. For a new development on a lot with gross lot area less than five thousand (5,000) square feet, or for any expansion of an existing building, the development may, in lieu of providing all or part of required off-street parking on-site or within six hundred feet (600') of the site, pay a fee to the parking district based on the cost of providing such parking. The amount of the in lieu fee shall be established by the City Council by resolution and shall be reviewed periodically to assure its adequacy to cover the cost of providing parking under this provision.
 2. For a new development on a lot with gross lot area of five thousand (5,000) square feet or more, a minimum of fifty percent (50%) of the required parking shall be provided on the site, or within six hundred feet (600') of the site. The remaining required parking may be provided by an in lieu fee as described above.

3. All existing parking provided for or leased by any business shall hereinafter be the minimum required for the existing use on that site. If the parking now required exceeds that established pursuant to Subsection 21.41.226.A, the parking now provided may not be reduced below that required in Table 41-1C.

(Ord. ORD-05-0039 § 1, 2005; Ord. C 7777 § 2, 2001; Ord. C 7619 § 4, 1999; Ord. C 7247 § 22, 1994; Ord. C 6684 § 30, 1990; Ord. C 6533 § 1 (part), 1988)

21.41.228 - In lieu fees.

Fees may be paid in lieu of providing the required on-site or off-site parking provided:

- A. The site is located in an established parking district or redevelopment project area;
- B. The in lieu fee represents the estimated current cost of providing the parking place in the applicable district. Such fees shall be adopted by City Council resolution, and shall be updated each two (2) years.

(Ord. C 6595 § 26, 1989)

21.41.229 - Parking—Residential uses in commercial zones.

Residential uses in commercial zones shall provide parking spaces as provided for in Tables 41-1A and 41-1B as applicable.

(Ord. C 6533 § 1 (part), 1988)

21.41.231 - Parking—Size of spaces.

Parking spaces shall be of the sizes and meet such other requirements as set forth in Table 41-2 and as illustrated in Figures 41-1A, 41-1B, 41-1C and 41-1D.

(Ord. C 7040 § 2, 1992; Ord. C 6895 § 20, 1991; Ord. C 6533 § 1 (part), 1988)

21.41.233 - Tandem parking—Residential uses.

- A. Tandem parking spaces shall be prohibited for required parking except:
 1. For valet parking with approval through site plan review;
 2. For low income units when projects include ten percent (10%) or more of the units as on-site low income units;
- B. For tandem parking allowed in Subsection 21.41.233.A.2, the following standards shall be complied with:
 1. Not more than two (2) spaces shall be involved in the tandem arrangement;
 2. Both spaces in the tandem arrangement shall be assigned to the same dwelling unit;
 3. Handicapped and guest parking shall not be in tandem;
 4. Tandem parking shall not be allowed in a parking garage of less than ten (10) parking spaces or when the full turning radius for the tandem parking is not within the garage.

(Ord. C 7607 §§ 3, 17, 1999; Ord. C 6933 § 33, 1991; Ord. C 6684 § 31, 1990; Ord. C 6593 § 1, 1989; Ord. C 6533 § 1 (part), 1988)

Table 41-2

MINIMUM PARKING SPACE SIZES

All Uses	Size	Aisle Width	Proportion

Compact	8 feet by 15 feet	21 feet (all zones except R-1-S, R-2-S, R-2-I zones)	Residential—not more than 50 percent Nonresidential—none
Standard	8 feet 6 inches by 18 feet	24 feet (all zones except R-1-S, R-2-S, R-2-I zones) 23 feet (R-1-S, R-2-S, R-2-I zones)	
Handicapped	14 feet by 18 feet	24 feet	See State requirements (title 24, part 2, Chapters 2-71 of the California Administrative Code)

21.41.235 - Tandem parking—Industrial/manufacturing uses and area D of the coastal zone (Second Street, between Livingston Drive and Bayshore Avenue).

- A. Tandem parking serving an industrial or manufacturing use shall only be in areas specifically designated for employee long-term parking. In area D of the coastal zone (Second Street, between Livingston Drive and Bayshore Avenue) the tandem parking shall be for general use of employees and customers. Such parking shall only be located on the same site as the use for which the parking is provided.
- B. Tandem parking, where permitted, shall comply with the following standards:
1. Not more than two (2) spaces shall be allowed in tandem.
 2. Handicapped parking shall not be in tandem.
 3. No more than twenty-five percent (25%) of the required parking spaces shall be permitted to be in tandem.

(Ord. C 7619 § 5, 1999; Ord. C 7360 § 13, 1995)

21.41.239 - Parking fee—Nonresidential use.

A fee may be charged for required parking for nonresidential uses.

(Ord. C 6533 § 1 (part), 1988)

21.41.243 - Parking lot layout.

Figures 41-1A, 41-1B, 41-1C, and 41-1D illustrate typical parking lot layouts and the minimum dimensions required for each type of layout. Development standards for parking lots are set forth in this Section and Sections 21.41.251 through 21.41.269.

- A. **Turning radii.** Table 41-3 and figure 41-1E establish minimum turning radii for various parking space types and parking lot layouts. Turning radii may be reduced by one foot (1') for each additional foot that is added to the width of the garage space, provided that:
 - 1. The garage door width is widened by an equal amount; and
 - 2. The maximum turning radii reduction is two feet (2').
- B. **Continuous circulation.** All lots containing one hundred (100) or more spaces shall provide continuous vehicle circulation. Dead end aisles are prohibited in such lots.
- C. **Passenger loading.** All parking lots containing one hundred (100) or more spaces shall provide an eight foot (8') wide passenger drop off lane adjoining the building entrance.
- D. **Pedestrian walkway.** A covered pedestrian walkway shall be provided adjoining the building entrance. The walkway shall be at least four feet (4') wide and shall provide direct access to a public sidewalk.
- E. **Slope.** Parking area shall not have a slope more than one foot (1') vertical for each sixteen feet (16') of horizontal dimension perpendicular to the vehicle parking.
- F. **Pedestrian crossing.** All parking lots containing one hundred (100) or more spaces shall provide pedestrian crossings outside of vehicle circulation areas. The crossings shall be at least six feet (6') wide and shall link the building to the street property line.
- G. **Drive-thru lanes.** No parking space shall be located so that it is accessible only via a drive-thru queuing lane.
- H. **Parking Exits.** Parking must be designed to provide for exiting without backing into the street. However, backing into the street may be permitted in the IM and IG districts on lots five thousand (5,000) square feet or less in size where parking area access occurs onto a local or collector street, as designated in the transportation element of the general plan. Such parking area access shall be subject to the approval of the City Engineer and the Director of Planning and Building.

(Ord. C 7360 § 5, 1995; Ord. C 7326 § 20, 1995; Ord. C 6684 § 32, 1990; Ord. C 6533 § 1 (part), 1988)

Table 41-3

REQUIRED TURNING RADII

Minimum Radius

Type of Parking Space	90 Degree Parking	All Other Parking
1. Standard and handicapped	24 feet (all zones except R-1-S, R-2-S, R-2-I zones) 23 feet (R-1-S, R-2-S, R-2-I zones only)	24 feet or less, as indicated in figures 41-1A, 41-1B and 41-1C

2. Compact	21 feet (all zones except R-1-S, R-2-S, R-2-I) 19 feet (R-1-S, R-2-S, R-2-I zones only)	21 feet or less, as indicated in figures 41-1A, 41 1B and 41 1C
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Figure 41-1A

90° PARKING

Figure 41-B

45° PARKING

Note: See Figure 41-1D for required stall markings and permitted projections.

Figure 41-1B

60° PARKING

Note: See Figure 41-1D for required stall markings and permitted projections.

Figure 41-1C

PARALLEL PARKING

Figure 41-1D

REQUIRED STALL MARKINGS

AND PERMITTED PROJECTIONS

Each stall shall be defined by two painted lines extending two (2) inches beyond the required stall width.

Projections such as curbs or posts may be provided at each stall provided such projection does not extend more than 4'-6" into the space as shown. Such projections may be placed at either end of the stall.

Figure 41-1E

MINIMUM DRIVEWAY CLEARANCE

Table 41-4

Minimum Driveway Widths

Number of Spaces	Minimum Width
0—4	9 ft. 0 in.
5—14 (or one-way flow)	12 ft. 0 in. 18 ft. 0 in. inside a garage or parking lot
15 or more (or two-way flow)	20 ft. 0 in. residential and 24 ft. 0 in. nonresidential from curb to garage or parking lot

21.41.246 - Parking—Access.

Each parking space, with the exception of tandem and valet spaces, shall be independently accessible.

(Ord. C-6533 § 1 (part), 1988)

21.41.249 - Parking area improvements.

Sections 21.41.251 through 21.41.269 indicate the minimum improvements which shall be provided in all parking areas.

(Ord. C-6533 § 1 (part), 1988)

21.41.251 - Driveways and curb cuts.

- A. **Driveways-Minimum Widths.** All uses shall provide a paved driveway from the required parking space(s) to the public street or alley of at the least minimum width specified in Table 41-4. A greater width may be required where the Director of Public Works determines it is beneficial to the public safety or traffic circulation.
- B. **Driveways and Curb Cuts-Maximum Number and Widths.** The maximum number and widths of driveways and curb cuts shall be as specified in Table 41-5. Wider driveways may be allowed on regional arterials, arterials, principal streets or collector highways where the Director of Public Works determines a greater width will be beneficial to public safety or traffic flow. The following special conditions shall also apply:
 - 1. Separation between driveways on same site - twenty feet (20') of full height curb;
 - 2. Separation between driveways on adjoining sites - twenty feet (20') of full height curb (unless width of site precludes compliance, then twenty feet (20') shall be maintained on at least one (1) side);
 - 3. Combined driveways - joint use driveways between sites shall be allowed for adjoining sites provided not less than eight feet (8') of driveway is provided on each site.

C.

Driveway and Curb Cut Permit. When issuing a driveway and/or curb cut permit, the City Engineer shall specify in the permit the location and dimensions of the driveway and the permittee shall comply with the provisions of the permit in the construction of the driveway.

D. Driveway Locations in Nonresidential Zones.

1. **Two-Way Driveways.** Such driveways shall be located not less than ninety feet (90') from any intersection for all lots with one hundred twenty-five feet (125') or more of street frontage. For lots with less than one hundred twenty-five feet (125') of street frontage, the driveway shall be located not less than two-thirds (2/3) of the width of the lot from the intersection.
2. **One-Way Driveways.** Such driveways shall be located not less than thirty-five feet (35') from any intersection. A one-way driveway is a driveway that allows only a right turn in, or a right turn out. Both in and out movements are not allowed in the same one-way driveway.

E. Driveway Locations in Residential Zones. All driveways shall be located not less than thirty feet (30') from any intersection, except lots less than thirty feet (30') in width without alleys, then no restriction shall apply other than those contained in Subsection B of this Section.

F. Driveway Slopes—All Uses. No driveway or parking ramp shall have a slope of more than one foot (1') of vertical rise for each seven feet (7') of horizontal length.

G. Driveway Clearance. All driveways shall have a minimum clearance of seven feet (7') from the driving surface to any overhead obstruction. No projections in this area shall be allowed. This provision shall not apply to the driving area inside a parking structure where the requirements of the Uniform Building Code shall apply. Where higher clearance is required for handicapped access, the provisions for handicapped access shall apply.

H. Driveway Locations in Industrial Zones.

1. **Driveways Accessing a Local or Collector Street.** Driveways which access a Local or Collector street, as designated in the Transportation Element of the General Plan, shall be located such that the edge of the access driveway shall be either at least five feet (5') from the end of the curb return or at least twenty-five feet (25') from the intersection of two (2) non-arterial streets, whichever is greater. If the nearest intersection includes an Arterial or greater street, then the regulations of Subsection H.2 below shall apply.
2. **Driveways Accessing Arterial and Regional Corridor Streets.**
 - a. **Two-Way Driveways.** For lots with one hundred twenty-five (125) or more feet of street frontage, two-way driveways shall be located not less than ninety feet (90') from any intersection. For lots with less than one hundred twenty-five feet (125') of street frontage, the driveway shall be located not less than two-thirds (2/3) of the width of the lot from the intersection.
 - b. **One-Way Driveways.** One-way driveways shall be located not less than thirty-five feet (35') from any intersection. Movements shall be restricted to either right turns in or right turns out.

(Ord. C 7360 § 14, 1995; Ord. C 7032 § 29, 1992; Ord. C 6895 §§ 21, 22, 1991; Ord. C 6822 § 17, 1990; Ord. C 6684 §§ 33, 34, 1990; Ord. C 6533 § 1 (part), 1988)

21.41.253 - Parking areas—Curb cuts.

A curb cut clearance shall be obtained from the Public Works Department and shall be submitted with an application for a building permit. For any nonresidential use with more than a fifty foot (50') frontage on a street, no curb cut shall be permitted within thirty-five feet (35') of an intersection. All unused curb cuts

shall be replaced with a full height curb and gutter.

Table 41-5

MAXIMUM NUMBER AND WIDTH OF DRIVEWAYS AND CURB CUTS

Site Width	No Paved Alley a, d Or Paved Alleys Less Than 10 Feet In Width	Paved Alley a, c 10 Feet 15 Feet	Paved Alley a, c 16 Feet 20 Feet
0 feet—120 feet	1 curb cut, 20 feet maximum width ^e	No curb cuts— residential; ^{sup\sup} ; 1 curb cut 24 feet maximum width— nonresidential	No curb cut— residential; ^{sup\sup} ; 24 feet maximum width— nonresidential
121 feet—200 feet	2 curb cuts, 24 feet maximum width each	1 curb cut, 24 feet maximum width	No curb cut— residential; ^{sup\sup} ; 1 curb cut 24 feet maximum width— nonresidential
201 feet—400 feet	2 curb cuts, 24 feet maximum width each	2 curb cuts, 24 feet maximum width each	No curb cut— residential; ^{sup\sup} ; 2 curb cuts 24 feet maximum width— nonresidential
401 feet plus	3 curb cuts, 24 feet maximum width each	3 curb cuts, 24 feet maximum width each	No curb cut— residential; ^{sup\sup} ; 3 curb cuts, 24 feet maximum width— nonresidential

Notes:

a. Minimum width of the alley from site to public street.

- b. This shall only apply in parking impacted areas. In R-1 and R-2 zones, outside of parking impacted areas, one driveway, 20 feet wide is allowed. In all residential zones within parking impacted areas, nonconforming driveways may be maintained provided that the driveway leads to a legal parking space.
- c. No access shall be allowed to an arterial highway from a lot in a residential zone.
- d. On corner lots, in residential zones, where both streets are classified as regional arterials, arterials, principal streets or collector streets, driveway(s) shall be limited to the lower classified street.
- e. The City Engineer may adjust the width of the permitted curb cuts by up to 4 feet, if such an increase would be beneficial to the public safety.

(Ord. ORD-05-0038 § 1, 2005; Ord. C 6684 § 35, 1990; Ord. C 6533 § 1 (part), 1988)

21.41.256 - Reserved.

Editor's note—

ORD-10-0031, § 7, adopted Oct. 12, 2010, repealed § 21.41.256, entitled "Parking areas-Landscaping", and derived from: Ord. C 6533 § 1 (part), 1988.

21.41.257 - Reserved.

Editor's note—

ORD-10-0031, § 7, adopted Oct. 12, 2010, repealed § 21.41.257, entitled "Parking areas-Landscaping in IG and IP zones", and derived from: Ord. C-7360 § 15, 1995.

21.41.259 - Parking areas—Lighting.

All parking lots and garages shall be illuminated with lights directed and shielded to prevent light and glare from intruding onto adjacent sites. The light standards shall not exceed the height of the principal use structure or one foot (1') for each two feet (2') of the distance between the light standard and the nearest property line, whichever is greater. All lights shall be illuminated to the applicable standards of the Illuminating Engineers Society.

(Ord. C-6533 § 1 (part), 1988)

21.41.261 - Parking areas—Markings.

All parking spaces shall be clearly marked by pavement painting. Compact and handicapped parking spaces shall be marked additionally by pavement painting and signage indicating the type of space as required by Chapter 10.34 (Parking for Handicapped Persons in Public Places) of the Long Beach Municipal Code. All aisles with only compact spaces shall provide a sign at the aisle entrance stating that only small cars are permitted.

(Ord. C-6533 § 1 (part), 1988)

21.41.263 - Parking areas—Paving.

The entire driveway and vehicle parking, storage and loading areas for all uses shall be improved and surfaced with a paving material not less than three and one-half inches (3½") thick of solid asphaltic or concrete paving or equivalent hard surface to the satisfaction of the Superintendent of Building and Safety.

(Ord. C-6533 § 1 (part), 1988)

21.41.266 - Parking areas—Screening.

- A. **Adjacent to Residential Zones.** Whenever a parking lot abuts or is adjacent to a residentially zoned property, a solid masonry wall not less than six feet, six inches (6'6") in height shall be provided. The wall shall be constructed along the entire parking lot property line. However, any such wall adjoining the front yard setback of the residential property shall not exceed three feet (3') in height.
- B. **Adjacent to Residential Zone Across an Alley.** Where a parking lot abuts or is adjacent to a residential district across an alley, broad leaf evergreen trees, at least fifteen (15) gallon in size, shall be planted fifteen feet (15') on center.
- C. **Adjoining Public Street.** Wherever a parking lot adjoins a public street, a solid masonry wall three feet (3') in height shall be provided. A solid, compact evergreen hedge may be used instead, provided:
 - 1. The hedge shrubs are not less than two feet (2') tall when planted; and
 - 2. The hedge shrubs are planted not more than two feet (2') on center.
 Alternatively, a combination planter/hedge or berm/hedge may be used, provided:
 - 3. The planter or berm is at least eighteen inches (18") high; and
 - 4. The shrubs, when planted, are at least one foot (1') high.
- D. **Wall Composition.** All screen walls shall be attractively designed with pilasters, caps and a painted or plastered finish as required by the Director of Planning and Building.
- E. **Screening Not Required.** No screening shall be required when a parking lot adjoins an alley and the alley is used to provide direct access to head-in parking.
- F. **Screening—R-3 and R-4 Zones.** In R-3 and R-4 zoning districts, parking lots and parking structures facing a public street shall be screened by a solid wall five feet (5') in height and a solid garage door.

(Ord. C-6533 § 1 (part), 1988)

21.41.269 - Parking areas—Wheel stops.

Each parking stall located adjacent to a building, fence, wall or landscaping shall provide a wheel stop as shown on Figure 41-2. Wheel stops shall be constructed of concrete or other materials, as approved by the Superintendent of Building and Safety. No vehicle shall be permitted to overhang required landscaped areas behind wheel stops.

(Ord. C-7247 § 23, 1994; Ord. C-6533 § 1 (part), 1988)

21.41.273 - Parking structures.

- A. **Secured.** All parking structures shall be designed and improved to allow them to be completely secured.
- B. **Landscaping.** An attractive landscaping strip shall be provided along any public street in accordance with the landscaping requirements of this Chapter.

(Ord. C-6533 § 1 (part), 1988)

21.41.276 - Recreational vehicle parking—Residential districts.

- A. **Size Limitation.** No recreational vehicle which exceeds seven (7) tons in dry weight, thirty-six feet (36') in length or eleven feet, six inches (11'6") in height, not including rooftop equipment, shall be parked, stored or loaded on a residentially zoned lot.

Figure 41.2

WHEEL STOPS

- B. **Storage and Loading—Location.** Permitted recreational vehicles may be parked, stored or loaded in any location in which passenger vehicles may be parked, stored or loaded, unless otherwise restricted. Further, recreational vehicles may be parked, stored or loaded in locations where passenger vehicles may not be parked, stored or loaded, provided that no other location on the site ordinarily available for vehicle parking can accommodate the recreational vehicle because access to those locations is blocked by a permanent building element such as a structural wall, an eave or a roof. These locations are:
1. In areas blocking access to required parking spaces, provided that the spaces being blocked are for a single-family dwelling only and the owner of the recreational vehicle resides in that dwelling; and
 2. In the side yard setback area, provided that:
 - a. The recreational vehicle is located as far as physically feasible from the side lot line, consistent with requirements for light and ventilation into adjoining rooms.
 - b. The recreational vehicle is located as far to the rear of the lot as is physically consistent with maintaining access to the garage.
- C. **Boats and Camper Shells.** Boats and camper shells, if parked in areas visible from public rights-of-way, shall be mounted on licensed, operative vehicles.

(Ord. C-6533 § 1 (part), 1988)

21.41.279 - Recreational vehicle parking and storage—Nonresidential districts.

- A. **Parking.** Recreational vehicle parking shall be permitted in the same manner as passenger vehicle parking.
- B. **Storage.** Outdoor storage shall be permitted consistent with the outdoor storage provisions contained in Chapter 21.45 (Special Development Standards) of this Title.
- C. **Overnight Parking Prohibited.** Recreational vehicles shall not be occupied and parked overnight in any parking lot in a commercial district. Under no circumstances shall a recreational vehicle be used for living, sleeping, eating or entertaining.

(Ord. C-6533 § 1 (part), 1988)

21.41.281 - Vehicle parking in residential setbacks.

- A. **Front Yard.** No vehicle shall be parked in the front yard setback, except on the driveway, or on a paved area between the driveway and the nearest side property line, and/or as provided in Section 21.41.276 for recreational vehicles. No vehicle shall be stored in the front yard setback.
- B. **Side and Rear Yard.** Open parking in the side or rear yard setback shall comply with the provisions for garages in R-1 and R-2 zones, which are stipulated in Section 21.31.245
- C. Permitted parking areas on residential lots shall be as illustrated in Figure 41-3.

(Ord. C-7326 § 21, 1995; Ord. C-7127 § 5, 1993; Ord. C-7032 § 30, 1992; Ord. C-6533 § 1 (part), 1988)

(Ord. C-7326 § 21, 1995)

21.41.283 - Parking and storage of inoperative, dismantled or wrecked vehicles—Residential districts.

Inoperative, dismantled or wrecked vehicles may be stored as an accessory use in residential districts subject to the following:

- A. The storage is limited to a maximum of two (2) such inoperative, dismantled or wrecked vehicles.
- B. The storage shall be fully screened from public view.
- C. The storage shall occur in the rear fifty percent (50%) of the lot and shall not block the required vehicular access to the garage.
- D. The storage shall occur on a fully paved surface (Section 21.41.263).
- E. Inoperative, dismantled or wrecked vehicles stored in violation of these regulations shall be removed or stored in compliance with these regulations within sixty (60) days of the effective date hereof.

(Ord. C-7776 § 4, 2001; Ord. C-6533 § 1 (part), 1988)

21.41.286 - Drive-up and drive-thru facilities.

Drive-up and drive-thru facilities shall be developed in accordance with Chapter 21.45 (Special Development Standards) of this Title.

(Ord. C-6533 § 1 (part), 1988)

DIVISION III. - LOADING REGULATIONS

21.41.310 - Loading—Required.

In addition to off-street parking spaces, off-street loading spaces shall be provided for uses in all zoning districts as set forth in Sections 21.41.320 through 21.41.370.

(Ord. C-6533 § 1 (part), 1988)

Table 41-6

Loading Space Standards

Type of Loading Space	Width	Length	Clearance
1. Passenger	9 feet	19 feet	10 feet
2. Large truck	14 feet	60 feet	15 feet
3. Reduced truck	12 feet	25 feet	12 feet

(Ord. C-7360 § 6, 1995)

21.41.320 - Loading—Size of spaces.

There shall be two (2) sizes of loading spaces as specified in Table 41-6.

(Ord. C-6533 § 1 (part), 1988)

21.41.330 - Loading—Number of spaces.

The minimum number of loading spaces provided shall be as set forth in Table 41-7.

(Ord. C-6533 § 1 (part), 1988)

21.41.340 - Loading—Location.

All loading areas shall be located outside of required aisles or other circulation areas. Loading areas shall not be located in any required yard area which is adjacent to a residential district.

(Ord. C-6533 § 1 (part), 1988)

21.41.345 - Loading—Backing into street.

On lots which are located ninety (90) or more feet from the intersection of two (2) non-arterial streets, and which provide access to loading areas from a local or collector street, as defined in the Transportation Element of the General Plan, the loading areas may be designed to allow trucks to back into the local or collector street subject to the approval of the Director of Public Works.

(Ord. C-7360 § 16, 1995)

Table 41-7

Required Number of Loading Spaces

Use	Number Of Spaces	Type Of Spaces
1. Daycare, elementary school	2 loading and unloading spaces	Required off-street parking space posted for passenger loading
2. Hotel	2 loading and unloading spaces	Required off-street parking space posted for passenger loading
3. Manufacturing, packing, assembly, warehousing	a) 0—3,000 SF, 0 spaces	n/a
	b) 3,001—10,000 SF, 1 space	Reduced truck
	c) 10,001—40,000 SF, 1 space plus 1 space for each additional 40,000 SF, for each individual user	Truck
4. Medical or dental office, hospital	5 per 100 off-street parking spaces, if more than 50 off-street spaces required	Required off-street parking space posted for passenger loading
5. Public assembly	1 per 100 off-street parking spaces, if more than 50 off-street spaces required	Required off-street parking space posted for passenger loading

6. Retail, service or office commercial	1 per 100 off-street parking spaces, if more than 50 off-street spaces required	Required off-street parking space posted for passenger loading
7. Supermarket, grocery, drug, variety, department, furniture, hardware or appliance store, or shopping center	a) from 0 to 10,000 SF-GFA, 0 spaces	Truck
	b) from 10,001 to 40,000 SF-GFA, 1 space	Truck
	c) from 40,001 to 160,000 SF-GFA, 2 spaces	Truck
	d) over 160,000 SF-GFA, 3 spaces	Truck

Abbreviations: SF= square feet
GFA = gross floor area

(Ord. C-7399 § 11, 1996; Ord. C-7360 § 7, 1995; Ord. C-6533 § 1 (part), 1988)

21.41.350 - Loading—Turning radius.

All loading areas shall be located to provide an adequate turning radius. Adequate turning radius means one which allows a vehicle to maneuver without backing into a street or without backing into the loading space from a street.

(Ord. C-6533 § 1 (part), 1988)

21.41.360 - Loading—Screening.

All truck loading spaces shall be separated from adjoining, abutting or adjacent residential districts by a building or masonry wall not less than six feet (6') in height.

(Ord. C-6533 § 1 (part), 1988)

21.41.370 - Loading docks.

Loading docks shall be provided for all uses that require truck loading spaces and that contain more than forty thousand (40,000) square feet of gross floor area in a single lease over ownership area. All loading docks shall be designed and improved in such a way as to allow them to be completely secured.

(Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.42 - LANDSCAPING STANDARDS

FOOTNOTE(S):

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Editor's note— ORD-10-0031, § 6, adopted Oct. 12, 2010, amended Ch. 21.42 to read as herein set out. Former Ch. 21.42, §§ 21.42.010—21.42.060, pertained to similar subject matter and derived from: Ord. C-6533 § 1 (part), 1988; Ord. C-6895 § 23, 1991; Ord. C-6933 § 34, 1991; Ord. C-7032 §§ 31, 48, 1992; Ord. C-7065 §§ 1, 2, 1992; Ord. C-7326 §§ 22, 23, 31, 1995; Ord. C-7360 §§ 12, 17, 1995; Ord. C-7399 §§ 12, 13, 1996; and ORD-09-0034, § 1, 2009.

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, driveways, parking lots, decks, patios, and other non-irrigated areas designated for non-development.
 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 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.

2. Non-permeable paving shall not cover more than thirty percent (30%) of on-site area that is not covered by structures 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. 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. Large canopy trees shall be used to help minimize urban heat island effect.
 5. Projects shall be designed to minimize or eliminate use of turf.
 6. Recirculating water systems shall be used with decorative water features. Where available, recycled water shall be used as a water source.
 7. Plants with similar water needs shall be planted together.
 8. 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.

(ORD-10-0031, § 6, 2010)

21.42.035 - Special requirements for Water Efficient Landscaping.

A. **Applicability.**

1. The requirements of this Chapter shall apply to the following projects:
 - a. All projects which require the issuance of a Site Plan Review;
 - b. New construction and rehabilitated landscapes for public agency projects and private development projects with a 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;
 - c. New construction and rehabilitated landscapes which are developer-installed in single-family and multifamily projects with a 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;
 - 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.

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. 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. 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 about 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.

(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 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. 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)

CHAPTER 21.43 - FENCES AND GARDEN WALLS

21.43.010 - Permitted.

Fences and garden walls are permitted accessory structures in all zones, subject to the conditions and requirements set forth in this Chapter.

(Ord. C-6533 § 1 (part), 1988)

21.43.020 - Height limits.

Fence and garden wall heights shall not exceed the maximum heights set forth in Table 43-1.

(Ord. C-7247 § 24, 1994; Ord. C-7127 § 6, 1993; Ord. C-6933 §§ 35, 36, 1991; Ord. C-6684 § 36, 1990; Ord. C-6533 § 1 (part), 1988)

21.43.030 - Prohibited fence and wall materials.

Barbed wire or similar fencing with sharp, protruding objects capable of cutting or puncturing a person is prohibited, except in the IM, IG, and IP Zones when located atop a fence more than six feet (6') in height. In all other zones, such objects shall not be attached to, imbedded in, or laid upon any fence or wall. This restriction does not include decorative wrought iron.

(Ord. C-7360 § 11, 1995; Ord. C-6533 § 1 (part), 1988)

Table 43-1

Fence and Garden Wall Height Limits

Zone Districts	Maximum Permitted Height(a)
1. Residential	
-Front yard	3 ft. ^{(b), (f)}
-Other yard area	6 ft. 6 in.
-Outside of required yard area	10 ft.
-Abutting a nonresidential area	8 ft.
-Abutting an alley/other public right-of-way other than a street	8 ft. ^(c)
-Abutting a major arterial/regional corridor	8 ft. ^(d)
2. Commercial and industrial	

-Within required street frontage setback	3 ft. ^(e)
-Abutting residential front yard	3 ft.
-Abutting residential side or rear yard	8 ft.
-Other yard	12 ft.
3. Institutional	
-Front yard	3 ft.
-Other yard area	8 ft.
4. Park	
-Within ten foot (10') yard area abutting a public street	6 ft. ^(g)
-Other yard	12 ft. ^(g)
5. Public right-of-way	8 ft.
6. All zones—corner cut off area	3 ft.

- (a) The limitations shall not apply in the following instances:
- i) Where a greater height is required by any other City ordinance; or
 - ii) Where a greater height is required by a conditional approval of a permit pursuant to this Title or is required by State or Federal law; or
 - iii) Where a wall return of greater height is allowed;
 - iv) Fence heights shall be measured from grade adjoining the fence on the public right-of-way side of the fence (for fences adjoining the public right-of-way) and the average grade of both sides of the fence (for fences between 2 private properties). Factors such as flood hazard zone heights or averaged lot elevations shall not apply to fences;
 - v) In corner cutoff areas, chain link and wrought iron fences above three feet (3') are allowed if they do not obstruct visibility.
- (b) In the area designated as the special fence height area, as designated by resolution of City Council, the fence height in the front yard setback shall be increased to four feet (4'), provided the additional foot of height is wrought iron or chain link.
- (c) Only applicable for rear and side lines that abut an alley or other public right-of-way other than a street.
- (d)

Only applicable for a rear property line that abuts a major arterial/regional corridor as designated in the transportation element of the General Plan. Also applicable for side property lines of a reverse corner lot that abuts a major arterial regional corridor, and is in a continuous formation with the rear property lines of the remainder of the block facing the arterial.

- (e) Industrially zoned properties may construct a twelve foot (12') high wrought iron/metal tubing fence within the required street frontage setback area.
- (f) Fence height may exceed three feet (3') in the front yard of residential lots located in high crime areas, through approval of an administrative use permit. (See Section 21.52.231.5 for criteria.)
- (g) Fences that exceed these height limits may be approved pursuant to site plan review, Section 21.25.501

(Ord. C-7607 §§ 13, 16, 1999; Ord. C-7378 § 18, 1995)

CHAPTER 21.44 - ON-PREMISES SIGNS

FOOTNOTE(S):

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Editor's note— ORD-13-0014, § 19(Att. A), adopted Sept. 3, 2013, amended Ch. 21.44 in its entirety to read as herein set out. Former Ch. 21.44, §§ 21.44.010—21.44.400, pertained to similar subject matter, and derived from Ord. C-6533, § 1(part), 1988; Ord. C-6595, § 12, 1989; Ord. C-6822 § 18, 1990; Ord. C-7032 §§ 3—35, 1992; Ord. C-7064, § 5, 1992; Ord. C-7326 § 24, 1995; Ord. C-7429 § 2, 1996; Ord. C-7500, §§ 8—17, 22, 23, 1997; Ord. C-7550, §§ 10—14, 19, 20, 1998; Ord. C-7617 § 3, 1999; Ord. C-7629, § 1, 1999; Ord. C-7663 §§ 27, 28, 36, 1999; and Ord. C-7776 § 5, 2001.

21.44.010 - Purpose.

This chapter provides standards for on-premises signs to safeguard life, health, property, safety, and public welfare, including aesthetics and the visual environment, while encouraging creativity, variety, compatible design, and enhancement of the City's image. The City recognizes that the location, number, size and design of signs significantly influences the City's visual environment and the perception of the City's economic condition. The specific purposes of this chapter are to:

- A. Provide each sign user an opportunity for effective identification by regulating the time, place, and manner under which signs may be displayed;
- B. Maintain a content-neutral approach to sign regulation so as not to inhibit protected forms of freedom of expression;
- C. Regulate the number and size of signs according to standards consistent with the purpose of the City's various zoning districts and the intent of the Zoning Regulations;
- D. Protect all zoning districts from the adverse impacts of excessive numbers or sizes of signs, and signs of poor quality design;
- E. Encourage creative, well-designed signs that contribute in a positive way to the City's visual environment, and help maintain an image of quality for the City;
- F. Ensure that signs are responsive to the aesthetics and character of their particular location (adjacent buildings and surrounding neighborhood), and that signs are compatible and integrated with their building's architectural character and design (including historic elements), and with other signs on the site; and
- G. Ensure the quality of the City's visual environment and appearance by avoiding sign clutter, signs of excessive size, and signs of poor quality design, and by subjecting certain signs to the necessary discretionary processes.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.020 - Accessory uses.

On-premises signs are permitted in all districts as accessory uses only, subject to the provisions outlined in this chapter.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.030 - Sign permit required.

- A. **Required.** A sign permit is required to display, enlarge, modify, relocate or change in any way, other than to perform general maintenance, repair or complete removal, an on-premises sign in any zoning district, unless such action is expressly exempted by this chapter.
- B. **Jurisdiction.** The Department of Development Services shall be responsible for reviewing sign permit applications and issuing sign permits.
- C. **Filing of Application.** Applications for sign permits shall be filed with the Director of Development Services on forms provided by the Department of Development Services. Filing fees, as established by resolution of the City Council, shall be filed with the application. Additional information shall be provided as required by the Director of Development Services.
- D. **Time Limit.** Permits shall be used within one hundred eighty (180) days of issuance, otherwise they shall be null and void.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.035 - Discretionary processes.

A waiver from the provisions of these sign regulations may be considered through the procedures set forth in this Section. However, any prohibited signs, including those listed in Section 21.44.600 and any sign not specifically permitted, shall not be approved except through the provisions of Division III (Standards Variance) of Chapter 21.25—Specific Procedures.

- A. **Sign standards waiver.** Repealed.
- B. **Creative sign permit.**
 - 1. This section establishes standards and procedures for the review and approval of Creative Sign Permits. The purposes of the Creative Sign Permit are to:
 - a. Encourage signs of unique design that exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
 - b. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the City, while mitigating the impacts of large or unusually designed signs.
 - 2. **Applicability.** An applicant may apply for a Creative Sign Permit in order to request approval of development standards that differ from the provisions of this chapter, but comply with the purpose and findings of this section. However, the Creative Sign Permit process shall not be used to allow any prohibited sign type or feature.
 - 3. **Application.** A Creative Sign Permit application shall include all information and materials required by the Department, and the filing fee as specified in a fee resolution to be adopted by the City Council.
 - 4. **Approval authority.** An application for a Creative Sign Permit shall be subject to review and approval or disapproval by the Site Plan Review Committee, under the procedures set forth in Chapter 21.25 (Specific Procedures), Division V—Site Plan Review.
 - 5. **Findings.** The Site Plan Review Committee shall not approve a Creative Sign Permit unless the proposed sign meets the following design criteria (in addition to the findings required in Chapter 21.25—Specific Procedures):
 - a. **Design quality.** The sign shall:
 - i.

Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;

- ii. Be of unique design, and exhibit a high degree of imagination, inventiveness, spirit, and thoughtfulness; and
 - iii. Provide strong graphic character through the imaginative use of color, graphics, proportion, quality materials, scale, and texture.
- b. **Contextual criteria.** The sign shall contain at least one (1) of the following elements:
- i. Classic historic design style;
 - ii. Creative image reflecting current or historic character of the City; or
 - iii. Inventive representation of the logo, name, or use of the structure or business.
- c. **Architectural criteria.** The sign shall:
- i. Utilize or enhance the architectural elements of the building; and
 - ii. Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features and details of the facade.
- d. **Impacts on surrounding uses.** The sign shall be located and designed not to cause light and glare impacts on surrounding uses, especially residential uses.

C. **Sign Program.**

1. This section establishes standards and procedures for the review and approval of Sign Programs. The purpose of a Sign Program is to:
 - a. Ensure that all signs on a subject property are of complementary style and design, and are compatible with the architecture and theme of the property,
 - b. Provide a process for the review of said signs to ensure that new developments or major remodels achieve the highest quality of design by complementing the development with high-quality signs, and
 - c. Establish special sign criteria and standards for a given property when such additional regulation or waivers from the provisions of this chapter are considered appropriate and beneficial.
2. **Applicability.** Application for a Sign Program shall be required for the following:
 - a. Any sign application submittal for five (5) or more new or replacement signs (not including minor, exempt, or temporary signs) intended to be placed on a site,
 - b. Any new commercial, industrial or, institutional building(s),
 - c. Any new mixed-use development with three (3) or more nonresidential tenant spaces, and
 - d. Any residential project consisting of five (5) or more new dwelling units.
3. **Application.** A Sign Program application shall include all information and materials required by the Department, and the filing fee as specified in a fee resolution to be adopted by the City Council.
4. **Approval authority.** An application for a Sign Program shall be subject to review and approval or disapproval by the Site Plan Review Committee, under the procedures set forth in Chapter 21.25 (Specific Procedures), Division V—Site Plan Review.
- 5.

Findings. The Site Plan Review Committee shall not approve a Sign Program unless the proposed Sign Program meets the following design criteria (in addition to the findings required in Chapter 21.25—Specific Procedures):

- a. All signs in the Sign Program are designed in such a manner so as to be internally consistent, coordinated, and whole within themselves, and harmonious with any existing signs remaining on the site.
 - b. Any existing signs on the site, if they are to remain, are of high quality design and materials, and complement the existing or proposed building and architecture, and will be complemented by the new signs in the Sign Program as well.
 - c. All signs in the Sign Program will complement and enhance the architectural theme of the subject property.
 - d. All signs in the Sign Program comply with the standards of this chapter, unless specific exemptions have been granted in the interest of enhanced design and compatibility, and such exemptions are not contrary to the intent of this chapter.
6. **Waiver of standards.** A waiver from the development standards of this chapter may be granted for signs in a Sign Program if the findings required for a Creative Sign Permit are made by the Site Plan Review Committee, and the waiver will achieve the specified purpose of a Creative Sign Permit. However, prohibited signs shall not be approved through a Sign Program.
- D. **Neon Outlining or Architectural lighting of Buildings.** Neon tubing lighting, stringed lighting, and other architectural lighting used to outline buildings or emphasize architectural elements of a building shall not be considered signs or sign illumination, but rather an architectural element subject to review and approval through the site plan review process as specified in Division V of Chapter 21.25—Specific Procedures.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.050 - General performance and development standards for all signs.

- A. **Signs Subject to Standards.** All signs shall be subject to the development standards specified in this chapter. The only exceptions shall be for signs that receive waivers from specific standards subject to the Creative Sign Permit or Standards Variance processes; all other standards shall continue to apply.
- B. **Measurement of sign area.** Where sign area is required to be measured for the purposes of this chapter, it shall be measured in accordance with the definition of "sign area" contained in Section 21.15.2530. See Figure 44-1.

Figure 44-1. Measurement of sign area.

- C. **Maintenance.** All signs shall be kept in a well-maintained condition. No sign shall be displayed which, in the judgment of the Director of Development Services, or his or her designee, is not in good repair and maintained in a safe condition. All signs must be kept free from deterioration, free from defective parts, free from burned out lamps and peeling paint, and must be able to withstand the wind pressure for which it was originally designed.
- D. **Removal of signs.** The following shall apply to removal of signs:
 - 1.

Time limit. Except as otherwise specifically provided for in this chapter, a sign shall be removed within thirty (30) days of disuse of the business, building, or other establishment for which it was emplaced.

2. **Repair of building after removal.** Within thirty (30) days of the removal of a sign from a building, the wall of the building shall be repaired to remove any blemish left by the removal.
 3. **Complete removal.** When a sign is removed, all supporting structures, cabinets, frames and other appurtenances of the sign shall be removed as well.
- E. **Prohibited sign copy.** The primary purpose of an on-premises sign is identification, and not advertising; therefore no major sign, special major sign, or minor sign subject to this chapter shall display prices for products or services. Changeable copy signs, promotional activity signs, electronic message center signs, and gas station price signs are exempt from this restriction.
- F. **Contact information.** In addition to other permitted sign copy, up to three (3) square feet of the allowable sign area may be used to display contact information for the on-premises establishment where the sign is located. This may take the form of telephone numbers, email or web addresses, and the like.
- G. **Clearance.** The vertical clearance between grade and the lowest point of a sign projecting over a pedestrian or vehicular path shall be eight feet (8') for pedestrian use and fifteen feet (15') for vehicular use. No sign shall project over an alley or at-grade parking space.
- H. **Light control.** No sign or sign lighting source shall cause or allow trespass of light onto any adjacent property, any residential dwelling unit, or into the public right-of-way.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.060 - Design standards for all signs.

The following standards shall apply to the design of all signs subject to this chapter, for the purpose of carrying out the intent and achieving the goals of this chapter set forth in Section 21.44.010 - Purpose:

- A. **Character.** Signs shall enhance the public realm and aid in the creation of a street's character. No sign shall impede pedestrian traffic, block sight lines in the public viewshed, or disturb adjacent residences.
- B. **Complementary.** The color, material, scale, lettering, and lighting shall complement the surrounding street environment and buildings that the sign addresses.
- C. **Size.** Signs shall never overpower the building. The sign shall fit comfortably into the architecture and character of the building or storefront. Signs shall be mounted in a manner that does not detract from the building's architectural presence and aesthetics.
- D. **Audience.** Signs intended for tourists, locals, or different age groups can suffer from poor sign design. Therefore, regardless of the intended audience, sign design shall conform to these design principles.
- E. **Concise.** Information on signs shall be brief, clear, and simple with appropriately-sized lettering, and a clear information hierarchy. When appropriate, symbols may be used in place of text.
- F. **Illumination.** Lighting used with signs shall be focused and minimal, especially for exterior-lit signs. Lighting shall be in scale with the sign and building. Design of sign illumination shall make every effort to avoid contributing to night-sky light pollution.
- G. **Consistency.** Signs shall be consistent across a building or property. If multiple tenants are listed on a single sign or a multi-tenant building, variation between size and typeface of tenant names and color shall be limited to a palette of three (3) or fewer options.

- H. **Timelessness.** Sign design should convey a timeless character of a street, place, or business, and should avoid design tendencies associated with fleeting trends. Signs also shall be designed with durable, long-lasting materials, and shall be well-maintained.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.062 - Additional design standards for nonresidential signs.

In addition to the design standards for all signs specified in Section 21.44.060, the following design standards shall apply to all nonresidential signs:

- A. Signs should be consistent with the overall design and identity of the building, including the architecture and landscaping. Signs should complement the overall aesthetic of the building and site.
- B. If more than one (1) sign type is necessary on a single facade, all signs shall be scaled in a clear hierarchy and shall address different viewer orientations and audiences.
- C. Buildings with multiple tenants or storefronts shall use the same sign strategy at every entrance, storefront, or tenant suite, in order to reduce sign confusion and present an organized visual environment.
- D. If multiple tenants are listed on a single sign, size and typeface of tenant names shall be kept consistent.
- E. For sites with several buildings, or buildings that are part of an industrial, business, or institutional campus, sign consistency shall be ensured through the following:
 - 1. Signs shall be visible from the public rights-of-way bounding the site, and shall communicate the necessary information clearly.
 - 2. Since campuses may house multiple tenants of differing types, the design identity of signs shall be capable of incorporating an array of styles and typefaces for the differing names and logos. However, the size of tenant names, logos, and color palettes shall be consistent with each other.
- F. Pedestrian-oriented signs are encouraged. Signs shall be scaled appropriately, including window signs, projecting (blade) signs, directory signs, and other pedestrian-oriented signs.
- G. Illumination should be used to accent signs, consistent with the building's character. Trespass of light and glare from sign illumination onto any adjacent dwelling units or other property, whether residential or nonresidential, is strictly prohibited.
- H. Signs and wayfinding features shall be incorporated with public art or placemaking objects where possible.
- I. Placement of signs in the public right-of-way should be uniform and designed at the correct scale for the intended reader, for both motorists and pedestrians.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.064 - Additional design standards for residential signs.

In addition to the design standards for all signs specified in Section 21.44.060, the following design standards shall apply to all residential signs:

- A. Signs should be integrated with the building's architecture and landscaping. Signs should be consistent with the design approach and convey a clear hierarchy of information.
- B.

Signs shall identify primary entrances, the street address, and other necessary information, while maintaining an understated and minimal aesthetic.

- C. Mixed-use (commercial and residential) projects with commercial uses on the ground floor shall comply with the design standards for nonresidential signs specified in Section 21.44.062
- D. Illumination shall be designed to ensure adequate sign visibility and safety, but shall never create light trespass into residential units or onto adjacent properties.

(ORD-13-0014, § 19(Att. A), 2013)

DIVISION I. - MAJOR SIGNS

21.44.100 - Development Standards—Major signs.

Wall signs, projecting (blade) signs, freestanding or monument signs, awning signs, and building identification signs shall all be considered major signs. A freestanding sign and a projecting sign may not be located on the same property, but any other major sign combination is possible subject to the development standards outlined in this chapter. See Figure 44-2, Major Signs.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.102 - Copy.

For all major sign types, sign copy shall be limited to the identification of the business, and up to two (2) products or services sold or available on the premises. Copy shall not be placed on the edges of any sign.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.105 - Standards by zoning districts.

Each type of major sign shall be allowed in certain zoning districts as provided in Table 44-1.

**Table 44-1
Zoning Districts for Major Signs**

Zoning Districts	Sign Types					
	Wall sign	Projecting sign	Freestanding sign	Monument sign	Awning sign	Building Identification Sign
CNP, CNA, CNR	Y	Y	N	Y	Y	Y
CCA, CCP, CCR, CCN	Y	Y	Y	Y	Y	Y
CHW, IL, IM, IG, IP	Y	Y	Y	Y	Y	Y
R-1 and R-2 zones*	N	N	N	N	Y	N

R-3*, R-4*, and RM zones	N	N	N	N	Y	Y
I, P, PR	Y	Y	Y	Y	Y	Y
Residential and mixed- use character PDs**	Y	Y	N	Y	Y	Y
Commercial and industrial character PDs**	Y	Y	Y	Y	Y	Y

Abbreviations: Y = Yes (permitted), N = Not permitted, PD = Planned Development District

* Commercial uses in these zoning districts, including legal nonconforming uses, shall be subject to the sign types restrictions specified for the CNP, CNA, and CNR districts.

** In all PDs, sign regulations specified within each PD ordinance take precedence over the provisions of this chapter. In cases of doubt, or where the several subareas of a given PD are of differing character, the Zoning Administrator shall determine which standards should apply.

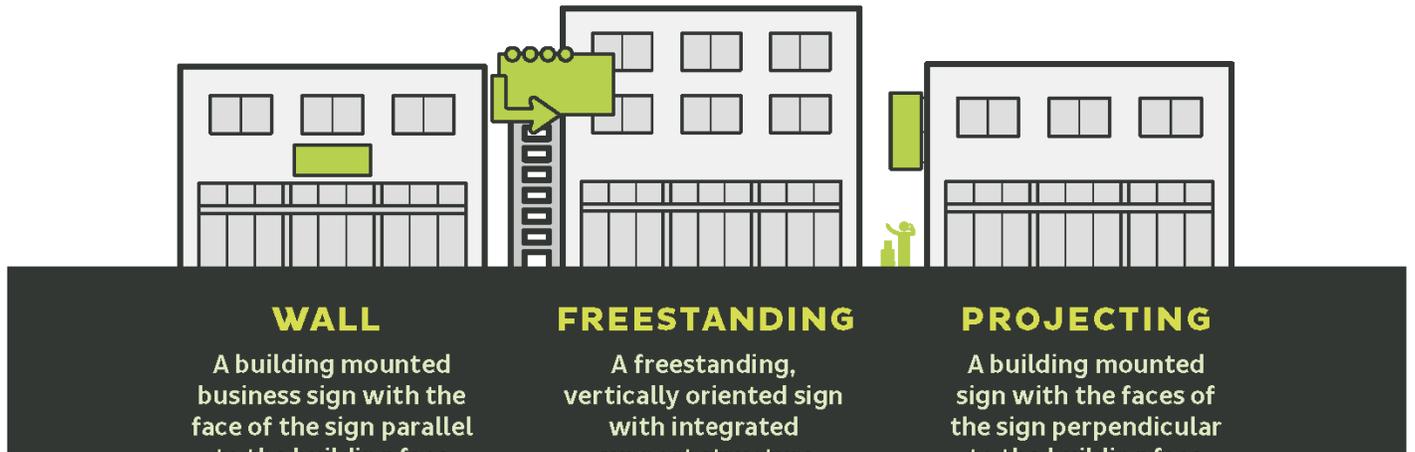


Figure 44-2. Major Signs.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.120 - Wall signs.

Wall signs are permitted for any business with frontage on a street, parking lot, public walkway within a mall, or which has exterior building frontage without facing a street, parking lot or mall.

- A. **Number.** One (1) per wall, or one (1) per business for buildings with multiple tenants/businesses fronting on a street. In addition to the primary wall sign, secondary wall signs identifying up to two (2) products or services are permitted provided that the cumulative wall sign area does not exceed the allowable limits established in Subsection 21.44.120.B.
- B. **Area.**
 - 1. **Wall Facing Street.** The total area of all wall signs facing a street shall not exceed one (1) square foot of sign area per linear foot of building wall; provided, that not more than one hundred (100) square feet shall be allowed on any sign facing a residential, local or collector

street and not more than two hundred fifty (250) square feet shall be allowed for any sign facing a major or minor arterial. See Figure 44-3.

2. **Wall Facing Side or Rear Yard.** The area of permitted wall signs facing side or rear yards shall not exceed one (1) square foot of sign area for each linear foot of building wall.
3. **Curved or Angled Wall on a Corner.** A curved or angled wall located on a corner shall be considered to be a separate wall for purposes of this section.
4. **Transference of Sign Area.** Allowed sign area cannot be transferred from one (1) building side or wall to another.
5. **Icons and Models.** Wall signs in the shape of icons, models, or logos shall be permitted provided that the cumulative wall sign area for all signs does not exceed the allowable limits. To calculate the area of two-dimensional (2-D) signs, the sign's length and width shall be multiplied. The area of three-dimensional (3-D) signs shall be measured as a longitudinal section of the icon or model.

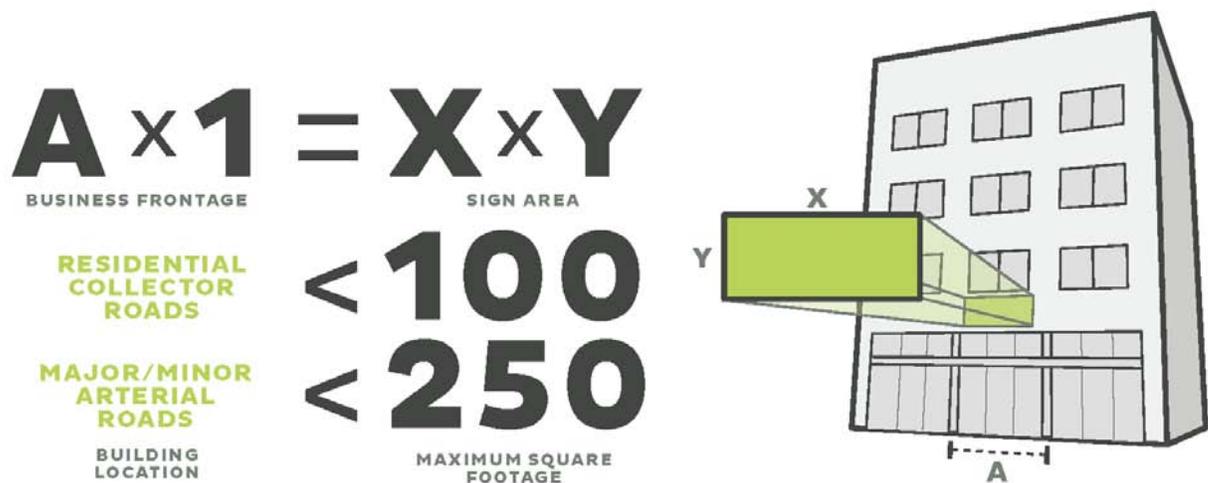


Figure 44-3. Area of a wall sign.

- C. **Height.** The maximum height of wall signs above grade, to the highest point of the sign shall be as follows:
 1. For a one (1) story building, the highest point of the sign shall not be located above the top of the parapet wall for a flat roof, or above the top of a mansard roof, or above the ridge of a sloped roof.
 2. For a multi-story building with commercial tenants on the ground floor only, a wall sign shall not be located above the windowsill line of the second floor. This does not include building identification signs.
 3. For a multi-story building with commercial tenants on the ground floor and floor(s) above, a wall sign shall be located on the same floor as said tenant, and shall not be located above the windowsill line of the floor above said tenant. Wall signs shall not be allowed for commercial tenants on the third story and above. This does not include building identification signs.
 4. For buildings with glass curtain wall systems, signs shall be allowed for ground-floor tenants only and not on any stories above the ground floor. This does not include building identification signs.

- D. **Location.** No wall sign shall extend beyond the perimeter of the signable area (as defined in Section 21.15.2770) on which it is displayed, or above the top of the parapet wall of a flat-roofed building, or above the top of a mansard roof. A sign displayed above the eave line of a sloped roof building shall be considered a roof sign. No wall sign shall be located upon an architectural protrusion. See Figure 44-4.

Figure 44-4. Locations of a wall sign.

Figure 44-5. Maximum projection of a wall sign.

- E. **Projection.** The maximum projection shall be fourteen inches (14"). No wall sign shall project over a public alley, driveway, or parking above grade. See Figure 44-5.
- F. **Design.** The following design standards shall apply to all wall signs:
1. **Channel letters preferred.** Signs consisting of individual channel letters are strongly preferred. Exposed raceways are prohibited unless necessitated by structural considerations.
 2. **Foam letters.** Foam letter signs are strongly discouraged. Foam letters must be faced with a material such as plastic or metal. Un-faced foam letters (including those that are painted only) are prohibited. Wall painted signs are preferred over foam letter signs.
 3. **Cabinet signs.**
 - a. New cabinet ("can") signs are strongly discouraged, except in the case of unusually shaped signs or logos that would be onerous to render in channel letter form. Channel letter signs are preferred instead.
 - b. Existing cabinet signs may continue to be used and maintained, subject to the regulations of this chapter. However, upon replacement of the sign face or copy, use of a "push-through" cabinet sign face shall be required, with the sign copy rendered in relief either in front of or behind the sign face. The purpose of this regulation is to obtain higher-quality sign design for the remaining lifespan of existing sign cabinets.
 4. **Flat wall signs.** Wall signs consisting of copy that is painted or otherwise applied or rendered, with no surface relief, onto a background sheet product of wood (including plywood, fiberboard, etc.), plastic, or metal, which is then affixed to the building wall, shall not be permitted, unless approved through the Creative Sign Permit process, in order to ensure that the sign is of a high-quality design. The purpose of this regulation is to avoid the use of these materials in low-quality sign designs.
- G. **Wall Painted Signs.** Wall painted signs are regulated in Division II - Special Major Sign Types.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.130 - Projecting (blade) signs.

Projecting signs (also known as blade signs), are permitted subject to the following provisions:

- A. **Number.** A business may display one (1) projecting sign per street frontage or parking lot frontage on an adjacent property. Where freestanding signs are allowed, a projecting sign may be permitted in lieu of each freestanding sign.
- B.

Area. The maximum area of a projecting sign shall not exceed one (1) square foot per linear foot of building frontage from which the sign projects. For double-sided signs, sign area shall be taken from one (1) side of the sign only. See Figure 44-6.

Figure 44-6. Measurement and allowable area of a projecting sign.

- C. **Height.** No projecting sign shall extend above the adjacent eaves of a sloped roof. A projecting sign shall not extend more than one-third (1/3) of the sign's vertical length above the parapet line of a flat roof; or be less than eight feet (8') above the grade of the adjoining pedestrian right-of-way. A projecting sign shall be exempt from the building height limits of the zoning district.
- D. **Location.**
 - 1. Projecting signs shall be attached to a building, and not a pole or other structure.
 - 2. For buildings with multiple businesses, multiple projecting signs shall be separated by at least twenty-five feet (25'), and only one (1) projecting sign may be located on each building corner. See Figure 44-7.
 - 3. If any portion of a projecting sign is located above a second floor windowsill line, it shall be located a distance away from any such window(s) equal to twice the projection of the sign from the wall in which the window is located, unless the building has a glass curtain wall system.
 - 4. For a building located on a corner lot, the projecting sign is encouraged to be located on the corner or face of the building on the street corner. A vertical projecting sign on a building corner should be mounted at a forty-five (45) degree horizontal angle so that its two (2) sides are equally visible from both streets.

Figure 44-7. Required separation between projecting signs.

- E. **Projection.**
 - 1. No projecting sign shall project more than four feet (4') from the face of the building wall upon which the sign is mounted. If such sign projects into the public right-of-way, then an encroachment permit must be obtained from the Department of Public Works. See Figure 44-8.
 - 2. No sign may project closer than two feet (2') to the curb line.
 - 3. No sign may project over a public alley.

Figure 44-8. Projection and required clearance of a projecting sign.

- F. **Design.** The following design standards shall apply to all projecting signs:
 - 1. Individual channel letters on a background are preferred.
 - 2. Plastic-faced cabinet signs are prohibited for use as projecting signs. However, other internally illuminated sign types, such as reverse-channel letter signs, are suitable for use as projecting signs.
 - 3.

Projecting signs shall be constructed of high-quality, durable materials and shall be of a permanent nature.

- G. **Building permit required.** No sign permit shall be issued for a projecting sign unless a building permit also is obtained. The purpose of this requirement is to prohibit temporary, flimsy, fragile, or other projecting signs of a less-than-permanent nature that would not require a building permit for attachment to a building.
- H. **Supporting Device.** Guy wires may be used for lateral support when fully within the horizontal plane of the sign. Any angle iron or secondary support, other than guy wires, must be enclosed in a form constructed of impermeable material so as not to be visible.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.140 - Freestanding/monument signs.

Any self-supporting permanent on-premises sign that is not attached to a building is either a freestanding sign (see Section 21.15.2580), or a monument sign (see Section 21.15.2620). Table 44-1 sets forth the zoning districts in which freestanding and monument signs are allowed. Freestanding and monument signs are permitted subject to the following provisions:

- A. **Number.**
 - 1. **Individual Businesses or Shopping Centers.** Any individual business or a shopping center may display one (1) freestanding/monument sign on a property. For each length of street frontage in excess of three hundred feet (300'), a business or group of businesses may display one (1) additional freestanding/monument sign for each additional three hundred feet (300'), or portion thereof, of street frontage abutting the developed portion of the property occupied by the businesses.
 - 2. **Automobile Service Station.** In addition to other signs, an automobile service station may display one (1) freestanding/monument sign per street frontage for the display of fuel prices.
- B. **Area.** The permitted area of freestanding/monument signs shall be as provided in Table 44-2. No sign shall be permitted to exceed the maximum area indicated, regardless of street frontage.
- C. **Height.** The maximum permitted height of a freestanding/monument sign shall not exceed the limits set forth in Table 44-2. The height of a freestanding/monument sign is measured from grade to the highest point of the sign, except that the height of the freeway-oriented freestanding signs, where the freeway elevation is greater than the base of the sign, may be measured from the grade of the freeway lane nearest the sign not including on and off ramps to the highest point of the sign, as illustrated in Figure 44-9.

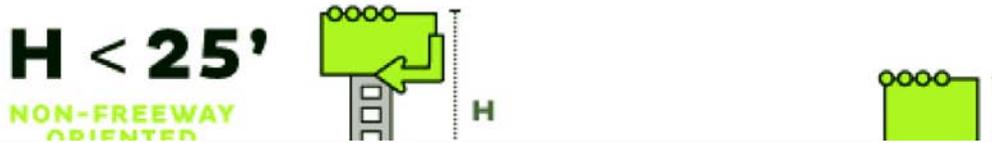


Figure 44-9. Maximum heights of freestanding signs.

D. Location.

1. No freestanding/monument sign shall be located in such a manner that it blocks, obscures, or obstructs existing signs, or signable area, on any building, including buildings on abutting property, nor shall any freestanding/monument sign be located in such a manner that it blocks, obscures, or obstructs another freestanding/monument sign, including one on abutting property.
2. Where more than one (1) freestanding sign is used for one (1) business or group of businesses, the minimum distance between two (2) freestanding signs on the same property shall be one hundred feet (100').
3. No freestanding/monument sign shall be located within the required corner cut-off area of a driveway, alley, or street, as defined in Section 21.15.660 and illustrated in Figure 15-4.
4. A freeway-oriented freestanding sign must be located within one thousand five hundred feet (1,500') of the intersection of the freeway off-ramp with the surface street providing access to the premises on which the sign is located.

E. Projection and overhang. No freestanding sign shall overhang the property line adjoining a public right-of-way unless approval has been granted by the Department of Public Works. In any case, no freestanding sign shall project closer than two feet (2') to the curb line. Neither shall any freestanding sign shall overhang the property line between parcels.

F. Design. The following design standards shall apply to all freestanding/monument signs:

1. New plastic sign faces on sign cabinets for freestanding/monument signs are prohibited, except for "push-through/through-the-face" types. The portion of a sign cabinet identifying individual tenants may consist of an internally-illuminated cabinet with individual plastic faceplates for each tenant; however, these faceplates shall be push-through/through-the-face types whenever feasible. All tenant faceplates shall be of a harmonious theme, with complementary lettering, design, and colors.
2. Freestanding signs should be architectural in nature. The slab-monolith type is encouraged, or alternately a slab with an architectural base, middle, and capital; other architectural designs can be acceptable also. Freestanding signs mounted on one (1) or several bare poles

are prohibited.

3. If a freestanding sign is not a slab-type, its support shall be at least half the width of the sign portion and shall be enclosed in an interesting architectural element that complements the sign structure and adjacent building(s). Uncovered structural poles are prohibited.
4. Individual channel letters on a background, reverse channel letters, or push-through/through-the-face designs are preferred, both for the main sign and the identification of tenants.
5. Any angle iron or secondary support shall be enclosed in a form constructed of impermeable material, such that the angle iron or secondary support is not visible.

Table 44-2

Permitted Size, Max. Area, and Max. Height of Freestanding/Monument Signs

Type of Freestanding/Monument Sign and Orientation	Permitted Area	Maximum Area	Maximum Height
Freestanding sign			
Freeway-oriented ^(b)	3 sq. ft./L.F. frontage	300 sq. ft.	40 ft.
Non-freeway oriented	2 sq. ft./L.F. frontage	150 sq. ft.	25 ft.
Monument sign	1 sq. ft./L.F. frontage	100 sq. ft.	8 ft.
Fuel price sign (gas stations only)	15 sq. ft. ^(c)	15 sq. ft. ^(c)	12 ft.
<p>(a) Square feet of sign area permitted per linear foot of frontage along the abutting street.</p> <p>(b) See location requirement in Section 21.44.140.D.4.</p> <p>(c) In addition to the permitted freestanding sign, a price sign is also permitted.</p>			

(ORD-13-0014, § 19(Att. A), 2013)

21.44.160 - Awning (or marquee or canopy) signs.

Awning and marquee/canopy signs are permitted for each business located on the ground floor and abutting a street, parking lot or public walkway within a mall, excluding alleys and serviceways. Each awning or marquee/canopy may display one (1) sign subject to the following provisions:

A.

Area. The area of the sign may not exceed forty percent (40%) of the total face of the awning or marquee/canopy, not to exceed one hundred (100) square feet. The face of the awning shall be measured as shown in Figure 44-10.

- B. **Projection.** The sign may not project closer than two feet (2') to the curb line. Any encroachment over public property shall require approval from the Department of Public Works.
- C. **Limits.** Marquee/canopy signs shall be contained entirely within the perimeter of the fascia of the marquee or canopy.
- D. **Slope.** The face of the marquee, canopy or awning shall slope not more than sixty degrees (60°) from the vertical plane.
- E. **Additional under-mounted signs.** In addition to a surface-mounted marquee/canopy sign, a sign which displays the business name only may be mounted on the under surface of the marquee or canopy, provided:
 - 1. The area of the sign does not exceed eight (8) square feet;
 - 2. The clearance from grade is eight feet (8') for pedestrian use and fifteen feet (15') for vehicular use; and
 - 3. The signs are mounted perpendicular to the building wall.

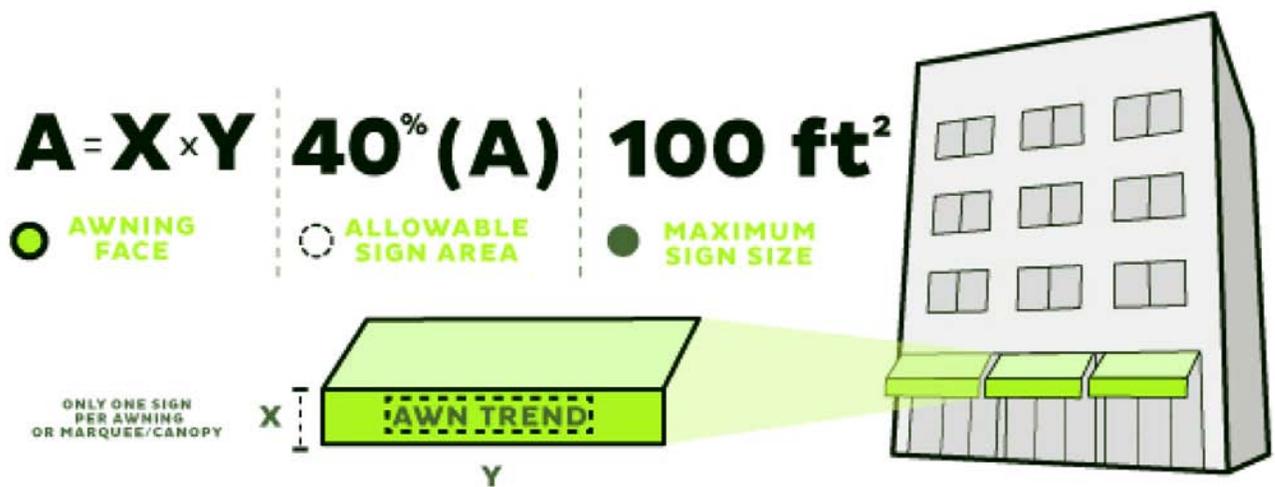


Figure 44-10. Maximum size and area measurement of an awning sign.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.170 - Building identification signs (commercial and residential).

- A. **Commercial Buildings.** Commercial building identification signs in the form of a wall sign or a projecting sign may be displayed on any building that is composed of one (1) or more businesses and is at least four (4) stories high.
 - 1. **Number.** One (1) building identification sign is permitted per building face/wall and shall be comprised of the business/building name and/or logo. If a projecting sign is used as the building identification sign, no other projecting sign shall be allowed for that building face, and no freestanding sign shall be allowed on the site.
 - 2.

Area. Commercial building identification signs shall not exceed one and one-half (1½) square feet of sign area per every linear foot of building wall and shall not exceed a maximum of three hundred (300) square feet.

3. **Placement.** No commercial building identification sign shall extend beyond the perimeter of the signable wall area on which it is placed, nor shall it be displayed above the peak of the roof or the top of the parapet of a building, or below the lower one-third (1/3) of a building on which it is placed, unless a Creative Sign Permit is approved.
 4. **Projection.** The maximum projection shall be fourteen inches (14") from the face of the wall. Any building identification sign projecting over the right-of-way shall require approval from the Director of Public Works.
- B. **Multifamily Residential Building Identification.** Multifamily building identification signs are permitted in the form of a wall sign, a monument sign, an awning or a marquee/canopy sign, or a projecting sign, subject to the following restrictions:
1. **Number.** One (1) sign is permitted for each street the building abuts.
 2. **Design Standards.** The manner in which building identification signs may be displayed shall determine the design standards.
 - a. **Wall Sign.** The identification sign shall comply with all applicable wall sign provisions of this chapter, except that the total area shall not exceed twenty percent (20%) of the signable area, nor more than five percent (5%) of the building face.
 - b. **Monument Sign.** The building identification sign shall comply with all applicable monument sign provisions of this chapter, except that the maximum area shall not exceed twenty-seven (27) square feet and the maximum height above grade shall not exceed four feet (4') above grade.
 - c. **Awning or Marquee/Canopy Sign.** The identification sign shall comply with all applicable awning or marquee/canopy sign provisions of this chapter.
 - d. **Projecting Sign.** The identification sign shall comply with all applicable projecting sign provisions of this chapter, except that the maximum area shall not exceed twenty-seven (27) square feet.

(ORD-13-0014, § 19(Att. A), 2013)

DIVISION II. - SPECIAL MAJOR SIGNS

21.44.200 - Development Standards—Special major signs.

Wall painted signs, roof signs, changeable copy signs, residential neighborhood and commercial district identification signs, and historic signs shall all be considered special major signs. These sign types occur less frequently throughout the City and require specific regulation to ensure compatible design with surrounding architecture, signs, and land uses, to ensure that the City's aesthetic goals are achieved.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.210 - Wall-painted signs.

A wall-painted sign is intended to take the place of a wall sign, and is painted directly onto the building wall. Wall-painted signs fill an important niche in the sign types this chapter makes available to the public—they can be established with no building permit or structural review required, at considerably less cost than a permanent wall sign. This is advantageous to small businesses just starting out, and others in

similar situations. Wall painted signs also have the potential to make a significant character-enhancing contribution to their immediate surroundings and neighborhood, becoming something of a landmark if well executed. For these reasons, wall-painted signs are preferred over foam letter wall signs in the gamut of low-cost sign types.

- A. **Number, height, location and copy.** Standards for the number, height, location, and copy of wall-painted signs shall be the same as for wall signs, as specified in this chapter.
- B. **Area.** In order to encourage the selection of a wall-painted sign over foam letters or other low-cost sign types, the allowable area is increased such that wall-painted signs shall not exceed one and one-half (1½) square feet of sign area per every linear foot of building wall and shall not exceed a maximum of one hundred (100) square feet on any sign facing a residential, local or collector street, and not more than two hundred fifty (250) square feet for any sign facing a major or minor arterial.
- C. **Review.** In order to assure a quality design for each wall-painted sign, the wall-painted sign application shall be reviewed by the Site Plan Review Committee, or a sub-committee designated by the SPR Committee for this purpose, within three weeks of filing, at no fee to the applicant. The SPR Committee shall either approve the application, or direct the applicant to alter the plans in a way that would allow the Committee to approve the application.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.220 - Roof signs.

Roof signs shall be permitted through the Creative Sign Permit process only. The area standards for projecting signs shall apply to roof signs. The building height limits established for the zoning districts shall not apply to roof signs.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.230 - Changeable copy signs.

Changeable copy signs shall be allowed subject to the following:

- A. **Users limited.** Changeable copy signs are limited to the following users: churches, florists, public schools, public colleges and universities, movie theaters, and gasoline price signs for gas stations. Exceptions to this rule shall require a Standards Variance as described in Division III of Chapter 21.25—Specific Procedures.
- B. **Size.** Changeable copy displays may be installed on freestanding, monument, and wall signs. The area of the changeable copy display shall be counted toward the allowable sign area for the type of sign upon which the changeable copy is installed.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.240 - Residential neighborhood and commercial district identification signs.

The City recognizes the desire for unique communities within its boundaries, both residential and commercial, to positively identify themselves and their geographic boundaries. To this end, the following guidelines are established to control the design, content, and location of such identification signs on both private and public property. In addition to these standards, the provisions of Subsection 21.44.900.A.6 (Signs on public property) also shall apply to any such sign located on public property. Street-name-style Neighborhood Marker Signs mounted on street lights or traffic signal poles are not regulated by this chapter, and are administered by the Department of Public Works.

- A. **Type of Sign.** Limited to monument signs for residential neighborhood identification. Monument or freestanding signs are allowed for commercial district identification.
- B. **Number of Signs.** Each residential neighborhood or commercial district shall display no more than one (1) sign on each side, or corner, or boundary of the neighborhood or district. In cases of irregularly-shaped or unclear boundaries, the Zoning Administrator shall be authorized to determine if a given proposal conforms to this regulation.
- C. **Maximum Height, Width, and Area.** The maximum height, width, and area allowed for residential neighborhood and commercial district identification signs shall be as provided in Table 44-3.

**Table 44-3
Height, Width, and Area Development Standards for Residential Neighborhood and Commercial District Identification Signs**

Type of sign	Maximum Height (ft.)	Maximum Width (ft.)	Maximum Area (sq. ft.)
Monument	4	9	36
Freestanding	15	4	32

- D. **Thickness.** Minimum of three inches (3") to a maximum of one foot (1').
- E. **Materials.** Wood, stone, concrete, stucco, or metal or a combination of these materials.
- F. **Lettering.** Individual letters carved from display or bolted onto display. Fragile or glued-on lettering is prohibited.
- G. **Lighting.** Exterior light sources or internal illumination are allowed. External lights shall be aimed and shielded to prevent any light trespass into the adjacent roadway or adjacent properties.
- H. **Prohibited.** Cabinet signs are prohibited as residential neighborhood and commercial district identification signs, as well as any plastic or fabric panels or fascia.
- I. **Identification.** Each sign must indicate that the respective neighborhood or commercial district is part of the City of Long Beach, using the name "City of Long Beach" in at least three-inch (3")-tall letters. The purpose of this regulation is to avoid giving the impression that an area is a separate city or otherwise not a member of the City as a whole.
- J. **Site Plan Review required.** Prior to the issuance of a sign permit (and prior to issuance of a right-of-way permit by the Department of Public Works in the case of a sign located on public property), an identification sign for a residential neighborhood or commercial district shall be subject to review by the Site Plan Review Committee. A fee equivalent to the fee for a Creative Sign Permit, as specified in a fee resolution to be adopted by the City Council, shall be required.
- K. **Waiver of standards.** The Site Plan Review Committee may, at its discretion, waive the following development standards: type of sign, number of signs, height, length, thickness, materials, and lettering. The Site Plan Review Committee shall approve such waivers only if the findings required

for a Creative Sign Permit are made, and the waiver will achieve the specified purpose of a Creative Sign Permit. However, prohibited sign types and materials shall not be approved through a waiver.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.250 - Historic signs.

Any sign designated by City ordinance as a Historic Landmark, or granted historic designation by the California State Historic Preservation Office, or the United States Secretary of the Interior, or any sign that is a historic element of such a designated building or site, shall be considered a historic sign. Historic signs shall be exempt from the requirements of this chapter as to height, illumination, location, movement, sign area, and materials, and may be maintained as legally conforming signs subject to the following conditions:

- A. All parts of the exempted historic sign including neon tubes, incandescent lights and shields, and sign faces shall be maintained in a functioning condition as historically intended for the sign to the greatest degree possible.
- B. Parts of historic signs originally designed to flash or move may be allowed to continue to flash or move. There shall be no alterations to the historic pattern, speed, or direction of flashing or moving elements.
- C. The wording or image of a historic sign may be altered only if the alterations do not substantially change the historic dimensions, height, scale, style, character, or type of materials of the historic sign.
- D. Failure to maintain a historic sign as required above shall be grounds for disallowing an exemption from the requirements of this chapter. The Cultural Heritage Commission shall be authorized to make a determination of revocation of exemption. The sign shall thereafter be brought into compliance with the requirements of this chapter to the satisfaction of the Director of Development Services.
- E. Full reconstruction or major alteration of a historic sign shall require approval of the Site Plan Review Committee, and the Cultural Heritage Commission in the case of a City-designated Historic Landmark.

(ORD-13-0014, § 19(Att. A), 2013)

DIVISION III. - MINOR SIGNS

21.44.300 - Development standards—Minor signs.

Menu boards, on-site directional signs, and traffic directional signs shall be considered minor signs subject to the development standards outlined in this Division.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.310 - Menu boards.

Menu boards are permitted for drive-through fast-food restaurants subject to the following restrictions:

- A. **Number.** In addition to other permitted signs, two (2) freestanding menu boards and one (1) wall sign are permitted for each automobile service window.
- B. **Area.** Menu boards shall not contain more than forty (40) square feet in area.

- C. **Height.** Menu boards shall not exceed seven feet (7') in height above grade.
- D. **Copy.** Menu boards shall contain only the business name, and information related to the food items and prices. The maximum letter size shall be three inches (3").
- E. **Orientation and location.** Each sign shall be oriented to customers on the site, and not toward the adjacent right-of-way. The purpose of these signs is to provide information to customers already on-site, and not passers-by. Signs shall not be located within the required corner cutoff areas at driveway or drive-through entrances/exits.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.320 - On-site directional signs.

On-site directional signs are permitted at business and institutional sites, for the purpose of directing persons to destinations within the site, subject to the following restrictions. They are intended primarily for land uses with larger parking lots, and/or drive-through lanes.

- A. **Number.** In addition to other permitted signs, a business or site may display up to four (4) on-site directional signs by right. If a business or site wishes to display five (5) or more on-site directional signs, a Sign Program shall be required.
- B. **Area.** On-site directional signs shall not be more than sixteen (16) square feet in area.
- C. **Height.** On-site directional signs shall not exceed four feet (4') in height above grade.
- D. **Copy.** On-site directional signs shall contain only words such as "Drive-through" (or "Drive-thru"), "Enter," "Exit," "This Way," and "Do Not Enter," as well as the business name and/or logo. The maximum letter size shall be three inches (3").
- E. **Orientation.** On-site directional signs shall be oriented toward on-site traffic, and not toward the adjacent right-of-way. The purpose of these signs is to provide direction to traffic already on site, and not to traffic on the adjacent right-of-way. Signs shall not be located within the required corner cutoff areas at driveway or drive-through entrances/exits.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.330 - Traffic directional signs.

Traffic directional signs, either wall or freestanding, may be displayed as necessary for all land uses to ensure the safe and orderly flow of automobile traffic on private property.

- A. **Copy.** Traffic directional signs are limited to noncommercial messages for the purposes of directing safe flow of automobile traffic. A traffic directional sign shall not provide directions to a particular business, location, or event. Traffic directional signs shall be limited to stop signs, one-way signs, do not enter signs, speed limit signs, left/right turn only signs, no left/right turn signs, and other traffic signs of like purpose.
- B. **Area and Size.** Each sign shall have a maximum area of six (6) square feet, and a maximum height of seven feet (7'), unless waived by the Zoning Administrator upon the recommendation of the City Traffic Engineer.
- C. **Interference with Official Traffic Control Devices.** No traffic directional sign shall interfere with any official public traffic control device. Any traffic directional sign that is found to do so shall be removed or remedied by the property owner upon order by the City Traffic Engineer.
- D.

Conformance with Traffic Control Device Standards. All traffic directional signs shall be in conformance with the national, state, and local standards for traffic control devices in effect in the City of Long Beach to the satisfaction of the City Traffic Engineer.

(ORD-13-0014, § 19(Att. A), 2013)

DIVISION IV. - TEMPORARY SIGNS

21.44.400 - Temporary signs.

Certain classes of signs may be erected as temporary signs subject to the following regulations.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.410 - Promotional activity signs (banners).

Promotional activity signs, as defined in Section 21.15.2720 of this title, are permitted, subject to the following:

- A. **Area.** A promotional activity sign (banner) shall not exceed one (1) square foot of banner area for each linear foot of building street frontage and shall not exceed one hundred (100) square feet, whichever is less.
- B. **Number.** Only one (1) promotional activity sign shall be allowed per street frontage, or per business in the case of a commercial building with multiple business tenants.
- C. **Aspect ratio.** A promotional activity sign shall not have an aspect ratio exceeding 3.0 (three (3) units length per one (1) unit height).
- D. **Location.** Promotional activity signs shall be placed on a building wall only. It shall be prohibited to place a promotional activity sign on a fence, supported from poles or trees, between buildings or walls, upon an existing sign cabinet or structure (whether in use or not), on a building roof or extending above the parapet wall, or upon another structure. Promotional activity signs shall not be placed overhanging or obscuring windows.
- E. **Time Limit.** The following time limits shall apply to promotional activity signs:
 1. A promotional activity sign permit shall be valid for only ninety (90) days and shall not be renewable in the same calendar year.
 2. The allowed time period shall be measured in calendar days. The ninety (90) day period may be broken into two (2) forty-five (45) day periods or three (3) thirty (30) day periods, provided that the sign is removed at the end of each period.
 3. If the ninety (90) days includes December 31 and January 1, the permit shall be prorated or adjusted accordingly, such that permits are not issued for a site for more than ninety (90) days in a given calendar year, including prior promotional activity sign permits having a portion of the ninety (90) days period in the same year.
- F. **Legalization of promotional activity signs (banners) without permits.** Any promotional activity sign placed without a valid permit shall be subject to the following:
 1. If a permit is to be issued, the applicant shall pay double fees;
 2. The duration (in days) that the sign was in place without a permit shall be subtracted from the ninety (90) days allowed for a promotional activity sign if it is to be legalized through a permit;
 - 3.

If the sign was in place for ninety (90) days or more without a permit, the sign shall be removed and no permit shall be issued for the subject location in that calendar year; and

4. If the duration that the sign was in place without a permit is not known or is not divulged by the applicant, the sign shall be assumed to have been in place for ninety (90) days, and the sign shall be removed, and no promotional activity sign permit shall be issued for the subject location in that calendar year.

G. Exceptions.

1. **Real estate signs and banners.** Real estate signs and banners are considered "permit exempt" signs and are subject to the restrictions specified in Table 44-4.
 2. **Grand opening signs.** One (1) promotional activity sign for a grand opening event shall be allowed for a period of ninety (90) days in a calendar year, in addition to one (1) other promotional activity sign in the same calendar year.
 3. **Automobile sales businesses/dealerships.** Vehicle sales businesses may be exempted from the limitations of this section on promotional activity signs through the Creative Sign Permit process; except that all pennants, streamers, and inflatable, air-blown, balloon-type and all other prohibited signs or decorations shall be prohibited regardless.
 4. **Noncommercial promotional activity signs.** Noncommercial promotional activity signs are considered permit exempt signs and are subject to the restrictions specified in Table 44-4.
- H. **Street Banners.** Street banners and banners hung across a public street are subject to approval by the City Manager as provided in Section 18.04.010 of the Municipal Code, and are not regulated by this chapter.
- I. **Maintenance.** Promotional signs shall not be in a condition of disrepair. Disrepair shall include torn, faded, sagging, or dirty signs, and signs with a message that is outdated or no longer relevant. Signs in disrepair shall be removed, or may be restored or repaired if still within the permitted ninety (90) day period.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.420 - Political signs.

Political campaign signs are not regulated as a separate class of signs.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.430 - Subdivision signs.

Subdivision signs advertising the initial sale or lease of residential units within a single contiguous grouping comprised of fifteen (15) or more dwelling units, or fifteen (15) or more lots, are permitted, subject to the following regulations:

- A. **Display Period.** A subdivision sign may be displayed during the period of construction and for a period not to exceed six (6) months from the date which eighty percent (80%) of the units have received certificate of occupancy, or until all of the units or lots have been sold or leased, whichever occurs first.
- B. **Permitted Sign Types.** Only non-illuminated, freestanding signs are permitted.
- C. **Number.** One (1) sign is allowed, plus one additional sign for each fifty (50) dwelling units or lots in the subdivision, or one (1) plus one (1) for each five (5) acres in the subdivision, whichever is less.
- D.

Sign Area and Height. The size of a subdivision sign shall not exceed two hundred (200) square feet, and the height shall not exceed fifteen feet (15'), measured from grade to the highest point of signs.

(ORD-13-0014, § 19(Att. A), 2013)

DIVISION V. - PERMIT EXEMPT SIGNS

21.44.500 - Permit exempt signs.

The classes of signs set forth in this section are exempt from the application, permit and fee requirements for on-premises signs, provided the exempt sign conforms to Table 44-4—Exempt Signs. This section shall not exempt such signs from other provisions of the Municipal Code, including but not limited to those that may require building or electrical permits.

**Table 44-4
Permit Exempt Signs**

Class of Sign	Maximum Size	Maximum Number	Other Conditions
1. Building directory sign identifying building occupants	18 sq. ft.	1 per parking lot entry and building entry	-If changeable copy used, must be glass encased -Must be visible from sidewalk or parking lot
2. Interior signs	Area of sign must be less than 25% of total area of window through which it is exhibited	3 per window	-Must be located between 1 foot to 6 feet to the interior of any window from which sign is visible -Sign may not flash, rotate or exhibit any other prohibited characteristics
3. Public service and accessory signs identifying public conveniences (e.g., restrooms, telephones, hours of operation, vacancies)	Total area of all signs visible from any one street shall not exceed 10 sq. ft.	1 per service, accessory, or convenience per street frontage	None

4. Theater outer lobby posters advertising current or coming attractions	20 sq. ft. per poster	2 posters per movie screen, per street frontage	Must be glass encased
5. Window signs	Total of all signs displayed in any one window may not cover more than 10% of total window area	1 sign per 3 linear feet of window	-Each window shall be calculated separately -Must be placed in such a manner so as to not obstruct visibility into business
6. Any other non-prohibited sign, if less than 3 sq. ft.	Less than 3 sq. ft.	1 sign per 10 linear feet of building frontage facing street(s)	No sign shall be placed in the public right-of-way or on vacant property
7. Construction sign identifying firms involved in construction site, future tenants, or announcing development	Height—15 ft. Area—16 sq. ft.	1 per street abutting construction site	-Must be removed within 15 days of completion of construction -No illumination permitted
8. Flags	Length—9 ft. Width—6 ft.	3 flags	-Flag pole height shall be limited to the established building height for each respective zoning district. -Flag signs are prohibited, as defined in <u>Section 21.15.2510</u> -Decorative flags are prohibited; see <u>Section 21.44.600</u>

9. Garage sale signs	Height—4 ft. Area—6 sq. ft.	1 per garage sale on same premises	No sign shall be placed on public property
10. Open house signs or flags/banners	Height—4 ft. Area—6 sq. ft.	1 per 300 feet of street frontage	-May be used on temporary basis only when house is open for inspection without an appointment -May not be placed on public property
<u>11.</u> Real estate signs (on-premises) advertising sale, rental or lease of property	Height—8 ft. Area— a) Nonresidential use—16 sq. ft. b) Residential use—6 sq. ft. for first dwelling unit plus 1 sq. ft. for each additional unit up to 16 sq. ft. maximum	1 per 300 feet of street frontage	-Types limited to non-illuminated wall, window, or freestanding signs -No signs may be placed on public property -Signs may be displayed only during the period the premises is held for sale, rental or lease, and for not more than 15 days thereafter -Signs must be maintained in good condition
12. Real estate banners	Height—same limitations as wall signs Area—16 sq. ft., or 6 sq. ft. plus 1 sq. ft. for each additional unit, whichever is less Aspect Ratio—	1 banner in addition to 1 other real estate sign per 300 feet of street frontage	-Banners must be placed on a building wall and may not be mounted on poles, fences, above the roof deck/roof line, etc. -Banners may be displayed only

	maximum aspect ratio of 3.0 (3 units length to 1 unit height)		during the period the premises is held for sale, rental or lease, and for not more than 15 days thereafter -Banners must be maintained in good condition, with current information, and must be replaced when worn or dilapidated
13. Single-family residential sign identifying resident	Not to exceed 2 sq. ft.	1 per residence	None
14. Warning signs (e.g., "Danger," "No Dumping")	3 sq. ft. per warning	As necessary per warning	None
15. Street address signs	No maximum if sign contains address only	1 per address per street frontage	Minimum letter height of 4 inches
16. Signs painted on parking lot surface	½ width of drive aisle	As necessary	Must contain parking or directional information only and no commercial message
17. Noncommercial promotional activity signs	16 sq. ft per sign; not to exceed a maximum total area of 80 sq. ft. for all such signs on a lot or parcel whether such lot is zoned commercial, residential or	No limit on the number of signs provided the maximum area of 80 sq. ft. for each lot or parcel is not exceeded.	Signs shall not interfere with or be designed in such a manner that they will be confused with a traffic control signal or sign, or obstruct the vision of traffic. They shall

	industrial.		not be placed on any public property or right of way or posted on any utility pole or device. Signs shall be removed from a premise no later than 5 days following the conclusion of the activity or event promoted by such sign
Abbreviations: sq. ft. = square feet ft. = feet			

(ORD-13-0014, § 19(Att. A), 2013)

DIVISION VI. - PROHIBITED SIGNS

21.44.600 - Prohibited signs.

The following signs shall be prohibited:

- A. **Unlawful Sign Projections.** No sign shall project into an adjoining private property under separate ownership, or into a public right-of-way or into an established setback unless an encroachment permit has been issued by the City Engineer.
- B. **Flashing Signs.** No sign shall flash, shimmer or glitter, nor give the appearance of flashing, shimmering or glittering.
- C. **Moving or Rotating Signs.** No sign shall rotate, oscillate or otherwise move, nor give the appearance of rotating, oscillating or moving.
- D. **Sound, Odor, Particulate Matter.** No sign shall emit audible sound, odor or particulate matter.
- E. **Unlawful Illumination.**
 - 1. No sign illumination system shall contain or use any beacon, spot, or stroboscopic light, or reflector which is visible from any public right-of-way or adjacent property.
 - 2. Generally, illuminated signs shall not be allowed to change color or light intensity. The exception being neon, fiber optic, or light-emitting diode (LED) light sources, which are permitted to gradually change color. Light intensity shall not be allowed to change.
 - 3. No floodlight shall be used which is not hooded or shielded so that the light source is not visible from any public right-of-way, adjacent property, or residential dwelling unit.
- F. **Portable Signs.** Portable signs are prohibited, except that a portable sign may be displayed to indicate a temporarily closed vehicular entrance or exit for purposes of public safety or convenience.

- G. **Street Furniture.** Signs shall not be placed on street furniture, as defined in this title.
- H. **Vehicle Signs.** Signs identifying a business shall not be affixed to or placed in or on vehicles parked in the public right-of-way or on private property in a manner such that the vehicle functions as a sign for the business. This regulation shall not apply to buses and taxicabs legally operating within the City limits, or to other permitted uses regulated under other titles of the Municipal Code. However, mobile billboards are prohibited in Chapter 21.54 (Billboards).
- I. **Obstruction of Use or Visibility.** No sign shall be located so that any portion of the sign or its supports interferes with the free use of any fire escape or exit or obstructs any required fire standpipe, stairway, door, ventilator or window; nor shall any sign be located so as to obstruct the visibility (corner cut-off areas) of vehicles or pedestrians using driveways or doorways.
- J. **Interference with Utility Lines.** No sign shall be located which has less horizontal or vertical clearance from utility lines than that prescribed by the rules of the Public Utilities Commission of the State.
- K. **Interference with Official Traffic Control Devices.** No sign shall appear in color, wording, design, location or illumination to resemble or conflict with any traffic control device.
- L. **Inflatable and Air-Blown Signs.** Any signs or decorations that are inflatable, such as balloons of any size or shape, and any signs that are air-blown or inflated or animated by the internal flow of air, such as signs that appear to have a waving body and appendages, are prohibited.
- M. **Flag Signs.** Flag signs (as defined in Section 21.15.2510) are prohibited. This includes any type of flag that functions as a sign, whether affixed to a building or not, including but not limited to those mounted on curved or flexible swivel masts and commonly referred to as "sails," "feathers," or "bow banners."
- N. **Decorative flags.** Flags with no intrinsic meaning (usually, but not limited to, simple flags of one or several colors, with or without a design motif), which are intended only to draw attention to a building or location, are prohibited. However, nothing in this Subsection shall be construed to prohibit any flag that constitutes a protected form of expression and is in compliance with all other applicable provisions of the Municipal Code.
- O. **Streamers, pennants, balloons, and the like.** All types of signs and exterior decorations that can be considered streamers, pennants, balloons, and the like shall be prohibited.
- P. **Projected light signs.** Any sign created by projecting light onto a surface is prohibited.
- Q. Any sign not exempted or permitted by this chapter shall be prohibited.

(ORD-13-0014, § 19(Att. A), 2013)

DIVISION VII. - NONCONFORMING, ABANDONED AND ILLEGAL SIGNS AND OTHER PROVISIONS

21.44.710 - Nonconforming signs.

It is the intent of this section to recognize that the eventual elimination of existing on-premises signs that do not conform to this chapter is as important to City-wide aesthetic and health, safety and welfare as is the prohibition of new signs that would violate the provisions of this chapter. It is also recognized that nonconforming signs should be eliminated as expeditiously and fairly as possible in a manner that avoids any unreasonable invasion of established property rights.

A.

Continuation of Use. A nonconforming on-premises sign may be continued in operation and maintained after the effective date of the ordinance codified in this title, provided that nonconforming signs shall not be:

1. Changed to another nonconforming sign; or
2. Structurally altered so as to extend the useful life of the sign; or
3. Expanded; or
4. Reestablished after damage or destruction of more than fifty percent (50%) of the sign value at the time of such damage or destruction.

The copy on nonconforming signs may be changed without affecting their nonconforming status, provided the content of the new copy is consistent with the provisions of this code, and a building permit is not required to change the copy.

B. Amortization.

1. Permanent nonconforming signs shall be removed or brought into compliance with the provisions of this chapter under the following circumstances:
 - a. Whenever the business, building, or other establishment for which the sign was emplaced is vacated, or
 - b. Whenever there is a change in the business license for the owner or lessee of a property on which there is a nonconforming sign(s), the nonconforming sign(s) shall be removed or brought into compliance with the provisions of this chapter prior to the effective date of the new owner's or lessee's business license, or
 - c. Upon approval of a building or electrical permit to modify a nonconforming sign for the purpose of expanding the sign, or structurally altering it to extend its useful life, or to reestablish the sign after damage or destruction of more than fifty percent (50%) of the sign value at the time of damage or destruction, the nonconforming sign shall be brought into compliance with the provisions of this chapter.
2. Nonconforming wall-painted signs shall be painted out, or brought into compliance with the provisions of this chapter when there is a change in business ownership or lessee of the property.
3. Cabinet signs with translucent plastic faces shall be subject to the requirement to utilize a push-through-type of sign face, as specified in Subsection 21.44.120.F.3, upon replacement of the sign face or copy, or when the circumstances specified in Subsection 21.44.710.B.1 are met.
4. Historic signs shall be exempt from amortization, as provided in Section 21.44.250

(ORD-13-0014, § 19(Att. A), 2013)

21.44.720 - Abandoned signs.

All abandoned signs, as "abandoned sign" is defined in Section 21.15.2520, shall be removed immediately.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.730 - Illegal signs.

All illegal signs have no vested rights and shall be removed or made to conform to the provisions of this chapter immediately.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.740 - Administrative removal of signs.

Signs may be removed by the City in accordance with the following procedures:

- A. **Illegal or Dilapidated Signs.** If the Director of Development Services, or his or her designee, finds that a sign is in violation of this chapter, or is in disrepair, defaced, deteriorated (including peeling paint), prohibited, abandoned, illegal, or is in violation of the Building Code or any other laws and ordinances, he shall seek correction of the violations as provided for in the Municipal Code, including the Administrative Citation process. The Director of Development Services shall inform the sign owner by a written notice if the sign is to be removed.
- B. **Safety Hazard or on Public Right-of-Way.** The City Engineer, or his designee, without giving notice, shall have the authority to authorize removal of any sign which:
 1. Poses an immediate threat to public safety; or
 2. Is displayed in violation of the provisions of this chapter or other City ordinances on or over any public right-of-way or public property.

(ORD-13-0014, § 19(Att. A), 2013)

DIVISION VIII. - ELECTRONIC MESSAGE CENTER SIGNS

21.44.800 - Electronic message center signs.

Electronic message center signs (abbreviated EMCS) are permitted subject to the following standards. Any exception to these standards shall require application for a Standards Variance under the provisions of Chapter 21.25 (Specific Procedures).

(ORD-13-0014, § 19(Att. A), 2013)

21.44.810 - Conditional Use Permit required.

The City recognizes that an electronic message center sign, if not carefully regulated and designed, has the potential to cause significant adverse effects upon its surrounding visual environment, and to negatively impact the perception of the environment and condition of its neighborhood. Therefore, to ensure that a process for adequate review is provided for these signs, each EMCS shall require an application for a Conditional Use Permit under the provisions of Chapter 21.25 (Specific Procedures), and additionally shall be subject to the findings specified in Section 21.52.229 - Electronic Message Center Signs (Conditional Uses). Additionally, to ensure a high-quality design, prior to a public hearing on the Conditional Use Permit the Site Plan Review Committee shall be authorized to review the design of the proposed EMCS under the provisions of Chapter 21.25 (Specific Procedures).

(ORD-13-0014, § 19(Att. A), 2013)

21.44.820 - Site requirements for electronic message center signs.

Electronic message center signs are subject to the following site restrictions:

- A. **Lot or Building Minimum Size.** Electronic message center signs are allowed only at a business or shopping center or institutional use that is located upon five (5) or more acres of land. The five (5) or more acres must consist of one (1) contiguous group of parcels or lots, and must be held by one (1) owner. Alternately, an EMCS may be permitted for a single building consisting of one hundred fifty thousand (150,000) square feet or more in gross floor area. Such building must be located on one contiguous parcel or group of lots and be held by one (1) owner.

- B. **Same Site as Principal Use.** An electronic message center sign shall be located on the same parcel as the principal land use of the business or institution for which the sign is established. The sign shall not be located on a site containing only a land use or uses secondary to the primary operation of the business or institution. For example, an electronic message center sign shall not be located on a lot or parcel used for automobile storage by an automobile dealership whose primary sales operations are on a different site; nor shall an electronic message center sign be located on a lot or parcel used for parking for an institution if said institution is on a different parcel.
- C. **Zones permitted.** EMCS shall be allowed in certain zoning districts as provided in Table 44-5.
- D. **Street types permitted.** EMCS shall be allowed only on a street or highway classified as a Major Arterial, Regional Corridor, or Freeway.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.830 - Number, location, spacing, form, and substitution/removal requirements.

The following requirements shall apply regarding the number, spacing, and form of electronic message center signs, as well as substitution for other sign types and removal of other sign types:

- A. **Number.** One (1) EMCS shall be allowed for each six hundred feet (600') of total street frontage on a qualifying site (the total may include street frontage more than one (1) street for sites bounded by multiple streets).
- B. **Location.**
 - 1. **Upon subject site.** No electronic message center sign shall be located closer to any interior side property line than twenty-five feet (25'). Lots adjoining freeway or railroad right-of-way may locate an EMCS on the property line adjoining such right-of-way.
 - 2. **Distance from residential.** All EMCS shall have a minimum separation of one hundred feet (100') from a residential district.
- C. **Spacing.**
 - 1. **Between EMCS on same frontage.** A radius of three hundred feet (300') shall be required between each EMCS on the same property, on the same street frontage.
 - 2. **Between EMCS on different frontage.** No EMCS shall be located less than one hundred feet (100') from another EMCS on a different street frontage (for example, an EMCS on each frontage of a corner lot) on the same property or site.
 - 3. **Between EMCS and freestanding/monument signs.** The minimum distance required between a freestanding/monument sign and an electronic message center sign shall be one hundred feet (100').
 - 4. **Between EMCS on different properties.** No EMCS shall be located less than three hundred feet (300') from another EMCS on a different property or site.
 - 5. **Freeway-oriented EMCS.** A radius of six hundred sixty feet (660') shall be required between all freeway-oriented electronic message center signs. For freeway-oriented EMCS, and EMCS located adjacent to other State highways, if the requirements of the California Department of Transportation (Caltrans) are more restrictive, those requirements shall control.
- D. **Sign form.** An EMCS may take the form or style of a freestanding sign, monument sign, or wall sign only. Other forms are prohibited.
- E.

Substitution for freestanding/monument signs and other sign removal. For each EMCS to be emplaced, two (2) freestanding or monument signs, if extant, shall be removed from the subject site, on the same street frontage as the EMCS. Additional removal of other on-premises sign(s) may be required by the Planning Commission as a condition of approval.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.835 - Design standards.

The following design standards shall apply to electronic message center signs:

- A. Bare metal structural supports are prohibited, and shall have an architectural covering instead.
- B. A freestanding EMCS shall have an architectural base and support(s) totaling at least half the width of the sign face.
- C. Use of flat, translucent plastic or acrylic sign faces for the fixed/permanent copy shall be prohibited. Channel letters are preferred, and push-through-type faces may be used on cabinets.
- D. High-quality materials shall be used in the sign overall. Use of metal backgrounds and cabinets is strongly encouraged.
- E. The overall design, form, and structure of the EMCS shall be architecturally interesting and creative, and shall be harmonious with itself and the surrounding land uses. The design should complement the building(s) of the site for which it is emplaced, and, where appropriate, bear a strong architectural relationship to those buildings.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.840 - Height, area, projection, and clearance requirements.

- A. **Height and area.** The height and area of an EMCS shall not exceed the limits set forth in Table 44-5.
- B. **Projection and clearance.**
 - 1. No portion of an electronic message center sign shall project into any right-of-way.
 - 2. The vertical clearance from grade to the lowest point of the sign is eight feet (8') for pedestrian use and fifteen feet (15') for vehicular use.

Table 44-5

Zoning, Height, and Area Standards for Electronic Message Center Signs

Zoning Districts		Standards		
		Permitted area (sq. ft.)	Maximum area (sq. ft.)	Maximum height (ft.)
CCA	C	Freestanding: 2/L.F. ^(a)	Freestanding: 150 Monument: 100 Wall: 150	Freestanding: 25 ^(c)
CHW IL, IM, IG, IP I, P, PR	C	Monument: 1/L.F. Wall: 1/L.F.	Freestanding: 150 ^(b) Monument: 100	Monument: 8 Wall: building height

Commercial and industrial character PDs ^(d)	C		Wall: 250	
Residential and mixed-use character PDs ^(d)	N	n/a	n/a	n/a
All R zones CNP, CNA, CNR CCP, CCR, CCN	N	n/a	n/a	n/a

Abbreviations: C = Conditional use permit required, N = Not permitted, PD = Planned Development District, ft. = feet, sq. ft. = square feet, L.F. = linear feet of street frontage (or building frontage for wall-type EMCS), n/a = not applicable.

(a) For freeway-oriented EMCS, permitted area is 3 sq. ft./L.F.

(b) For freeway-oriented EMCS in the noted zoning districts only, maximum area is 300 sq. ft.

(c) For freeway-oriented EMCS, maximum height is 40 ft. Where the freeway elevation is higher than the base of the sign structure, height shall be measured from the grade of the freeway lane nearest the sign (not including on- and off-ramps) to the top of the sign structure, as illustrated in Figure 44-9.

(d) In all PDs, sign regulations specified within each PD ordinance take precedence over the provisions of this chapter. In cases of doubt, or where the several subareas of a given PD are of differing character, the Zoning Administrator shall determine which standards should apply.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.850 - Brightness, display, copy, and message requirements.

The following requirements establish the standards for the display face and copy and messages to be displayed on an electronic message center sign:

- A. **Brightness.** The following brightness standards and limitations shall apply:
 1. Dawn to dusk: unlimited;
 2. Dusk to dawn: the display surface shall not produce luminance in excess of 0.3 foot-candles above ambient light conditions, or the level recommended by the Illuminating Engineering Society of North America (IESNA) for the specific size and location of the sign, whichever is less;

3. The display brightness shall be controlled by a photocell or light sensor that adjusts the brightness to the required dusk-to-dawn level based on ambient light conditions without the need for human input. Use of other brightness adjustment methods, such as timer- or calendar-based systems, shall only be used as a backup system;
 4. The display shall be factory-certified as capable of complying with the above brightness standards. Such certification shall be provided to the satisfaction of the Director of Development Services; and
 5. The sign owner shall provide to the City, upon request, certification by an independent contractor that the brightness levels of the sign are in compliance with the requirements of this section.
- B. **Display message.** The following standards and limitations shall apply to the message shown on the display surface:
1. The message shown on the EMCS display shall not flash, shimmer, glitter, or give the appearance of flashing, shimmering, or glittering.
 2. The EMCS display shall have no message or illumination which moves, or is in continuous motion, or which appears to be in continuous motion. Display of full-motion video and video-like sequences is prohibited.
 3. The display message shall not change at a rate faster than one (1) message every eight (8) seconds.
 4. There shall be a direct change from each message to the next, with no transition effect, and no blank or dark interval in between, to avoid a flashing or blinking effect.
 5. The intensity of illumination shall not change, except as required to comply with the dusk-to-dawn brightness standards.
 6. All messages shall be limited to on-site advertising of goods or services, or noncommercial messages (i.e., time, temperature, or public service announcements). All off-site advertising messages are prohibited (see "Billboard" Section 21.15.370); this includes messages by or for sponsors, patrons, brands, and other similar off-site parties or entities.
- C. **Fixed Copy.** Fixed/permanent sign copy on each face of an electronic message center sign shall be limited to the identification of the business, shopping or convention center name or icon and two (2) major tenants or products or services. The fixed/permanent sign copy shall not flash, shimmer, glitter, or give the appearance of flashing, shimmering, or glittering, and shall be included in the overall sign area as indicated on Table 44-5.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.855 - Light and glare intrusion prevention.

All electronic message center signs shall be adequately shielded and properly oriented and aimed so as to prevent the intrusion of light and glare upon residential land uses, including those in mixed-use districts.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.860 - Exemptions.

- A. Electronic signs used solely to display prices for gasoline sales at gas stations shall not be required to obtain a conditional use permit. These signs shall be subject to all other applicable requirements of Chapter 21.44

B.

Electronic message center signs and other similar electronic displays that are not visible from the public right-of-way and any other public or private property shall be exempt from the requirements of this division, except that such a sign or display shall be adequately covered or shielded, and properly oriented and aimed, so as to prevent the emission or generation of light and glare above the sign location. All building and electrical permits shall be obtained as required by the Municipal Code.

(ORD-13-0014, § 19(Att. A), 2013)

21.44.870 - Nonconforming electronic message center signs.

It is the intent of this section to recognize that the eventual elimination of existing electronic message center signs that do not conform to this chapter is as important to City-wide aesthetic and health, safety and welfare as is the prohibition of new signs that would violate the provisions of this chapter. It is also recognized that electronic message center signs typically require a much higher initial investment than other classes of signs, and do not recycle with the frequency of other classes of signs. Consequently, separate regulations for nonconforming EMCS are necessary to ensure that legal nonconforming EMCS are addressed as fairly as possible in a manner that avoids any unreasonable invasion of established property rights. Therefore, existing, legally-established electronic message center signs may be used and maintained as legal nonconforming signs, notwithstanding the provisions of Section 21.44.710 (Nonconforming signs), subject to the following restrictions:

- A. A nonconforming EMCS shall not be:
 - 1. Enlarged or otherwise altered to increase its display area,
 - 2. Increased in height,
 - 3. Changed to another type of nonconforming sign,
 - 4. Structurally altered to extend its useful life,
 - 5. Converted to a billboard (electronic/digital or otherwise), or
 - 6. Reestablished after damage or destruction of more than fifty percent (50%) of the value of the sign at the time of such damage or destruction.
- B. The display surface and fixed sign copy of a nonconforming EMCS may be altered and upgraded without affecting the nonconforming status of the sign, provided that such alterations comply with the requirements of Section 21.44.850 regarding brightness, display, copy, and message.
- C. Upon change of the primary land use for which the EMCS was constructed, the new owner or operator shall be required to obtain a new Conditional Use Permit in order to maintain the EMCS at the site. The Planning Commission may, at its discretion, require upgrades to the display ~~surface, fixed copy, and other elements of the nonconforming EMCS~~ to bring it into compliance with the requirements of Section 21.44.850. If a new Conditional Use Permit is not obtained, the EMCS shall be removed immediately.

(ORD-13-0014, § 19(Att. A), 2013)

DIVISION IX. - SIGNS ON PUBLIC PROPERTY

21.44.900 - Signs on public property.

- A. **Applicability.** No person, except a public officer or employee performing a public duty, shall place any sign on, above, along or within any public property. This prohibition does not apply to:
 - 1. Temporary promotional activity signs in public parks in connection with activities or uses approved by the City;

2. Street banners, temporary holiday season decorations, and other street decorations on or suspended from lamp poles or other public structures shall be permitted when approved by the Director of Public Works and the City Manager;
 3. Signs authorized by the City inside publicly owned places of assemblage such as convention halls, auditoriums, sports arenas or stadiums which are used in a proprietary capacity;
 4. Wall signs for on-premises advertising on buildings used by concessionaires or other private commercial users or lessees of public property, when authorized by departments or agencies of the City in their proprietary capacity, and provided that any such signs comply with the provisions of Section 21.44.120 pertaining to wall signs;
 5. Painting of house numbers upon curbs in compliance with the requirements of this Code;
 6. Residential neighborhood and commercial district identification signs (see Section 21.44.240) provided:
 - a. The signs are located in parkways or in the median island of divided highways;
 - b. The signs shall comply with the established design guidelines in this chapter; and
 - c. The applicant has a written construction and maintenance agreement approved by the Director of Public Works.
 7. Advertising, advertising displays or donor recognition permitted pursuant to Chapter 16.55
- B. **Permit Required.** Any person who intends to place a private sign on public property as permitted by Subsection 21.44.900.A shall first obtain a permit from either the Director of Public Works or in the case of public property used in a proprietary capacity, from the department or agency of the City in charge of such property. A permit application form shall be provided by the City. The City Council, by resolution, may establish permit fees and may authorize rental rates or other appropriate charges for this permitted use of public property.
- C. **In the Coastal Zone:**
1. On the sandy beach, the placement of private freestanding signs is prohibited.
 2. Prior to the placement of any private sign on public property located adjacent to the sandy beach, a coastal development permit shall be approved for a comprehensive sign plan. A comprehensive sign plan shall include specific standards for the size, number and location of proposed signs. A coastal development permit for a comprehensive sign plan shall be approved only if a positive finding is made that the sign or signs included in the plan do not:
 - a. Obstruct public views to or along the coast;
 - b. Adversely impact public access to and use of the water;
 - c. Adversely impact public recreational use of a public park or beach; or
 - d. Otherwise adversely affect recreation, access or the visual resources of the coast.
 3. A coastal development permit shall be required for any sign placed on public property in the Coastal Zone, except that a coastal development permit shall not be required for: wall signs; signs on the interior of structures; signs comprised solely of paint on existing structures; temporary banners, and flags displayed for a period not to exceed ninety (90) days; warning signs; traffic safety signs; and public service signs less than four (4) square feet that identify public conveniences (e.g., restrooms, telephones, hours of operation, government ordinances). A coastal development permit for a sign on public property shall be approved only if a positive finding is made that the sign design and scale does not:
 - a. Obstruct views to or along the coast from publicly accessible places;

- b. Adversely impact public access to and use of the water;
 - c. Adversely impact public recreational use of a public park or beach; or
 - d. Otherwise adversely affect recreation, access or the visual resources of the coast.
- D. **Removal of Signs.** Any sign permitted on public property shall be removed by the party responsible for its posting immediately after the conclusion of the advertised event or by the removal date established by ordinance, regulation, contract or event. If such sign is not removed by that time, it shall be deemed abandoned and may be summarily removed by the City. The person or entity responsible for posting said sign shall be liable for the City's costs incurred in the removal of such sign, and the City Manager or his/her designee is authorized to collect said costs.
- E. **Illegal Signs.** Any sign placed on public property in violation of the provisions of this section is declared a public nuisance and may be summarily removed by the City. The person or entity responsible for such illegal posting shall be liable for the City's costs incurred in the removal of such sign, and the City Manager or his/her designee is authorized to collect said costs.

(ORD-13-0014 , § 19(Att. A), 2013)

CHAPTER 21.45 - SPECIAL DEVELOPMENT STANDARDS

21.45.010 - Purpose.

The City recognizes that certain types of land use, due to the nature of the use, require additional development standards beyond those specified for the applicable zone district. The additional standards are required to ensure that the use does not adversely impact adjacent uses. This Chapter establishes special development standards for permitted principal uses indicated in Tables 31-1, 32-1, 33-2, 34-1, 35-1 and 36-1 with a "Y" and an asterisk (Y*).

(Ord. C-7629 § 2, 1999; Ord. C-6533 § 1 (part), 1988)

21.45.100 - Special development standards.

Special development standards shall be required for the use and activities noted as set forth in Section 21.45.110 et seq.

(Ord. C-7378 § 19, 1995; Ord. C-6533 § 1 (part), 1988)

21.45.110 - Adult entertainment businesses.

The following special development standards shall apply to adult entertainment businesses, as defined in Chapter 21.15 (Definitions) of this Title:

A. Location.

1. Adult entertainment businesses may not be located:
 - a. Within three hundred feet (300') of any residential zoning district or residential zoning district or residential planned development district (specifically excluding mixed-use zones) within the City; or
 - b. Within one thousand feet (1,000') of any public or private school (kindergarten through twelfth grade) located within the City; or
 - c. Within six hundred feet (600') of a City park; or
 - d. Within five hundred feet (500') of a church, as defined in Section 21.15.510 herein; or
 - e. Within one thousand feet (1,000') of any other adult entertainment business, as defined in this Title; or
 - f. Fronting upon that portion of Pacific Coast Highway between Hayes Avenue and Termino Avenue, that portion of Anaheim Street between the Long Beach Freeway and Termino Avenue, that portion of Santa Fe Avenue between Anaheim Street and Pacific Coast Highway and that portion of Artesia Boulevard between Paramount Boulevard and Downey Avenue, and that portion of Broadway between Atlantic Avenue and Euclid Avenue. Such areas have been determined by the Long Beach Police Department to experience a high rate of arrests for prostitution, lewd behavior and disorderly conduct. Such determination shall be reviewed in three (3) year intervals, commencing upon October 1, 1997.

2.

All measurements set forth above shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the adult entertainment business to the nearest point on the property line of the residential zone, school or other adult entertainment business, as applicable.

- B. **Parking.** Adult entertainment businesses shall comply with the parking requirements set forth in Chapter 21.41 (Off-Street Parking and Loading Requirements). The number of parking spaces provided shall be the equivalent of that required for new construction, regardless of the status of the legal nonconforming parking rights of the previous use.
- C. **Security.** The adult entertainment business shall provide a security system that visually records and monitors all parking lot areas serving the use. All indoor areas of the adult entertainment business shall be open to public view at all times with exception of restroom facilities. "Accessible to the public" shall include those areas which are only accessible to members of the public who pay a fee and/or join a private club or organization. Further, the adult entertainment business shall provide security guards, who are State licensed, armed, uniformed and approved by the City of Long Beach Police Department, during all hours of operation. The number of such guards so required shall be determined by the Chief of Police, and such number may be increased at any time by the Chief of Police if it is determined, in the Chiefs discretion, that such increase is necessary to protect the public peace and the surrounding neighborhood.
- D. **Displays.** The adult entertainment business shall not display any adult oriented material or adult oriented merchandise which would be visible from any location other than from within the premises of the adult entertainment business. This limitation includes newsracks, except as permitted by Long Beach Municipal Code Chapter 14.20 (Newsracks).
- E. **Lighting.** All areas of the adult entertainment business (except movie and mini-movie theaters) shall be illuminated at a minimum of one (1) foot-candle, minimum maintained and evenly distributed at ground level (excluding those areas shielded by tables and similar obstructions). Parking lot lighting shall comply with the standards set forth in Section 21.41.259 of this Title.
- F. **Hours of Operation.** An adult entertainment business shall not operate between the hours of twelve (12:00) midnight and nine (9:00) a.m.

(Ord. C-7274 § 4, 1994; C-6684 § 37, 1990; Ord. C-6533 § 1 (part), 1988)

21.45.115 - Reserved.

Editor's note—

ORD-11-0011, § 9, adopted June 7, 2011, repealed § 21.45.115, entitled "Attached/roof mounted cellular and personal communication services", which derived from: Ord. C-7399, § 15, 1996.

21.45.116 - Check cashing, pay day loans, car title loans, signature loans and other financial services.

The following special development standards shall apply to check cashing, pay day loan, car title loan, signature loan, and other financial service businesses:

- A. **Conditional Use Permit.** Required Findings for check cashing, pay day loan, car title loan, signature loan, and other financial service businesses are found in Section 21.52.212
- B. **Pay Phones.** Exterior phones, security bars and roll up doors shall be prohibited, and any existing pay phones shall be removed.
- C.

Window Signage. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.

- D. **Maintenance.** All yard areas shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences, and the perimeter of the site (including all public parkways).
- E. **Signage.**
1. All nonconforming signs and pole signs shall be removed, including roof signs regulated under Section 21.44.710
 2. All on-site signage shall be brought into compliance with the Long Beach Municipal Code, Chapter 21.44, removed, and/or improved to the satisfaction of the Site Plan Review Committee.
 3. Each check casher shall post a list of fees in English, Spanish, Tagalog, and Khmer at the cashier/check stand using a letter height not less than one-half (½) inch in height.
- F. **Landscaping.**
1. All parking and landscaping areas on the property shall be improved and brought into compliance with the Long Beach Municipal Code by paving and striping parking areas and adding drought tolerant, native trees and shrubs.
 2. All landscaping shall be permanently irrigated with a twenty-four (24) hour/seven (7) day electronic or solar powered time clock.
- G. **Lighting.** Lighting shall be provided, including glare shields, in accordance with Chapter 21.41, in a relatively even pattern and in compliance with California Title 24 Energy requirements.
- H. **Security.**
1. Interior and exterior video security cameras shall be installed at the front and rear of the business with full view of the public right-of-way and any area where the operator provides parking for its patrons. The cameras shall record video for a minimum of thirty (30) days and be accessible via the internet by the Long Beach Police Department (LBPD).
 2. A Public Internet Protocol (IP) address and user name/password to allow LBPD to view live and recorded video from the cameras over the Internet are also required. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services, and Director of Development Services.
- I. **Building Improvements.**
1. All building facades shall be improved with new paint, roofing materials, and windows to the satisfaction of the Site Plan Review Committee.
 2. New canopies or architectural projections shall be incorporated to the satisfaction of the Planning Commission and/or Site Plan Review Committee.

(ORD-13-0018, § 19, 2013)

21.45.120 - Commercial storage.

Open storage or storage of recreational vehicles is permitted outdoors provided the following standards are complied with:

- A.

Building Required. A building containing not less than three hundred (300) square feet of floor area shall be provided on the same parcel or an adjacent parcel associated with the same business. The building shall contain, at a minimum, employee restroom facilities and private office space for the business.

- B. **Location.** Storage shall not be located within required yard areas or on required parking areas.
- C. **Site Plan Review Required.** Before any construction or improvement begins, or new business license is issued to a new business licensee, or any licensed location expanded, complete site plans shall be submitted to and approved by the Planning and Building Department through the site plan review process. The site plan shall show the location and design of all buildings, structures, signs, lights, fences and landscaping.
- D. **Screening.** All open storage shall be screened by a solid wall of minimum height eight feet (8'). Material being stored shall not be visible above the wall.

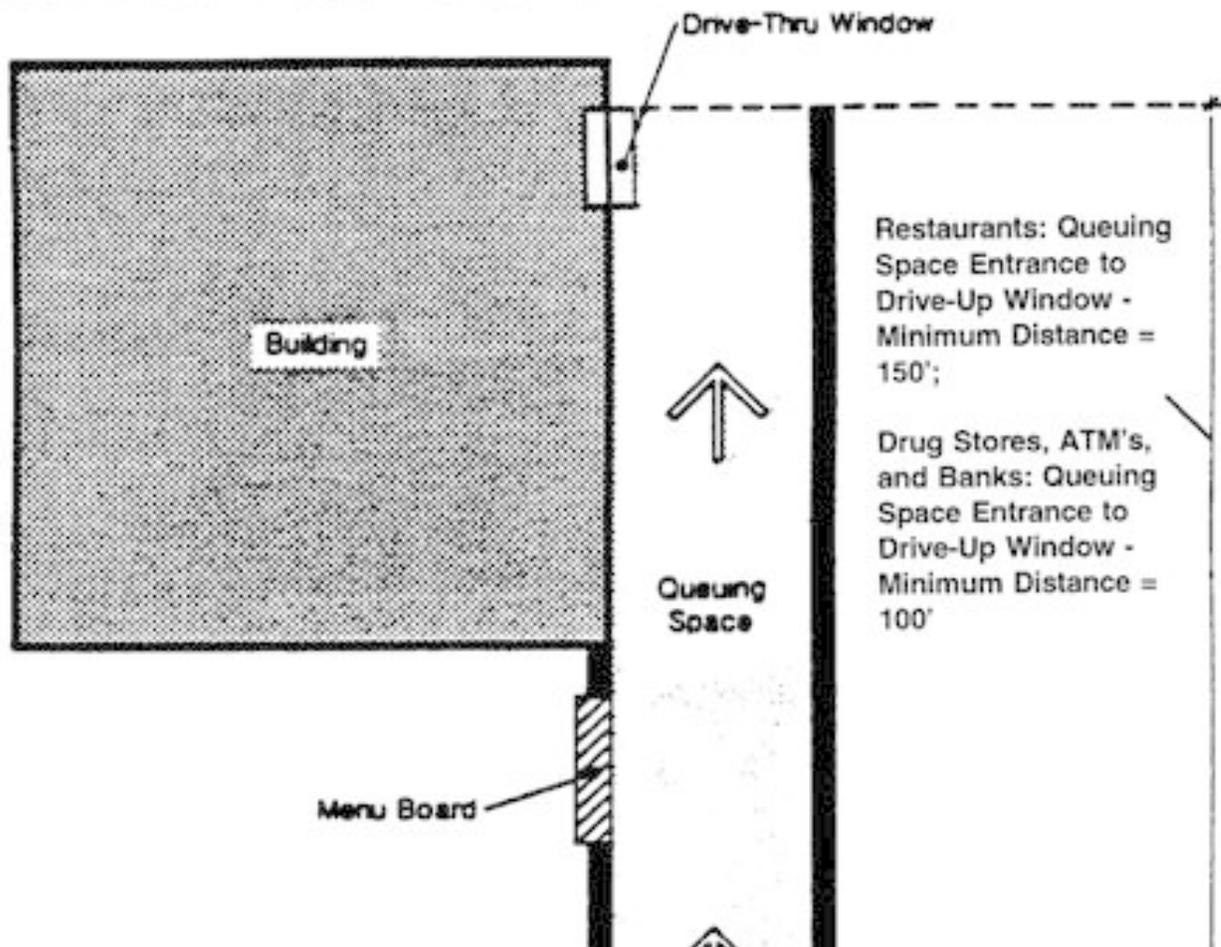
(Ord. C-6533 § 1 (part), 1988)

21.45.130 - Drive-thru facilities.

- A. **Queuing Space Length.**
 - 1. **Restaurants.** A minimum queuing distance of one hundred fifty feet (150') shall be provided from the forwardmost drive-up window to the entrance to the queuing space. The queuing space shall be located completely clear of any adjacent public right-of-way and all circulation aisles provided on a site as illustrated in Figure 45-1.
 - 2. **Drug Stores, ATM's, and Banks.** A minimum queuing distance of one hundred feet (100') shall be provided from the forwardmost drive-up window to the entrance to the queuing space. The queuing space shall be located completely clear of any adjacent public right-of-way and all circulation aisles provided on a site as illustrated in Figure 45-1.

Figure 45-1
DRIVE-THRU FACILITIES

Section 21.45.130 -Drive-Thru Facilities



B. **Menu Board Location.** Each menu board shall be located to provide adequate distance from the menu board to the entrance to the queuing space.

C. **Menu Board Size.** The size of a menu board shall be regulated by the provisions of Chapter 21.44 (On-Premises Signs).

(Ord. C-7607 §§ 4, 8, 1999; Ord. C-6533 § 1 (part), 1988)

21.45.132 - Emergency shelters.

Emergency shelters shall be developed according to the following limitations:

- A. Maximum number of beds. One hundred fifty (150) beds per facility. Additional beds may be permitted through the Conditional Use Permit (CUP) process (Minor CUP required).
- B. Proximity to other shelters. No limit.
- C. Length of stay. Maximum of ninety (90) days.
- D. Off-street parking standards. Given the nature of the use, off-street parking shall be provided only for office space in the shelter, at the same rate as that required for general professional office use, as specified in Chapter 21.41. Additionally, one (1) loading space compliant with the standards of Chapter 21.41 shall be provided for each twenty-five (25) beds or portion thereof.
- E. Size and location of exterior and interior waiting and drop-off:
 1. An adequately-sized waiting and drop-off area, for the sheltered persons and their personal effects, shall be provided at each emergency shelter facility. This area may be either on the exterior or the interior of the building. If exterior, this area shall not abut or adjoin a public sidewalk or right-of-way unless separated by a fence at least four (4) feet tall.
 2. Said waiting/drop-off area shall comply with all requirements of the applicable Building Codes relating to such a use or occupancy.
 3. Exterior waiting shall be permitted for no more than one (1) hour prior to the opening and one (1) hour after the closing of the facility each day.
- F. Security and lighting.
 1. For an emergency shelter with ten (10) or more beds, an adequate number of on-site security guards shall be present during the waiting/drop-off periods before opening and after closing.
 2. For an emergency shelter with twenty-five (25) or more beds, an adequate number of on-site security guards shall be provided at all times when the shelter is operating.
 3. Exterior lighting shall be provided at each facility as directed by the Chief of Police.
 4. Other security measures, such as security cameras and recorders, security gates, or other necessary requirements, shall be provided as directed by the Chief of Police.
- G. Provision of on-site management. All emergency shelter facilities shall have on-site management present at all times when the shelter is operating, and during the periods when sheltered persons are waiting before opening and after closing of the facility.

(ORD-13-0004, § 2, 2013)

21.45.135 - Outdoor sale of flowers and newspapers.

The sale of flowers and newspapers shall be allowed as open uses according to the following limitations:

- A. The uses allowed are limited to the sale of flowers, potted plants, newspapers, magazines and greeting cards. No other mobile vendor uses are permitted by this provision;
- B. The uses shall obtain a special outdoor sales permit at the zoning counter in the Planning and Building Department prior to issuance of a business license. This permit shall not be issued until compliance with the following provisions has been shown and a fee equal to a sign permit fee has been paid:
 1. A twenty (20) minute curbside parking area shall adjoin the site of the flower cart or newsstand;

2. A cart or stand shall be located on private property, completely outside of the public right-of-way. An area not less than two-feet-wide (2') on private property shall be provided on all sides from which merchandise can be viewed in order to allow vendors and customers to stand outside the public right-of-way while transacting business;
3. All applications shall be accompanied by proof of authorization by the owner of the property; and
4. Either flowers or newspapers may be sold from either carts or stands. A photograph of the cart or building plans for stands shall be submitted to the Zoning Administrator for review and approval. Approval of the request shall depend upon the cart or stand being clean, neat, of substantial construction and being aesthetically compatible to the location proposed.

(Ord. C-7326 § 25, 1995; Ord. C-7047 § 32, 1992)

21.45.140 - Outdoor display for sale or rent (vehicles, equipment, garden supply, or building materials).

- A. **Building Required.** A building containing not less than three hundred (300) square feet of floor area shall be provided on the same parcel or an adjacent parcel associated with the same business. The building shall contain, at a minimum, employee restroom facilities and private office space for the business.
- B. **Location.** The vehicles and other display materials shall be set back five feet (5') from a street and shall not be located in required parking areas.
- C. **Surfacing.** The entire area used for display purposes shall be surfaced with not less than two inches (2") of blacktop or equally serviceable hard pavement surface. The surfaced area shall be maintained in good condition.
- D. **Landscaping.** All street frontage setback areas shall be landscaped in accordance with the provisions of Chapter 21.42 (Landscaping Standards).
- E. **Screening.** Display of vehicles and garden equipment located along street frontages shall be screened by compact evergreen hedge or alternate landscaping in a manner which screens the undersides of vehicles from public view. Display of other equipment and materials shall be screened by a solid fence of at least six feet (6') in height.
- F. **Wheel Stops.** Wheel stops or some other type of protective device shall be provided as necessary to prevent vehicles from damaging fences, walls, buildings or landscaped areas, or from extending across any public or private property lines.
- G. **Lighting.** All outdoor lights shall be served by underground wiring and shall be shielded from adjacent properties.
- H. **Maintenance.** Outdoor display areas shall be maintained in a neat and manner nondetrimental to persons working or residing in the vicinity.

(Ord. C-7326 § 26, 1995; Ord. C-6533 § 1 (part), 1988)

21.45.150 - Outdoor service and repair of vehicles and equipment.

- A. **Building Required.** A building containing not less than three hundred (300) square feet of floor area shall be provided on the same parcel or an adjacent parcel associated with the same business. The building shall contain, at a minimum, employee restroom facilities and private office space for the business.
- B.

- Open Uses Allowed.** Unless otherwise restricted below, vehicle and equipment repair or maintenance may occur in open areas provided that appropriate screening is installed in accordance with the screening requirements of this Section.
- C. **Open Uses Prohibited.** Painting, except color match testing and sandblasting shall not occur in the open.
- D. **Parts and Sales Restriction.** Vehicles or equipment parked or stored on the site shall not be used as a source of parts and shall not be sold unless the business is also licensed for vehicle or equipment sales.
- E. **Hours of Operation.** Outdoor vehicle or equipment repair and maintenance shall occur only between the hours of seven (7:00) a.m. and ten (10:00) p.m.
- F. **Noise.** Outdoor vehicle or equipment repair and maintenance activities shall not violate the City noise ordinance, Chapter 8.80 of the Municipal Code.
- G. **Screening of Work Areas.**
1. **Abutting or Adjoining Residential Uses.** All property lines which abut or adjoin a district allowing residential uses shall be provided with a solid fence or wall not less than six feet (6') in height. Fences or walls on property lines abutting or adjoining front yard areas may not exceed three feet (3') in height.
 2. **Across Alley From Residential Use.** All property lines which abut or adjoin an alley across which residential uses are allowed shall be provided with a solid fence or wall not less than six feet (6') in height. However, for security reasons, the fence or wall may contain gates or other open areas, provided the open area does not exceed twenty percent (20%) of the entire fence or wall length. The Director of Planning and Building may accept open decorative fences such as wrought iron in lieu of the solid fence or wall, provided wrecked and disassembled vehicles or work service areas are not visible through the fence.
- H. **Screening of Wrecked or Dismantled Vehicles.** Any wrecked or dismantled vehicles or equipment parked overnight or stored on a site in the open shall be screened from the street by a solid fence or wall not less than six feet (6') in height. However, for security reasons, fences which abut alleys or residential streets, or fences which face a major highway, a minor highway or principal street, may contain open fence areas, as long as the open area does not exceed twenty percent (20%) of the entire fence or wall length.
- I. **Vehicles Outside Screening.** All vehicles or equipment parked or stored outside an area fully screened pursuant to Subsections 21.45.150.G and 21.45.150.H shall be parked or stored in a neat and orderly manner. Vehicles shall be parked parallel to each other and to property lines and/or buildings. Vehicles shall not be wrecked or dismantled; shall have hoods, trunks and doors closed; shall not be dirty or dusty; and shall not be parked or stored on public property or public rights-of-way.
- J. **Surfacing.** All areas used for open vehicle and equipment repair, parking or storage shall be improved with a fully paved surface and raised concrete curbing not less than six inches (6") in height.
- K. **Curb Cuts.** All unused curb cuts shall be closed and replaced with a full height curb and sidewalk. Curb cuts shall not exceed twenty-four feet (24') in width.
- L. **Site Maintenance.** All areas visible from public rights-of-way shall be kept clean and orderly in compliance with the provisions of the property maintenance ordinance, Chapter 8.76 of the Municipal Code. All broken, cracked, depressed or damaged curbs and sidewalks shall be repaired. No vehicle or

equipment repair use shall allow dirt, grime, oil or any chemicals to drain across the public sidewalk or alley in a manner which stains or discolors the sidewalk or alley.

(Ord. C-7776 § 6, 2001; Ord. C-6533 § 1 (part), 1988)

21.45.155 - Interim passive parks.

The following special development standards shall apply to interim passive parks as defined in Chapter 21.15 (Definitions) of this Title:

A. **Improvements.**

1. Improvements shall be limited to landscaping, walking paths and irrigation systems.
2. Park furniture is limited to benches.
3. Accessory buildings and or structures such as play equipment, tables, fire pits, barbecues, concession stands and public restrooms are not permitted.

B. **Setbacks.**

1. **Front.** The front setback shall be the same as for a principal structure in the applicable zoning district.
2. **Side.** A four foot (4') side setback is required when abutting a residential district otherwise none is required.
3. **Rear.** A ten foot (10') rear setback is required when abutting a residential district otherwise none is required.

C. **Hours of Operation.** Interim passive park hours of operation shall be seven-thirty (7:30) a.m. to dusk.

D. **Trash Receptacles.** Adequate trash receptacles shall be provided and maintained for the life of the use.

(Ord. C-7378 § 27, 1995)

21.45.157 - Radio and television antennas.

A. **Location.** Radio and television receiving and transmitting antennas shall be permitted any place on a lot except within the front yard setback area.

B. **Height.** Antennas are permitted up to a height of sixty feet (60') or twenty feet (20') above a building upon which they are erected, whichever is greater, provided that:

1. A building permit is obtained to erect the antenna and/or supporting tower;
2. Any transmitting equipment is used in such a way as to minimize interference with commercial or public radio and television broadcasts.

Nothing in this Title shall authorize the construction, installation or placement of any structure permitted in this Section within the clearances from any electric public utility installation, conductor, line, wire, pole, tower or any other equipment and facilities established by the Public Utilities Commission. Documentation of compliance with these regulations shall be provided with application for a building permit.

(Ord. C-7663 § 37, 1999)

21.45.160 - Retail/office commercial uses and parking structures in the R-4-H Zone.

A. **Commercial Uses.** In the R-4-H Zone, at grade commercial uses shall be located at property lines fronting on streets. A parking structure may encroach into the required yard area provided the structure is shielded by a street level commercial use along the street frontage. The commercial uses

permitted pursuant to this Subsection 21.45.160.A. shall be those and only those permitted in the CL Zone.

- B. **Parking Structures.** Parking structures may project into a required yard area fronting a street provided that the entire street frontage at ground level contains commercial use, corner cutoffs, driveways, building entrances or landscape amenity areas approved by the Director of Planning and Building.

(Ord. C-6595 § 13, 1989; Ord. C-6533 § 1 (part), 1988)

21.45.165 - Swimming pools and spas.

- A. A swimming pool or spa may be placed anywhere on a lot except within the front yard setback.
- B. A swimming pool or spa at a single-family home shall be isolated from the home pursuant to Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104 of the Health and Safety Code of the State of California.

(Ord. C-7663 § 38, 1999)

21.45.167 - Trash receptacles.

All required trash receptacles shall be developed according to the following standards:

- A. **Minimum Size.** Each trash receptacle area shall have adequate area to contain a size appropriate to the demands of the use and to accommodate separation of materials for recycling.
- B. **Screening.** All trash receptacles shall be enclosed on at least three (3) sides by a solid masonry wall of minimum height five feet, six inches (5'6"). The receptacle shall not be visible above the wall. A visually solid gate shall be provided.
- C. **Location.** All trash areas shall be located and arranged so as to be readily accessible to those using the trash receptacle as well as to trash pickup vehicles.
- D. **Landscaping.** All trash areas if visible from a street shall be further screened with a two foot (2') wide landscape strip. The strip shall be planted with shrubs of minimum five (5) gallon size which grow to a height of four feet (4'), with vines planted to the satisfaction of the Director of Planning and Building.

(Ord. C-7663 § 39, 1999)

21.45.168 - Truck terminal and truck yard facilities.

The following special development standards shall apply to trucking terminal and yards, in all Industrial Zones:

- A. Special conditions for industrial uses, Section 21.52.410 and Standards for outdoor service and repair of vehicles, Section 21.45.150 shall also apply.
- B. **Storage.** Transport containers used for storing goods, materials, or equipment to be transported by truck, train, or marine vessel may be stored anywhere on a lot, with the exception of any required corner cutoff area. No more than two (2) containers shall be stacked atop one another.
- C. **Clean Truck Program.** All drayage trucks, as defined in the Clean Truck Program, utilized for trucking business operations shall comply with the Clean Truck Program.
- D. **Maintenance.** All yard areas shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).

- E. **Facilities/Restrooms.** All trucking terminals and yards shall contain office(s) and restroom facilities that are large enough to accommodate employees and guests. Truck terminals and yards are prohibited on vacant lots.
- F. **Landscaping.**
1. A ten foot (10') wide landscaping buffer shall be provided on regional corridors and major arterial streets within the front yard and street side yard setback using drought tolerant plants common to the region.
 2. A five foot (5') wide landscaping buffer shall be provided on minor arterial and collector streets, within the front yard and street side yard setbacks.
 3. A ten foot (10') landscaping buffer shall be provided adjacent to all residentially zoned properties using drought tolerant plants common to the region.
 4. All landscaping shall be permanently irrigated with a twenty-four (24) hour/seven (7) day electronic or solar powered time clock.
- G. **Lighting.** Lighting shall be provided in accordance with Chapter 21.41 in a relatively even pattern and in compliance with California Title 24 Energy requirements.
- H. **Fencing.**
1. A maximum twelve foot (12') in height decorative fence is required at all driveways, parking and loading areas that are visible from the public right-of-way.
 2. An eight foot (8') in height decorative block wall shall be placed on all property lines adjacent to residentially zoned properties.
 3. Chainlink, barbed wire and razor wire fencing are prohibited, except when located atop an eight foot (8') or taller decorative fence on interior property lines, including a public alley.
- I. **Truck Queuing, Circulation, Paving and Grading.**
1. Adequate turning radius shall be provided to allow an adequate egress and ingress to the site.
 2. Trucking uses that accept deliveries or transfers from out of State trucks shall provide a minimum of thirty foot (30') wide curb approach.
 3. The site shall be designed to safely accommodate on-site maneuvers of any truck used for the business, and shall permit such trucks to enter and exit the site in a forward direction, thereby avoiding backing from or into a public street, except that trucks may back into a site, but not back into the street on lots less than twelve thousand five hundred (12,500) square feet in size.
 4. No loading or unloading of any materials or trailers shall be allowed on the public right-of-way, including an alley.
 5. Areas utilized for the parking of trucks shall be surfaced with a minimum six inch (6") thick reinforced concrete over compacted grade to ninety percent (90%) relative compaction; or a minimum five inch (5") thick asphalt paving over six inch (6") compacted road base, over compacted grade to ninety percent (90%) relative compaction, to the satisfaction of the Director of Development Services.
 6. The site shall be graded to drain in accordance with City's NPDES requirements and adequate catch basins shall be provided to screen runoff from the site.
 - 7.

Major auto repair associated with a trucking use and subletting to trucking repair businesses shall be prohibited. Minor auto repair associated with a trucking use is allowed as an accessory use.

8. Dumping of tires, oil, transmission fluids, filters, or any other hazardous materials is strictly prohibited.

(ORD-10-0033, § 2, 2010)

21.45.170 - Vending carts.

Vending carts shall be allowed as open uses according to the following special development standards:

- A. An administrative use permit shall be required by the City prior to issuance of a business license;
- B. Vending carts are limited to developed nonresidential sites;
- C. No more than two (2) signs, printed or affixed to each cart, which do not exceed two (2) square feet each, shall be permitted;
- D. No sales shall be made to motorists or shall any sales interfere with vehicular traffic;
- E. No vending cart operator shall place or allow to be placed any permanent or temporary fixtures at the location of the vending activity, including, but not limited to, chairs, tables, advertising material or signs not affixed to the carts or storage facilities;
- F. The vending cart shall be prohibited from operating in any landscaped area;
- G. The vending cart shall not be located in any manner that blocks or impedes on-site vehicular or pedestrian circulation;
- H. The vending cart shall not be located in or impede access to any required parking stall or space;
- I. The vending cart may operate during the hours of the retail or office complex, unless the conditions of approval contain more restrictive hours of operation in which case the more restrictive hours shall apply;
- J. All vending carts shall be equipped with trash receptacles of an adequate size and quantity to accommodate all trash and refuse generated by such outdoor vending operation;
- K. The vending cart operator shall possess a valid Health Department permit if food is prepared or sold; and
- L. Vending carts are not permitted to conduct business on any public right-of-way, unless an encroachment permit is issued by the Public Works Department.

(Ord. C-7247 § 32, 1994)

21.45.300 - Amortization of nonconforming open storage and uses.

- A. **Illegal Uses and Legal Nonconforming Uses.** All open commercial uses not specifically permitted by this Chapter shall be prohibited on the effective date of the ordinance codified in this Section as an amendment to the Zoning Regulations, and all legal nonconforming open uses shall be terminated by September 1, 1983.
- B. **Permitted Uses.** All open commercial uses specifically permitted by this Chapter which do not meet the required provisions shall be brought into compliance on the effective date of the ordinance codified in this Section as an amendment to the Zoning Regulations.

(Ord. C-6533 § 1 (part), 1988)

21.45.400 - Green building standards for public and private development.

- A. A green building, also known as a sustainable building, is a structure that is designed, built, renovated, operated or reused in an ecological and resource-efficient manner. Green buildings are designed to meet certain objectives such as protecting occupant health; improving employee productivity; using energy, water and other resources more efficiently; and reducing the overall impact to the environment. The City of Long Beach recognizes the benefit of green buildings and establishes a green building program.
- B. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System; trade; created by the U.S. Green Building Council (USGBC) is hereby established as the rating system the City shall use in administering the green building program. Alternative green building systems may be substituted, at the discretion of the Director of Development Services, if the system can be demonstrated to achieve a comparable standard of achievement as LEED.
- C. No building permit shall be issued for the types of projects specified in this Section unless the project meets the level of LEED performance specified in this Section. The Director of Development Services shall have the authority to issue a clearance for all projects subject to the provisions of this Section for LEED compliance. Issuance of clearance shall be based on procedures established by the Director of Development Services.
1. **The following types of projects shall meet the intent of LEED at the certified level:**
 - a. A new residential or mixed use building of fifty (50) dwelling units and fifty thousand (50,000) gross square feet or more.
 - b. A new mixed use, or nonresidential building of fifty thousand (50,000) square feet or more of gross floor area;
 - c. The alteration of an existing residential or mixed use building that results in the addition of fifty (50) dwelling units and fifty thousand (50,000) gross square feet or more;
 - d. The alteration of an existing mixed use, or nonresidential building that results in the expansion of fifty thousand (50,000) gross square feet or more; and
 - e. A new construction or substantial rehabilitation project for which the City provides any portion of funding.
 2. **The following type(s) of projects shall obtain LEED silver certification:**
 - a. A new building on City land consisting of seven thousand five hundred (7,500) square feet or more of gross floor area.
 - b. The alteration of an existing building on City land that results in the addition of seven thousand five hundred (7,500) square feet or more of new gross floor area;
- D. A project may be registered with the USGBC to obtain the required LEED certification, or a project may be certified by a third party as meeting the intent of LEED at the level required by this Section.
- E. Projects consisting of multiple buildings on one (1) or several lots shall be evaluated based on total gross floor area or number of dwelling units for the entire building footprint to determine applicability of this Section.
- F. The Director of Development Services shall have the authority to determine if the provisions of this Section apply to a given project in cases of uncertainty.
- G. Each project shall apply for compliance in whichever LEED rating system the Director of Development Services deems most suitable to the project type. The project shall use the version of the rating system in effect at the time the project is submitted for a building permit unless the project developer

has elected to register with the USGBC in which case the project may use the rating system version which was in effect at the time the project registered.

- H. If a commitment to LEED gold or higher certification is made, the project may be eligible for flexibility in regard to certain development standards including, but not limited to, usable open space and off-street parking requirements, as determined by the Director of Development Services.
- 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) square feet of commercial building area, one (1) space for each seven thousand five hundred (7,500) square feet of retail building area and one (1) space for each ten thousand (10,000) square feet 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.

(ORD-09-0013, § 5, 2009)

21.45.500 - Special Development Standards.

Adaptive Reuse Projects. The following special development standards shall apply to adaptive reuse projects:

- A. **Land Use.** The intent of the adaptive reuse is to allow conversion of existing structures into new land uses that maintain or enhance the character of a neighborhood or district, extend the life of the building, reduce use of new construction materials and reduce construction waste generated, and provide additional employment or housing opportunities in appropriate and compatible locations.
 - 1. An adaptive reuse project may change an existing building to any Neighborhood Commercial and Residential (CNR) District permitted use with the following exceptions:
 - a. Adaptive reuse projects are not allowed in single-family or duplex residential zoning.
 - b. Non-residential uses introduced into any multiple-family residential zones through adaptive reuse shall be compatible with the surrounding neighborhood as determined by the Site Plan Review Committee.
 - c. No new residential uses shall be introduced through adaptive reuse into any industrial zone.
 - 2. Any discretionary review, including an Administrative Use Permit or Conditional Use Permit required within the CNR zone for a particular use, is required for an adaptive reuse project.
 - 3. Any request for a land use not explicitly allowed within the CNR zone as part of an adaptive reuse project shall require an Administrative Use Permit.
- B.

Setbacks. Existing principal structures with non-conforming setbacks may remain. Any additions or facade changes involving greater than twenty-five (25) continuous linear feet of exterior wall facing a public right-of-way shall comply with zoning setbacks, unless waived by the Site Plan Review Committee.

- C. **Height.** Heights of existing buildings shall be exempt from established height limits. The addition of parapets or roof structures, equipment or other enclosures or non-habitable space is allowed. Any new or additional habitable space or floors shall comply with height limits of the underlying zoning district, unless waived by the Site Plan Review Committee.
- D. **Residential Unit Size.** A minimum dwelling unit size of four hundred fifty (450) square feet and project average of no less than seven hundred (700) square feet shall be provided, unless waived by the Site Plan Review Committee.
- E. **Existing Parking.** The overall number of existing parking spaces on-site shall be maintained. An exception for a reduction in existing parking for purposes of providing required ADA parking and access may be allowed by the Site Plan Review Committee.
- F. **Required Parking in Designated Parking Impacted Areas.** Parking for adaptive reuse projects in designated parking impacted areas shall be provided as follows:
 - 1. Residential parking shall be a minimum of one (1) space per dwelling unit plus one (1) guest space for every four (4) dwelling units.
 - 2. Parking for all non-residential uses shall be a minimum of two (2) spaces per every one thousand (1,000) square feet of usable internal space.
 - 3. In mixed use adaptive reuse projects, the first three thousand (3,000) square feet of non-residential space shall be exempt from parking requirements.
 - 4. Seventy-five percent (75%) of the minimum required parking shall be provided for assembly, office or retail conversions in mixed use or stand-alone buildings.
 - 5. Tandem parking is allowed up to seventy-five percent (75%) of provided spaces.
 - 6. Shared parking arrangements shall conform to LBMC Section 21.41.222 - Off-site parking or Section 21.41.223.A - Parking-Joint Use of Parking Facility.
 - 7. Any reduction in provided parking beyond the minimums above shall be approved by the Site Plan Review Committee.
- G. **Required Parking in General.** Parking for adaptive reuse projects outside of designated parking impacted areas shall be provided as follows:
 - 1. No additional on-site parking shall be required for conversion to residential uses.
 - 2. Parking for all non-residential uses shall be a minimum of one (1) space per every one thousand (1,000) square feet of usable internal space.
 - 3. In mixed use adaptive reuse projects, the first six thousand (6,000) square feet of non-residential space shall be exempt from parking requirements.
 - 4. Fifty percent (50%) of the minimum required parking shall be provided for assembly, office or retail conversions in mixed use or stand-alone buildings.
 - 5. Tandem parking is allowed up to fifty percent (50%) of provided spaces.
 - 6. Shared parking arrangements shall conform to LBMC Section 21.41.222 - Off-site parking or Section 21.41.223.A - Parking-Joint Use of Parking Facility.
 - 7. Any reduction in provided parking beyond the minimums above shall be approved by the Site Plan Review Committee.

H. **Other provisions.** Floor Area Ratio (FAR), Landscaping, Lot Coverage, Open Space, and any other applicable development standards of the underlying zone would have to be complied with, unless waived by the Site Plan Review Committee.

(ORD-14-0004, § 3, 2014)

CHAPTER 21.47 - DEDICATION, RESERVATION AND IMPROVEMENT OF PUBLIC RIGHTS-OF-WAY

21.47.010 - Purpose.

It is the intent of this Chapter to provide for the orderly acquisition and improvement of public rights-of-way for the benefit of the public health, safety and welfare. The provision and improvement of public rights-of-way are necessary requirements of private property owners to ensure that private property development does not adversely impact other public and private facilities and services.

(Ord. C-6563 § 1 (part), 1989; Ord. C-6549 § 1 (part), 1988; Ord. C-6533 § 1 (part), 1988)

21.47.020 - Dedication and reservation.

- A. **Dedication—New Development Requiring Site Plan Review.** Any residential, commercial, industrial or institutional development which requires site plan review under Section 21.25.502 and which is located on a lot abutting public rights-of-way shall be required to dedicate a portion of that lot for widening of the public rights-of-way to the standards specified in Table 47-1 if positive findings can be made pursuant to Section 21.25.506. The potential right-of-way area shall be dedicated prior to the issuance of a building permit for such proposed new construction.
- B. **Reservation—Other Development.** Any development which does not require site plan review, where the site abuts a major, secondary or minor highway designated by the Transportation Element of the General Plan, shall be required to reserve a portion of the lot for widening of the highway right-of-way to the standards specified in Table 47-1. No reservation shall be required for alley widening or for widening of abutting streets which are not designated as highways. The City will pay fair market value to purchase the reserved area when the highway is widened.
- C. **Width.** Table 47-1 establishes the standard right-of-way widths for the various classifications for public rights-of-way. The right-of-way dedication or reservation on an individual lot shall be one-half (½) of the required standard width, measured from the centerline of the street.
1. **Greater Widths.** Greater widths may be required as conditions of subdivision maps, site plan review, conditional use permits or standards variances.

Table 47-1

Standard Right-of-Way Widths

Roadway Classification	Width (Feet)
Major highway with medians	106
Major highway without medians	100
Secondary highway	80
Minor highway	60

Residential street	56
Private street* (two-way, both sides developed)	46
Private street* (two-way, one side developed)	33— 37
Private street* (one-way, both sides developed)	36
Private street* (one-way, one side developed)	23— 27
Alley, two-way	20
Alley, one-way	12
Bicycle path, two-way bicycle path adjoining State highway	17
Bicycle path, one-way	8
Bicycle path, two-way, sidewalk without street trees	17
Sidewalk at curb	6
Sidewalk inside street trees	5
* Private streets shall comply with the following cross section dimensions:	

Type of Street	10' Travel Lanes	8' Parking Lanes	4' Tree Well Area	5' Sidewalk
Two-way, both sides developed	2	2	2	2
Two-way, one side developed	2	1	1	1
One-way, both sides developed	1	2	2	2
One-way, one side developed	1	1	1	1

For one-sided developments, street trees are to be placed on the opposite side of the street, in knuckles projecting into the parking lane. The trees are to be located thirty-two feet (32') on center. In addition, trees are also required in the front yards on the development site.

2. **Reduced Widths.** The required standard width may be reduced at specific locations on specific streets due to unusual conditions, as authorized by the Director of Public Works or his designee.
- D. **Effect on Required Yard Areas.** All required yard areas shall be measured after the dedication or reservation.
- E. **Reservation—Permitted Structures.** Only the following structures shall be permitted in, over or under reserved areas:
1. A fence or garden wall as provided in Chapter 21.43
 2. A planter, porch, patio or deck not more than three feet (3') in height;
 3. A roof eave, balcony, oriel window or similar projection, provided that projection has a vertical clearance of at least eight feet (8') between the ground and the lowest point of the structure and such projection does not project more than four feet (4') beyond the reservation line; and
 4. On-premises and off-premises signs as provided in Chapters 21.44 and 21.54
- F. **Reservation—Nonconformities.** Whenever a structure was erected prior to the establishment of a reserved area and projects into that area, it shall be nonconforming to the provisions of this Title, and the provisions of Chapter 21.27 relative to nonconformities shall apply.

(Ord. C-7326 § 27, 1995; Ord. C-6684 § 38, 1990; Ord. C-6563 § 1 (part), 1989; Ord. C-6549 § 1 (part), 1988; Ord. C-6533 § 1 (part), 1988)

21.47.030 - Improvements.

- A. **Applicability.** Prior to the issuance of occupancy permits for any new development, a property owner shall make all required improvements and repairs to abutting public rights-of-way. The improvements and repairs shall extend along the width and/or depth of the property and for a reasonable distance beyond the property as is necessary to complete the improvement or repair. Existing improvements that are damaged and that may have been damaged during construction of the building shall also be repaired.
- B. **Required Improvements—All Projects.** All projects shall be required to provide the following right-of-way improvements as are deemed necessary and applicable by the Director of Public Works:
1. **Sidewalk and Parkway.** Construction or repair of a sidewalk and parkway adjoining the site. The sidewalk shall have a minimum clear width of five feet (5') with a parkway, or six feet (6') if the sidewalk adjoins the curb;
 2. **Curb and Gutter.** Construction or repair of curbs and gutters adjoining the site. All unused curb cuts shall be replaced with a full-height curb and gutter;
 3. **Street Trees.** As required by Subsection 21.42.060.B.1; and
 4. **Bicycle Trail.** Construction of bicycle trail as required by the "Bike Route System" adopted by the City Council.
- C.

Required Improvements—New Development Requiring Site Plan Review. In addition to the improvements required above, any new residential, commercial, industrial or institutional development which requires site plan review shall provide the following improvements as are deemed necessary and applicable by the Director of Public Works, through the submission of positive findings pursuant to Section 21.25.506

1. **Alley Paving.** Construction, replacement, repair or extension of alley paving up to standard width. The alley shall be paved the length of the site. If vehicle access is taken from the alley, the Director of Public Works may also require that the alley be paved to a point where the alley intersects a paved public right-of-way, and curb returns shall be relocated as necessary.
2. **Alley Lighting.** Construct or install on-site alley lighting.
3. **Utilities Relocation.** Relocate utilities as necessary to provide for the improvements outlined above.

D. **Required Improvements—Major Projects.** In addition to the improvements required in Subsections B and C of Section 21.47.030, major projects shall provide the additional improvements required by this Section as are deemed necessary and applicable by the Director of Public Works. A "major project" is defined to be a new residential development with twenty-one (21) or more units, and a commercial, industrial or institutional development which requires site plan review.

1. **Roadway Paving.** Construction, replacement, repair or extension of roadway paving to standard street width as required in Table 47-1.
2. **Traffic Signals and Street Signs.** Provide a prorated share of the cost of all roadway signal and street sign modifications attributable or partly attributable to the development.
3. **Street Lights.** Install or relocate street lights. This may include widening the right-of-way as necessary.
4. **Utilities Relocation.** Relocate utilities as necessary to provide for the improvements outlined in paragraphs 1 through 3 above.

E. **Standards.** All improvements within public rights-of-way shall be installed in conformance with the specifications on file with the office of the City Engineer.

(Ord. C-7326 § 28, 1995; Ord. C-7032 § 37, 1992; Ord. C-6563 § 1 (part), 1989; Ord. C-6549 § 1 (part), 1988; Ord. C-6533 § 1 (part), 1988)

Table 47-2

Summary of Dedication, Reservation and Improvement Requirements for All Development Projects

Projects	Right-of-Way		Improvements		
	Reservation (applies only to designated highways)	Dedication (streets, highways and alleys)	Sidewalk, Parkways, Curb and Gutter, Street Trees, and Bicycle Trail	Alley Paving, Alley Lighting, Utilities Relocation	Roadway Paving, Traffic Signals, and Street Signs, Street Lights, and Utilities Relocation

Residential projects with 21 units or more and all nonresidential projects requiring Site Plan Review		X	X	X	X
Residential projects requiring Site Plan Review with less than 21 units		X	X	X	
Projects not requiring Site Plan Review but located on major, minor or secondary highway	X		X		
All other projects			X		

21.47.040 - Relief from requirements.

Relief from the requirements prescribed by this Chapter may be granted through the "Standards Variance" procedure (Division III of Chapter 21.25 of this Title), provided that the Director of Public Works files a request and recommendation with the Zoning Administrator prior to the hearing, and provided that the only finding required to grant relief is that the dedication and/or improvement is not necessary for a public purpose generated at least in part by the development or that the cost of the dedication and/or improvement is proportionally excessive when compared to the scale of the project or demand generated from the project.

(Ord. C-6563 § 1 (part), 1989; Ord. C-6549 § 1 (part), 1988; Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.50 - INTERIM PROHIBITION OF USES

21.50.010 - Purpose, intent and definitions.

- A. The purpose of this Chapter 21.50 is: (1) to define the nature of interim ordinances enacted to avoid development that would negate the impact of planning or zoning studies, or rezoning or regulation amendments relating to such studies, being considered or undertaken at the time of initiation of the interim ordinance; (2) to set forth the procedures under which such interim ordinances may be initiated and enacted; (3) to provide for notification of such enactment; and (4) to provide for termination of such interim ordinances in a timely manner. This Chapter sets forth the exclusive manner and means for enacting interim land use limitations in the City of Long Beach.
- B. As used in this Chapter 21.50, "interim ordinance" means an ordinance enacted pursuant to this Chapter as an emergency ordinance in the sense of Section 211 of the Charter of the City of Long Beach for the purpose of prohibiting or restricting certain land uses or the application of certain developmental standards and entitlements pending the completion of planning or zoning studies, rezonings or amendments to the zoning regulations as set forth in this Chapter.
- C. It is the intent of the City Council in enacting this Chapter that only prohibitory ordinances should be enacted and that the authority granted herein should not be utilized for affirmative/expansive zoning or planning provisions or for the purpose of giving immediate effect, outside regular procedures, to normal rezoning or zoning regulation amendments.

(Ord. C-7247 § 35 (part), 1994)

21.50.020 - Conditions for initiation.

- A. All interim ordinances pursuant to this Chapter may be enacted if and only if conditions are found by the City Council to exist at the time of adoption as follows:
 - 1. Existing zoning permits one (1) or more uses or development standards which are or may be in conflict with a contemplated general plan, specific plan or zoning proposal that the City Council, Planning Commission or Planning staff is considering or studying; or
 - 2. The City Council, Planning Commission or Planning Department has formally initiated such a study which it intends to complete within a reasonable time; or
 - 3. A rezoning or Zoning Regulation amendment has been formally initiated which, if enacted, will be in conflict with existing zoning or regulations; and
 - 4. The City Council has specifically identified the precise nature of the proposed study, rezoning or Zoning Regulation amendment and the geographic area or areas which will be or may be affected by the study, rezoning or amendment.
 - 5. Where any interim ordinance enacted or amended would take effect in the Coastal Zone, the City Council has made findings as required by Section 21.50.050
- B. **Method of Initiation.** The City Council may initiate all interim ordinances presented to this Chapter by:
 - 1. Adopting a minute order pursuant to agenda request to: (a) initiate a rezoning, Zoning Regulation or General Plan amendment, specifying the precise nature, location and impact of the rezoning or amendment; and (b) requesting the City Attorney, in cooperation with the Department of

Planning and Building, to prepare an interim zoning ordinance pursuant to this Chapter 21.50 for notice and placement on the City Council agenda for hearing at its third meeting next following such adoption;

2. At the third City Council meeting following said action, the City Council shall, after hearing, consider adoption of the ordinance so prepared, which ordinance shall include an estimate of the time needed to complete the processing of the rezoning or amendment and any necessary studies undertaken relating to those actions. The City Clerk shall immediately notify the Director of Planning and Building of the action taken at such meeting;
3. During the period between initiation of an action pursuant to this Section and the adoption or rejection of an ordinance pursuant to Subsection 21.50.020.B.2, no application shall be accepted for, nor shall any permit or other entitlement for use of any kind be issued for, any project or proposed use inconsistent or in conflict with the initiated action. Any application accepted contrary to the provisions of this Section shall be returned, with refunded filing fee, to the applicant upon discovery of the mistaken acceptance.

(Ord. C-7319 § 2, 1995; Ord. C-7247 § 35 (part), 1994)

21.50.030 - Notification of action.

- A. Immediately following adoption of a minute order as set forth in Subsection 21.50.020.B.1, the City Clerk shall immediately so notify the Director of Planning and Building who shall mail notice of such action to every applicant for a building permit then on file with and pending before the Department of Planning and Building that is or might be affected by such action or the ordinance to be considered pursuant to it.
- B. The notice shall set forth in full the motion and minute order so adopted and shall indicate, in bold-faced type, that the action and any interim zoning ordinance subsequently adopted may affect pending applications.
- C. The failure of any person to receive notification pursuant to this Section 21.50.030 shall not be construed to void or nullify the effect of any action taken pursuant to this Chapter.

(Ord. C-7247 § 35 (part), 1994)

21.50.040 - Adoption of interim ordinance.

- A. Notwithstanding any other provision of this Title 21, including, but not limited to, Section 21.10.060, and subject to the requirements of Sections 21.50.020 and 21.50.030, and following notice pursuant to Section 65090 of the California Government Code and public hearing, but without following the procedures otherwise required preliminary to the adoption of a zoning ordinance, the legislative body, to protect the public safety, health and welfare, may adopt as an emergency ordinance in the sense of Section 211 of the Long Beach City Charter an interim ordinance prohibiting any uses or development standards which may be in conflict with a contemplated general plan, specific plan, rezoning or Zoning Regulation amendment or proposal which the legislative body, Planning Commission, or the Planning Department is considering or studying or intends to study within a reasonable time.
- B. The interim ordinance shall be of no further force and effect one (1) year from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may, by emergency ordinance, extend the interim ordinance for one (1) year.
- C.

When any interim ordinance has been adopted pursuant to this Section, every subsequent ordinance adopted pursuant to this Section, covering the whole or a part of the same property and imposing the same or similar interim restrictions, shall automatically terminate and be of no further force or effect upon the termination of the first such ordinance or any extension of the ordinance as provided in this Section.

(Ord. C-7247 § 35 (part), 1994)

21.50.050 - Effect of interim ordinance in the coastal zone.

Any interim ordinance enacted or amended pursuant to this Chapter 21.50 may only take effect in the coastal zone without prior Coastal Commission review and approval where such an ordinance is not in conflict with the California Coastal Act and the City Council so finds at the time of adoption of the ordinance or amendment of the ordinance. In all other instances, including ordinances which propose to selectively prohibit either certain types of uses or uses in portions of the coastal zone while authorizing approval of other uses, or ordinances which propose to selectively prohibit the application of certain development standards in any or all portions of the coastal zone, the City may not prohibit the uses or development standards identified in the local coastal program within the coastal zone until the ordinance is submitted to the Coastal Commission and approved pursuant to California Public Resources Code, Section 30514.

(Ord. C-7319 § 1, 1995; Ord. C-7247 § 35 (part), 1994)

CHAPTER 21.51 - ACCESSORY USES

21.51.010 - Purpose.

The uses listed in Chapters 21.31 through 21.36 as accessory uses (A) are permitted subject to the development standards for the zone in which the use is located and subject to additional conditions and specifications outlined in this Chapter. If no special conditions are prescribed in this Chapter or in Chapters 21.31 through 21.36, then the use need conform only to the development standards for the zone in which it is located.

(Ord. C-6533 § 1 (part), 1988)

DIVISION I. - USE RESTRICTIONS

21.51.110 - Use restrictions.

The following are not considered accessory uses:

- A. **Additional Dwelling Units.** Any use which increases the number of dwelling units in any building or on any lot beyond that permitted in the district, except for secondary housing units as described in Section 21.51.275
- B. **Alcoholic Beverage Sales.** The sale of alcoholic beverages, whether on or off-site, shall not be considered an accessory use to any use, except department stores and florists, regardless of traditional associations or limited proportion of sales. Alcoholic beverage sales shall always be considered a principal use;
- C. **Gun Repairs and/or Sales.** Gun repairs and sales are separate principal uses and shall not be considered accessory uses to any use; or
- D. **Storage of Inoperative, Dismantled or Wrecked Vehicles in Residential Districts.** The storage of more than two (2) inoperative, dismantled or wrecked vehicles shall not be considered an accessory residential land use and shall be prohibited in all residential districts.

(Ord. C-7776 § 12, 2001; Ord. C-7047 § 24, 1992; Ord. C-6533 § 1 (part), 1988)

DIVISION II. - USE CONDITIONS

21.51.201 - Accessory use conditions.

The following conditions and specifications shall apply to the specified accessory uses in all zone districts.

(Ord. C-6533 § 1 (part), 1988)

21.51.203 - Active senior citizen housing.

The following conditions shall apply to housing for active senior citizens:

- A. Density shall be limited to that of the R-4-N zoning district at the applicable lot width.
- B. The parking shall be provided as designated in Table 41-1A.
- C. The use shall not abut or adjoin an automobile service or repair use.

- D. The use shall comply with all applicable development standards of the R-4-N zone except for height and setbacks which shall comply with the standards of the district in which the use is located.

(Ord. C-6895 § 31, 1991)

21.51.205 - Amusement machines and electronic video games.

- A. **Locations Prohibited.** Amusement machines shall not be permitted at locations licensed for the off-site consumption sale of general alcoholic beverages where such machines are located within sixty feet (60') of the display of such alcoholic beverages.
- B. **Restrictions.** The following restrictions shall apply to the operation of amusement machines and electronic video games. However, the restrictions shall not apply to jukeboxes, musical apparatuses, baseball batting cages, tennis practice cages, amusement rides, ping pong tables or similar uses.
1. No more than four (4) amusement machines or video games shall be established at any one (1) site where such machines are permitted as accessory uses.
 2. Persons owning, controlling or managing any amusement machine or video game shall not permit any person under the age of eighteen (18) to operate any such machine between six a.m. and three p.m., Monday through Friday, from September 10 through June 20, except national holidays. Such limitations shall be clearly posted by July 1, 1989, on a sign provided by the Department of Planning and Building, in a location clearly visible to anyone attempting to play any amusement machine or video game.
 3. Amusement machines or video games of an adult nature, as defined in Chapter 21.15 (Definitions) shall not be allowed as an accessory use unless the locational restrictions of Section 21.45.110 (Special Development Standards—Adult Entertainment) are complied with.
 4. All uses with amusement machines or video games, in excess of those allowed above shall remove such amusement machines or video games within ninety (90) days of notification that the video games are nonconforming to these provisions.

(Ord. C-6595 § 14, 1989; Ord. C-6533 § 1 (part), 1988)

21.51.210 - Animals (household pets).

The keeping of household pets shall be subject to the following limitations:

- A. **Number.** A total of not more than four (4) weaned household pets may be kept at one (1) site, unless any of the weaned pets are dogs bred pursuant to a permit issued under Section 6.16.190 of this code, in which case all such weaned dogs may be kept at one (1) site until such dogs have reached the age of four (4) months. This limitation shall not apply to fish, rodents (other than rabbits), or caged birds (provided the birds are not allowed to fly free and are maintained in accordance with all applicable health regulations).
- B. **Maintenance.** Household pets shall be kept in a manner which does not damage or pose hazards to people or property and which does not generate offensive dust, odors or noise.
- C. **Horses.** Horses may be kept subject to the provisions of Chapter 21.38 (Horse Overlay District).
- D. **Other Animals.** Dangerous or wild animals as defined in Section 6.16.030 of the Municipal Code shall not be kept in any residential zone.

(ORD-06-0012 § 5, 2006; Ord. C-7780 § 2, 2001; Ord. C-6533 § 1 (part), 1988)

21.51.215 - Banquet room rental.

A restaurant banquet room may be rented for private functions, provided a portion of the restaurant remains open to the public.

(Ord. C-7247 § 33 (part), 1994)

21.51.220 - Caretaker's or nightwatchman's residence.

Caretaker's or nightwatchman's residences are permitted accessory uses only if used in direct conjunction with a permitted nonresidential use.

(Ord. C-6533 § 1 (part), 1988)

21.51.225 - Catering (food preparation).

Catering which involves food preparation shall be permitted as an accessory use only to an existing restaurant. If a catering business does not involve food preparation but instead involves only party planning and counseling, it shall be considered an office use.

(Ord. C-6533 § 1 (part), 1988)

21.51.226 - Computer cafe.

The following conditions shall apply to computer, cyber, or internet cafes:

- A. Computer games of an adult nature depicting "specified anatomical areas" or "specified sexual activities", as these terms are defined in Chapter 21.15 (Definitions), shall not be installed on computer terminals or played by customers unless the locational restrictions of Section 21.45.110 (Special development standards - adult entertainment) are complied with; and
- B. If access to adult oriented web sites is allowed, a separate area, up to a maximum of twenty percent (20%) of computer terminals available for public rental, shall be set aside for adult viewing with the computers clearly marked as such and screened from view by minors. All other machines shall be marked prohibiting adult viewing.

(Ord. C-7961 § 3, 2004)

21.51.227 - Home automobile repair.

Home automobile and motorcycle repair is an allowed accessory use in all residential districts provided:

- A. **Ownership.** The automobiles or motorcycles repaired shall be limited to vehicles owned by the residents of the property, and shall be registered and licensed;
- B. **Public Right-of-Way.** No automobiles or motorcycles shall be repaired on the public right-of-way;
- C. **Inoperable Vehicles.** Neither inoperable automobiles or motorcycles shall be left overnight in a location that blocks access to required parking spaces;
- D. **Paved Area Required.** Neither automobiles nor motorcycles shall be repaired on unpaved areas;
- E. **Extent of Repair.** The automobile or motorcycle repair work shall be limited to minor repair (see Section 21.15.290);
- F. **Noise.** Neither automobile nor motorcycle repair activities shall violate the City noise ordinance, Chapter 8.80 of the Municipal Code;
- G. **Hours.** Neither automobile nor motorcycle repair activities shall be conducted between ten (10:00) p.m. and seven (7:00) a.m.;
- H. **Wrecked or Disassembled Vehicles.** Neither wrecked nor disassembled automobiles or motorcycles shall be parked overnight on a residential property outside of a garage;

- I. **Trucks.** Neither trucks nor related vehicles in excess of three-fourths ($\frac{3}{4}$) ton carrying capacity shall be repaired at a residence.

(Ord. C-7032 § 49, 1992)

21.51.230 - Childcare—Small and large family daycare homes.

Small family daycare homes are an allowed accessory use. Large family daycare homes are an allowed accessory use, provided:

- A. The prime daycare provider shall reside in the residence;
- B. The daycare provider shall obtain the required State licenses;
- C. No sign shall be displayed other than those signs allowed for all residences as provided in Subsection 21.44.230.B and Table 44-2;
- D. All required parking for the residential use shall be maintained as required for all residents in Sections 21.27.090 and 21.41.170; and
- E. The use shall comply with all City noise regulations (Chapter 8.80).

Neither small nor large family daycare homes are home occupations regulated by Section 21.51.235.

(Ord. C-7032 § 37, 1992; Ord. C-6533 § 1 (part), 1988)

21.51.235 - Home occupations.

- A. Intent.** A home occupation permit is intended for home enterprises that are incidental to the use of the dwelling unit and does not change the principal character or use of the dwelling. The home occupation shall be compatible with surrounding residential uses and not have characteristics associated with the use that would reduce the surrounding residents' enjoyment of their neighborhood. As an ancillary activity to those uses permitted in the applicable residential zone in which the subject site is located, the following home-based businesses may be conducted at the site:
 - 1. Professional Office Uses.** A professional office use is a business whose principal product is information, management or design, including but not limited to, accounting, architecture, artist/talent management and promotion, brokerage, business/financial management, computer programming and software development, consulting, direct sales (incl. internet sales), credit/financial counseling, drafting and illustration, engineering, fashion design, interior decoration and design, legal services, marketing and advertising, property management, and writing and editing. The primary means of contact must be by phone, mail, or other electronic form of communication. A professional office use does not include research requiring the use of hazardous materials and equipment;
 - 2. Instructional Services Uses.** An instructional services use is a business whose principal purpose is to provide cognitive instruction or training, including but not limited to, academic tutoring, musical instrument lessons, dance lessons, sports training, or other similar physical performance training. The maximum number of students at any one time shall be limited to six (6);
 - 3. Home Craft Uses.** A home craft use is a business that results in a tangible product including but not limited to, dressmaking, furniture making, toy making and doll making. Additional uses include artistic products such as sculpting, painting, photography and other similar forms of creative works when such works are produced with the intent of gain or benefit for the participant or another person. Conducting a home craft use does not entitle the owner to sell articles manufactured on-site or in a residential zone.

4. Cottage Food Operations. A cottage food operation is an enterprise at a private home where low-risk food products are prepared or packaged for sale to consumers. A cottage food operation is subject to all State of California Health and Safety Code regulations (AB 1616 Food Safety: cottage food operations).

B. Requirements. The following standards shall be complied with at all times:

A home occupation permit shall only be issued when all of the following requirements are met and maintained:

1. No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation, and the number of residents engaged or employed in the home occupation shall not exceed two (2);
2. No sign shall be displayed in a manner visible from the outside of the dwelling unit. Vehicles with signs identifying the home occupation shall be parked so that they cannot be seen from the public right-of-way;
3. No mechanical equipment shall be used except that which is necessarily, customarily, or ordinarily used for household or leisure purposes. Such equipment shall not generate noise higher than the noise standards established for the residential uses;
4. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials shall be used or stored on the site;
5. There shall be no outside operations, storage or display of materials or projects;
6. Total storage of materials or products used in the business shall not exceed one hundred twenty-eight (128) cubic feet. There shall be no excessive or unsightly storage of materials or supplies for purposes other than those permitted in the residential district in which it is located. A garage may not be used for operations of the business or storage of materials used in the business and must be maintained for parking of automobiles and similar type vehicles;
7. The residential appearance of the premises shall not be altered. Creation of a separate entrance to the dwelling or use of an existing entrance exclusively for the business shall not be permitted;
8. No process shall be used which is hazardous to public health, safety or welfare;
9. Visitors, customers or deliveries to the dwelling shall not exceed that which normally and reasonably occurs for a residence. Visitors and deliveries shall be limited to not more than two (2) business visitors an hour and eight (8) visitors a day, and not more than two (2) deliveries of products or materials a week;
10. The home occupation shall not displace or block the use of parking spaces required for the residential use including any business storage in required garage parking areas;
11. No advertisement shall be placed in any media containing the address of the property;
12. Not more than two (2) vehicles shall be used in the business. Only one (1) vehicle may be commercially licensed;
13. When the person conducting the home occupation serves as an agent or intermediary between outside suppliers and outside customers, all articles, except for samples, shall be received, stored and sold directly to customers at an off-premises location;
14. The home occupation permit shall be valid only for the person to whom it was issued and shall be void when that person moves from the dwelling unit or discontinues the business.

C. Prohibited Home Occupation Uses. The following uses shall be prohibited as home occupations:

1. Ambulance service;
 2. Appliance repair;
 3. Automobile repair, parts, sales, upholstery, detailing, washing, service;
 4. Beauty salons and barber shops;
 5. Boardinghouse, bed and breakfast, hotel, time-share unit;
 6. Carpentry, cabinet makers;
 7. Ceramics (kiln of six (6) cubic feet or more);
 8. Churches, religious instruction;
 9. Contractor storage yards;
 10. Food preparation (except cottage food operations per State of California Health and Safety Code regulations (AB 1616 Food Safety; cottage food operations);
 11. Gun sales (including internet) and repair;
 12. Health clubs, gyms, dance studios, aerobic studios, massage;
 13. Limousine or pedicab service;
 14. Medical or dental office;
 15. Mortician, hearse service;
 16. Palm reading, fortunetelling;
 17. Private clubs;
 18. Religious services;
 19. Restaurants, taverns;
 20. Retail sales from site (except direct distribution and internet);
 21. Skin care services;
 22. Tow truck service;
 23. Welding or machine operation;
 24. Upholstery;
 25. Veterinary uses (including care, grooming or boarding);
 26. Any use that requires the use of toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials;
 27. Any use that is hazardous to public health, safety or welfare;
 28. Any use that changes the residential characteristic of the residence;
 29. Other uses the Planning Administrator determines to be similar to those listed above, or which by their operation or nature are not incidental to or compatible with residential activities.
- D. Any home occupation which becomes a nonconforming use as a result of revisions to applicable provisions of this Title shall either:
1. Be brought into legal conforming status; or
 2. Be discontinued and removed within three (3) months of becoming a nonconforming use.

(ORD-13-0027, §§ 1, 2, 2013; ORD-12-0011, § 1, 2012; Ord. C-7047 § 25, 1992; Ord. C-7032 § 38, 1992; Ord. C-6533 § 1 (part), 1988).

Editor's note—

Section 2 of ORD-12-0011, adopted June 12, 2012 deleted Table 51-2, Home Occupation Uses, in its entirety, which derived from: Ord. C-7607, § 14, 1999; and ORD-06-0044, § 1, 2006.

21.51.237 - Live nude art drawing.

- A. Live nude art drawing, or painting and/or classes offering such activity is allowed as an accessory use to a duly licensed art studio or art gallery provided:
 - 1. Such activity shall not take place at a location that has been licensed by the City as an adult entertainment business.
 - 2. No alcohol shall be consumed, sold, served or otherwise dispensed during live nude art drawing or painting classes.
- B. The subject matter of this Section shall be reviewed by the Planning Commission five (5) years after the date of enactment.

(Ord. C-7961 § 4, 2004)

21.51.240 - Manufacture of products sold on-site (commercial zones).

- A. The manufacturing of products to be sold on-site in commercial zoning districts shall be clearly accessory to the retail use of the site.
- B. No wholesale sales shall occur on the site.
- C. Noise levels shall not exceed the City noise regulations set forth in Chapter 8.80 (Noise) of the Municipal Code.
- D. The manufacturing process shall not produce pungent or disturbing odors other than those which might originate from a restaurant, retail bakery or similar use; noxious or disturbing air pollutants including smoke and dust; or electromagnetic disturbances.

(Ord. C-6533 § 1 (part), 1988)

21.51.243 - Massage therapy.

Massage therapy as a nonadult entertainment business shall be limited to an accessory use for a physician, chiropractor, health club, beauty salon, or hotel over one hundred (100) rooms.

(Ord. C-6895 § 24, 1991; Ord. C-6595 § 27, 1989)

21.51.255 - Outdoor display for sale of flowers, plants, fruits, and vegetables.

- A. The outdoor display for sale of flowers, plants, fruits and vegetables shall occur only in conjunction with the sale of the same or related products in a retail store.
- B. The display shall not obstruct pedestrian access and shall not occupy any required parking spaces.

(Ord. C-6533 § 1 (part), 1988)

21.51.260 - Pool table.

- A. A pool table is a permitted accessory use only in restaurants, taverns, private clubs and other commercial entertainment uses. It shall not be considered an accessory use in fast-food restaurants.
- B. No more than three (3) pool tables shall be permitted in any one (1) use listed above.

(Ord. C-6533 § 1 (part), 1988)

21.51.265 - Recycling containers.

Recycling containers shall be permitted as an accessory use to a grocery store. Such containers shall not obstruct pedestrian paths and shall not be located within required parking or landscape areas.

(Ord. C-6533 § 1 (part), 1988)

21.51.270 - Room rental.

The conditions listed below shall apply to all room rentals. Any room rental use not conforming to these conditions shall be considered a boardinghouse, lodging house, hotel or motel, as applicable, and shall be subject to the requirements for that use.

- A. The owner of the dwelling unit must live in the unit.
- B. The rented room shall not contain more than three (3) plumbing facilities nor a kitchen. Such room shall not contain laundry facilities, a water heater or a wetbar-type sink.
- C. The rented room shall not contain an independent exterior entrance.
- D. The rented room may not be detached from the principal dwelling unit.
- E. Not more than two (2) rooms shall be rented in a single dwelling unit.

(Ord. C-6533 § 1 (part), 1988)

21.51.275 - Secondary housing units ("granny flats").

- A. **Lot Size.** No secondary housing unit shall be placed on any lot which contains less than four thousand eight hundred (4,800) square feet of lot area.
- B. **Unit Size.** New construction to create a secondary unit shall not exceed ten percent (10%) of the floor area of the existing principal unit. The secondary unit shall not contain more than one (1) bedroom and not more than six hundred forty (640) square feet of floor area.
- C. **Location.** A secondary housing unit shall be located only on lots which contain existing single-family residences.
- D. **Development Standards.** The secondary unit shall be attached to the principal dwelling unit, and the secondary unit shall comply with the setback, height and lot coverage standards of the zone in which it is located.
- E. **Parking.** The principal unit shall maintain the existing number of parking spaces and shall provide one (1) additional space if the secondary unit exceeds four hundred fifty (450) square feet of floor area. Parking for the principal and secondary units shall not be in tandem.
- F. **Entrance.** The entrance to the secondary unit shall not be on the front facade. If the entrance is on the side facade, the entrance shall be set back a minimum of forty feet (40') from the front lot line.
- G. **Code Compliance.** The principal use to which the secondary unit is added shall be inspected for minimum housing code compliance. The principal unit shall be brought into compliance before occupancy of the second unit is allowed.

(Ord. C-6533 § 1 (part), 1988)

21.51.280 - Shoe-shine parlor.

A shoe-shine parlor is permitted as an accessory use to an existing commercial use on the same site. Shoe-shine parlors shall be located only inside buildings.

(Ord. C-6533 § 1 (part), 1988)

21.51.285 - Solar collectors.

Solar energy collectors are permitted as accessory uses in all districts.

(Ord. C-6533 § 1 (part), 1988)

21.51.290 - Storage of materials.

Materials clearly related to the principal use may be stored indoors on-site subject to the following conditions:

- A. All materials shall be stored in a fully enclosed building, unless otherwise specified by this Title.
- B. Only inventories, supplies and equipment necessary to support the principal use shall be stored.
- C. For an existing residence, chattels may be stored on the property subject to the following conditions:
 1. The storage complies to the provisions of Section 8.76.010 (Property maintenance);
 2. The storage shall not be utilized for a commercial purpose; and
 3. Chattels shall not be stored on top of any vehicle in areas visible to the public rights-of-way.

(Ord. C-6533 § 1 (part), 1988)

21.51.292 - Towing.

Towing shall be allowed as an accessory use to minor and general auto repair uses upon the following conditions:

- A. No vehicles are towed to the site which are not intended to be repaired on the site;
- B. No vehicles are impounded on the site; and
- C. Approval for the towing service is granted by the Police Department.

(Ord. C-7032 § 50, 1992)

21.51.295 - Vending machines.

Vending machines shall be permitted as an accessory use to existing retail sales on a site. Such machines shall not obstruct pedestrian access and shall not be located within any required parking or landscape area.

(Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.52 - CONDITIONAL USES

21.52.010 - Purpose.

The City recognizes that certain types of land use, due to the nature of the use, require individual review by the Planning Commission to determine whether the type of use proposed, or the location of that use, is compatible with, or through the imposition of reasonable conditions, can be made compatible with surrounding uses. This Chapter establishes specific conditions which shall apply to uses permitted by a permit.

(Ord. C-6533 § 1 (part), 1988)

DIVISION I. - GENERAL PROVISIONS

21.52.100 - General provisions.

The uses listed in Chapters 21.31 through 21.36 as conditional uses (C) or administrative uses (AP) or identified as administrative uses in Chapter 21.25, Division IV, shall be required to comply with the conditions listed in Division II of this Chapter. Upon granting a conditional or an administrative use permit, the hearing body shall impose the conditions outlined in this Chapter for the specified use unless those conditions are waived with written findings. The hearing body may impose additional conditions that are deemed reasonable and necessary in granting the permit. If no conditions are contained in this Chapter, the hearing body may impose conditions as necessary to implement the permit.

(Ord. C-7032 § 39, 1992; Ord. C-6533 § 1 (part), 1988)

DIVISION II. - SPECIAL CONDITIONS FOR CONDITIONAL AND ADMINISTRATIVE USE PERMITS

21.52.200 - Conditional and administrative use development standards.

This Division contains the required conditions for specified conditional and administrative use permits.

(Ord. C-7032 § 41, 1992; Ord. C-6533 § 1 (part), 1988)

21.52.201 - Alcoholic beverage sales uses.

The following conditions shall apply to all alcoholic beverage sales uses requiring a conditional use permit:

- A. The operator of the use shall provide parking for the use equivalent to the parking required for new construction regardless of the status of the previous use as to legal nonconforming rights;
- B. The operator of the use shall provide night lighting and other security measures to the satisfaction of the Chief of Police;
- C. The operator of the use shall prevent loitering or other activity in the parking lot that would be a nuisance to adjacent uses and/or residential neighborhoods;
- D. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premises sales use, as recommended by the State of California Alcoholic Beverage Control Board, nor with a high crime rate as reported by the Long

Beach Police Department, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet floor area, and also providing fresh fruit, vegetables and meat, in addition to canned goods; and

- E. The use shall not be located within five hundred feet (500') of a public school, or public park, except: (1) locations in the greater downtown area; or (2) stores of more than twenty thousand (20,000) square feet of floor area, and also providing fresh fruit, vegetables and meat in addition to canned goods.

(Ord. C-7032 § 42, 1992; Ord. C-6533 § 1 (part), 1988)

21.52.203 - Arcade.

The following conditions shall apply to arcades:

- A. The site shall not be located within five hundred feet (500') of a residential district or a public school; and
- B. The operator shall demonstrate an ability to prevent problems related to potential noise, litter, loitering, crowd control and parking.

(Ord. C-7881 § 3, 2003; Ord. C-6533 § 1 (part), 1988)

21.52.204 - Artist's studio with residence.

The following conditions shall apply to administrative use permits for artist's studio with residence:

- A. The minimum unit size is seven hundred fifty (750) square feet.
- B. Each unit shall have a separate entrance that is clearly identified to provide for emergency services.
- C. No more than thirty-three percent (33%) of any unit shall be used for exclusive residential purpose such as sleeping area, kitchen, bathroom and closet areas. The unit shall provide as a minimum full cooking and bathing facilities.
- D. All necessary building permits shall be obtained prior to the use of the space for residential occupancy.
- E. No mechanical equipment shall be used which generates noise higher than the noise standards established for residential uses (Chapter 8.80 of the Municipal Code).
- F. There shall be no outside operations, outside storage or outdoor display of materials or products.
- G. No toxic, explosive, flammable, combustible or corrosive materials are to be stored or used on the site in quantities or in a manner that violates any provision of the Uniform Fire Code. No etiologic or radioactive materials shall be used or stored on the site at any time.
- H. No process shall be used which is hazardous to public health, safety or welfare.
- I. The home occupation shall not displace or block the use of parking spaces required for the residential use including any business storage in required garage parking areas.
- J. Not more than two (2) vehicles shall be used in the business. Only one (1) vehicle may be commercially licensed.
- K. The Zoning Administrator may require the discontinuance of a work activity in an artist's studio with residence if as operated or maintained there has been a violation of any applicable condition or standard. The Zoning Administrator shall have the authority to prescribe additional conditions and standards of operation for any category of work activity in an artist's studio with residence.

(Ord. C-7729 § 9, 2001; Ord. C-7032 § 51, 1992)

21.52.206 - Automobile related services.

The following conditions shall apply to auto repair shops, service stations, car washes, auto upholstery shops, auto parts and tire sales, camper installation businesses, van conversion businesses and the like:

- A. In the CB district, such uses shall be limited to locations inside parking structures;
- B. In the CR and CO zones, conditional use permits shall be limited to the expansion of existing nonconforming uses;
- C. Automobile service station uses shall be limited to: retail sales of fuel, oil and small vehicle parts;
- D. The proposed use shall not intrude into a concentration of retail uses and shall not impede pedestrian circulation between retail uses;
- E. The proposed use shall not create unreasonable obstructions to traffic circulation around or near the site;
- F. No curb cuts shall be permitted within forty feet (40') of any public roadway intersection;
- G. No vehicles may be stored at the site for purposes of sale, unless the use is also a vehicle sales lot or for the use as parts for vehicles under repair; and
- H. The site shall comply with all applicable development standards for open storage and repair uses specified in Chapter 21.45, "Special Development Standards".

(Ord. C-6533 § 1 (part), 1988)

21.52.208 - Bank, credit union, savings and loan.

The following conditions shall apply to a bank, credit union, or savings and loan located in the CNP (commercial neighborhood pedestrian oriented) zone:

- A. The project must comply with Section 21.32.230, "Design of Buildings".
- B. Drive-thru windows or drive-thru automated teller machines are prohibited.
- C. No new curb cuts shall be permitted for a new or existing bank, credit union, or savings and loan in local coastal planning area D (Second Street, between Livingston and Bayshore).
- D. Interior and exterior lighting, window displays, and other architectural features shall be included in the building street frontages to provide pedestrian interest during nonoperational hours.
- E. Projects in local coastal planning area D (Second Street, between Livingston and Bayshore) that qualify for the one-half (½) rate parking standard pursuant to Subsection 21.41.226.A shall make their parking facilities available for public parking during nonoperational hours.

(Ord. C-7777 § 1, 2001; Ord. C-7729 § 13, 2001)

21.52.209 - Bed and breakfast inn.

The following conditions shall apply to bed and breakfast inns:

- A. The use shall be allowed only in older residential structures which are recognized as architecturally, historically or culturally significant, and which, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambiance, character or economic revitalization of a neighborhood;
- B. Meals shall be served to registered guests only. No cooking facilities shall be permitted in guestrooms;
- C. The property owners shall live at the inn or on an adjoining property;
- D. Only short-term lodging may be provided. Monthly rentals shall be prohibited;

- E. No receptions, private parties or activities for which a fee is paid shall be permitted;
- F. A City business license shall be obtained as required by law. Two (2) parking spaces shall be provided for the operator plus one (1) space for each guestroom; and
- G. Guest parking may be provided either on-site or along the curb abutting the lot. Tandem parking is permitted provided not more than two (2) cars are parked in a tandem arrangement.

(Ord. C-6533 § 1 (part), 1988)

21.52.209.5 - Caretakers' residence.

The following conditions shall apply to administrative use permits for caretakers' residences:

- A. The living area shall not exceed twenty-five percent (25%) of the total floor area;
- B. Due to the lack of typical residential amenities in nonresidential zones, and potential hazardous materials, no one under the age of eighteen (18) shall be allowed to live in the residence.

(Ord. C-7032 § 52, 1992)

21.52.210 - Reserved.

Editor's note—

ORD-11-0011, § 9, adopted June 7, 2011, repealed § 21.52.210, entitled "Cellular and personal communication services (with monopolies)", which derived from: Ord. C-6684 § 7, 1990; Ord. C-7399 § 14, 1996; and Ord. C-7500 § 18, 1997.

21.52.211 - Cemeteries, mortuaries, and crematoriums.

- A. The following conditions shall apply to cemeteries:
 - 1. The use shall be buffered visually from residential uses and districts; and
 - 2. The complete master plan, including future expansion, shall be submitted for site plan review, and specific building requests shall be indicated on the master site plan.
- B. The following conditions shall apply to mortuaries:
 - 1. Parking for viewing, ceremonial and other similar uses within the mortuary shall be calculated using the parking standard contained in Section 21.41, Table 41-1C, Public Assembly; and
 - 2. Site plan shall provide at least one (1) parking space on-site for loading purposes, either an enclosed parking space or under a porte cochere, regardless of the number of parking spaces required for assembly purposes.
- C. The following conditions shall apply to crematoriums:
 - 1. Crematoriums can be operated as stand-alone uses only within the IM or IG zone, and can be operated as accessory uses to a permitted mortuary or cemetery use;
 - 2. In any instance, any new cremation operating unit(s) and emissions control systems shall be located a minimum of six hundred feet (600') from any residential zoning district or existing school.

(ORD-13-0022, § 1, 2013; Ord. C-6533 § 1 (part), 1988)

21.52.212 - Check cashing, pay day loans, car title loans, signature loans, and other financial services.

The following conditions shall apply to check cashing, pay day loans, car title loans, signature loans, and other financial services businesses:

- A. A Conditional Use Permit shall be required for check cashing, pay day loan, car title loan, and signature loan businesses. Alternative or other financial services are also required to obtain a Conditional Use Permit at the discretion of the Zoning Administrator.
- B. Check cashing, pay day loans, car title loans, signature loans and other financial service businesses as defined by the Long Beach Municipal Code shall not be located within:
 - 1. A one thousand three hundred twenty (1,320) foot radius of an approved check cashing, pay day loan, car title loan, signature loan, or other financial service business.
 - 2. The CNA, CNP, CNR, PD-6, PD-25, PD-29 or PD-30 or any industrial zoning districts. This includes other financial services and alternative types of lending services at the discretion of the Zoning Administrator.
- C. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions.
- D. Exterior phones, security bars and roll up doors shall be prohibited.
- E. All fees and regulations associated with a loan or financial transaction shall be displayed near the cashier/checkstand and provided to the customer upon checkout.
- F. The hours of operation shall be stated in the application and shall be subject to review.
- G. Special Development Standards for check cashing, pay day loan, car title loan, signature loan, and other financial services found in Section 21.45.116 shall also apply.

(ORD-13-0018, § 2, 2013; Ord. C-7663 § 40, 1999)

21.52.213 - Churches and other places designed and intended primarily for religious worship.

The following conditions shall apply to churches and other places designed and intended primarily for religious worship:

- A. In a residential zone, the proposed use may consist only of an expansion of an existing church or similar religious facility on the site or on the abutting site;
- B. A master plan for long range development shall be submitted;
- C. In a residential zone, the site shall be limited to forty thousand (40,000) square feet in size; and
- D. Any proposed addition or new construction shall conform to the development standards required for principal uses within the district.
- E. Parking shall be provided in accordance with Chapter 21.41. However, in recognition of the provisions of the Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), the Zoning Administrator shall provide reasonable relief from the parking requirements of Chapter 21.41 provided the Zoning Administrator finds that strict compliance with Chapter 21.41 would impose a substantial burden upon the religious exercise of a person or assembly, and that said relief is not detrimental to the health, safety or welfare of surrounding residential or other uses. Relief from parking requirements may include tandem or joint use parking where appropriate, or relief from the distance and guaranteed permanence requirements as set forth in Subsections 21.41.222.A and 21.41.222.B.

(ORD-07-0044 § 2, 2007; Ord. C-6533 § 1 (part), 1988)

21.52.216 - Collection center for recyclables.

The following conditions shall apply to collection centers for recyclables:

- A. The site shall be kept in a neat, sanitary and orderly condition;

- B. An attendant shall be on the site at all times when the facility is open for collection;
- C. All recyclable materials shall be stored in bins and shall not be visible to the public;
- D. The operator shall establish a charge free, twenty-four (24) hour telephone number for complaints, and shall post that number on each bin in a manner clearly visible to the public;
- E. Truck pick ups of recyclable materials shall be limited to the hours of eight (8:00) a.m. to eight (8:00) p.m.;
- F. The operator shall use state of the art noise abatement technology and procedures and shall at no time violate the City noise ordinance;
- G. The operator shall accept only California redeemable materials;
- H. The operator shall utilize no processing activities including crushing, shredding, grinding, blowing and the like; and
- I. The use shall not block or displace any parking spaces or landscaping that would be required if the site were developed under the regulations in place at the time of the hearing unless a standards variance is also granted.

(Ord. C-7040 § 3, 1992; Ord. C-6533 § 1 (part), 1988)

21.52.219 - Commercial parking lot or structure—Nonresidential districts.

The following conditions shall apply to commercial parking lots or structures in nonresidential zoning districts:

- A. The use shall be permitted only if no other reasonable alternative use of the site exists during the time period covered by the permit;
- B. The use and design of the site shall not disrupt, impede or negatively affect pedestrian circulation, traffic circulation or public transportation;
- C. The use and design of the site shall not disrupt, impede or negatively affect the concentration of high intensity activities; and
- D. Attractive landscape buffering and screening shall be provided.

(Ord. C-6533 § 1 (part), 1988)

21.52.219.5 - Commercial recreation uses.

The following conditions shall apply to commercial recreation uses:

- A. The use is consistent with the intent of the park district, general plan, and any applicable specific plan; and
- B. The use does not permanently remove or encroach upon more than five percent (5%) of any existing park open space which may be developed within the site coverage restrictions, and the use does not impede public access to the park; and
- C. The use provides a needed public recreation service which otherwise would not be available to the public; and
- D. The use cannot reasonably be located to provide comparable public recreation service on private land appropriately zoned for such use.

(Ord. C-7826 § 4, 2002)

21.52.219.7 - Commercial storage/self-storage.

The following conditions shall apply to commercial storage/self-storage:

- A. Commercial storage/self-storage shall not be permitted or located in an existing business or office park.
- B. Commercial storage/self-storage shall only be permitted with a conditional use permit if the development site is impractical for industrial development due to such conditions as the shape or topography of the site, difficult vehicular access or close proximity to residential uses that would preclude industrial development uses.
- C. Storage spaces shall not be used for manufacturing, retail or wholesale selling, office, other business or service use or human habitation.
- D. Prefabricated shipping containers shall not be allowed to be on sites located within one thousand feet (1,000') from any property zoned for residential use, unless located or screened so as to not be visible from a public street.
- E. Building and roof design. The building and roof shall be designed to be compatible with surrounding development, especially nearby residential uses. Considerations include design elements that break up long, monotonous building and rooflines and elements that are compatible with the desired character of the zone.
- F. Building materials. The materials used for buildings, roofs, fences and other structures shall be compatible with the desired character of the zone and shall be visually pleasing, especially near residential uses.
- G. Street facades. The design and layout of the street side of the site shall provide a varied and interesting facade. Considerations include the use of setbacks, building placement, roof design, variations in building walls, fencing, other structural elements, and landscaping. Access doors to individual storage units shall be located within a building or shall be screened from adjacent property or public rights-of-way.
- H. Landscaping. The landscaping on the site shall be abundant and shall provide an appropriate transition from public to private spaces, separate and buffer the buildings from other uses, and provide visual relief from stark, linear building walls.
- I. Fencing. Any proposed fencing shall be designed to be compatible with the desired character of the area and is especially sensitive to abutting residential uses. Use of rolled razor wire is prohibited adjacent to residential zones.
- J. Lighting. Exterior lighting shall not intrude on surrounding properties.
- K. Noise. The hours of operation and access to the storage units shall be limited to seven (7:00) a.m. to seven (7:00) p.m. Monday through Friday and nine (9:00) a.m. to five (5:00) p.m. on Saturday, Sunday and holidays. To further limit noise impacts, metal roll up doors shall be lubricated and maintained on a regular monthly basis.
- L. Security. Prior to the issuance of building permits, the project shall submit a security plan that will be subject to the review and approval of the Police Department.
- M. Loading. Provide adequate loading and unloading areas outside of fire lanes.

(Ord. C-7904 § 5, 2004)

21.52.220 - Community correctional reentry centers.

- A. A complete application for a community correctional reentry center in an industrial zone shall include adequate evidence that the applicant has conducted a preapplication meeting for surrounding property owners and occupants. The applicant shall provide at least ten (10) days' notice of a preapplication meeting to all owners and occupants of real property within one thousand five

hundred feet (1,500') of the real property which is the subject of the application, all neighborhood associations adjacent to, or within the vicinity of, the proposed use, any surrounding business association and the City's neighborhood resource center. The applicant shall provide proof of such notice and meeting through the use of certified mail and returned receipts issued by the United States Postal Service.

- B. The following conditions shall apply to community correctional reentry centers in the industrial zoning districts:
1. Such uses shall provide educational and vocational training primarily focused on industrial employment.
 2. Such uses shall provide short-term lodging not to exceed one hundred twenty (120) days per inmate/trainee.
 3. Counseling and job placement services shall be provided for inmates/trainees of the facility only.
 4. The use shall comply with all general conditions of special group residences, as set forth at Section 21.52.271 of this Chapter; provided, however, no such use, regardless of the size of the parcel housing such uses shall exceed fifty (50) beds and/or fifty (50) inmates/trainees at any given time.
 5. The operator of the use shall only accept inmates/trainees who voluntarily apply for transfer to the community correctional reentry center.
 6. No reentry center operator shall accept any inmate/trainee currently serving a sentence for conviction of any offense described in subdivision (c) of Penal Code Section 667.5 or subdivision (c) of Penal Code Section 1192.7, excluding the offense of burglary.
 7. No reentry center operator shall accept any inmate/trainee who has more than one hundred twenty (120) days left to serve in a correctional facility.
 8. No reentry center operator shall accept any inmate/trainee that has been convicted of an escape pursuant to Section 4532 of the Penal Code.
 9. The facility shall be staffed twenty-four (24) hours a day, seven (7) days a week. A State parole agent shall be assigned to the site to monitor the inmates' activities. No inmate of the facility shall be permitted to utilize a private vehicle unless expressly authorized to do so by the California Department of Corrections pursuant to its rules and procedures governing such use. Any change in operations must be reviewed and approved by both the State and City prior to implementation of such change.

(Ord. C-7392 § 3, 1996)

21.52.220.5 - Computer arcade.

The following conditions shall apply to computer arcades:

- A. Hours of operation shall be limited to between eight (8:00) a.m. to twelve o'clock (12:00) midnight. The Planning Commission may consider extended hours of operation based on proximity to residential uses; and
- B. The operator shall demonstrate an ability to prevent problems related to potential noise, litter, loitering, crowd control and parking, including, but not limited to, the provision of a uniformed security guard at the site to the satisfaction of the Chief of Police if the Chief of Police determines it to be necessary due to increased police activity or calls for service at the site; and
- C. Windows shall not be obscured by placement of signs, dark window tinting, shelving, racks or similar obstructions; and

- D. Maximum number of machines available for public rental shall not exceed one (1) per thirty-five (35) square feet of net floor area; and
- E. Computer games of an adult nature depicting "specified anatomical areas" or "specified sexual activities", as these terms are defined in Chapter 21.15 (Definitions), shall not be installed on computer terminals or played by customers unless the locational restrictions of Section 21.45.110 (Special development standards - adult entertainment) are complied with; and
- F. If access to adult oriented web sites is allowed, a separate area, up to a maximum of twenty percent (20%) of computer terminals available for public rental, shall be set aside for adult viewing with the computers clearly marked as such and screened from view by minors. All other machines shall be marked prohibiting adult viewing;
- G. Provide interior lighting levels similar to commercial office standards during operating hours; and
- H. There shall be at least one (1) adult employee, eighteen (18) years of age or older, for each twenty (20) computer terminals available for public rental, or fraction thereof; and
- I. An interior waiting area for customers, at least five percent (5%) of the gross floor area in size, but not less than fifty (50) square feet, shall be provided near the entrance; and
- J. Headphones shall be provided for each computer terminal, in lieu of open speakers, to control noise at the site; and
- K. The operator shall provide parking at a ratio of one (1) space per 3.3 computer terminals or, when two (2) or more uses share a parking facility, demonstrate through a signed affidavit that the hours of their demand for parking do not overlap, or only partially overlap.

(Ord. C-7881 § 8, 2003)

21.52.221 - Courtesy parking in residential districts.

The following conditions shall apply to courtesy parking in residential districts:

- A. The proposed site shall adjoin, abut or be adjacent to a commercial district;
- B. The parking lot shall extend not more than one hundred feet (100') into the residential district; and
- C. A six foot six inch (6'6") solid fence or wall and a five foot (5') wide landscaping buffer shall be provided along any property line abutting a residential use.

(Ord. C-6533 § 1 (part), 1988)

21.52.222 - Diesel fuel sales.

The following conditions shall apply to diesel fuel sales, whether in conjunction with gasoline sales or not:

- A. Diesel fuel sales shall only be permitted on designated truck routes.
- B. A solid masonry wall not less than eight feet (8') in height shall be provided where the site abuts, or is across an alley from, a residential district.
- C. An on-site queuing lane no less than one hundred twenty feet (120') shall be provided on-site for each pump dispensing diesel fuel.
- D. A site circulation and queuing diagram prepared by a traffic engineer shall be submitted with the application demonstrating the feasibility of truck access to and from each pump dispensing diesel fuel.
- E. Local streets may not be used for vehicular access to pumps dispensing diesel fuel.
- F. No on-site idling shall be permitted for vehicles queuing for pumps dispensing diesel fuel.

- G. No overnight parking or on-site maintenance of truck tractors or truck trailers shall be permitted.
- H. No exterior telephones or security bars shall be permitted.
- I. Hours of operation shall be established and shall be appropriate based on adjacent land uses.

(Ord. C-7663 § 41, 1999)

21.52.223 - Electrical distribution station—Residential districts.

The following conditions shall apply to electrical distribution stations in residential districts:

- A. The site shall be located on a major, secondary or minor highway;
- B. The site shall be developed according to the height and yard requirements of the district in which the site is located;
- C. The site shall be surrounded by a fence designed, treated and finished in a manner compatible with the adjacent residential uses. Such fence shall be placed behind the required landscaping along the street frontage. Fences up to twelve feet (12') in height may be allowed in side and rear yard areas if appropriate and necessary for the individual site;
- D. Landscaping equal to twice the requirement for a multifamily residential zone shall be provided; and
- E. All equipment and operations shall comply with applicable City noise regulations as set forth in Chapter 8.80 (Noise) of the Municipal Code.

(Ord. C-6533 § 1 (part), 1988)

21.52.226 - Electrical distribution substations—Nonresidential districts.

The following conditions shall apply to electrical distribution substations in nonresidential zoning districts:

- A. All facilities shall be screened from public view by an attractive wall or fence.

(Ord. C-6533 § 1 (part), 1988)

21.52.229 - Electronic message center signs.

In addition to the required findings for a conditional use permit (Section 21.25.206), the Planning Commission shall not approve a conditional use permit for an Electronic Message Center sign unless positive findings can be made for the following:

- A. The proposed design of the electronic message center sign is complete and consistent within itself and is compatible in design with the architectural theme or character of the existing or proposed development it will serve and the community in which it will be located.
- B. The establishment of the proposed electronic message center sign will not adversely affect the character, livability, or quality of life of any residential community it will be adjacent to or located in.
- C. The electronic message center sign shall not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.
- D. The applicant has demonstrated that the proposed electronic message display surface is factory-certified as capable of complying with the brightness standards in Section 21.44.850

(ORD-13-0014, § 20, 2013; Ord. C-7500 § 24, 1997)

21.52.231 - Fast-food restaurants.

The following conditions shall apply to fast-food restaurants:

- A. The site shall not adjoin or abut a residential use district;
- B. The proposed site shall not interrupt or intrude into a concentration of retail uses and shall not impede pedestrian circulation between retail uses;
- C. The use shall not constitute a nuisance to the area due to noise, litter, loitering, smoke or odor; and
- D. Order board speakers shall be oriented and directed away from adjacent residential uses.

(Ord. C-6533 § 1 (part), 1988)

21.52.231.5 - Fences in high crime districts.

The following conditions shall apply to fences which exceed three feet (3') in the front yard of residential lots located in high crime areas:

- A. The site shall be located in a "high crime" area (as defined by Section 21.15.1338);
- B. The fence shall enclose an existing or proposed multifamily (three (3) or more units) residential structure or any residential use located in a multifamily (R-3 or R-4) zone;
- C. The fence shall not exceed six feet six inches (6'6") in height;
- D. The fence design shall be open wrought iron or other metal pickets;
- E. The fence shall allow emergency egress;
- F. The fence design shall provide visitor, meter reader and emergency personnel access;
- G. The front yard shall have approved landscaping;
- H. The applicant shall restore any missing street trees; and
- I. The fence shall have self-closing, self-locking gates.

(Ord. C-7247 § 34, 1994)

21.52.232 - Fitness or health club, dance or karate studio and the like.

- A. The use shall demonstrate adequate parking for peak demand;
- B. The facility shall be limited to five thousand (5,000) square feet of gross usable floor area in neighborhood commercial zones (CNP, CNA and CNR).

(Ord. C-7047 § 33, 1992)

21.52.233 - Handicapped and traditional senior citizen housing.

The following conditions shall apply to housing for the handicapped and for senior citizens:

- A. In a residential zone, handicapped and senior citizen housing shall be limited to the density allowed in the underlying zone district multiplied by the number indicated in Table 52-1. In congregate care facilities, each bedroom with two (2) or fewer beds shall count as a dwelling unit in calculating density. In bedrooms with more than two (2) beds, each bed shall count as a unit. This shall be the maximum permitted density. The Planning Commission may require a lower density as the situation requires. In nonresidential zones, densities shall be limited to one (1) dwelling unit per two hundred (200) square feet of lot area;
- B. Consideration of the conditional use permit shall address crime rate, scale and style of the proposed building in relation to other buildings within the immediate vicinity;
- C. The applicant shall provide evidence that the use will remain as senior citizen or handicapped housing through deed restriction or other method suitable to the Planning Commission. In the case of senior citizen housing that is constructed for sale or rental of individual units, apartments

or condominiums, the applicant shall provide proof that the proposed project is fully compliant with the provisions of California Civil Code Section 51.3 or otherwise provide proof that the provisions of Civil Code Section 51.3 are not applicable to the project. Failure to provide suitable proof and assurances to the Planning Commission will result in the denial of the density multiples provided for in Table 52-1;

- D. The facility shall be designed with appropriate grab bars in all hallways and bathtubs and/or showers and with nonslip surfaces in bathtubs and/or showers. The designs shall conform to the specifications of the U.S. Department of Housing and Urban Development for the applicable use;
- E. Each unit shall be equipped with an emergency signaling device to the on-site unit manager's office, if applicable, to the satisfaction of the Chief of Police;
- F. Each facility shall provide not less than three hundred (300) square feet of common recreational space;
- G. Each facility shall provide not less than one hundred fifty (150) square feet of usable open space per unit or room. Of the one hundred fifty (150) square feet, not less than fifty (50) square feet shall be private open space, and the remainder may be common open space in addition to the three hundred (300) square feet required above;
- H. The facility shall be located within one thousand feet (1,000') by legal pedestrian route to a public transit stop; and
- I. Parking and loading shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements).

(Ord. C-7500 § 19, 1997; Ord. C-6822 § 19, 1990; Ord. C-6595 § 15, 1989; Ord. C-6533 § 1 (part), 1988)

Table 52-1 Density Multiples for Handicapped and Senior Citizen Housing	
Use	Density Multiple
Handicapped, low rent	3.0
Handicapped, market rent	2.0
Senior citizen, low rent	3.0
Senior citizen, market rent	2.0
Senior citizen, congregate care, low rent	3.0
Senior citizen, congregate care, market rent	2.0

21.52.234 - Heliport or blimp port or helipads.

The following conditions shall apply to heliports or blimp ports and helipads:

- A. The Aeronautics Bureau of Public Works in consultation with the Federal Aeronautics Administration have found that the proposal presents no air space conflicts. Letters of agreement concerning airspace procedures, altitude and flight tracks, shall be submitted if necessary.
- B. The Fire Chief has found the use designed to safely handle any and all flammable and combustible materials to be handled on-site.
- C. The use will not adversely affect any residential neighborhood due to take-off, landing or overflight noise.
- D. The use is reasonably centrally located within an area of need so that no duplication of facilities will occur that could be avoided by use of another site.
- E. Only private, noncommercial heliports, blimp ports or helipads shall be allowed. Ticket sales or any common carrier-type functions are strictly prohibited.
- F. Only helipads, without support services, shall be allowed in the CB zone.

(Ord. C-6595 § 28, 1989)

21.52.235 - Hotels/motels.

- A. **Intent.** Long Beach strongly encourages the development and expansion of the travel industry for vacation, convention and business travel. Hotels and motels are an integral and desirable part of the travel industry. However, as hotels and motels can also be incompatible with nearby residential communities, and can also become inadequately designed permanent housing, it is necessary to provide site-by-site analysis and decisions of the nature and design of such business facilities. Also, as such uses provide a twenty-four (24) hour business environment, careful review is required to ensure compatibility with residential uses. All proposals for new hotels, motels or inns shall comply with the following conditions.
- B. **Intensity.** The density of rooms, intensity of facilities, and scale and design of buildings shall be harmonious with surrounding uses and development.
- C. **Location.** The location of the use shall be reasonably related to destinations of the traveling public, such as proximity to tourist attractions, convention facilities, business centers, the airport or cruise terminals, or medical centers and shall also be adequately buffered from any incompatible adjoining uses.
- D. **Crime.** The site shall not be associated with a location known to have a high concentration of reported crimes.
- E. **Design.** The design shall be attractive so as to present a positive image of Long Beach to the traveling public, shall be appropriate to transient occupancy without conversion to long-term occupancy (more than thirty (30) consecutive days), and, where appropriate, shall contribute to an active retail frontage by providing stores, coffee shops or convenience retail on the ground story of major streets. Enriched materials, roof overhangs, windows and doors with jams and sills, architectural protrusions and other detailing and lush landscaping are desirable in making the design attractive. All designs shall also comply with the privacy standards of Section 21.31.240
- F. **Open Space.** The use shall provide not less than one hundred twenty-five (125) square feet of usable open space per guestroom, suite or unit. Not less than fifty (50) square feet of such open space shall be private usable open space according to the provisions of Section 21.31.230. For buildings of three

(3) stories or more, all open space may be common open space. Areas used for health clubs or recreation rooms may be counted as common usable open space.

- G. **Parking.** All parking designs shall provide through-flow circulation or maneuvering space in a cul-de-sac or "hammerhead" design to allow exiting in a forward direction when all parking spaces are full. Parking spaces shall be provided in adequate number to serve the use according to the following requirements: for hotels/motels less than sixty (60) rooms, suites or units, the minimum parking shall be not less than 1.25 spaces per guestroom, or per two (2) room suite or unit, and 2.00 spaces per suite or unit of three (3) or more rooms, plus parking figured separately for other facilities. For hotels/motels of sixty (60) rooms or more, see Table 41-1C.

- H. **Security.** Project security shall be designed to the satisfaction of the Chief of Police and shall include surveillance of arrivals, departures, and parking areas from the office, and security hardware, alarms and lighting.

(Ord. C-6684 § 8, 1990)

21.52.236 - Institutional and public assembly uses.

The following conditions shall apply to public assembly halls, private clubs and similar uses:

- A. A long-range development plan shall be submitted for the use;
- B. Any new construction shall be consistent with the long-range plan that has been approved by the Planning Commission;
- C. All buildings and uses shall be located and buffered to prevent intrusion upon surrounding uses, especially when the use adjoins, abuts or is adjacent to a residential district; and
- D. Abundant landscaping, ample building spacing, open space and high quality building design shall be provided.

(Ord. C-6533 § 1 (part), 1988)

21.52.240 - Legalization of dwelling units.

- A. The unit(s) in question must have been created before 1964 and continually occupied since that time without having been abandoned pursuant to Section 21.15.030
- B. The unit must meet minimum Housing Code provisions; and
- C. The unit must not exceed six hundred forty (640) square feet.

(Ord. C-7032 § 53, 1992)

21.52.241 - Merchandise mall.

The following conditions shall apply to merchandise malls:

- A. Parking shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements). However, the required number of parking spaces may be reduced if the applicant can demonstrate to the satisfaction of the Planning Commission that a lower standard adequately satisfies the parking demand of a specific business. In no case shall less than five (5) parking spaces per one thousand (1,000) square feet be approved; and
- B. The applicant shall demonstrate to the satisfaction of the Planning Commission that tenants of the merchandise mall will pay applicable business license fees and sales taxes.

(Ord. C-6533 § 1 (part), 1988)

21.52.243 - Mobile home park.

The following conditions shall apply to mobile home parks:

- A. The mobile home park shall not exceed the density of the applicable zone district in which it is located; and
- B. The mobile home park shall comply with the development standards of the applicable subdivision for private streets and lot design.

(Ord. C-6533 § 1 (part), 1988)

21.52.244 - Subdivision of existing mobile home park.

The following special conditions shall apply to subdivision of an existing mobile home park:

- A. The mobile home park shall contain a minimum community area open space of two hundred (200) square feet per lot.
- B. The mobile home park shall have a minimum density of nine (9) units per acre.
- C. The mobile home park shall contain a minimum of one (1) guest parking space for each fifteen (15) lots.
- D. The mobile home park shall contain a minimum of one hundred (100) square feet of recreational vehicle storage per lot.
- E. The mobile home park shall have a minimum project setback of twenty (20) feet from any public street.
- F. RV storage and vehicle parking and storage shall be reserved for use by the owners/tenants of the mobile home park.

(ORD-07-0019 § 6, 2007)

21.52.246 - Motorcycle/jet ski sales and repair.

- A. All sales and repair activities shall comply with the standards of Chapter 21.45 (Special Development Standards).
- B. The applicant shall demonstrate an ability to control noise during engine testing to comply with City noise regulations Chapter 8.80 (Noise) and avoid neighborhood disturbances.

(Ord. C-7047 § 26, 1992; Ord. C-6533 § 1 (part), 1988)

21.52.247 - Building design in the CNP zone.

- A. The use will primarily serve the local community.
- B. The project must comply with Section 21.32.230 Design of buildings, to insure pedestrian orientation.
- C. Drive-thru lanes are prohibited.
- D. Existing curb cuts from the primary pedestrian thoroughfare must be closed and vehicular access taken from alleys and/or secondary streets.

(Ord. C-7729 § 10, 2001; Ord. C-7047 § 34, 1992)

21.52.249 - Nursery schools, day nurseries, preschools, childcare centers, daycare centers and similar uses for daytime care and education of a limited number of persons.

The following conditions shall apply to all nursery schools, day nurseries, preschools, childcare centers, daycare centers and similar uses for daytime care and education of a limited number of persons:

- A. A minimum of seventy-five (75) square feet of outdoor play area per child shall be provided on the site;
- B.

In residential districts, no other similar facility may be located and operating within one-half (½) mile of the proposed site;

- C. The hours of operation shall be limited to the hours between six-thirty (6:30) a.m. and six-thirty (6:30) p.m.; and
- D. Adequate off-street loading spaces shall be provided to prevent adverse effects upon the neighborhood.

(Ord. C-6533 § 1 (part), 1988)

21.52.251 - Office uses in residential districts.

The following conditions shall apply to office uses in residential districts:

- A. The total nonresidential use shall not exceed forty percent (40%) of the square footage of the building.

(Ord. C-6533 § 1 (part), 1988)

21.52.256 - Outdoor sales events.

The following conditions shall apply to flea markets, swap meets, vehicle sales events and the like:

- A. All uses shall be compatible with adjacent uses; and
- B. The sale of used merchandise may be permitted; and
- C. Vehicle sales events may be permitted only in the institutional zone on sites five (5) acres or greater in size and only when sponsored by a church, school, educational institution or public or private nonprofit organization, and shall be conducted on the premises of such an organization; and
- D. The hours of operation shall be nine (9:00) a.m. to five (5:00) p.m. with the exception that setup shall be allowed as early as seven (7:00) a.m. and as late as seven (7:00) p.m. The Planning Commission may grant extended hours of operation based on the proximity to residential land uses; and
- E. The proposed frequency of events shall be stated in the application and subject to review; and
- F. The operator shall demonstrate to the satisfaction of the Planning Commission that applicable business license fees and sales taxes will be paid; and
- G. An event signage plan shall be submitted in the application and subject to review; and
- H. Adequate restroom facilities shall be provided on-site during hours of operation; and
- I. A parking plan shall be submitted in the application and subject to review. The hours of parking demand of the outdoor sales event shall not conflict with the hours of parking demand of the principal use on-site, if any, and shall be provided in accordance with the provisions of Chapter 21.41 (Off-street Parking and Loading Requirements); and
- J. The operator shall demonstrate an ability to control problems related to noise, loitering, and litter; and
- K. The operator shall provide a safety and security plan to the satisfaction of the Chief of Police; and
- L. The operator shall obtain all necessary permits from the Fire Department for the temporary structures for each outdoor sales event.

(Ord. C-7881 § 4, 2003; Ord. C-6533 § 1 (part), 1988)

21.52.257 - Parsonage.

The following conditions shall apply to administrative use permits for a parsonage: The living area shall not exceed twenty-five percent (25%) of the church floor area.

(Ord. C-7032 § 54, 1992)

21.52.259 - Pistol or rifle range.

The following conditions shall apply to pistol and rifle ranges:

- A. The use shall be soundproofed as necessary to avoid adverse impacts on nearby noise sensitive uses; and
- B. The operator shall incorporate safety measures into facility design as required by the Chief of Police.

(Ord. C-6533 § 1 (part), 1988)

21.52.260 - Interim playgrounds, community gardens and recreational parks.

The following shall apply to interim playgrounds, community gardens and recreational parks:

- A. Improvements for an interim playground/community garden/recreational park shall be limited to landscaping, irrigation systems, accessory buildings and structures.
- B. The following setbacks shall apply to all accessory buildings and structures:
 - 1. **Front.** The front setback shall be the same as a principal structure in the applicable zoning district.
 - 2. **Side.** A four foot (4') side setback is required when abutting a residential district otherwise none is required.
 - 3. **Rear.** A ten foot (10') rear setback is required when abutting a residential district otherwise none is required.
- C. The maximum height of any accessory building shall be thirteen feet (13').
- D. The interim playground/community garden/recreational park hours of operation shall be seven-thirty (7:30) a.m. to dusk.
- E. Off-street parking shall not be required for an interim playground/community garden/recreational park use.
- F. Adequate trash receptacles shall be provided and maintained for the life of the use.

(Ord. C-7378 § 28, 1995)

21.52.261 - Police training academy.

The following conditions shall apply to the police training academy use:

- A. The use shall be isolated from noise sensitive uses; and
- B. A master plan for future facility expansion shall be reviewed and approved with any specific building request.

(Ord. C-6533 § 1 (part), 1988)

21.52.263 - Private elementary and secondary schools.

The following conditions shall apply to private elementary and secondary schools:

- A. Such facilities shall be located on a major, secondary, or minor highway;
- B.

Such facilities shall conform to the development standards of the district in which they are located including parking;

- C. In a residential zone, the site shall be limited to forty thousand (40,000) square feet in size; and
- D. An applicant seeking to convert an existing commercial building into school shall file a request with the Building Bureau for a special code compliance inspection. The report shall address all building code issues related to establishing a school in a commercial building. The report must be received by the Planning Bureau before an application for conditional use permit is considered complete.

(Ord. C-7378 § 20, 1995; Ord. C-6533 § 1 (part), 1988)

21.52.265 - Recycling collection center.

- A. Recycling collection centers located in any industrial district shall be limited to a maximum of five (5) years for any single approval.
- B. The use shall be compatible with surrounding existing uses.
- C. The operator shall take all reasonable steps to mitigate intrusive noise to adjacent residential uses.
- D. The site shall remain clean at all times.
- E. The entire site shall be paved.
- F. The site shall be screened with an eight-foot-high (8') solid wall.

(Ord. C-7360 § 8, 1995; Ord. C-7247 § 25, 1994; Ord. C-6684 § 9, 1990)

21.52.265.5 - Residential historical landmarks.

The following conditions shall apply to all residential historical landmarks seeking to establish a commercial use:

- A. The following commercial uses listed below may be allowed through the administrative use permit process (where the permitted use table for the applicable zone is more permissive than these provisions, then the applicable zone use table shall apply):
 - 1. Artist studio with residence pursuant to Section 21.52.204
 - 2. Bed and breakfast pursuant to Section 21.52.209
 - 3. Daycare center/pre-school pursuant to Section 21.52.249
 - 4. Professional school/business school.
 - 5. Professional services:
 - a. Administrative
 - b. Attorney
 - c. Consultant
 - d. Dental
 - e. Engineering/architectural
 - f. Finance
 - g. Insurance
 - h. Medical
 - i. Real estate
 - 6. Retail sales:
 - a. Antiques

- b. Art gallery
 - c. Book dealer
 - d. Collectibles
- B. An applicant seeking to establish a commercial use in a residential historical landmark building shall file a request with the Building Bureau for a special code compliance inspection with reference to the State Historical Building Code. The resulting report shall address all building code issues with reference to the State Historical Building Code related to establishing the commercial use in a residential building. This report must be received by the Planning Bureau before an application for an administrative use permit is considered complete for processing.
- C. All required parking, as set forth in Chapter 21.41, Off-Street Parking and Loading Requirements, shall be provided to establish the proposed use.

(Ord. C-7378 § 29, 1995)

21.52.266 - Restaurant with alcoholic beverage sales.

The following conditions shall apply to restaurants selling alcoholic beverages of any kind:

- A. The operator of the use shall prevent loitering in any parking areas serving the use; and
- B. Parking shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements) regardless of status of the previous use with regard to legal nonconforming parking.

(Ord. C-6533 § 1 (part), 1988)

21.52.269 - Restaurant in the R-4-H district.

The following conditions shall apply to restaurants in the R4-H zoning district:

- A. The public entrance shall be from the lobby of the residential building;
- B. No signs shall be placed outside the building; and
- C. Sale of alcoholic beverages in restaurants shall be limited by the following additional conditions:
 - 1. The operator of the use shall provide not less than ten (10) parking spaces per one thousand (1,000) square feet of dining area plus twenty-five (25) parking spaces per one thousand (1,000) square feet of lounge, bar or waiting area regardless of status of the previous use as to legal nonconforming parking.
 - 2. The operator of the use shall prevent loitering in any parking areas serving the use.

(Ord. C-6533 § 1 (part), 1988)

21.52.270 - Sandwiched lot.

The development on the sandwiched lot shall be limited to R-4-R density and development standards.

(Ord. C-6895 § 32, 1991)

21.52.271 - Special group residence (board and care, convalescent home, half-way house, boardinghouse/lodginghouse, communal housing and the like).

The following conditions shall apply to special group residences including, but not limited to, board and care, convalescent home, half-way house, boardinghouse/lodginghouse and communal housing:

- A.

Density. In a residential zone, special group housing shall be limited to the density allowed by the underlying zone district multiplied by the number indicated in Table 52-2. In congregate care facilities, each bedroom with one (1) or two (2) beds shall count as a unit when calculating density. In bedrooms with more than two (2) beds, each bed shall count as a unit. This shall be the maximum permitted density. The Planning Commission may require a lower density as the situation requires. In a nonresidential zone, density shall be limited to one (1) unit per two hundred (200) square feet of lot area;

- B. **Location.** In a residential district, no other similar facility may be in operation within one-half (1½) mile of the proposed project site. If the use is a fraternity or sorority, the use shall be sufficiently isolated from other residential uses so as not to potentially disturb the neighborhood;
- C. **Concerns.** Consideration of the conditional use permit shall address crime rate, concentration of similar uses, and the style and scale of the proposed building in relation to other buildings in the immediate vicinity;
- D. **Continuation of Use.** The applicant shall provide evidence that the use will remain as that use applied for through deed restriction or other method suitable to the Planning Commission;
- E. **Open Space.** Each facility shall provide not less than three hundred (300) square feet of common open space and one hundred fifty (150) square feet of usable open space per unit or room. Of the one hundred fifty (150) square feet, not less than fifty (50) square feet shall be private open space, and the remainder may be common open space added to the required three hundred (300) square feet of common open space;
- F. **Public Transit Stop.** The facility shall be located within one thousand feet (1,000') by legal pedestrian route to a public transit stop; and
- G. **Parking.** Parking and loading shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements).

(Ord. C-6595 § 16, 1989; Ord. C-6533 § 1 (part), 1988)

Table 52-2 Density Multiples for Special Group Residences	
Use	Density Multiple
Board and care home (limit of 50 beds)	2.0
Convalescent home (limit of 50 beds)	2.0
Boardinghouse/lodginghouse (limit of 50 beds)	2.0
Halfway house (limit of 50 beds)	2.0
Fraternity or sorority (limit of 50 beds)	2.0

Dormitory (limit of 50 beds)	2.0
Monastery, convent, communal housing, religious house (limit of 50 beds)	2.0

21.52.273 - Tattoo or fortunetelling services.

The following conditions shall apply to tattoo and fortunetelling services:

- A. No new fortunetelling or tattoo parlor uses shall be located within one thousand feet (1,000') of any existing adult entertainment, arcade, fortunetelling, tattoo parlor or tavern use; and
- B. Fortunetelling and tattoo parlors shall operate only between the hours of seven (7:00) a.m. and ten (10:00) p.m.

(Ord. C-6533 § 1 (part), 1988)

21.52.279 - Through-block commercial.

The following conditions shall apply to through-block commercial:

- A. The proposed site shall abut, adjoin or be adjacent to a commercial district, or a planned development district designated for commercial uses;
- B. The proposed site shall be developed as a unified site with an abutting, adjoining or adjacent commercially zoned site;
- C. Through-block commercial shall only be permitted on a property that has two (2) street frontages but is not a corner lot as illustrated in Figure 52-1;
- D. Vehicular and/or pedestrian access shall not be permitted from or across the residential street frontage;
- E. The site shall be developed according to the height and yard requirements of the residential district in which it is located;
- F. The commercial uses permitted shall be the same as those on the abutting, adjoining or adjacent commercial district with which the site is being developed;
- G. Any portion of the building or buildings visible from a public street, or abutting, adjoining or adjacent to a residential district shall be designed, treated and finished in a manner compatible with adjacent residential areas and with other visible sides of the building; and
- H. The yards facing residential uses shall be landscaped in a manner which protects the privacy and serenity of the residential uses.

(Ord. C-7247 § 26, 1994; Ord. C-7047 § 27, 1992; Ord. C-6684 § 40, 1990; Ord. C-6533 § 1 (part), 1988)

21.52.281 - Thrift shops.

The following conditions shall apply to the sale of used merchandise indicated in Table 32-1:

- A. All sales and display of merchandise shall be permitted only within a building;
- B. The building occupied by the use shall be improved to conform to the standards of the community;

- C. The building and site shall be maintained in a neat, clean and orderly condition; and
- D. Outside storage shall not be permitted.

(Ord. C-7047 § 28, 1992; Ord. C-6533 § 1 (part), 1988)

21.52.283 - Vehicle rental services.

The following conditions shall apply to vehicle rental service uses:

- A. In the CO and CB zones, only passenger vehicles and bicycle rentals shall be allowed;
- B. Any vehicle repair activities shall comply with the regulations pertaining to outdoor vehicle repair uses as set forth in Chapter 21.45 (Special Development Standards). However, in the CO, CT or CB zones, all repair work shall occur within a fully enclosed building; and
- C. In the CO zone, the project site must be within one-half (½) mile of the CB or CT zone, or five hundred (500) hotel rooms, or a passenger terminal of an airport, cruise ship or rail transit line.

(Ord. C-6533 § 1 (part), 1988)

21.52.286 - Veterinary uses.

The following conditions shall apply to veterinary uses:

- A. Uses permitted include medical treatment, retail sales and boarding. Animals included are dogs, cats and similar household pets, but exotic animals and species of equine are excluded;
- B. All activities must be confined within a building that is fully air-conditioned and sound-proofed to the standards of the noise ordinance, Chapter 8.80 of the Municipal Code; and
- C. The site shall not adjoin or abut a residential use district.

(Ord. C-6533 § 1 (part), 1988)

21.52.410 - Special conditions—Industrial uses.

Certain industrial uses identified in Chapter 21.33 (Industrial Uses) are subject to conditional use permit review and approval. In addition to the standard considerations and findings required to approve a conditional use permit, the following additional considerations and findings shall be made:

- A. The proposed use, and the siting and arrangement of that use on the property, will not adversely affect surrounding uses nor pose adverse health risks to persons working and living in the surrounding area.
- B. Adequate permitting and site design safeguards will be provided to ensure compliance with the performance standards for industrial uses contained in Section 21.33.090 (Performance Standards) of this Title.
- C. Truck traffic and loading activities associated with the business will not adversely impact surrounding residential neighborhoods.
- D. Businesses involved with hazardous waste treatment, hazardous waste disposal, or hazardous waste transfer shall comply with the following location requirements:
 - 1. The use shall not be located within two thousand feet (2,000') of any residential zone or use, any hotel or motel, any school or daycare facility, any hospital or convalescent home, any church or similar facility, or any public assembly use.
 - 2. The use shall not be located within one hundred feet (100') of any known earthquake fault, or within a fault hazard or flood hazard zone identified by the State of California.
 - 3.

The use shall not be located on any land subject to liquefaction, as identified in the Seismic Safety Element of the General Plan, unless appropriate soils remediation occurs as required by the City Engineer.

(Ord. C-7360 § 9, 1995; Ord. C-6533 § 1 (part), 1988)

21.52.610 - Uses in the Park (P) district.

Prior to the granting of a conditional use permit for uses in the park district, the following findings shall be made by the appropriate body:

- A. The use is consistent with the intent of the Park District, the General Plan, the local coastal program, and any applicable specific plan;
- B. The use does not permanently remove or impinge upon any significant public open space or impede public access thereto;
- C. For commercial recreation uses, the use provides a needed public recreation service which otherwise would not be available to the public; and
- D. For commercial recreation uses, the use cannot reasonably be located to provide comparable public recreation service on private land appropriately zoned for such use.

(Ord. C-7153 § 3, 1993; Ord. C-7032 § 43, 1992; Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.53 - TEMPORARY USES

21.53.010 - Purpose.

This Chapter establishes the specific regulations for temporary uses in all zoning districts. Uses listed in Chapters 21.31 through 21.36 of this Title as temporary uses (T) are permitted subject to these regulations.

(Ord. C-6533 § 1 (part), 1988)

21.53.100 - Use regulations.

All temporary uses shall be permitted upon written approval of the Zoning Administrator and shall be limited to not more than ten (10) consecutive calendar days unless permitted otherwise. The uses set forth in Sections 21.53.103 through 21.53.123 are subject to the additional limitations provided in those Sections.

(Ord. C-6533 § 1 (part), 1988)

21.53.103 - Construction trailer.

A trailer used for construction offices or watchperson's quarters is permitted at a construction site, including public works projects, provided:

- A. The trailer is located on the same or adjacent premises as the construction project.
- B. The trailer is used only during the period of construction.

(Ord. C-6533 § 1 (part), 1988)

21.53.106 - Mobile food truck.

A mobile food truck may be permitted as a temporary business, provided:

- A. The vendor shall sell food only.
- B. The temporary business shall be permitted only at construction sites at the time when construction workers are on the site.

(Ord. C-7607 § 6, 1999; Ord. C-6533 § 1 (part), 1988)

21.53.109 - Special events (carnival, fiesta, other outdoor exhibition or celebration) in residential, institutional and park zone districts.

- A. A special event under this Section shall not last longer than ten (10) days.
- B. The event shall be sponsored by a church, school, educational institution or public or private nonprofit organization, and shall be conducted on the premises of such an organization or approved for use as a City park or other public property.
- C. Special events in residential and institutional zones shall be limited to not more than twice in any calendar year at any one (1) site.

(Ord. C-6895 § 25, 1991; Ord. C-6533 § 1 (part), 1988)

21.53.113 - Special events (carnivals, fairs, circuses, grand prix events, seasonal sales and the like) in commercial, industrial, public right-of-way and planned development zone districts.

- A. Except for seasonal sales, no special event under this Section shall last longer than ten (10) consecutive calendar days at one (1) site.
- B. Seasonal sales (the sale of items symbolic of religious, national or traditional holidays, including the seasonal sale of fruit) shall not last longer than sixty (60) consecutive calendar days at one (1) site.
- C. Parking shall be provided as required by Chapter 21.41 (Off-Street Parking and Loading Requirements).
- D. Parking lot sales shall be conducted on the same or adjacent premises as the principal use.
- E. Except for seasonal sales, special events shall be limited to not more than twice any calendar year at one (1) site unless designated for public park, convention center, arena, auditorium or stadium use.
- F. Seasonal sales events may apply to the Zoning Administrator for a maximum thirty (30) day time extension.

(Ord. C-7326 § 29, 1995; Ord. C-6895 § 26, 1991; Ord. C-6533 § 1 (part), 1988)

21.53.116 - Trailer in Port district.

A trailer or trailers may be erected in the Port district as a temporary business office when authorized by the Board of Harbor Commissioners.

(Ord. C-6533 § 1 (part), 1988)

21.53.119 - Trailer for real estate sales or lease.

A trailer used as a sales or lease office or model home display unit is permitted, provided the trailer is used only during the period of construction and original sale or other disposition of the first eighty percent (80%) of the lots, parcels or units or leasable areas of all phases of a new subdivision or building project.

(Ord. C-6533 § 1 (part), 1988)

21.53.123 - Trailer for temporary business office.

A trailer or trailers may be erected as a temporary business office provided:

- A. The trailer or trailers are used for a period not to exceed one (1) year; and
- B. The structures comply with all development standards of the applicable zone district; and
- C. The trailer or temporary building is not allowed until a building permit is issued for a permanent building on the site, or the building on the site was damaged by fire, explosion, earthquake, imminent public hazard, act of terrorism, sabotage, vandalism, warfare, or abatement of earthquake hazard.

(Ord. C-7032 § 44, 1992; Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.54 - BILLBOARDS

FOOTNOTE(S):

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Editor's note— ORD-14-0006, § 1, adopted June 17, 2014, amended Ch. 21.54 in its entirety to read as herein set out. Former Ch. 21.54, §§ 21.54.010—21.54.450, pertained to similar subject matter and derived from: Ord. C-6533, § 1, 1988; and Ord. C-6534, §§ 1, 2, 1988; and ORD-12-0006, § 5, adopted Mar. 13, 2012.

21.54.010 - Purpose.

Billboards are recognized as a legitimate form of commercial use in the City. However, the size, number, location and illumination of billboards can have significant influence on the City's visual environment, and can, without adequate control, create or contribute to blighted conditions. The purpose of this Chapter is to provide reasonable billboard control, recognizing that community appearance is an important factor in ensuring the general community welfare. Additionally, it is the purpose of this Chapter to eventually eliminate nonconforming billboards from the City, especially in residential zoning districts and other sensitive areas, through the creation of incentives for the development of conforming billboards linked to requirements for removal of nonconforming billboards in exchange.

(ORD-14-0006, § 1, 2014)

21.54.020 - Definition of terms.

- A. The terms "billboard" and "off-premises sign" may be used interchangeably to mean the same thing. The term "billboard," when used generally, shall also include electronic billboards and any other form of off-premises advertising;
- B. "Mixed-use districts," when referenced in this Chapter, shall include Planned Development (PD) Districts, or sub-areas thereof, allowing residential and/or commercial uses;
- C. "Residential districts," when referenced in this Chapter, shall include those Planned Development (PD) Districts, or sub-areas thereof, allowing residential uses;
- D. "Adjacent," when used to refer to a billboard adjacent to a freeway, shall mean located within, either in whole or in part, an area formed by measuring six hundred sixty feet (660') laterally from the edge of the right-of-way of a landscaped freeway section along a line perpendicular to the center line of the freeway (as defined in California Code of Regulations, Title 4, Chapter 1, Section 2242);
- E. "Freeway-oriented" shall mean any billboard that is adjacent to a freeway, as set forth in Subsection D above, and designed to be viewed primarily by persons traveling on the main-traveled way of the freeway.

(ORD-14-0006, § 1, 2014)

21.54.030 - Consistency with the Outdoor Advertising Act.

To the extent that there is any conflict between the provisions of this Chapter and the provisions of the Outdoor Advertising Act, California Business and Professions Code Sections 5200 et seq., the Outdoor Advertising Act shall prevail.

(ORD-14-0006, § 1, 2014)

21.54.040 - Severability clause.

If any provision or clause of this Chapter or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other Chapter provisions or clauses or applications, and to this end the provisions and clauses of this Chapter are declared to be severable.

(ORD-14-0006, § 1, 2014)

DIVISION I. - USE REGULATIONS

21.54.110 - Use regulations.

Billboards are a principal use of land and are restricted to the zoning districts indicated in Table 54-1 of this Chapter. Any type, style, or location of billboard development not specifically permitted by this Chapter shall be prohibited.

(ORD-14-0006, § 1, 2014)

21.54.111 - Conditional Use Permit required.

A Conditional Use Permit shall be obtained prior to the issuance of a building permit for any project involving construction of a new billboard or electronic billboard, conversion of an existing billboard to an electronic billboard, expansion or modification of a billboard, or addition of additional face(s) to a billboard, and as otherwise specified in this Chapter and Title. No Conditional Use Permit shall be approved unless the required findings, contained in Section 21.54.115, are made. A Conditional Use Permit shall not be required if a development agreement is applied for and executed in accordance with Section 21.54.112. Any Relocation Agreement, as provided for under the provisions of the Outdoor Advertising Act (California Business and Professions Code Section 5412 et seq.), shall be accomplished through the development agreement process.

(ORD-14-0006, § 1, 2014)

21.54.112 - Development agreements.

- A. An applicant shall be eligible to apply for a development agreement in accordance with Chapter 21.29 in the event that it is infeasible to comply with the provisions of Section 21.54.160. This development agreement shall be in lieu of the Conditional Use Permit required by Sections 21.54.111, 21.54.140, and 21.54.150
- B. For the purpose of this Section, an applicant shall be required to demonstrate to the satisfaction of the relevant approval body that it lacks an inventory of non-freeway-oriented billboards eligible for removal such that would satisfy Section 21.54.160. A finding of "infeasibility" is at the discretion of the relevant approval body.
- C. For the purpose of this Section, an applicant shall not be deemed ineligible to apply for a development agreement because the applicant cannot meet the lot size requirement set forth in Section 21.29.020
- D. All development agreements entered into in accordance with this Section shall contain appropriate standards and public benefits and shall comply with all other requirements and standards imposed by this Chapter, except the conditional use permit requirement of Section 21.54.111. However, the

development agreement shall address the Conditional Use Permit findings of Section 21.54.115, and declare whether said findings can be made as part of the determination of appropriate standards and public benefits.

- E. Billboards constructed on property owned by the City or its related agencies may be accomplished by lease or license in lieu of a development agreement, and any reference to a development agreement in this Chapter shall include leases or licenses on such properties.
- F. Any aggrieved applicant or person may appeal the determination of the Planning Commission regarding a finding of infeasibility to the City Council in accordance with the appeal provisions set forth in Chapter 21.21, Division V, of this Title.
- G. In lieu of meeting the removal requirements of Section 21.54.160, the terms of the development agreement shall require the following of the applicant:
 - 1. For construction of a new freeway-oriented billboard, the applicant shall be required to permanently remove, at a minimum, an existing freeway-oriented billboard or billboards with total display surface area equal to that of the proposed billboard(s). However, a greater removal ratio may be required at the discretion of the approving body.
 - 2. The applicant shall agree (using a written instrument to the satisfaction of the City Attorney) not to petition or apply to the State of California for the removal or reclassification of the status of a landscaped freeway section within the City of Long Beach (under Sections 2511 or 2512 of the California Code of Regulations).
 - 3. All new freeway-oriented billboards approved under the development agreement shall be located at least three hundred feet (300') from a Residential, Institutional, or Park zoning district and shall not be adjacent to (as defined in Subsection 21.54.020.D) a landscaped freeway segment, as set forth in Subsection 21.54.120.B.2.
- H. All applicants shall be eligible to apply for a development agreement for the conversion of a freeway-oriented billboard to electronic, including existing billboards located adjacent to a landscaped freeway segment, regardless of the infeasibility requirement of Subsection 21.54.112.B.

(ORD-14-0006, § 1, 2014)

21.54.113 - Sponsorship or advertising on public property under Chapter 16.55.

Any contract, permit, license or agreement entered into in accordance with Chapter 16.55 of the Long Beach Municipal Code shall not be subject to the zoning regulations set forth in this Chapter.

(ORD-14-0006, § 1, 2014)

21.54.114 - Separate applications.

Each individual proposal for construction of a new billboard or electronic billboard, or modification of a billboard, or conversion of an existing billboard to an electronic billboard, shall be considered a separate application, and each application shall be separately and individually subject to a Conditional Use Permit, and the provisions and requirements of this Chapter. Multiple sites shall not be combined into one application. This Section shall not apply to applications for development agreements under Section 21.54.112.

(ORD-14-0006, § 1, 2014)

21.54.115 - Required findings.

In addition to the required findings for a Conditional Use Permit (Section 21.25.206), the Planning Commission or City Council, as applicable, shall not approve a Conditional Use Permit for any billboard project unless positive findings also can be made for the following:

- A. The proposed billboard does not represent a net increase in billboard sign area Citywide.
- B. The applicant or developer has provided a written plan and a letter of intent explaining how the requirements of Subsections 21.54.160.A or B (which require removal of certain amounts of existing billboard area in exchange for rights to construct a new billboard or convert an existing billboard to electronic) will be accomplished.
- C. The billboard shall not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.
- D. For a new billboard, adequate spacing will exist between the proposed billboard and any existing or proposed billboards in the vicinity, such that negative visual and aesthetic impacts upon the neighborhood and surrounding land uses shall be avoided.
- E. The size of the proposed billboard will not be out of context with its visual environment, or be visually disruptive to neighboring properties and structures.
- F. For electronic billboards, the applicant has demonstrated technically, through a light study or similar study, that the billboard will not cause light and glare to intrude upon residential land uses, including those in mixed-use districts.
- G. Approval of this permit is consistent with the intent of Chapter 21.54 (Billboards), which is, primarily, to provide reasonable billboard control and to cause the eventual elimination of nonconforming billboards from the City.

(ORD-14-0006, § 1, 2014)

21.54.118 - Locations allowed.

Billboards shall be allowed in the locations set forth in Table 54-1.

(ORD-14-0006, § 1, 2014)

21.54.119 - Restricted to certain street classification types.

Billboards shall only be located on lots abutting certain classifications of public right-of-way, as set forth in Table 54-1.

(ORD-14-0006, § 1, 2014)

21.54.120 - Locations prohibited.

A. General.

No new off-premises sign (billboard) shall be located:

1. On or over a public right-of-way;
2. Within ninety feet (90') of any residential, institutional or park district;
3. Within any Planned Development District (PD), unless explicitly allowed by that PD ordinance;
4. On the roof of any building whether the building is in use or not;
5. On a wall of a building or otherwise attached or integrated to, or suspended from a building, unless explicitly approved by the Site Plan Review Committee and the Planning Commission;
6. Overhanging a building; or
- 7.

Within eight feet (8'), in any direction, of a building, measured at the nearest distance between the sign surface or structure and the building, so as not to provide an attractive nuisance for graffiti and vandalism.

B. Additional restrictions for freeway-oriented billboards.

In addition to the above restrictions, no new freeway-oriented off-premises sign (billboard) shall be placed or maintained:

1. Within three hundred feet (300') of any residential, institutional or park district;
2. Within six hundred sixty feet (660') of a section of a freeway that has been landscaped, if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped freeway (see "Adjacent," Subsection 21.54.020.D). This shall include the following landscaped freeway sections:
 - a. 710 Freeway:
 - (1) North City boundary to south side of interchange with 91;
 - (2) South of interchange with 91 to south side of northbound Long Beach Boulevard off-ramp on east side of freeway only;
 - (3) South of north edge of southbound Del Amo Avenue off-ramp to south edge of northbound Del Amo Avenue off-ramp;
 - (4) North edge of southbound transition ramp to 405 Freeway to south edge of the 405 to 710 southbound transition ramp on west side of 710;
 - (5) North edge of 405 to 710 transition ramp to south edge of northbound Pacific Coast Highway off-ramp on east side;
 - (6) North edge of southbound Willow Street off-ramp to south edge of southbound Willow Street on-ramp on west side of 710;
 - (7) North edge of southbound Anaheim Street off-ramp to center line of Anaheim Street;
 - (8) South of Fifth Street.
 - b. 91 Freeway:
 - (1) West City boundary to east edge of eastbound Long Beach Boulevard on-ramp;
 - (2) Western edge of 710 Freeway right-of-way to eastern City boundary;
 - c. 405 Freeway—Entire length in City;
 - d. 605 Freeway—Entire length in City;
 - e. 22 Freeway—Entire length in City.

(ORD-14-0006, § 1, 2014)

21.54.125 - Types of billboards prohibited.

As set forth in Section 21.54.110, any type or location of billboard development not specifically permitted by this Chapter shall be prohibited. Additionally, the following types of prohibited billboards are specified for clarity. However, this shall not limit the types of prohibited billboards to those described below:

- A. Mobile billboards. Any billboard installed upon, mounted, attached, or applied to any vehicle, non-motorized vehicle, bicycle, scooter, or trailer whose primary purpose is conveyance, transportation, or support of the billboard message surface shall be prohibited from any display or placement on public or private property or the public right-of-way in a manner making it visible from any other public or private property or the public right-of-way;

- B. Any billboard integrated, incorporated, or otherwise included into the architectural design of a building, unless explicitly approved by the Site Plan Review Committee and Planning Commission, or otherwise approved as part of a lease agreement entered into with the City prior to January 1, 2014; and
- C. Supergraphics. Any off-site advertisement meeting the definition of "supergraphic" as defined in Section 21.15.2980 shall be prohibited. The only exception shall be for a temporary supergraphic allowed under a special events permit.

(ORD-14-0006, § 1, 2014)

21.54.130 - Landscaped segment relocation credits.

- A. No new billboard shall be constructed or installed within the City through utilization of credits given by the California Department of Transportation or the Outdoor Advertising Act for relocation of billboards located in landscaped freeway segments, unless so mandated by the Outdoor Advertising Act. In the case that the Outdoor Advertising Act requires the City to permit construction of a new billboard using such credits, the removal requirements of Subsection 21.54.160.A or B shall apply, unless also preempted by the Outdoor Advertising Act, or unless the conversion is the subject of a development agreement, in which case the provisions of Section 21.54.112 (Development Agreements) shall apply.
- B. Conversion of existing billboards located in landscaped freeway segments to electronic billboards using such credits shall be allowed, and in this case the removal requirements of Subsection 21.54.160.A or B shall apply, unless preempted by the Outdoor Advertising Act, or unless the conversion is the subject of a development agreement, in which case the provisions of Section 21.54.112 (Development Agreements) shall apply.

(ORD-14-0006, § 1, 2014)

21.54.140 - Conversion of non-electronic billboards to electronic.

The City hereby declares that the vested rights held by existing billboards, whether conforming or nonconforming to this Chapter, do not allow conversion of said billboards to electronic billboards as a matter of right. No existing billboard shall be converted to an electronic billboard unless the following conditions are met:

- A. A Conditional Use Permit is obtained by the applicant;
- B. The billboard meets the requirements of Table 54-1;
- C. The applicant obtains all required building permits; and
- D. Other existing billboard display surface area is permanently removed from the City as required by Subsection 21.54.160.A or B, as applicable.

(ORD-14-0006, § 1, 2014)

21.54.150 - Expansion of billboard area or addition of faces to existing billboards.

The City hereby declares that the vested rights held by existing billboards, whether conforming or nonconforming to this Chapter, do not allow expansion of billboard area or addition of billboard faces as a matter of right. No billboard shall have its area increased or have an additional face added unless the following conditions are met:

- A. A Conditional Use Permit is obtained by the applicant;
- B. The billboard meets the requirements of Table 54-1;

- C. The applicant obtains all required building permits; and
- D. Other existing billboard display surface area is permanently removed from the City as required by Subsection 21.54.160.A or B, as applicable.

(ORD-14-0006, § 1, 2014)

21.54.160 - Citywide billboard capacity limited.

The City of Long Beach finds that, at the time of adoption of this Chapter, a plenitude of modes of advertising were available via television, newspaper, magazines, circulars, direct mail, bulk mail, internet, email, mobile phones, City bus ads, bus stop posters, and other constantly-developing sources of ad placement. Also, the City finds that a sufficient or more than sufficient amount of billboard advertising capacity exists in the City to meet or exceed the community's need for outdoor advertising, and that a reduction in the amount of billboards Citywide will not impose any hardship upon the community through diminution of overall advertising capacity or options. Therefore, no building permit shall be issued for any new billboard, conversion of an existing non-electronic billboard to an electronic billboard, or expansion or addition of faces to an existing billboard, unless the following requirements are met:

- A. An existing nonconforming billboard or billboards (as specified in Section 21.54.170) shall first be permanently removed from within the City as set forth in Table 54-2.
 - 1. Nonconforming billboards shall be removed with the following priority, in order of highest priority to lowest:
 - a. Nonconforming billboards located in a residential zoning district and not adjacent to a street classified as a Freeway, Regional Corridor, or Major Arterial;
 - b. Nonconforming billboards located in a Planned Development District (or a subarea thereof) allowing residential uses and not adjacent to a street classified as a Freeway, Regional Corridor, or Major Arterial;
 - c. All other nonconforming billboards located in a residential zoning district or Planned Development District allowing residential uses;
 - d. All other nonconforming billboards located in a General Plan Land Use District allowing residential uses; and
 - e. All other nonconforming billboards.
 - 2. Nonconforming billboards with more than one face shall be removed in their entirety and shall not be altered or partially dismantled in such a way as to leave behind one or more faces or portion(s) thereof.
- B. If existing nonconforming billboards are permanently removed to satisfy Subsection 21.54.160.A, until no such nonconforming billboards (as specified in Section 21.54.170) remain in the City, then existing billboard area shall first be permanently removed from within the City as set forth in Table 54-3. It shall be the responsibility of the applicant to demonstrate, to the satisfaction of the Director of Development Services, that no nonconforming billboards remain in the City.
- C. In determining the existing display surface area to be removed to satisfy Subsection A or B above, if a billboard with more than one face is proposed, the sum of both faces shall be used. For example, if a billboard with two (2) three hundred (300) square-foot faces is proposed, a sum of six hundred (600) square feet shall be used to calculate the amount of removal required.
- D. In all cases, the required removals shall be completed in accordance with one of the two (2) following alternatives:

1. The required removals shall be completed prior to issuance of a building permit for the new, converted, expanded or otherwise altered billboard; or
2. The Applicant shall, as part of the Conditional Use Permit approval process, provide a cash bond or equivalent financial instrument to the satisfaction of the Director of Financial Management, in an amount as determined by the Planning Commission to reasonably insure the prompt removal of billboards in accordance with this Section.

Regardless of the alternative selected, the applicant shall provide a list of all billboards to be removed to meet the removal requirements of Subsection 21.54.160.A or B, and shall obtain a separate demolition permit for each. In order that the applicant should not be subject to possible loss of development rights lawfully obtained through a Conditional Use Permit and performance of the required removal of billboards, said development rights, once obtained, shall be considered vested for one (1) year from the date of final action of the Conditional Use Permit or the date of execution of the development agreement by the City.

- E. Fractional numbers and removal. The purpose of Subsections A and B above, is to require removal of a certain amount of billboard display surface area, rather than a specific number of billboards. However, it is not desirable for an existing billboard to be altered to reduce its size to comply with these requirements, due to the negative aesthetic impacts such alteration may create. Therefore, no billboard shall be reduced in size or otherwise altered to provide for the required removal, and only whole, entire billboard(s) shall be removed. In no case shall less than the required amount of display surface area be removed.
- F. Ownership. Subsection 21.54.160.B shall not come into effect until all nonconforming billboards (as specified in Section 21.54.170) are removed from within the City, regardless of the ownership or management of those nonconforming billboards. Specifically, a party owning or managing billboards shall not be eligible for Subsection 21.54.160.B if only the nonconforming billboards owned or managed by that party are removed, while other nonconforming billboards yet remain in the City.
- G. Other removal. Any billboard removed or demolished from within the City, or reduced in size, not in conjunction with a project requiring removal under Subsection 21.54.160.A or B, shall not be credited toward the removal requirements of Subsection 21.54.160.A or B above.

(ORD-14-0006, § 1, 2014)

21.54.170 - Nonconformity defined for purposes of removal requirements.

A billboard shall be considered nonconforming for the purposes of the removal requirements set forth in Section 21.54.160, if it is any of the following:

- A. Not located in a zoning district allowed by Table 54-1;
- B. Not located adjacent to a freeway or street having a street classification type allowed in Table 54-1;
- C. Located on a building or building rooftop.

**Table 54-1
Billboard Development Standards**

Standard					

Type of Billboard	Maximum Area (sq. ft.)	Max. Height	Spacing between billboards ^(a)	Street Classification Types Allowed ^(b)	Zoning Districts Allowed
1. New freeway-oriented billboard, electronic or non-electronic	675 sq. ft.	40 ft. above nearest freeway lane	As required by California Department of Transportation, otherwise 500 ft.	Freeway, Regional Corridor, or Major Arterial ^{(c)(d)}	CHW ^(e) , CS, IL, IM ^(f) , IG, IP
2. Non-freeway-oriented new billboard, electronic or non-electronic	675 sq. ft.	35 ft. above curb grade	As required by California Department of Transportation, otherwise 300 ft.	Regional Corridor, or Major Arterial ^(d) only	CHW ^(e) , IL, IM, IG, IP ^(f)
3. Conversion of existing billboard to electronic (with or without expansion of area)	675 sq. ft. ^(g)	No higher than existing billboard, or 35 ft. above curb grade (or 40 ft. above nearest freeway lane, if freeway-oriented), whichever is greater	As required by California Department of Transportation, otherwise no limit	Freeway Regional Corridor, or Major Arterial ^(e) only	CCA, CCP, CHW ^(e) , CS, IL, IM, IG, IP ^(f) , PR
4. Expansion of existing electronic or	675 sq. ft. ^(g)	No higher than existing billboard, or	N/A	Freeway, Regional Corridor, or Major	CCA, CCP, CHW ^(e) , CS, IL, IM ^(f) , IG, IP

non-electronic billboard (does not include conversion to electronic)	35 ft. above curb grade (or 40 ft. above nearest freeway lane, if freeway-oriented), whichever is greater	Arterial only ^(c)
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Footnotes:

(a) Required spacing between billboards on same side of the right-of-way, whether electronic or non-electronic.

(b) Street classifications are as shown on the Functional Classification of Streets map in the Transportation Element of the General Plan. See equivalence table (Table 54-1A) for updated designations adopted into the 2013 General Plan Mobility Element.

(c) If a lot has frontage on a right-of-way that is a Freeway, Regional Corridor, or Major Arterial, and on a street that is not a Freeway, Regional Corridor, or Major Arterial, the billboard shall be located no more than 25 feet from the property line with frontage on a Freeway, Regional Corridor, or Major Arterial.

(d) Any billboard adjacent to a freeway right-of-way, but not freeway-oriented and not adjacent to a Regional Corridor or Major Arterial, shall be prohibited.

(e) Also allowed in the obsolete CH commercial highway zoning district.

(f) Billboards in the IP zoning district shall require approval of the Harbor Department.

(g) Size shall not be increased over that of the existing billboard unless explicitly approved by the Planning Commission.

**Table 54-1A
Equivalence of Street Classification Type Designations**

1991 General Plan Transportation Element Street Classification Type Designation	2013 General Plan Mobility Element Street Classification Type Designation
Freeway	Freeway
Regional Corridor	Regional Corridor

	Boulevard
Major Arterial	Major Avenue
Minor Arterial	Minor Avenue
Collector Street	Neighborhood Connector
Local Street	Local Street

**Table 54-2
Billboard Removal Ratios for Nonconforming Billboards**

Under Subsection 21.54.160.A (If any nonconforming billboards as set forth in Section 21.54.170 are still present in City)	
Project	Required Removal Ratio ^a
1. New electronic billboard	8 times the area of the proposed billboard ^b
2. New non-electronic billboard	6 times the area of the proposed billboard ^b
3. Conversion of existing billboard to electronic with no expansion of area	4 times the area of the billboard to be converted ^b
4. Conversion of existing billboard to electronic with expansion of area	8 times the area of the final size of the proposed billboard ^b
5. Expansion of existing electronic billboard	8 times the area of the proposed net increase in area ^b
6. Expansion of existing non-electronic billboard	6 times the area of the proposed net increase in area ^b

Footnotes:

a) See Subsection 21.54.112.G for required removal for Development Agreements.

b) At a minimum. However, in order to comply with Subsection 21.54.160.E, only whole billboards shall be removed.

**Table 54-3
Billboard Removal Ratios for Conforming Billboards**

Under Subsection 21.54.160.B (After all nonconforming billboards as set forth in Section 21.54.170 have been removed from City)

Project	Required Removal Ratio ^a
1. New electronic or non-electronic billboard	Area equal to the proposed billboard ^b
2. Conversion of existing billboard to electronic	Area equal to the proposed billboard ^b
3. Any other expansion or modification of an existing billboard (electronic or non-electronic)	Area equal to the proposed net increase ^b

Footnotes:

a) See Subsection 21.54.112.G for required removal for Development Agreements.

b) At a minimum. However, in order to comply with Subsection 21.54.160.E, only whole billboards shall be removed.

(ORD-14-0006, § 1, 2014)

DIVISION II. - DEVELOPMENT STANDARDS

21.54.210 - Maximum area.

The maximum area of billboards shall be as indicated in Table 54-1.

(ORD-14-0006, § 1, 2014)

21.54.220 - Maximum height.

The maximum height of billboards shall be as indicated in Table 54-1.

(ORD-14-0006, § 1, 2014)

21.54.221 - Maximum number of faces.

No billboard shall have more than two (2) faces. A face shall be considered the display surface upon which an advertising message is displayed.

(ORD-14-0006, § 1, 2014)

21.54.222 - Face orientation.

No billboard shall have more than one (1) face (display surface) oriented in the same vertical plane.

(ORD-14-0006, § 1, 2014)

21.54.223 - Name of owner.

No billboard shall be maintained in the City unless the name of the person or company owning or maintaining it is plainly displayed thereon.

(ORD-14-0006, § 1, 2014)

21.54.230 - Spacing.

Spacing between billboards on the same side of a right-of-way shall be as indicated in Table 54-1. For spacing purposes, any double-faced, V-type, or back-to-back billboard with more than one (1) face (display surface) shall be considered as a single billboard.

(ORD-14-0006, § 1, 2014)

21.54.240 - Supports.

Billboards shall be provided with no more than one (1) support, and the support shall be constructed of steel. The support shall be architecturally treated to the satisfaction of the Planning Commission. At a minimum, unpainted steel structural supports and wood structural supports shall be prohibited.

(ORD-14-0006, § 1, 2014)

21.54.250 - Lighting.

In order to decrease the negative effects of light pollution, illumination for non-electronic billboards shall be designed, aimed, and shielded if necessary so that all light falls on the billboard display surface, and light trespass into the night sky or onto adjacent private or public property is prevented. All service wiring shall be underground. Prior to issuance of a building permit, the applicant shall provide proof to the satisfaction of the Director of Development Services that this requirement is met. It shall be the responsibility of the applicant or owner to develop and maintain the billboard lighting system in compliance with this Section.

(ORD-14-0006, § 1, 2014)

21.54.260 - Clearance.

- A. **Driveways.** Billboards projecting over a driveway or driving aisle shall have a minimum clearance of sixteen feet (16') between the lowest point of the sign and the driveway grade.
- B. **Pedestrian Walkway.** Billboards projecting over a pedestrian walkway shall have a minimum clearance of eight feet (8') between the lowest point of the sign and the walkway grade.
- C. **All Others.** All other billboards shall have a minimum clearance of eight feet (8') between the lowest point of the sign and ground level so as not to provide an attractive nuisance for graffiti and vandalism.

(ORD-14-0006, § 1, 2014)

21.54.265 - Projection.

No billboard shall project over a public sidewalk unless an encroachment permit is granted by the Department of Public Works. In all cases, a billboard shall be a minimum of two feet (2') away from the curb. No billboard shall project over a public alley.

(ORD-14-0006, § 1, 2014)

21.54.270 - Screening.

All back or rear portions of single-faced and V-type billboards visible from a public right-of-way or other public or private property shall be screened. The screening shall cover all structural members of the sign, not including the pole supports, and shall additionally cover all electrical or electronic display equipment,

and any associated antennas, cables, and other appurtenances.

(ORD-14-0006, § 1, 2014)

21.54.280 - Design and brightness restrictions.

- A. Billboards shall not contain any of the following:
1. Moving parts;
 2. Appendages, cut-out letters or figures that exceed twenty percent (20%) of the permitted sign area or that protrude more than twelve inches (12") beyond the flat surface of the sign face;
 3. Lights that flash, shimmer, glitter or give the appearance of flashing, shimmering or glittering. Exceptions to this restriction include time, temperature and smog index units, provided the frequency of change does not exceed four (4) second intervals;
 4. Walls or screens at the base of the sign which create a hazard to public safety or provide an attractive nuisance;
 5. Copy which simulates any traffic sign in a manner which confuses the public; or
 6. Devices which emit audible sound, or odor or particulate matter.
- B. For electronic billboards, the following restrictions also shall apply:
1. The duration of each message displayed shall be at least eight (8) seconds;
 2. No message shall move, flash, shimmer, glitter, or give the appearance of moving, flashing, shimmering or glittering;
 3. There shall be a direct change from each message to the next, with no blank or dark interval in between, to avoid a flashing or blinking effect;
 4. Display of any form of motion or apparent motion within the message, and any form of video, are prohibited;
 5. Any sign area not comprising the electronic display panel is prohibited. This includes, but is not limited to, static sign area, appendages, cut-out letters, and figures. A frame surrounding the display panel up to twelve (12) inches in width shall be permitted, and shall not contain any sign copy or graphics, and shall not count toward the sign area;
 6. The brightness of the display surface shall be limited as follows:
 - a. **Dawn to dusk:** unlimited;
 - b. **Dusk to dawn:** the display surface shall not produce luminance in excess of 0.3 foot-candles above ambient light conditions, or the level recommended by the Illuminating Engineering Society of North America (IESNA) for the specific size and location of the billboard, whichever is less. Measurement of luminance shall be carried out in accordance with established scientific methods and industry standards, specifically IESNA TM-11-00, or a successive IESNA technical publication.
 7. The display brightness shall be controlled by a photocell or light sensor that adjusts the brightness to the required dusk-to-dawn level based on ambient light conditions without the need for human input. Use of other brightness adjustment methods, such as timer- or calendar-based systems, shall only be used as a backup system;
 8. The display shall be factory-certified as capable of complying with the above brightness standards. Such certification shall be provided to the satisfaction of the Director of Development Services;
 - 9.

The billboard owner shall provide to the City, upon request, certification by an independent contractor that the brightness levels of the electronic billboard are in compliance with the requirements of this Section;

10. All electronic billboards shall be oriented, and adequately shielded if necessary, so as to prevent the trespass of light and glare upon any residential land uses, including those in mixed-use districts, as existed on the date of building permit issuance; and
11. All electronic billboards shall be equipped with a control system that, in the event of a display or control malfunction, "freezes" the display on either a single, unchanging message, or a blank screen.

(ORD-14-0006, § 1, 2014)

21.54.285 - Additional requirements.

Prior to issuance of a building permit for any billboard project subject to the requirements of this Chapter, the applicant shall provide the following:

- A. The telephone number of a maintenance service, to be available twenty-four (24) hours a day, to be contacted in the event that a billboard becomes dilapidated or damaged, or malfunctions in the case of electronic billboards;
- B. Proof of lease demonstrating a right to install the billboard on the subject property;
- C. A list and map of locations of all billboards in the City owned or managed by the entity that will own or manage the subject billboard, to the satisfaction of the Director of Development Services. This information also shall be provided on a map. The intent of this requirement is to facilitate analysis of the proposed billboard's compliance with the spacing and location requirements, as well as the nonconforming billboard removal requirements of this Chapter.

(ORD-14-0006, § 1, 2014)

21.54.290 - Maintenance.

All billboard structures shall be maintained in a neat, clean, and orderly condition. Any structure which is highly rusted, has peeling paint or sign copy, or in any other way appears unattractive or in disrepair shall be deemed in violation of this Chapter and shall be removed or repaired in accordance with the provisions of this Chapter. Any structure which the City Engineer or Building Official identifies as an immediate threat to public safety may be removed by the City Engineer or Building Official, or his designee, without notice to the property owner and at the property owner's expense.

(ORD-14-0006, § 1, 2014)

DIVISION III. - ABANDONED AND ILLEGAL BILLBOARDS

21.54.310 - Abandoned billboards.

Any billboard meeting the definition of abandoned in this Title (Section 21.15.030 "Abandoned"), and which can, under the applicable provisions of the Outdoor Advertising Act, be considered abandoned and having no rights to remain, shall be removed immediately at the expense of either the billboard owner or property owner. Where consistent with the Outdoor Advertising Act, the City Manager or his designee shall have the authority to enter onto private property and cause such removal, and recover the costs of said removal from the property owner.

(ORD-14-0006, § 1, 2014)

21.54.320 - Illegal billboards.

Illegal billboards shall have no vested rights under the Long Beach Municipal Code. Illegal billboards shall either be brought into legal conforming status, or removed by the owner immediately, subject to any applicable restrictions in the Outdoor Advertising Act. Where consistent with the Outdoor Advertising Act, the City Manager or his designee shall have the authority to enter onto private property and cause such removal, and recover the costs of said removal from the property owner.

(ORD-14-0006, § 1, 2014)

DIVISION IV. - NONCONFORMING BILLBOARDS

21.54.410 - Amortization of nonconforming billboards.

It is the intent of this Chapter to require the eventual elimination of existing billboards which do not conform to the provisions of this Chapter, as allowed by the Outdoor Advertising Act. It is also the intent of this Chapter to ensure that the elimination of nonconforming billboards occurs as expeditiously and fairly as possible and avoids any unreasonable invasion of established property rights. Therefore an amortization program is established as allowed under the Outdoor Advertising Act (Section 5412 et seq., of California Business and Professions Code).

(ORD-14-0006, § 1, 2014)

21.54.420 - Removal by amortization.

- A. A nonconforming billboard shall be removed if the billboard meets the criteria set forth in Subsection 21.54.420.B. Any billboard meeting these criteria is allowed to remain in existence seven (7) years after notice to remove nonconforming billboard has been issued, in order that the value of the billboard may be amortized. The adoption of this Section and Chapter shall not have the effect of extending the time in which a billboard shall be removed if written notice of removal was given prior to the effective date of this Section and Chapter.
- B. Criteria. A billboard shall be removed if:
1. The billboard is located within an area identified as residential on the general plan land use map; and
 2. The billboard is located within an area zoned for residential use.

(ORD-14-0006, § 1, 2014)

21.54.430 - Continuation of use.

Subject to the removal requirements set forth in Section 21.54.420, a nonconforming billboard use may be continued and change of billboard copy shall not be prohibited, provided that:

- A. The billboard, including copy, is maintained in good repair; and
- B. The billboard is not enlarged, and additional faces are not erected on the billboard structure.

(ORD-14-0006, § 1, 2014)

21.54.440 - Repair.

A legal nonconforming billboard may be repaired, provided that: a building permit is obtained for the repair.

(ORD-14-0006, § 1, 2014)

21.54.450 - Nonconforming billboards—Replacement.

Catastrophic Damage. A nonconforming off-premises sign which is damaged by accident, storm, earthquake, other forces of nature, fire or act of vandalism, sabotage or warfare to an extent too great to be repaired shall not be replaced at a site where it is a nonconforming use, but may be relocated to a site where it is a conforming use, subject to the following:

- A. The billboard shall be of the same size or smaller, with the same number of faces or fewer, and the billboard shall not be an electronic billboard if the destroyed billboard was not an electronic billboard. A conditional use permit shall be required in accordance with Section 21.54.111, and the removal requirements of Section 21.54.160 shall apply, if the replacement does not comply with this Subsection;
- B. All development standards of this Chapter and Title shall be met, excepting the conditional use permit requirements of Section 21.54.111, and the removal requirements of Section 21.54.160
- C. A building permit shall be obtained;
- D. In cases of uncertainty as to the extent of damage to the billboard, the Long Beach Building Official shall be authorized to determine if the billboard is catastrophically damaged; and
- E. It shall be the responsibility of the billboard owner or the property owner to remove the catastrophically damaged billboard within ten (10) days of the date of catastrophic damage.

(ORD-14-0006, § 1, 2014)

CHAPTER 21.56 - WIRELESS TELECOMMUNICATIONS FACILITIES

21.56.010 - Purpose and objectives.

The purpose of this Chapter is to regulate the establishment and operation of wireless telecommunications facilities within the City of Long Beach, consistent with the General Plan, and with the intent to:

- A. Allow for the provision of wireless communications services adequate to serve the public's interest within the City;
- B. Require, to the maximum extent feasible, the co-location of wireless telecommunications facilities;
- C. Minimize the negative aesthetic impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City of Long Beach;
- D. Strongly encourage the location of wireless telecommunications facilities in those areas of the City where the adverse aesthetic impact on the community is minimal;
- E. Strongly encourage wireless telecommunications providers to configure all facilities in such a way that minimizes displeasing aesthetics through careful design, siting, landscaping, screening, and innovative camouflaging techniques;
- F. Enhancing the ability of the providers of telecommunications services to provide such services to the City quickly, effectively, and efficiently; and
- G. Conform to all applicable federal and State laws.

(ORD-11-0011, § 8, 2011)

21.56.020 - Definitions.

In addition to all those terms defined in Chapter 21.15 of the Zoning Regulations, the following terms shall have the meanings set forth below, for the purposes of this Chapter:

- A. "Abandoned." Notwithstanding the definition of "abandoned" in Section 21.15.030, a wireless telecommunications facility use shall be considered abandoned if it is not in use for six (6) consecutive months.
- B. "Co-location" means the placement or installation of wireless telecommunications facilities, including antennas and related equipment onto an existing wireless telecommunications facility in the case of monopoles, or onto the same building in the case of roof/building-mounted sites or placement in the public right-of-way.
- C. "Co-location facility" means a wireless telecommunications facility that has been co-located consistent with the meaning of "co-location" as defined above. It does not include the initial installation of a new wireless telecommunications facility where previously there was none, nor the construction of an additional monopole on a site with an existing monopole.
- D.

"Monopole" means any single freestanding pole structure used to support wireless telecommunications antennas or equipment at a height above the ground. This includes those poles camouflaged to resemble natural objects.

- E. "Residential/Institutional Planned Development (PD) District" means the following Planned Development Districts within the City of Long Beach: PD-5 (Ocean Boulevard), PD-10 (Willmore City), PD-11 (Rancho Estates), PD-17 (Alamitos Land), PD-20 (All Souls), and PD-25 (Atlantic Avenue), as well as any future PDs designated as such in the PD ordinance.
- F. "Roof/building-mounted site" means any wireless telecommunications facility, and any appurtenant equipment, located on a rooftop or building, having no support structure such as a monopole or other type of tower.
- G. "Utility Pole" means any pole or tower owned by any utility company that is located in the public right-of-way necessary for the distribution of electrical or other utility services regulated by the California Public Utilities Commission. This does not include towers for high-voltage electrical power transmission between generating plants and electrical substations.
- H. "Wireless Telecommunications Facility" means equipment installed for the purpose of providing wireless transmission of voice, data, images, or other information including but not limited to, cellular telephone service, personal communications services, and paging services, consisting of equipment, antennas, and network components such as towers, utility poles, transmitters, base stations, and emergency power systems. "Wireless telecommunications facility" does not include radio or television broadcast facilities, nor radio communications systems for government or emergency services agencies.

(ORD-11-0011, § 8, 2011)

21.56.030 - Permit requirements for new wireless telecommunications facilities that are not co-location facilities.

All new wireless telecommunications facilities that are not co-location facilities shall meet the following standards and requirements:

- A. A Conditional Use Permit shall be required for the initial construction and installation of all new wireless telecommunications facilities in accordance with all Specific Procedures set forth in Chapter 21.21 and Chapter 21.25, Division II, of the Zoning Regulations, except as modified by this Chapter.
- B. Roof/building-mounted Facilities. All new wireless telecommunications facilities that are not co-location facilities that are roof/building-mounted facilities shall also be subject to Site Plan Review in addition to the Conditional Use Permit requirement in Subsection 21.56.030.A.

(ORD-11-0011, § 8, 2011)

21.56.040 - Development and design standards for new wireless telecommunications facilities that are not co-location facilities.

All new wireless telecommunications facilities shall meet the following minimum standards:

- A. **Location.** New wireless telecommunications facilities shall not be located in Residential (R) or Institutional (I) zoning districts, or Residential/Institutional Planned Development (PD) Districts (as defined in Subsection 21.56.020.H), unless the applicant demonstrates, by a preponderance of evidence, that a review has been conducted of other options with less environmental impact, and no other sites or combination of sites allows feasible service or adequate capacity and coverage.

This review shall include, but is not limited to, identification of alternative site(s) within a one (1) mile radius of the proposed facility. See Section 21.56.050 for additional application requirements;

- B. **Co-location required where possible.** New wireless telecommunications facilities shall not be located in areas where co-location on existing facilities would provide equivalent coverage, network capacity, and service quality with less environmental or aesthetic impact;
- C. **Accommodation of co-location.** Except where aesthetically inappropriate in the determination of the Staff Site Plan Review Committee, new wireless telecommunications facilities shall be constructed so as to accommodate co-location, and must be made available for co-location unless technologically infeasible. In cases where technological infeasibility is claimed, it shall be the responsibility of the party making such claim to demonstrate, by a preponderance of evidence, that such co-location is, in fact, infeasible;
- D. **Additional Development and Design Standards.** Wireless telecommunications facilities also shall be subject to the additional design standards specified in Section 21.56.100

(ORD-11-0011, § 8, 2011)

21.56.050 - Application requirements for new wireless telecommunications facilities that are not co-location facilities.

In addition to the requirements set forth in Section 21.21.201 of the Zoning Regulations and Chapter 21.25 (Specific Procedures) of the Zoning Regulations, applicants for new wireless telecommunications facilities shall submit the following materials regarding the proposed wireless telecommunications facility:

- A. **Photo simulations.** Photo simulations of the facility from reasonable line-of-sight locations from public roads or viewpoints;
- B. **Maintenance plan.** A maintenance plan detailing the type and frequency of required maintenance activities, including maintenance of landscaping and camouflaging, if applicable;
- C. **Five year build-out plan.** A description of the planned maximum five (5) year build-out of the site for the applicant's wireless telecommunications facilities, including, to the extent possible, the full extent of wireless telecommunications facility expansion associated with future co-location facilities by other wireless service providers. The applicant shall use best efforts to contact all other wireless service providers known to be operating in the City upon the date of application, to determine the demand for future co-locations at the proposed site, and, to the extent feasible, shall provide written evidence that these consultations have taken place, and a summary of the results, at the time of application. The City shall, within thirty (30) days of its receipt of an application, identify any known wireless service providers that the applicant has failed to contact and with whom the applicant must undertake their best efforts to fulfill the above consultation and documentation requirements. The location, footprint, maximum tower height, and general arrangement of future co-locations shall be identified by the five (5) year build-out plan. If future co-locations are not technically feasible, a written explanation shall be provided;
- D. **Nearby facilities.** Identification of existing wireless telecommunications facilities within a one (1) mile radius of the proposed location of the new wireless telecommunications facility, and an explanation of why co-location on these existing facilities, if any, is not feasible. This explanation shall include such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall also provide a

written explanation for why the alternatives considered were either unacceptable or infeasible. If an existing wireless telecommunications facility was listed among the alternatives, the applicant must specifically address why the modification of such wireless telecommunications facility is not a viable option. The written explanation shall also state the radio frequency coverage and capacity needs and objectives of the applicant, and shall include maps of existing coverage and predicted new coverage with the proposed facility;

- E. **Availability for co-location.** A statement that the proposed wireless telecommunications facility is available for co-location, or an explanation of why future co-location is not technically feasible;
- F. **RF report.** A radio frequency (RF) report describing the emissions of the proposed wireless telecommunications facility. The report shall demonstrate that the emissions from the proposed equipment as well as the cumulative emissions from the facility will not exceed the limits established by the Federal Communications Commission (FCC);
- G. **Alternative analysis.** Applications for the establishment of new wireless telecommunications facilities inside Residential (R) or Institutional (I) zoning districts, Residential/Institutional Planned Development (PD) Districts (as defined in Subsection 21.56.020.H), and residential or institutional General Plan Land Use Districts (LUDs) shall be accompanied by a detailed alternatives analysis that demonstrates that there are no feasible alternative nonresidential, non-institutional sites or combination of nonresidential, non-institutional sites available to eliminate or substantially reduce significant gaps in the applicant service provider's coverage or network capacity;
- H. **Height justification.** An engineering certification providing technical data sufficient to justify the proposed height of any new monopole or roof/building-mounted site;
- I. **Deposit.** A cash or other sufficient deposit for a third party peer review as required by this Chapter.

(ORD-11-0011, § 8, 2011)

21.56.060 - Entitlement, term, renewal and expiration.

- A. Conditional Use Permits and other entitlements for wireless telecommunications facilities, including approval of the five (5) year build-out plan as specified in Subsection 21.56.050.C, shall be valid for ten (10) years following the date of final action. A ten (10)-year term is prescribed for Conditional Use Permits for this class of land uses due to the unique nature of development, exceptional potential for visual and aesthetic impacts, and the rapidly changing technologic aspects that differentiate wireless telecommunications from other Conditional land uses allowed by the City. The applicant or operator shall file for a renewal for the entitlement and pay the applicable renewal application fees six (6) months prior to expiration of the permit with the Department of Development Services, if continuation of the use is desired. In addition to providing the standard information and application fees required for renewal, wireless telecommunications facility renewal applications shall provide an updated build-out description prepared in accordance with the procedures established by Subsection 21.56.050.C.
- B. Where required, renewals for entitlements for existing wireless telecommunications facilities and co-location facilities constructed prior to the effective date of this Chapter are subject to the provisions of Sections 21.56.030 through 21.56.050. Renewals of entitlements approved after the effective date of this Chapter shall only be approved if all conditions of the original entitlement have been satisfied, and the five (5) year build-out plan has been provided.
- C.

If the entitlement for an existing wireless telecommunications facility has expired, applications for modification, expansion, or co-location at that site, as well as after-the-fact renewals of entitlements for the existing wireless telecommunications facilities, shall be subject to the standards and procedures for new wireless telecommunications facilities set forth in Sections 21.56.030 through 21.56.050

(ORD-11-0011, § 8, 2011)

21.56.070 - Permit requirements for co-location facilities.

- A. **Co-location Facilities Requiring a Conditional Use Permit.** Applications for co-location will be subject to the standards and procedures set forth for new wireless telecommunications facilities, above (Sections 21.56.030 through 21.56.060), if any of the following apply:
1. No Conditional Use Permit was issued for the original wireless telecommunications facility;
 2. The Conditional Use Permit for the original wireless telecommunications facility did not allow for future co-location facilities or the extent of site improvements involved with the co-location project (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning Commission review, may be substituted for a new Conditional Use Permit); or
 3. No environmental review was completed for the location of the original wireless telecommunications facility that addressed the environmental impacts of future co-location facilities (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning Commission review, may be substituted for a new Conditional Use Permit).
- B. **Permit Requirements for Other Co-location Facilities.**
1. Roof/building-mounted facilities with visible exterior changes. Roof/building-mounted co-location facilities proposing visible exterior changes to the site shall be subject to Site Plan Review.
 2. All Others. Applications for all other co-location facilities shall be subject to a building permit approval. Prior to filing an application for a building permit for co-location, the applicant shall demonstrate compliance with the conditions of approval, if any, of the original Conditional Use Permit, and with all applicable provisions of this Chapter, by submitting an application to the Department of Development Services for an administrative review as set forth in Section 21.56.090. The applicant shall not file an application for a building permit until the applicant receives written notification that this administrative review is complete and approved. The applicant shall pay a fee for this administrative review in the amount adopted by the City Council in a resolution.

(ORD-11-0011, § 8, 2011)

21.56.080 - Development and design standards for co-location facilities.

- A. **Compliance with discretionary approvals.** The co-location facility shall comply with all approvals and conditions of the underlying (existing) discretionary permit for the wireless telecommunications facility.
- B. **Harmonious Design.** To the extent feasible, the design of co-location facilities shall also be in visual harmony with the other wireless telecommunications facility(ies) on the site.
- C. **Additional Design Standards.** Co-location facilities also shall be subject to the additional design standards specified in Section 21.56.100

(ORD-11-0011, § 8, 2011)

21.56.090 - Application requirements for co-location facilities.

Applications that qualify for administrative review of co-location facilities in accordance with Section 21.56.070 shall be required to submit the following:

- A. Photo simulations of the facility from reasonable line-of-sight locations from public roads or viewpoints;
- B. A maintenance and access plan that identifies any changes to the original maintenance and access plan associated with the existing wireless telecommunications facility and Conditional Use Permit;
- C. A Radio Frequency (RF) report demonstrating that the emissions from the co-location equipment as well as the cumulative emissions from the co-location equipment and the existing facility will not exceed the limits established by the Federal Communications Commission (FCC);
- D. Prior to the issuance of a building permit, the applicant shall submit color samples, and materials samples if requested, for the co-location equipment and any screening devices. Paint colors and materials shall be subject to the review and approval of the Department of Development Services. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

(ORD-11-0011, § 8, 2011)

21.56.100 - Development and design standards for all wireless telecommunications facilities and co-location facilities.

The following standards shall apply to all wireless telecommunications facilities and co-location facilities:

- A. The adverse visual impact of wireless telecommunications facilities shall be avoided, minimized, and mitigated by:
 - 1. Siting new wireless telecommunications facilities outside of public viewshed whenever feasible;
 - 2. Maximizing the use of existing vegetation and natural features to cloak wireless telecommunications facilities;
 - 3. Constructing towers or monopoles no taller than necessary to provide adequate coverage, network capacity, and service quality;
 - 4. Grouping buildings, shelters, cabinets, ground lease areas, and other equipment together, to avoid spread of these structures across a parcel or lot;
 - 5. Screening wireless telecommunications facilities and co-location facilities with landscaping consisting of drought-tolerant plant material. All ground lease areas shall be landscaped with climbing vines on the exterior of the enclosure wall, planted not more than four (4) feet on center. Adequate irrigation systems shall be provided for landscaping. The landscape screening requirement may be modified or waived by the Director of Development Services in instances where landscaping would not be appropriate; and
 - 6. Painting all equipment to blend with the surrounding environment as specified in Subsection 21.56.100.C (Paint Colors).
- B. **Pole design.** Use of monopoles that attempt to replicate trees or other natural objects are strongly discouraged and shall be used only as a last resort when all other options have been exhausted, since:
 - 1. Artificial trees cannot presently be made to resemble natural trees in a sufficiently believable and realistic fashion; and

2. Such attempts to replicate nature are disingenuous by their obvious falsity and therefore increase, rather than reduce, visual blight.
- C. **Paint colors.** Paint colors for a wireless telecommunications facility and co-location facility shall minimize the facility's visual impact by blending with the surrounding environment, terrain, landscape, or buildings (not sky colors, as the sky is a luminous source of light at all times and no non-luminous object can physically be made to blend with the sky). Paint colors shall be subject to the review and approval of the Department of Development Services. Color verification shall occur in the field after the applicant has painted the equipment in the approved color(s), but before the applicant schedules a final inspection.
- D. **Roof/building-mounted Facilities.** For roof/building-mounted wireless telecommunications facilities and co-location facilities, the following standards also shall apply:
1. Antenna location.
 - a. Antennas mounted on the facade of a building are strongly discouraged, but if approved, must be fully integrated into the architecture of the existing structure or otherwise screened from public view. "Stealth boxes" enclosing facade antennas shall not be considered adequate screening;
 - b. Antennas shall be mounted on building rooftops, roof decks, or penthouses whenever feasible as a preferred alternative to facade-mounting. Antennas located on the building rooftop shall be located above the ceiling plate of the highest occupied floor;
 - c. Antennas shall be located as far away as possible from the edge of the building or roof, with the goal of reducing or eliminating visibility of the installation from any and all vantage points.
 2. Equipment location.
 - a. All equipment appurtenant to a roof/building-mounted wireless telecommunications site shall be located inside an existing building whenever possible, to the satisfaction of the Director of Development Services;
 - b. If it is physically impossible for equipment to be located inside an existing building and the equipment is to be located on a building rooftop, the equipment shall be subject to the same screening and location requirements as the antennas. If no space for the equipment is available for lease in a building because all possible spaces are leased and occupied, this shall constitute a physical impossibility.
 3. Screening required.
 - a. Where physically possible, antennas and equipment shall be located entirely within an existing architectural feature or screening device. This shall include areas used or occupied by other wireless service providers where feasible.
 - b. All antennas and equipment mounted on a building rooftop shall be screened in a manner that is architecturally compatible with the existing building and is otherwise made as unobtrusive as possible. Screening shall use matching colors, materials, and architectural styles to create a harmonious addition to the building's architecture without disrupting its form, volume, massing, or balance.
 - c. All antennas, including panel antennas, microwave antennas, GPS antennas, any other antennas, and all other equipment mounted on the building, shall be concealed behind the screening device on all sides such that the antennas and appurtenant equipment is

not visible from the exterior of the subject property, from other property, or the public right-of-way.

- d. All cable trays and cable runs shall be located within existing building walls whenever physically possible. Cable trays and runs on the facade of a building are strongly discouraged. Any facade-mounted cable trays and runs shall be painted and textured to match the building and shall be mounted as close to the facade surface as possible, with no discernible gap between. Cable trays and runs mounted on a roof deck and below the height of the parapet wall or screening device shall be exempt from this requirement, provided they are fully screened by the parapet wall or screening device. Exposed cable trays and runs on a sloped roof are prohibited.
- e. At the discretion of the Staff Site Plan Review Committee, part or all of a proposed roof/building-mounted wireless telecommunications facility or co-location facility may be exempted from screening requirements if the best feasible screening design would result in greater negative visual impacts than if part or all of the proposed installation were unscreened.

4. Restriction on Historic Landmark structures. Installation of a roof/building-mounted wireless telecommunications facility or co-location facility at a City-designated Historic Landmark shall make no changes to the external appearance of the building unless approved by the Cultural Heritage Commission.

E. **Non-reflective materials.** The exteriors of wireless telecommunications facilities and co-location facilities shall be constructed of non-reflective materials.

F. **Underlying setbacks.** Wireless telecommunications facilities and co-location facilities shall comply with all the setback requirements of the underlying zoning district(s), except as modified by this Chapter.

G. **Height.** Facilities subject to the provisions of this Chapter may be built and used to a greater height than the limit established for the zoning district in which the structure is located, except as otherwise provided below:

1. No monopole or other freestanding structure shall ever exceed a maximum height of one hundred twenty feet (120') in any zoning district. In any Residential (R) or Institutional (I) zoning district, or Residential/Institutional Planned Development (PD) district (as defined in Subsection 21.56.020.H), no monopole or other freestanding structure shall exceed a maximum height of fifty-five feet (55'). However, if an applicant demonstrates that the monopole or structure will accommodate a minimum of two (2) carriers, the site may be permitted at a maximum height of sixty feet (60'); or the applicant demonstrates that the monopole or structure will accommodate three (3) carriers, the site may be permitted at a maximum height of sixty-five feet (65');
2. A roof/building-mounted wireless telecommunications facility shall not exceed the maximum height allowed in the applicable zoning district, or ten (10) feet above the building roof deck, whichever is higher, except that in any R-1, R-2, or R-3 district, no roof/building-mounted site shall exceed the maximum height for structures allowed in that district;
3. Notwithstanding the height limits set forth in the preceding Sections, for facilities to be mounted on towers used for high-voltage electrical power transmission between generating plants and electrical substations (not utility poles), the antennas may be mounted as high as

necessary on the tower, provided that the top of the highest antenna is not higher than the top of the existing tower.

- H. **Accessory buildings.** In any zoning district, accessory buildings in support of the operation of the wireless telecommunications facility or co-location facility may be constructed, provided that they comply with the development standards set forth for accessory structures for the zoning district in which the site is located.
- I. **Footprint.** The overall footprint of each wireless telecommunications facility shall be as small as possible, to the satisfaction of the Staff Site Plan Review Committee.
- J. **Generators and emergency power.** Diesel generators are allowed as an emergency power source, although they are discouraged. When a feasible alternative technology for permanent on-site backup power becomes available (for example, fuel cells) the Department of Development Services may require the use of such technology in lieu of a diesel generator, unless the applicant provides written documentation explaining why such an alternative is not feasible. All generator installations shall comply with all containment requirements of the applicable Fire and Building Codes, without exception.
- K. **Ground lease area enclosures and landscaping.** If equipment appurtenant to a facility is to be located in a ground lease area, the lease area shall be enclosed by a CMU block wall, or other appropriate fence, to the satisfaction of the Staff Site Plan Review Committee. The fence shall be of a minimum height of six feet six inches (6'6") in residential districts, and eight feet (8') in other districts, unless waived at the discretion of the Director of Development Services in cases of infeasibility. The exterior of all ground lease areas shall be landscaped with drought-tolerant plant material, and adequate irrigation systems shall be provided for landscaping. Climbing vines shall be provided on the exterior of the enclosure wall, planted not more than four (4) feet on center. This landscaping requirement may be modified or waived by the Director of Development Services in instances where landscaping would not be appropriate.

(ORD-11-0011, § 8, 2011)

21.56.110 - Performance standards for all wireless telecommunications facilities and co-location facilities.

No use may be conducted in a manner that, in the determination of the Director of Development Services, does not meet the performance standards below:

- A. **Lighting.** Wireless telecommunications facilities and co-location facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the California Public Utilities Commission (CPUC).
- B. **Licensing.** The applicant or operator shall file, receive, and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable regulatory bodies prior to initiating the operation of the wireless telecommunications facility. The applicant shall supply the Department of Development Services with evidence of these licenses and registrations prior to approval of a final inspection. If any required license is ever revoked, the operator shall inform the Department of Development Services of the revocation within ten (10) days of receiving notice of such revocation.
- C.

Building permit required. Once a Conditional Use Permit or other applicable entitlement is obtained, the applicant shall obtain a building permit and shall build in accordance with the approved plans.

- D. **Power connection.** The project's final electrical inspection and approval of connection to electrical power shall be dependent upon the applicant obtaining a permanent and operable power connection.
- E. **Removal after end of use.** The wireless telecommunications facility, and/or co-location facility, if present, and all equipment associated therewith shall be removed in its entirety by the operator, at the operator's sole expense, within ninety (90) days of a FCC or CPUC license or registration revocation or if the facility is abandoned (per Subsection 21.56.020.A) or no longer needed. The site shall be restored to its pre-installation condition and, where necessary, re-vegetate to blend in with the surrounding area. In the case of roof/building-mounted facilities, all antennas, equipment, screening devices, support structures, cable runs, and other appurtenant equipment shall be removed and the building shall be restored to its to its pre-installation condition. Restoration and re-vegetation shall be completed within two (2) months of removal of the facility; hence a maximum of five (5) months from abandonment of the facility to completion of restoration. Facilities not removed within these time limits shall be removed immediately. The City shall not be responsible to provide notice that removal is required under the provisions of this Chapter.
- F. **Maintenance.** Wireless telecommunications facilities and co-location facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements all of the applicable requirements of this Chapter and all other applicable zoning and development standards set forth in Title 21, and all permit conditions of approval. Site and landscaping maintenance shall be the responsibility of the property owner, who may designate an agent, including the operator, to carry out this maintenance.
- G. **Noise.** All construction and operation activities shall comply with Chapter 8.80 (Noise Ordinance) of the Long Beach Municipal Code and any applicable conditions of approval.
- H. **Use of backup power sources.** The use of diesel generators or any other emergency backup power sources shall comply with Chapter 8.80 of the Long Beach Municipal Code (Noise Ordinance). The use of backup power sources shall be limited to actual power-outage emergencies and any operation necessary for testing and maintenance. Permanent or continuous use of backup power sources is prohibited.
- I. **RF report.** Within forty-five (45) days of commencement of operations, the applicant for the wireless communications facility shall provide (at the applicant's expense) the Development Services Department with a report, prepared by a qualified expert, indicating that the actual radio frequency emissions of the operating facility, measured at the property line or nearest point of public access and in the direction of maximum radiation from each antenna, is in compliance with the standards established by the Federal Communications Commission. This report shall include emissions from all co-location facilities, if any, at the site as well. The applicant shall subsequently provide such report to the City within forty-five (45) days following any change in design, number of antennas, operation, or other significant change in circumstances, or when such a report is otherwise required by the FCC, to the satisfaction of the Director of Development Services.

(ORD-11-0011, § 8, 2011)

21.56.120 - Additional requirements and standards for wireless telecommunications facilities and

co-location facilities in the coastal zone.

- A. **Location.** New wireless telecommunications facilities shall not be located between the first public highway and the sea or bay, unless no feasible alternative exists, and the facility is not visible from a public location, or will be attached to an existing structure in a manner that does not significantly alter (in the determination of the Staff Site Plan Review Committee) the exterior appearance of the existing structure.
- B. **Local coastal program requirements.** New wireless telecommunications facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP).
- C. **Coastal permit required.** The necessary Coastal Development Permit or Local Coastal Development Permit shall be obtained.

(ORD-11-0011, § 8, 2011)

21.56.130 - Requirements and standards for wireless telecommunications facilities and co-location facilities in the public right-of-way.

- A. **Purpose.** The purpose of this Section is to:
 - 1. Provide a uniform and comprehensive set of standards for the development, siting, installation, and operation of Wireless Telecommunications Facilities in the limited physical resources and capacity of the available Public Right-of-Way of the City of Long Beach in such a manner to not unreasonably discriminate, and to be competitively neutral, and non-exclusive as to the extent required under applicable law;
 - 2. Encourage open competition and the provision of advanced and high quality telecommunications services on the widest possible basis to the businesses, institutions, and residents of the City;
 - 3. Encourage economic development while preserving aesthetic and other community values and preventing proliferation of above ground wireless telecommunication equipment;
 - 4. To promote the public health, safety, convenience, and general welfare of the City's residents, and to protect historical resources, property values and the aesthetic appearance of the City of Long Beach.
- B. **Department of Development Services Review.** The Director of Public Works shall refer all applications for wireless telecommunications facilities and co-location facilities in the public right-of-way to the Department of Development Services for review.
- C. **Definitions.**

Public Right-of-way. "Public right-of-way" or "PROW" means any public highway, street, alley, sidewalk, parkway, and all extensions or additions thereto which is either owned, operated, or controlled by the City, or is subject to an easement or dedication to the City, or is a privately owned area within City's jurisdiction which is not yet dedicated, but is designated as a proposed public right-of-way on a tentative subdivision map approved by the City.
- D. **Permit requirements for wireless telecommunications facilities in the public right-of-way.**
 - 1. Prior to the issuance of construction permits for any new, co-located, modified or expanded wireless telecommunication facility within the public right-of-way, an administrative review and approval from the Planning Bureau shall be required to ensure compliance with this Chapter. All such applications shall be reviewed and approved by the Directors of Development Services and Public Works or their respective designees. The Director of Development Services shall issue a Notice of Final Action with the results of this administrative review. The Applicant shall pay a fee for this administrative review in the amount adopted by the City Council in a resolution.

2. If the facility is to be installed on an existing utility pole, street light or traffic signal the Applicant shall provide proof that the pole is either a) owned and controlled by the Joint Pole Commission ("JPC") and that the Applicant is a member of the JPC with attachment rights or b) that the owner of the pole has authorized the installation.
3. The applicant shall submit a copy of the certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission (CPUC) to the applicant, and a copy of the CPUC decision that authorizes the applicant to provide the telecommunications service for which the facilities are proposed to be constructed in the City's public right-of-way. Any applicant that, prior to 1996, provided telecommunications service under administratively equivalent documentation issued by the CPUC may submit copies of that documentation in lieu of a CPCN.
4. The applicant shall submit a copy of the certified environmental document from the CPUC covering the applicant's proposed telecommunication facilities with the City, including all mitigation measures as required by the CPUC pursuant to the required environmental analysis. The City's issuance of a standard permit will be conditioned upon the applicant's compliance with all applicable mitigation measures and monitoring requirements imposed by the CPUC upon the applicant.
5. Prior to the installation of any new or expanded wireless telecommunication facility within the public right-of-way, the applicant shall obtain the appropriate permits (e.g., encroachment and traffic control permits) from the Department of Public Works. The applicant shall provide a written justification as to the need and authority by which it has a right to place its facilities within the public right-of-way.

E. Development and design standards for wireless telecommunications facilities in the public right-of-way.

1. No interference with public right-of-way. In no case shall any part of a wireless telecommunication facility alter vehicular circulation or parking within the public right-of-way, nor shall it impede vehicular and/or pedestrian access or visibility along any public right-of-way. No permittee shall locate or maintain telecommunication facilities to unreasonably interfere with the use of City property or the public right-of-way by the City, by the general public or by other persons authorized to use or be present in or upon the public right-of-way. Unreasonable interference includes disruption to vehicular or pedestrian traffic on City property or the public right-of-way, interference with public utilities, and any such other activities that will present a hazard to public health, safety or welfare when alternative methods of construction would result in less disruption. All such facilities shall be moved by the permittee, at the permittee's cost, temporarily or permanently, as determined by the Director of Public Works or Director of Development Services.
2. Location. All wireless telecommunication facilities shall be designed and located to eliminate or substantially reduce their visual and aesthetic impacts upon the surrounding public rights-of-way and public vantage points. To accomplish this goal, all wireless telecommunication equipment shall be developed with the intent of locating and designing such facilities in the following manner and order of preference (from top to bottom):
 - a. Antennas:
 1. On an existing public utility pole;
 2. On an existing street light or traffic signal standard;
 3. On a new public utility pole.

- b. Equipment:
 - 1. Mounted on the subject pole;
 - 2. In an existing ground-mounted (grade-level) equipment cabinet, with no expansion or additional cabinets to be added;
 - 3. Within a below-grade equipment vault;
 - 4. Within a new equipment enclosure mounted at grade. However, this is strongly discouraged. If the applicant proposes to mount new equipment at grade, a written explanation shall be provided describing why other mounting options are not feasible.

- c. Site location:
 - 1. Within alleys;
 - 2. Within the public right-of-way and not requiring the removal of existing parkway trees, reduction of the size of any parkway landscape planters, and not requiring any modifications to the existing location of any infrastructure within the public right-of-way;
 - 3. Within the parkway landscaping and requiring only minor alterations to the existing parkway landscaping (including planter size) and/or infrastructure;
 - 4. All wireless telecommunication facility antennas, equipment and related infrastructure shall be prohibited in all center street medians, whether landscaped or not;
 - 5. In Residential Zoning Districts or Residential Planned Development Districts, only one (1) wireless telecommunications facility and associated equipment shall be permitted within the public right-of-way within a three hundred foot (300') radius. Any wireless telecommunications facility which is co-located with another wireless telecommunications facility shall be exempt from this requirement. However, no more than two (2) wireless telecommunications facilities shall be located on one (1) pole;
 - 6. The applicant shall not install a new utility on a public right-of-way where there presently are no overhead utility facilities unless the CPUC has authorized the applicant to install such facilities and that the applicant has demonstrated by the preponderance of the evidence that no other viable options exist.

3. Height:

- a. Antenna installations on existing City infrastructure shall not exceed the height of the existing infrastructure piece by more than five feet (5') unless approved by the City Engineer and Director of Public Works after a finding is made that a greater height would promote the aesthetic or safety concerns of the City;
- b. For facilities proposed for placement on a new pole in the public right-of-way, the height to the top of the highest element shall not exceed the average height of utility poles on the same block as the subject site by more than five feet (5'). In cases of uncertainty, the Zoning Administrator shall have the authority to determine the applicable height limit;
- c. Overhead equipment shall be a minimum of eight feet (8') above level of sidewalk for public safety reasons.

4. Design:

- a. Any pole to be installed in the public right-of-way shall be disguised to resemble a utility pole or street light to the maximum extent possible. All antennas, where feasible, shall be screened behind a cylindrical screening device of a diameter no more than fifty percent (50%)

greater than that of the pole. All antennas and screening devices shall be painted or finished to match the pole. The provisions of Subsection 21.56.100.C (Paint Colors) shall apply;

- b. Panel antennas shall utilize brackets and/or cross-arms that allow no more than a six-inch (6") extension (stand-off) from the pole except when additional stand-off is required to comply with health and safety regulations such as GEO-95 and OSHA;
 - c. Antenna installations on existing City infrastructure shall be placed in a manner so that the size, appearance and function of the final installation is essentially identical to the installation prior to the antenna installation taking place;
 - d. No faux or otherwise nonfunctioning street lights, decorative elements, signs, clock towers, or artificial trees or shrubs or other such nonfunctioning screening elements made to resemble other objects shall be permitted;
 - e. Wireless telecommunications facility equipment located above the surface grade in the public right-of-way including, but not limited to those on certain street lights or traffic signal standards, shall consist of small equipment components that are compatible in structure, scale, function and proportion to the streetlights and traffic signals they are mounted on. Equipment shall be painted or otherwise coated to be visually compatible with lighting and signal equipment. Underground vaults shall employ flush-to-grade access portals and vents. Installations on City owned or controlled streetlights and other public facilities shall be subject to applicable administrative and rental fees as adopted by resolution of the City Council;
 - f. Facilities shall be designed to be as visually unobtrusive as possible. Applicant shall size antennas, mast arms, cabinet equipment and other facilities to minimize visual clutter. Facilities shall be sited to avoid or minimize obstruction of views from public vantage points and otherwise minimize the negative aesthetic impacts of the public right-of-way;
 - g. Proposed facilities shall be located and designed for co-location to the maximum extent possible.
5. Other requirements.
- a. Street trees. The City may require that the applicant plant and maintain street trees adjacent to the wireless telecommunications facility if the applicant's equipment occupies space at street level. All street trees shall be selected from the list of permitted species maintained by the Department of Public Works, and shall be installed under a Public Works permit, to the satisfaction of the Director of Public Works.
 - b. Permittee shall install and maintain permitted wireless telecommunications facilities in compliance with the requirements of the Uniform Building, National Electrical Code, City noise standards and other applicable codes, as well as other restrictions specified in this Chapter.
 - c. The proposed wireless telecommunications facility and its location shall comply with the Americans with Disabilities Act.
6. Signs.
- a. There shall be no advertising or signage on any portion of a wireless telecommunication facility, except that required by law and/or as may be required by the City of Long Beach.
 - b. Identification. Each wireless telecommunication facility shall be identified by a permanently installed plaque or marker, no larger than four inches (4") by six inches (6"), clearly identifying the addresses, email contact information, and twenty-four (24) hour local or toll-free contact

telephone numbers for a live contact person for both the permittee and the agent responsible for the maintenance of the wireless telecommunications facility. Emergency contact information shall be included for immediate response. Such information shall be updated in the event of a change in the permittee, the agency responsible for maintenance of the wireless telecommunication facility, or both.

- F. **Performance standards for wireless telecommunications facilities in the public right-of-way.** All wireless telecommunications facilities in the public right-of-way shall be subject to the performance standards enumerated in Section 21.56.110, in addition to the following:
1. **Interference.** No wireless telecommunication facility shall interfere with any emergency communication system at any time.
 2. **Compliance with regulations.** Wireless telecommunication facilities shall comply with all local, State and federal regulatory requirements.
 3. **Graffiti.** All graffiti on any components of the wireless telecommunications facility shall be removed promptly in accordance with City regulations. Graffiti on any facility in the public right-of-way must be removed within twenty-four (24) hours of its appearance.
 4. **Landscaping.** All landscaping attendant to the wireless telecommunications facility, including landscaping of the public right-of-way, shall be maintained in good, healthy condition at all times. Any dead or dying landscaping and shall be promptly replaced or rehabilitated.
 5. **Repair of public right-of-way.** The permittee/operator shall repair, at its sole cost and expense, any damage (including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support) to City streets, sidewalks, walks, curbs, gutters, trees, parkways, or utility lines and systems, underground utility line and systems, or sewer systems or sewer lines that results from any activities performed in connection with the installation and/or maintenance of a wireless telecommunications facility by Permittee. In the event Permittee fails to complete said repair within the number of days stated on a written notice by the Director of Public Works, the Director of Public Works shall cause said repair to be completed and shall invoice the permittee for all costs incurred by City as a result of such repair.
 6. **Replacement of Equipment.** During the term of a public right-of-way wireless telecommunications site permit, a permittee may replace equipment that is part of a permitted wireless facility provided that the replacement equipment would be of the same size and appearance as the previously permitted equipment. The permittee shall notify the Department of Development Services and the Department of Public Works prior to replacing or adding any equipment, and shall not install the proposed equipment unless and until the Department of Development Services notifies permittee in writing that the Department has determined that the proposed replacement equipment complies with the requirements of this Section, and until all required permits have been obtained.
 7. **Abandonment.** The owner or operator of the wireless telecommunications site shall notify the Department of Development Services in writing upon abandonment of the facility. The wireless telecommunications facility and all equipment associated therewith shall be removed in its entirety by the operator within ninety (90) days of a FCC or CPUC license or registration revocation or of facility abandonment (per Subsection 21.56.020.A) or other discontinuation of use. The site shall be restored to its pre-installation condition to the satisfaction of the Directors of Public Works and Development Services at the expense of the facility owner or operator. Restoration shall be completed within two (2) months of removal of the facility; hence a

maximum of five (5) months from abandonment of the facility to completion of restoration. If such removal is not completed within these time limits, the Director of Public Works shall be authorized to cause such removal to be completed and shall invoice the permittee for all costs incurred by City as a result of such removal.

8. **Indemnification.** Every permittee of a Wireless Telecommunications Facility in the public right-of-way shall defend, indemnify, and hold harmless the City of Long Beach, its City Council, officers, and employees to the maximum extent permitted by law, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use or maintenance of the applicant's Facility subject to this Chapter.
 9. **Insurance.** The permittee shall obtain, pay for and maintain, in full force and effect through the term of the permit, an insurance policy or policies that fully protects the City from claims and suits for bodily injury and property damage. The insurance must be issued in the amount or amounts, which the City Attorney or Risk Manager determines. The insurance must afford coverage for the permittee or wireless provider's use, operation and activity, vehicles, equipment, facility, representatives, agents and employees, as determined by the City's Risk Manager. Before issuance of any permit, the applicant shall furnish the City with certificates of insurance and endorsements, in the form satisfactory to the City Attorney or the Risk Manager, evidencing the coverage required by the City.
 10. **City Changes to Public Right-of-Way.** The permittee shall modify, remove, or relocate its Wireless Telecommunications Facility, or portion thereof, without cost or expense to the City, if and when made necessary by any street or alley reconstruction, widening, relocation or vacation, the undergrounding of utilities, or any other construction in the public right-of-way negatively impacted by the wireless telecommunications facilities as installed, to the maximum degree consistent with the regulations at the California Public Utility Commission. Said modification, removal, or relocation of a wireless telecommunications facility shall be completed within ninety (90) days of notification by City unless exigencies dictate a shorter period for removal or relocation. In the event a wireless telecommunications facility is not modified, removed, or relocated within said period of time, City may cause the same to be done at the sole expense of applicant. Further, in the event of an emergency, the City may modify, remove, or relocate wireless telecommunications facilities without prior notice to applicant provided applicant is notified within a reasonable period thereafter.
- G. **Application Requirements.** All applications for wireless telecommunication facilities located wholly or partly within the public right-of-way shall be submitted to the Director of Development Services and the Director of Public Works and shall be accompanied with the following:
1. A site plan illustrating the exact location and size of all proposed wireless telecommunication facility antennas, equipment and related infrastructure necessary for its operation within the public right-of-way;
 2. A fully dimensioned and scaled site plan that illustrates the following information within one hundred fifty feet (150') of the proposed wireless telecommunication facility:
 - a. The distances between all new and existing wireless telecommunication equipment and all other infrastructure within the public right-of-way such as, but not limited to, other existing telecommunication equipment, utility poles, light poles, fire hydrants, bus stops, traffic signals and above and below ground utility equipment vault(s);

- b. The distance and location of adjoining property lines and easement boundaries abutting the public right-of-way, curbs, driveway approaches, easements, walls, existing utility substructures, and parkway trees from the wireless telecommunication facility;
 - c. The immediate adjacent land uses and building locations;
 - d. The dedicated width of the public right-of-way;
 - e. The location of all existing sidewalks and parkway landscape planters.
3. All conduit locations between the wireless telecommunication antennas and the infrastructure necessary to operate the antennas;
 4. A detailed photograph of the exact location of all proposed wireless telecommunication facility antennas, equipment and related infrastructure within the public right-of-way. Additional photographs shall also be provided to document the existing setting of the wireless telecommunication facility within one hundred fifty feet (150') to the north, south, east and west of the proposed facility with a corresponding location map key documenting where each photograph was taken;
 5. Propagation/coverage maps as required by Subsection 21.56.050.D;
 6. A radio-frequency (RF) study prepared by a qualified, independent, RF engineer, deemed acceptable to the City, documenting that the new or modified telecommunication facility will not exceed maximum RF emission limits, as set by the Federal Communication Commission, for maximum human exposure. The RF study shall include all proposed and existing telecommunication antennas at maximum operational capacity;
 7. Any additional information deemed necessary by the Director of Public Works and/or Director of Development Services to evaluate the proposed telecommunication facility and its construction impact to the existing infrastructure and design of the public right-of-way;
 8. Each permittee, as a condition of the Wireless telecommunication permit, shall obtain, keep, and maintain a performance bond in an amount as determined by the City Engineer adequate to guarantee to the City the prompt, faithful and competent performance of the proposed work necessary to install the proposed telecommunication facility and restoration of the public right-of-way.

H. Entitlement, term, renewal, and expiration.

1. Permits for wireless telecommunications facilities in the public right-of-way, shall be valid for ten (10) years following the date of final action. A ten (10)-year term is prescribed for permits for this class of land use, due to the unique nature of development, exceptional potential for visual and aesthetic impacts, and the rapidly changing technologic aspects that differentiate wireless telecommunications from other land uses allowed by the City. The applicant or operator shall file for a renewal of the entitlement and pay the applicable renewal application fees of the Department of Development Services and the Department of Public Works six (6) months prior to expiration, if continuation of the use is desired. In addition to providing the standard information and application fees required for renewal, renewal applications for wireless telecommunications sites in the public right-of-way shall include all application requirements set forth in this Chapter.
2. Where required, renewals of entitlements for existing wireless telecommunications facilities in the public right-of-way constructed prior to the effective date of this Chapter are subject to the provisions of Subsection 21.56.130.H.1. Renewals of permits approved after the effective date of this Chapter shall only be approved if the subject site is in full compliance with the provisions of this Chapter.

3. If the entitlement for an existing wireless telecommunications facility has expired, applications for co-location at that site, as well as after-the-fact renewals of entitlements for the existing wireless telecommunications facilities, shall be subject to the standards and procedures for new wireless telecommunications facilities in the public right-of-way, as set forth in this Section.

(ORD-11-0011, § 8, 2011)

21.56.140 - Additional requirements and standards for wireless telecommunications facilities located in Park Zoning Districts.

- A. For the purpose of this ordinance the term Park Zoning District shall include those areas of the City regulated and established pursuant to Chapter 21.35 of this Code.
- B. Installation of Wireless Telecommunications Facilities in Park Districts must be pursuant to a lease or permit approved by the City Council. For those parks under the jurisdiction of the City's Parks and Recreation Commission, the matter shall first be submitted to the Commission for its recommendation. A Conditional Use Permit shall not be required.
- C. Prior to the City Council considering any lease or permit of Park District land for a Wireless Telecommunications Facility, the matter shall first be submitted to the Site Plan Review Committee in accordance with Chapter 21.25 of this Code. The Site Plan Review Committee shall impose reasonable conditions of approval, which shall include the minimum development, design and performance standards set forth in this Chapter.
- D. Application for Site Plan review in a Park Zoning District shall be in accordance with Section 21.56.050, or Section 21.56.090, if it is to be a co-location facility.
- E. All Site Plan Review proceedings conducted in accordance with this Section shall be subject to the Administrative Procedures set forth in Chapter 21.21, and the specific procedures set forth in Section 21.25.501 et seq. relative to site plan reviews.
- F. In order to effectuate parity between those Wireless Telecommunications Facilities located in Park Zoning Districts and those located elsewhere in the City, a fee equivalent to that established by the City Council for the processing and issuance of a Conditional Use Permit shall be charged.

(ORD-11-0011, § 8, 2011)

21.56.150 - Other provisions.

- A. **Temporary Wireless Telecommunication Facilities.** Installation, maintenance, or operation of any temporary wireless telecommunications site is prohibited except as allowed under a special events permit necessary during a special event authorized by Chapter 5.60 of the LBMC, or during a government-declared emergency.
- B. **Illegal facilities.** Illegal wireless telecommunications facilities or co-location facilities have no vested rights and shall either be brought into legal conforming status in accordance with this Chapter and Title 21 of the Long Beach Municipal Code, or shall be removed.
- C. **Modifications to Wireless Telecommunications Facilities.** Any modification to a wireless telecommunications facility or co-location facility, including but not limited to replacement of antennas, installation of additional antennas, installation of additional equipment cabinets, installation of a backup generator, paint or camouflage changes, and other physical changes to the facility, shall require, at a minimum, an administrative approval, and, if necessary, a building permit from the Department of Development Services. Prior to issuance of any approval for modification, the applicant shall submit an application for an administrative review to determine the compliance of the proposed modification with this Chapter and the existing Conditional Use Permit or other entitlement. For sites not subject to Section 21.56.130 (located in the public right-of-way), applications for

modification will be subject to the standards and procedures set forth for new wireless telecommunications facilities, as specified in Sections 21.56.030 through 21.56.060, if any of the following apply:

1. No Conditional Use Permit was issued for the original wireless telecommunications facility;
2. The Conditional Use Permit for the original wireless telecommunications facility did not allow for future modification or the extent of site improvements involved with the modification project (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning Commission review, may be substituted for a new Conditional Use Permit); or
3. No environmental review was completed for the location of the original wireless telecommunications facility that addressed the environmental impacts of future modifications (in this case, an application for a modification to the approved Conditional Use Permit, subject to Planning Commission review, may be substituted for a new Conditional Use Permit).

D. Peer Review.

1. The Director of Development Services is authorized to retain on behalf of the City an independent technical expert to peer review any application for a Wireless Telecommunications Facility Permit if reasonably necessary, as determined by the Director. The review is intended to be a review of technical aspects of the proposed Wireless Telecommunications Facility and shall address all of the following:
 - a. Compliance with applicable radio frequency emission standards;
 - b. Whether any requested exception is necessary to close a significant gap in coverage, increase network capacity, or maintain service quality and is the least intrusive means of doing so;
 - c. The accuracy and completeness of submissions;
 - d. Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
 - e. The applicability of analysis techniques and methodologies;
 - f. The validity of conclusions reached;
 - g. The compatibility of any required architectural screening;
 - h. Technical data submitted by the applicant to justify the proposed height of any new installation including monopoles or roof/building mounted sites; and
 - i. Any specific technical issues designated by the City.

E. Appeals.

1. Appeals from the decision(s) of the Director of Development Services or designee, and the Staff Site Plan Review Committee, shall be to the Planning Commission.
2. Appeals from the decision(s) of the Planning Commission shall be to the City Council.
3. All appeals shall be in accordance with the provisions of Title 21 related to Appeals.

F. Revocation. The Planning Commission may, after a duly noticed public hearing, revoke, modify or suspend any Wireless Telecommunications Permit on any one (1) or more of the following grounds:

1. That the Wireless Telecommunications Permit was obtained by fraud or misrepresentation;
2. That the Wireless Telecommunications Permit granted is being, or within the recent past has been, exercised contrary to the terms or conditions of such approval or in violation of any statute, ordinance, law or regulation; or
- 3.

That the use permitted by the Wireless Telecommunications Permit is being, or within the recent past has been, exercised so as to be detrimental to the public health or safety or as to constitute a nuisance.

- G. **Findings.** A Conditional Use Permit, Site Plan Review, or Modification for a Wireless Telecommunications Facility or Co-location Facility may be granted only if the following findings are made by the designated reviewing body or person, in addition to any findings applicable under Chapter 21.25
1. The proposed Wireless Telecommunications Facility has been designed to achieve compatibility with the community to the maximum extent reasonably feasible;
 2. An alternative configuration will not increase community compatibility or is not reasonably feasible;
 3. The location of the Wireless Telecommunications Facility on alternative sites will not increase community compatibility or is not reasonably feasible;
 4. The proposed facility is necessary to close a significant gap in coverage, increase network capacity, or maintain service quality, and is the least intrusive means of doing so;
 5. The applicant has submitted a statement of its willingness to allow other wireless service providers to co-locate on the proposed Wireless Telecommunications Facility wherever technically and economically feasible and where co-location would not harm community compatibility; and
 6. Noise generated by equipment will not be excessive, annoying nor be detrimental to the public health, safety, and welfare.
- H. **Transfer or Change of Ownership/Operator.** Upon assignment or transfer of an already approved Wireless Telecommunications Facility or any rights under that permit, the owner and/or current operator of the Facility shall within thirty (30) days of such assignment or transfer provide written notification to the Director of Development Services of the date of the transfer and the identity of the transferee. The Director may require submission of any supporting materials or documentation necessary to determine that the proposed use is in compliance with the existing permit and all of its conditions including, but not limited to, statements, photographs, plans, drawings, models, and analysis by a State-licensed radio frequency engineer demonstrating compliance with all applicable regulations and standards of the Federal Telecommunications Commission and the California Public Utilities Commission. If the Director determines that the proposed operation is not consistent with the existing permit, the Director shall notify the applicant who may revise the application or apply for modification of the permit pursuant to the requirements of this Chapter.

(ORD-11-0011, § 8, 2011)

21.56.160 - Severability Clause.

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other article provisions or clauses or applications, and to this end the provisions and clauses of this ordinance are declared to be severable.

(ORD-11-0011, § 8, 2011)

CHAPTER 21.57 - ALCOHOL NUISANCE ABATEMENT

21.57.010 - [Title.]

These provisions shall be known as the Alcohol Nuisance Abatement "Deemed Approved" Ordinance.

(ORD-13-0012, § 1, 2013)

21.57.020 - Definitions.

"Liquor store" means any business selling general alcoholic beverages, also known as sale of distilled spirits or hard liquor, for off-premises consumption under a "Type 21 License" of the California Department of Alcoholic Beverage Control. Liquor store does not include a business selling only beer and/or wine for off-premises consumption.

"Performance Standards" means the regulations prescribed below for liquor store activities with deemed approved status. An establishment must comply with the performance standards in order to retain its deemed approved status. Such compliance shall be determined by the City of Long Beach, and includes the following:

- A. The use does not result in any adverse effects, jeopardize, or endanger the health, peace, or safety of persons residing, visiting, or working in the surrounding area;
- B. The use is operated and maintained in accordance with all applicable local, state, or federal codes, laws, rules, regulations and statutes including those of the ABC, the City's General Plan, and all zoning or nuisance regulations of the City;
- C. The use is operated and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to surrounding properties and occupants. This shall encompass the upkeep and maintenance of exterior facades of the building, landscaping, designated parking areas serving the use, fences, and the perimeter of the site, including all public sidewalks, alleys, and parkways;
- D. The use does not result in repeated nuisance activities, as defined in Chapter 9.37 of this Code on or near the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests;
- E. The use provides exterior lighting and security measures to the satisfaction of the Chief of Police including:
 1. Exterior lighting consisting of high-pressure sodium or equivalent type, with a minimum illumination intensity of a 1.25 foot-candle. All exterior light fixtures shall be vandal resistant, installed on exterior walls, and should be the type with proper cut-offs to avoid glare and night sky glow. Exterior lighting shall clearly illuminate the building address, all parking, driving, and walking surfaces, and exterior doors during the hours of darkness. Activation of the required exterior lighting shall be either by a photocell device or a time clock. Any broken or burned out lights shall be required to be replaced within seventy-two (72) hours;

2. Security cameras providing full camera coverage of all entries and exits into the building and full camera coverage of all public rights-of-way and private parking areas provided by the business. Cameras must record in color with output of at least four hundred eighty (480) lines resolution. Recordings shall be retained for no less than thirty (30) days on an IP-configurable Digital Video Recorder (DVR) or digital storage setup with a public IP address. The surveillance system username and password shall be provided to the Long Beach Police Department.
- F. No more than ten percent (10%) of the square footage of the windows and transparent doors of the premises shall be allowed to bear advertising, signs or any other obstructions including products, shelving, display items and/or coolers. All advertising, signage, product, shelving, display items and/or coolers shall be placed and maintained to ensure a clear and unobstructed view of the establishment's interior. Window signs displaying prices shall be prohibited. No advertising or signage shall be placed in the area above three (3) feet or below six (6) feet in height of all windows measured from grade.
- G. All existing publicly accessible exterior pay telephones shall be removed, including the housing of the pay telephone. No new publicly accessible exterior pay telephone may be located on any private property or any public right-of-way adjacent to a deemed approved liquor store activity.
- H. Any graffiti found on the walls, fences, pavement or buildings shall be removed within twenty-four (24) hours of its appearance on the property.
- I. The building address shall be displayed on all sides of the building facing a public right-of-way, including an alley, and clearly visible from each public right-of-way, including the alley.
- J. A copy of these performance standards, additional City or ABC imposed operating conditions, and a twenty-four (24) hour complaint telephone number shall be posted in a conspicuous and unobstructed place visible from the entrance of the establishment in public view.

"Deemed Approved Liquor Store" means any commercial land use where the sale of beer, wine, or distilled spirits was a legal nonconforming use prior to the effective date of this Chapter.

"Nonconforming use" or "Nonconformity," for the purposes of this Chapter, means a building which was lawfully established but which, due to the application of this Title, no longer conforms to the regulations of the zone in which it is located. (See Section 21.15.1860.)

(ORD-13-0012, § 1, 2013)

21.57.030 - Purpose.

The purpose of this ordinance is to protect and promote the public health, safety, comfort, convenience and general welfare of the community by imposing anti-nuisance related performance standards on legal nonconforming liquor store activities with the incorporation of performance standards, the sale of alcohol becomes a conforming activity; however, all other nonconformities remain subject to the provisions of Chapter 21.27.

(ORD-13-0012, § 1, 2013)

21.57.040 - Applicability.

This Alcohol Nuisance Abatement Deemed Approved Ordinance shall apply to all legal nonconforming liquor stores in the City of Long Beach on the effective date of this Chapter. The following establishments with a Type 21 ABC license are exempt from the ANAO: those with a current CUP, establishments that are

located more than five hundred feet (500') from zoning districts allowing residential uses, and grocery stores of twenty thousand (20,000) square feet or greater with accessory sales of alcohol.

(ORD-13-0012, § 1, 2013)

21.57.050 - Automatic Deemed Approved.

- A. All liquor stores that were legal nonconforming uses immediately prior to the effective date of this Chapter shall automatically be granted deemed approved status for the liquor store activity and shall no longer be considered legal nonconforming uses.
- B. Each deemed approved liquor store activity shall retain its deemed approved activity status as long as it complies with the performance standards as defined in Section 21.57.020 of this Chapter.
- C. Any expansion, alteration, or modification in character of the deemed approved liquor store shall conform to the City's Zoning Code including obtaining permits required under Chapter 21.25 of this Code.

(ORD-13-0012, § 1, 2013)

21.57.060 - Performance Standards.

A liquor store activity shall retain its deemed approved status only if it conforms to all of the nuisance based performance standards defined in 21.57.020; such conformance shall be determined by the City of Long Beach.

(ORD-13-0012, § 1, 2013)

21.57.070 - Administration and Enforcement.

- A. Within ninety (90) days of the effectiveness of this Chapter, each deemed approved liquor store activity shall fully comply with the nuisance based performance standards set forth in Section 21.57.020
- B. Upon receiving a complaint from the public, Police Department, Code Enforcement, or any interested person that a deemed approved liquor store activity is in violation of the standards set forth in Sections 21.57.020, the following procedure shall be followed:
 - 1. The City shall assess the nature of the complaint and its validity by conducting an investigation of the premises to assess the liquor store activity's compliance with the applicable standards. The City shall provide the business and/or property owner, as appropriate, with written notice of any complaint received or investigation commenced by the City relative to the liquor store activity's alleged failure to abide by the regulations set forth in this Chapter.
 - 2. Upon establishing the validity of a complaint, the City shall issue a notice of violation to the business and/or property owner of the subject deemed approved liquor store activity. The business and/or property owner shall correct the violation, or take reasonable action to begin correction, and shall diligently pursue completion of the correction within ten (10) days after receiving written notification of the violation. At the end of the correction period, the City shall determine if the violation has been corrected. If violations have not been corrected within the prescribed period, the City shall then refer the matter to the Site Plan Review Committee for further review and action.
 - 3. The Site Plan Review Committee shall conduct a hearing on the validity of the complaint. At the conclusion of the hearing, the Site Plan Review Committee shall have the authority to add or modify performance standards to insure that nuisance activity or conditions are eliminated.

Actions taken by the Site Plan Review Committee are appealable by any aggrieved party to the Planning Commission. The decision of the Planning Commission on appeal shall be final.

(ORD-13-0012, § 1, 2013)

21.57.080 - Revocation of Deemed Approved Status.

- A. If a deemed approved liquor store activity continues to violate the provisions of this Chapter after intervention by the Site Plan Review Committee, the City may refer the matter to the Planning Commission for a revocation hearing according to the procedures of Division VI, "Revocations", of Chapter 21.21 of this Code.
1. Based on its findings and determination after hearing, the Planning Commission may:
 - a. Continue the deemed approved activity status for the liquor store in question;
 - b. Issue an administrative citation and impose administrative penalties for violation of applicable standards in accordance with Chapter 9.65 of this Code;
 - c. Impose such reasonable conditions as are in the judgment of the Planning Commission necessary to ensure compliance with the applicable standards; or
 - d. Revoke the liquor store's deemed approved activity status.
 2. If the Planning Commission determines to impose further new conditions on the deemed approved liquor store activity, such conditions shall be based upon the information then before the Planning Commission.
 3. If the Planning Commission finds that conditions and/or modifications of the liquor store will be ineffective in eliminating the adverse activities, the Planning Commission shall revoke the deemed approved activity status of the liquor store.
 4. Continuation of any use after abandonment or revocation pursuant to this Chapter shall constitute a violation of this Code and shall be penalized as provided for in Section 21.10.080
 5. Any aggrieved party may appeal the determination of the Planning Commission to the City Council in accordance with the provisions set forth in Division V, "Appeals", of Title 21 of this Code. The decision of the City Council on appeal shall be final.

(ORD-13-0012, § 1, 2013)

21.57.090 - Fee.

- A. The administrative citation process described in this Chapter does not preclude the City from recovering any other code violation or nuisance abatement costs incurred by the City in performing its code enforcement efforts.
- B. The City may collect a fee to recover costs associated with the inspection and enforcement of this Chapter in accordance with the City Council adopted fee resolution.

(ORD-13-0012, § 1, 2013)

CHAPTER 21.60 - RELOCATION ASSISTANCE FOR, AND MEETING HOUSING NEEDS OF, PERSONS OF VERY LOW AND LOW INCOME HOUSEHOLDS

FOOTNOTE(S):

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Note— Prior ordinance history: (Ord. C-6684, 1990; Ord. C-6829, 1990; Ord. C-6868, 1991.)

DIVISION I. - PURPOSE, DEFINITIONS AND APPLICABILITY

21.60.110 - Purpose.

The purpose and intent of this Chapter is to mitigate problems caused by displacement of very low and low income households, and to provide relocation assistance to very low or low income households displaced due to demolition or condominium conversion.

(ORD-09-0010, § 1, 2009; Ord. C-6894 § 1 (part), 1991)

21.60.120 - Definitions.

In addition to the definitions set forth in Chapter 21.15, the following definitions shall apply to this Chapter 21.60:

- A. "Affordable unit" means a unit with housing costs that do not exceed:
 1. Thirty percent (30%) of household income of a low income or very low income household for rental units; or
 2. Thirty percent (30%) of household income of a low income or very low income household for-sale units.
- B. "Disabled person" means any head of household who meets the definition in Sections 12926(I) or (K) of the California Government Code, or any successor section or sections thereto.
- C. "Housing cost" means the monthly rent for rental units or mortgage payments for-sale units.
- D. "HUD" means the United States Department of Housing and Urban Development or its successors.
- E. "Income eligibility" means the gross annual household income anticipated for the next twelve (12) month period received by the family head, spouse and each additional person eighteen (18) years of age or older who will be residing in the household, regardless of source and including all net income derived from assets.
- F. "In-lieu fee" means a fee paid to the City housing development fund by developers subject to this Chapter in lieu of providing affordable units required by this Chapter.
- G. "Low income household" means a household who qualifies as "lower income" pursuant to Health and Safety Code Section 50079.5, or any successor statute thereto.
- H. "Market rate unit" means a dwelling unit which is not subject to ownership or rental limitations under this Chapter.
- I. "Off-site construction" means erection of very low or low income housing units on land within the City of Long Beach other than a project site for which affordable units will be provided pursuant to Division IV or Division VI.

- J. "Project" means a residential development, subdivision or similar proposal for which City permits or approvals are sought.
- K. "Senior citizen" means any head of household who is sixty-two (62) years or older on the date of the notice of intent to offer a unit for sale pursuant to Section 20.32.050 of this Code.
- L. "Tenant household" shall mean one (1) or more individuals who: (1) have a landlord-tenant relationship with the property owner/converter, by renting or leasing a rental unit to be converted; and (2) can demonstrate a landlord-tenant relationship by providing copies of leases, cancelled rent checks, rent receipts, utility bills, phone bills, or any other evidence of renting or leasing the premises as determined by the Housing Services Bureau.
- M. "Very low income household" means a household who qualifies as "very low income" pursuant to Health and Safety Code Section 50105, or any successor statute thereto.

(ORD-09-0010, § 1, 2009; Ord. C-6894 § 1 (part), 1991)

21.60.130 - Applicability of this Chapter.

This Chapter applies to all areas of the City of Long Beach including the coastal zone, except for Divisions IV and VI which apply, when operative, to all areas of the City except for the coastal zone.

(ORD-09-0010, § 1, 2009; Ord. C-6894 § 1 (part), 1991)

DIVISION II. - ADMINISTRATION AND DETERMINATIONS

21.60.210 - Administration.

- A. The administration of the tenant relocation program and the provisions of Division IV and, when and if operative, Division VI is delegated to the Housing Services Bureau of the Department of Community Development. The Bureau shall adopt appropriate guidelines for program administration consistent with the intent of this Chapter. The Bureau may charge applicants, developers and owners for the administration of this program as reasonably necessary to recover the full costs of such administration. Applicants, developers and owners will be charged for all direct costs incurred on their behalf along with other costs of administration.
- B. A schedule of hourly and other administrative fees shall be adopted by resolution of the City Council of the City of Long Beach, reviewed annually, and adjusted during the City's annual budget process.
- C. Determinations.
 - 1. It shall be the responsibility of the Housing Services Bureau to determine if housing units to be demolished or converted to condominiums are occupied by very low or low income households.
 - 2. Determinations made by the Housing Services Bureau shall be attached by the applicant to the building demolition permit application or condominium conversion application, and shall become a public record in all proceedings and hearings related to that application. The bureau shall verify the rent value history and insure that there have been no price or other changes made for the purpose of circumventing these regulations.

(ORD-09-0010, § 1, 2009; ORD-05-0007 § 2, 2006; Ord. C-6894 § 1 (part), 1991)

DIVISION III. - RELOCATION ASSISTANCE

21.60.310 - Relocation benefits to be provided.

- A. **Notification of intended displacement.**

1. Unless otherwise provided in this Chapter, very low or low income households shall not be displaced from housing due to demolition or condominium conversion as provided in this Chapter unless first given prior written notice of the intended displacement, on a form provided or approved by the Housing Services Bureau, at least eighteen (18) months prior to the intended date of displacement. Said notice shall include, but not be limited to, an advisement as to the availability of relocation benefits as prescribed by this Chapter.
2. A household otherwise eligible for an eighteen (18) month notification hereunder may voluntarily waive such notification provided that:
 - a. The waiver shall be in clear and legible writing in a language the tenant understands;
 - b. The waiver shall clearly set forth the amount of written notice the tenant household shall receive before vacating the unit (a thirty (30) day minimum notice is required) together with an agreed upon move-out date if there is one;
 - c. The tenant household shall receive the full relocation amount required by this Chapter at a date sooner than would have been typically required by this Chapter. The owner shall pay the full relocation amount directly to the tenant household, with proof of said payment to the Housing Services Bureau, in the form of a certified check, cashier's check or money order. Any person executing a waiver pursuant to this Section may rescind said waiver in writing, within seventy-two (72) hours of its execution, for any reason whatsoever. Upon a timely rescission, the waiver shall be of no further effect. Notification of rescission need only be given by the tenant household once; and
 - d. The office of the City Attorney approves the waiver as to both form and content.
3. A household occupying a unit to which notification of displacement has been previously given, or for which a waiver was filed by another household, shall not be entitled to additional notification if, but only if, it is given a true, accurate and legible copy of the previously given notice or waiver prior to the time of its entry into a rental agreement for the unit or, if no such agreement is signed, prior to taking occupancy. Notification need only be given once, and any rescission shall not result in commencement of a new eighteen-month notice period.
4. Notwithstanding any other provision of this Subsection 21.60.310.A., very low or low income households displaced by the following classes of project need only be given prior written notice of the intended displacement at least ninety (90) days prior to the intended date of displacement for the following types of projects:
 - a. A project consisting of the demolition of a unit or units the purpose of which is to construct a single-family residence; or
 - b. A project consisting of the demolition of less than twenty (20) existing dwelling units for the purpose of constructing a nonresidential project; or
 - c. Any project providing at least ten percent (10%) of its units affordable to low income households or five percent (5%) of its units affordable to very low income households pursuant to the provisions of this Division IV.

B. Monetary assistance.

1. Very low and low income households displaced due to demolition or condominium conversion as provided in this Chapter shall be entitled to three thousand nine hundred forty-one dollars (\$3,941.00) in relocation costs.
- 2.

Very low and low income households with a disabled member displaced under this Chapter shall be entitled to be reimbursed for structural modifications that the tenant household previously made to the dwelling unit up to a maximum value of an additional two thousand five hundred dollars (\$2,500.00). Proof of structural modifications shall be made to the satisfaction of the Housing Services Bureau.

3. In addition to the payments set forth above, qualified low and very low income senior citizens or low and very low income households with a disabled member as defined in this Chapter shall be entitled to an additional payment of two thousand dollars (\$2,000.00). Said payment shall be made by the City from available tax increment set aside funds as such funds are described in the California Redevelopment Law (Health and Safety Code Section 33000 et seq.) if the Housing Services Bureau determines that the use of the tax increment set aside funds complies with the California Redevelopment Law. In the event that the criteria is met for the payment described in this Subsection, said payment shall be made directly to the prospective new landlord or agent for the purpose of paying either the head of households first or last months rent, security deposit or any combination thereof.
4. The Housing Services Bureau of the Department of Community Development shall increase these amounts on a percentage basis as determined by the change in the Consumer Price Index between January 1, 2009, and January 1 of the year in which the application for demolition, or a condominium conversion final tract map, is filed with the City.

(ORD-09-0010, § 1, 2009; ORD-05-0007 §§ 3—5, 2006; Ord. C-7064 § 6, 1992; Ord. C-6894 § 1 (part), 1991)

21.60.320 - Provision of relocation benefits.

Applicants for demolition permits of two (2) or more residential units and for condominium conversion of two (2) or more residential units shall be responsible for providing relocation assistance to very low and low income households which are permanently displaced under one (1) of the following circumstances:

- A. The demolition permit will result in the loss of a unit which is occupied by a very low or low income household, and will result in the displacement of such a household which has been a tenant for at least ninety (90) days prior to the application for demolition.
- B. The tract map is for the conversion to condominium units of apartment units which are occupied by very low or low income households, and will result in the displacement of such households which were tenant households at the time of approval of the tentative tract map, or who rented a unit in such a project after the first notice of intention to convert was given without being notified of the intended conversion and who continued to rent or lease at the time as specified in the notice given to tenants ten (10) days prior to approval of the final tract map as required by Subsection 20.32.040.F. of this Code.

(ORD-09-0010, § 1, 2009; ORD-05-0007 § 6, 2006; Ord. C-6894 § 1 (part), 1991)

21.60.330 - When benefits inapplicable.

Relocation benefits are not required to be paid or given when the applicant provides evidence to the satisfaction of the Housing Services Bureau that the tenant household: 1) moved voluntarily (which shall not include the situation where the landlord/owner has served the tenant with a thirty (30) or sixty (60) day notice to quit or vacate); 2) that the unit has been continuously vacant for at least six (6) months prior to the application; 3) that the unit has been occupied by a household which is not very low or low income for at least six (6) months prior to the application; 4) that the unit has never been occupied prior to the

application; or 5) that the application involves the demolition of no more than one (1) single-family dwelling unit. No owner or the agent of an owner shall evict a tenant in order to avoid the provisions of this Chapter.

(ORD-09-0010, § 1, 2009; ORD-05-0007 § 7, 2006; Ord. C-6894 § 1 (part), 1991)

21.60.340 - Payments and distribution of relocation benefits.

- A. The relocation benefits required by this Chapter shall be paid by the owner or designated agent directly to the tenant household in the form of a certified check, cashier's check or money order after the issuance of the one hundred eighty (180) day notice. Upon proof of new tenancy (e.g., a letter from a prospective landlord or a signed lease), and thirty (30) days before the tenant household plans to move, the converter or its designated agent shall pay relocation benefits in the amount of the first month's rent and security deposit (not to exceed the total amount of the relocation benefits due) directly to the tenant's new landlord or their designated agent. The tenant household shall receive the balance of relocation benefits due, if any, at the time the tenant household vacates the unit. Proof of all payments shall be made to the Housing Services Bureau.
- B. In the event there is a certified court order in existence at the time tenant relocation benefits are due and payable directing the tenant household to pay back rent or other related costs to the converter, the converter may deduct the amount of rent or costs owed in the certified court order from the relocation benefits due if the converter first provides a copy of the certified court order to the Housing Services Bureau and obtains written approval to deduct this amount.
- C. The applicant may not receive approval of its final map or demolition permit if relocation benefits have not been paid in full to all tenant households as set forth in Subsection 21.60.340.A.
- D. In cases where the landlord has prematurely paid the eligible tenant or tenants all of the relocation benefit due, the landlord shall be exempt from paying further amounts provided that the landlord must first provide documentary evidence that such funds were paid to the tenant pursuant to the terms of a waiver as set forth in Section 21.60.310
- E. Owners shall not evict tenant households to avoid their responsibility to pay relocation benefits required to be paid pursuant to this Chapter. Qualified tenant households receiving thirty (30) or sixty (60) day notices to terminate or quit the premises after approval of the tentative map shall be presumed eligible and entitled to collect relocation assistance pursuant to this Chapter.

(ORD-09-0010, § 1, 2009; ORD-05-0007 § 8, 2006; Ord. C-6894 § 1 (part), 1991)

21.60.350 - Appeals.

Any property owner or tenant household may contest a decision by the Housing Services Bureau regarding eligibility, relocation payment amounts, or any other determination or claim made pursuant to this Chapter. A party desiring to appeal shall file a written "notice of appeal" with the Director of Community Development, or designee within twenty (20) days of the decision, determination or claim. The Director or designee shall hold a hearing within fourteen (14) days of receiving the notice of appeal. Within ten (10) days of the appeal hearing the Director shall issue his/her determination in writing. All notices from the Director relative to the appeal shall be sent to both the property owner and all tenant households affected by the appeal. The determination of the Director or designee shall be final and conclusive.

(ORD-09-0010, § 1, 2009)

21.60.360 - Private right of action.

Tenant households subject to displacement shall have standing as third party beneficiaries to file an action against an owner for injunctive relief and/or actual damages for failure of the owner to comply with the provisions of this Chapter. Nothing herein shall be deemed to interfere with the right of the owner to file an action against a tenant or nontenant third party for any damage that may have been done to the owner's property. Nothing herein is intended to limit the damages recoverable by any party through a private third party action.

(ORD-09-0010, § 1, 2009)

21.60.370 - Application to heirs.

The provisions of this Chapter shall apply to all property owners and their heirs, assigns and successors in interest.

(ORD-09-0010, § 1, 2009)

21.60.380 - Relationship to other laws.

Nothing in this Chapter is intended to prevent displaced households from securing any relocation assistance and/or benefits to which they may be entitled under any other local, State or federal law.

(ORD-09-0010, § 1, 2009)

21.60.390 - Severability.

If any provision of this Chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Chapter shall not be invalidated.

(ORD-09-0010, § 1, 2009)

DIVISION IV. - VOLUNTARY INCENTIVE PROGRAM TO CREATE HOUSING FOR VERY LOW AND LOW INCOME HOUSEHOLDS

21.60.410 - Purpose and goals.

- A. The purpose of this Division IV is to provide additional housing opportunities in the City of Long Beach for very low and low income households, as defined by HUD for the Los Angeles/Long Beach Standard Metropolitan Statistical District (SMSA), through a voluntary program offering incentives and bonuses to private developers, representatives of which private developers and certain business associations in Long Beach have assured the City of Long Beach will stimulate the production of such housing.
- B. The effectiveness of the voluntary incentive program set forth in this Division IV in stimulating the production of housing shall be measured by determining whether during the period of April 9, 1991 to October 9, 1992, and during annual periods thereafter as set forth hereunder, the number of housing units affordable to low and very low income households constructed, under construction, rehabilitated as defined herein or provided for through payment of an in-lieu fee, under this voluntary incentive program are equal to or greater than the number of housing units affordable to very low or low income households which, during the same period, were demolished or converted to condominiums not affordable to such households. Consideration shall also be given to the extent which the units produced are comparable in size to those demolished or converted and/or meet the highest priority needs as expressed in the housing element.
- C. Affordable units demolished and affordable units produced as a direct result of government programs other than those of the City, including its Housing Authority, Department of Community Development, and the Long Beach Housing Development Company, shall count as units demolished

or produced under this Division IV.

(Ord. C-6894 § 1 (part), 1991)

21.60.420 - Incentive program.

- A. Every development project of five (5) or more housing units in the City of Long Beach, on any site where zoning permits development to densities of thirty (30) units per acre or greater, shall be entitled to a density bonus not to exceed twenty-five (25) percent of the number of units otherwise allowed under applicable zoning regulations if, but only if:
 - 1. At least twenty-five (25) percent of the bonus units granted are set aside, for ten (10) years for sale units and thirty (30) years for rental units, to be housing affordable to very low income households; or
 - 2. At least fifty (50) percent of the bonus units granted are set aside for ten (10) years for sale units and thirty (30) years for rental units, to be housing affordable to low income households.
- B.
 - 1. The requirement of affordable units may be met by the provision of on-site units, off-site units, rehabilitated units, or the payment of an in-lieu fee, all as set forth in this Division. At the request of the property owner, the City may agree to fulfilling the requirement for affordable units by a combination of these provisions.
 - 2. The in-lieu fee payable under this Division IV shall be twenty-seven thousand, eight hundred dollars (\$27,800.00), as adjusted annually to reflect the Construction Cost Index for the Los Angeles/Long Beach statistical area, times the number of bonus density units granted. The fee shall be paid prior to issuance of a building permit for the property subject to the fee.
- C. Upon application by a developer, a density bonus of less than twenty-five percent (25%) may be granted to a developer of housing units offering less than the percentage of new units set forth in Subsection 21.60.420.A, provided that the density bonus so granted shall be reduced proportionately to the reduction of new or rehabilitated units provided.
- D. Any project proposing to utilize the incentive program of this Division IV shall be subject to site plan review as set forth in Division V of Chapter 21.25 of this Title 21
- E.
 - 1. Affordable units for sale shall remain affordable to low or very low income households by deed restriction for at least ten (10) years. Affordable units for rent shall remain affordable to low or very low income households by deed restrictions for at least thirty (30) years.
 - 2. Reasonably unforeseen increases in finance and/or operating costs, which have risen faster, as a percentage of total income received, than the percentage of increase in rental rates on affordable units, may be adjusted by appeal to and with the prior approval of the Housing Services Bureau of the Community Development Department at any time after three (3) years from the recordation of the deed restriction, provided that no such adjustment shall be granted that would cause a unit to be no longer affordable to persons of very low or low income households.
- F. A project qualifying for a density bonus and actually furnishing units and/or payment of the in-lieu fee pursuant to and in full compliance with this Section 21.60.420 may reduce the notice requirement of Subsection 21.60.130.B.1 to no less than three (3) months if otherwise meeting the conditions of Subsection 21.60.310.A.4.
- G. The density program and incentives provided in this Division IV shall be in lieu of any other such program or incentives provided by or arising under State law as an inducement for the provisions or development of affordable housing units and are not intended to be used in conjunction with incentives required to be provided under Section 65915 of the California Government Code.

H. In determining the number of units required pursuant to this Division IV, any decimal fraction less than 0.49 shall be rounded down to the nearest whole number and any fraction of 0.5 or more shall be rounded up to the nearest whole number and any fraction of 0.5 or more shall be rounded up to the nearest whole number, provided that no less than one (1) affordable unit shall be constructed at any site which is provided a density bonus.

(Ord. C-6933 § 38, 1991; Ord. C-6894 § 1 (part), 1991)

21.60.430 - Review of projects providing housing for very low or low income households and design standards.

- A. At the time the plans are submitted to the Department of Planning and Building for initial review, the project proposal shall specify the number, type, location, size and construction scheduling of any dwelling units to be developed and shall indicate which units are proposed for rental or sale for the purpose of satisfying the requirements of this Division IV.
- B. If located on the project site, such units shall, whenever reasonably possible, be distributed throughout the project. The applicant may, with the prior approval of the City through the site plan review process, reduce the size and amenities of the units so long as there are not significant identifiable differences between the units visible from the exterior of the unit and the design of the units are consistent with the rest of the development, provided that all units shall conform in all ways to the requirements of the applicable building and housing codes. Units so provided shall have at least the same number of bedrooms as the average market rate unit in the project and shall be subject to the following minimum size limits:

0 Bedrooms—	450 square feet;
1 Bedroom —	600 square feet;
2 Bedrooms—	750 square feet;
3 Bedrooms—	1,000 square feet;
4 Bedrooms—	1,200 square feet;

- C. All affordable units required by this Division IV in a project and all phases of a project shall be constructed concurrently with the construction of market rate units, and such affordable units developed on the development site shall be rental units in rental developments and for-sale units in ownership projects.
- D. If the applicant can demonstrate that the bonus density provided cannot be physically accommodated on the site, the City may waive development standards during site plan review to accommodate the increased density in accordance with Section 21.63.080 of the Municipal Code.

(Ord. C-6894 § 1 (part), 1991)

21.60.440 - Provision of units off-site.

- A. Units required by this Division IV may be provided by rehabilitation or new construction at a location within the City other than the project site, subject to review and prior approval by the City. Any such off-site units shall be completed prior to the issuance of a certificate of occupancy for the market rate

housing unit project and shall conform to the requirements of the applicable building and housing codes and the minimum size and bedroom provisions set forth in Section 21.60.430. The off-site units need not be in the same ownership as the project, provided that they are deed-restricted in accordance with Section 21.60.470, and provided that a record of such off-site units together with such deed restriction shall be filed with the Department of Planning and Building at the time of the recordation of such restriction for the purpose of identifying such units for future credits. In no event may units provided off-site be credited more than once.

- B. It is the intent of the City that, in permitting developers to rehabilitate extant deteriorating off-site residential structures in lieu of constructing new affordable units on-site, such action will extend the potential useful life of the residential structure by thirty (30) years and will insure that the unit remains affordable during that period. Therefore, rehabilitation of existing residential units may be substituted on a one-for-one basis for construction of new affordable units if the rehabilitation cost equals or exceeds twenty-five percent (25%) of the replacement cost of the unit as calculated by the City's chief Building Official. Rehabilitated units must conform in use and density to the current zoning, but need not conform to the current development standards. Alternately, rehabilitation to existing residential units may be substituted on a two-for-one basis for construction of new affordable units if the rehabilitation cost of each unit equals or exceeds twelve and one-half percent (12½%) of the replacement cost of the units as calculated by the Building Official. In multi-unit buildings, the per unit cost of rehabilitation shall be calculated by dividing the total rehabilitation cost for the structure or the total replacement cost for the structure by the number of residential units in the structure.
- C. The occupancy and sale or rental prices of such off-site units shall be governed by the terms of a deed restriction similar to that used for on-site units furnished pursuant to this Division IV which shall be structured to take precedence over all other covenants, liens and encumbrances.

(Ord. C-7247 § 27, 1994; Ord. C-6933 § 39, 1991; Ord. C-6894 § 1 (part), 1991)

21.60.445 - Condominium conversion.

- A. A developer proposing to convert to condominium units apartments which are affordable to low or very low income households may reduce the notice requirements of Subsection 21.60.310.A.1 to no less than three (3) months if at least ten percent (10%) of the affordable apartments converted to condominium units are set aside for ten (10) years to be housing affordable to low income households or at least five percent (5%) of the affordable apartments converted to condominium units are set aside for ten (10) years to be housing affordable to very low income households. However, in no case shall the notice requirements be reduced below those specified in Section 20.32.040 of the subdivision regulations (Title 20 of this Code). In making this calculation, a unit will not be counted as an affordable apartment if the applicant provides evidence to the satisfaction of the Housing Services Bureau of the Department of Community Development that it has been continuously vacant for at least six (6) months prior to the application, or that the unit has been occupied for at least six (6) months prior to the application by a household which is not low or very low income.
- B. The requirement for affordable units may be met by the provision of on-site units, off-site units as provided in Subsection 21.60.440.A, rehabilitated units as provided in Subsection 21.60.440.B, or the payment of an in-lieu fee for each affordable unit required of sixty-nine thousand five hundred dollars (\$69,500.00), as adjusted annually to reflect the construction cost index for Los Angeles/Long Beach Statistical Area.
- C.

Affordable units for sale shall remain affordable to low or very low income households by deed restriction for at least ten (10) years. Affordable units for rent shall remain affordable to low or very low income households by deed restrictions for at least thirty (30) years. Reasonably unforeseen increases in finance and/or operating costs, which have risen faster, as a percentage of total income received, than the percentage of increase in rental rates on affordable units, may be adjusted by appeal and approval of the Housing Services Bureau of the Community Development Department at any time after three (3) years from the recordation of the deed restriction, providing that no such adjustment shall be granted that would cause such a unit to be no longer affordable to a person of very low or low income housing as applicable.

(Ord.C-6894 § 1 (part), 1991)

21.60.450 - Pricing of units furnished pursuant to or as a result of this Division IV.

Affordable units required pursuant to this Division IV shall be priced in accordance with HUD guidelines for the Los Angeles/Long Beach SMSA which defines units affordable to low and very low income households. For the express purpose of establishing income guidelines on projects for sale, thirty-five percent (35%) of a qualifying household's gross monthly income shall be allowed. Allowable rents and sales prices will be established by City ordinance or resolution based on HUD guidelines. Such guidelines shall be re-established within thirty (30) days after announcement of new income guidelines by HUD. Pricing of units for sale or rent shall be set at the time of closing of escrow using the most recent HUD guidelines then available. No charge or fee shall be imposed on the purchase of an affordable unit furnished pursuant to this Division IV which is in addition to or more than such charges or fees imposed upon purchases of market rate units.

(Ord.C-6894 § 1 (part), 1991)

21.60.460 - Eligibility requirements.

- A. Only very low and low income households shall be eligible to occupy affordable units provided pursuant to this Division IV. The City will use guidelines established by HUD in the Los Angeles/Long Beach SMSA determining household income minimum and maximum occupancy standards and other eligibility criteria.
- B. The following are those individuals who, by virtue of their position or relationship, shall be ineligible to purchase or rent a unit provided pursuant to this Division IV as their residence:
 1. All employees and officials of the City of Long Beach or its agencies, authorities or commissions who have, by the authority of their position, policy-making authority or influence affecting City housing programs.
 2. The immediate relatives of, employees of, and anyone gaining significant economic benefit from a direct business association with such public employees or officials.
- C. Prior to sale or rental of the affordable units, the owner shall be required to submit to the Housing Services Bureau for its approval the following documents:
 1. A Bureau-approved income certification form signed by the owner attesting to household income; and
 2. Satisfactory evidence of attested household income. In setting priorities among eligible households, the applicant, owner, or City shall generally give first priority to Long Beach residents, second to persons employed in Long Beach, and third to other persons.

(Ord. C-6894 § 1 (part), 1991)

21.60.470 - Deed restrictions.

- A. Prior to issuance of a building permit for a project requesting bonus density or containing any other affordable requirement, applicant shall supply to the City for review and approval deed restrictions or other legal instruments in a form satisfactory to the City attorney, setting forth the obligations of the applicant under this program, and shall record same in the office of the Los Angeles County Recorder. Such restrictions shall remain in effect for at least thirty (30) years for rental units and at least ten (10) years for sale-units.
- B.
 - 1. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for enforcement of owner/developer compliance. Any default or failure to comply may result in, but is not limited to the following actions:
 - a. Revocation of conditional use permit;
 - b. Withdrawal of certificate of occupancy;
 - c. Foreclosure; or
 - d. Specific performance.
 - 2. In any action taken pursuant to this Subsection B to enforce compliance with deed restrictions, the City Attorney shall, if such compliance is ordered by a court of competent jurisdiction, take all such action as may be permitted by law to recover all City's costs of such action, including the costs of legal services.
- C. Deed restrictions on affordable for-sale units shall contain provisions governing resale prices prior to expiration of the ten (10) year limitation period requiring the owner to use its best efforts to offer the affordable unit to low or very low income households only for a period of at least sixty (60) days, provided that if a loan involving such unit or units is to be sold to the Federal National Mortgage Association ("FNMA") the deed restrictions shall be conformed to all then current FNMA requirements. Unless necessitated by such FNMA requirements, these units shall not be sold at a price higher than that affordable to low and very low income households prior to expiration of the deed restrictions.

(Ord. C-6894 § 1 (part), 1991)

21.60.480 - Petition for subordination.

Upon foreclosure or similar proceeding relating to an affordable unit/units provided pursuant to this Division IV, a lienholder may petition the Director of Community Development for relief from economically adverse impacts of the procedure on the lienholder. If the lienholder can show that the financial feasibility of the project may be lost if restrictions relating to affordability are maintained as to the unit/units subject to the proceeding, the City Council may, upon recommendation of the Director of Community Development, authorize the City Manager to agree to subordinate covenants relating to the affordability of the unit/units to the lienholder's requirements.

(Ord. C-6894 § 1 (part), 1991)

DIVISION V. - HOUSING COALITION OVERSIGHT COMMITTEE

21.60.510 - Housing Coalition Oversight Committee created.

- A. There is hereby created the Long Beach Housing Coalition Oversight Committee as an ad hoc advisory committee of the City Council of the City of Long Beach. The Committee shall consist of six (6) members one (1) of whom shall be nominated or designated by each of the following groups or any successor organization:
 - 1. The Apartment Association of Southern California Cities;

2. The Legal Aid Foundation of Long Beach;
 3. The Long Beach Area Chamber of Commerce;
 4. Long Beach Area Citizens Involved;
 5. The Long Beach District Board of Realtors: and
 6. The Long Beach Housing Action Association.
- B. The City Manager shall designate appropriate employees of the City's administrative departments to serve as administrative staff to the Oversight Committee, and the City Attorney or his/her designee shall provide legal counsel and services.

(Ord. C-6894 § 1 (part), 1991)

21.60.520 - Duties of the Oversight Committee.

- A. The duty of the Housing Coalition Oversight Committee shall be to review and evaluate the success of Division IV programs of this Chapter 21.60
- B. To this end, the Oversight Committee shall first meet on December 4, 1991 and shall meet again on June 4, 1992 and shall meet again on December 4, 1992. After each such meeting, it shall file with the City Clerk a report to the City Council of the deliberations and actions considered at the meeting. Thereafter, it shall meet as frequently as it deems necessary to enable it to, on or before February 4, 1993, report its findings and recommendations in writing to the Mayor and City Council.
- C. In addition to its normal advisory activities, if the report of the Director of Planning and Building filed pursuant to Section 21.60.710 of this Chapter 21.60 indicates nonachievement of the goals set forth in Section 21.60.410, the Oversight Committee shall review the impact of that report. It shall, within thirty (30) days of the filing of the Director's report, report the results of its review to the City Council which report shall include, among other things, the Committee's comments on the Director's conclusions relating to the attainment or nonattainment of housing goals, and significant mitigating circumstances, which may include but are not limited to, failure to adopt or implement an ordinance regulating single room occupancies and "downzoning" or "moratoria" activity. The Committee may also make recommendations regarding the desirability of making or not making operative the provisions of Division VI of this Chapter 21.60 in its present or revised form or any alternative plan or program for the provision of affordable housing units. If the Oversight Committee cannot agree on the content of a report to the City Council, the Director of Planning and Building shall prepare an objective report of the Committee's deliberations and file that report with the City Council no later than February 15, 1993. In any event, the City Council shall set the subject matter of the report to be heard at a public hearing conducted during its meeting of March 2, 1993.
- D. The Oversight Committee shall cease to exist if and when the provisions of Division IV become operative.

(Ord. C-6894 § 1 (part), 1991)

21.60.530 - Performance and continuation of Oversight Committee functions.

- A. The sole duty of the Oversight Committee shall be to make advisory policy recommendations and reports to the City Council as specifically set forth in Section 21.60.520. Accordingly, the Committee shall not sit as an adjudicatory body on any matters and shall have no authority to compel the attendance of persons before it. The Committee shall neither be considered in theory, nor function as a housing/tenant complaint review body. Neither the Committee, nor any individual member thereof

shall have any administrative or operational duties, functions or responsibilities and shall have no supervisory power or any authority over any officers, agents or employees of the City or the operation or conduct of any City department.

- B. Each year following the initial report filed pursuant to Section 21.60.710, the Director of Planning and Building shall report in writing to the City Council whether or not the housing goals set forth in Subsection 21.60.410.B of Division IV have been met for the twelve (12) months immediately preceding the report. If they have not been met, then the Oversight Committee shall immediately meet to review the impact of the Director's report and report the results of its review to the City Council.
- C. Unless otherwise specifically provided in this Chapter 21.60, the Housing Coalition Oversight Committee shall be subject to the provisions of Chapter 2.18 of this Code.

(Ord. C-6894 § 1 (part), 1991)

Division VI. - PROGRAM REQUIRING PROVISION OF HOUSING AFFORDABLE TO VERY LOW AND LOW INCOME HOUSEHOLDS OR PAYMENT OF FEE IN LIEU THEREOF

21.60.610 - Purpose and goals.

The purpose of this Division VI is to induce the private sector to provide its fair share of additional housing opportunities in the City of Long Beach for very low and low income households, as defined by HUD for the Los Angeles/Long Beach Standard Metropolitan Statistical District (SMSA), by requiring those developers of housing to include within their market-rate housing developments a response to the need for housing affordable to persons of very low and low income generated by such developments and identified in various goals and objectives of the Long Beach General Plan.

(Ord. C-6894 § 1 (part), 1991)

21.60.620 - Providing housing for households of very low and low income in market rate projects.

- A. All multifamily residential market rate dwelling units, whether for sale or rental, resulting from new construction or condominium/stock cooperative conversion of projects, of ten (10) units or more, shall provide housing for households of very low and low income in accordance with the provisions of this Division VI.
- B. The construction of any multiple dwelling restricted as rental or limited equity cooperative housing for persons and families of very low or low income or for senior citizens, which is financed by any federal or State housing assistance or owned by any religious or other nonprofit organization shall be exempt from these requirements. No less than ten percent (10%) of the total number of units to be constructed pursuant to any project developed by an applicant at one (1) location, whether at this time or in the future, designed for permanent occupancy and containing ten (10) or more units shall be affordable to households of low income or, at least five percent (5%), alternatively, shall be affordable to households of very low income. These requirements may be satisfied by off-site development of the required units as provided in Subsection 21.60.640.A or an in-lieu fee payment pursuant to the provisions of Section 21.60.650. However, these requirements shall not apply to apartment units that were under construction on December 1, 1990 and that are only rented for the period from or after the date an application for a tentative map is filed to the date of sale of the condominium units which shall not exceed one (1) year from the date on which the application for the tentative map is filed.

C.

In determining the number of units required pursuant to this Division VI, any decimal fraction less than 0.49 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number, provided that no less than one (1) affordable unit shall be constructed, or an appropriate in-lieu fee is paid, at or for any site which is required to provide affordable housing pursuant to this Division VI.

(Ord. C-6894 § 1 (part), 1991)

21.60.630 - Review of projects providing housing for very low or low income households and design standards.

- A. At the time the plans are submitted to the Department of Planning and Building for initial review, the project proposal shall specify the number, type, location, size and construction scheduling of any dwelling units to be developed and shall indicate which units are proposed for rental or sale for the purpose of satisfying the requirements of this Division VI.
- B. If located on the project site, such units shall, whenever reasonably possible, be distributed throughout the project. The applicant may, with the prior approval of the City through the site plan review process, reduce both the size and amenities of the units as long as there are not significant identifiable differences in the units visible from the exterior and the size and design of the units are consistent with the rest of the project, provided that all units shall conform in all ways to the requirements of the applicable building and housing codes. Units so provided shall have at least the same number of bedrooms as the average market rate unit in the project and shall be subject to the following minimum size limits:

0 Bedrooms—	450 square feet
1 Bedroom—	600 square feet
2 Bedrooms—	750 square feet
3 Bedrooms—	1,000 square feet
4 Bedrooms—	1,200 square feet

- C. All units required by this Division VI in a project and phases of a project shall be constructed concurrently with the construction of market rate units, and such units developed on the project site shall be rental units in rental projects and for-sale units in ownership projects.
- D. Any project subject to the requirements of this Division VI and furnishing units hereunder shall be subject to the site plan review as set forth in Division V of Chapter 21.25 of this Title 21

(Ord. C-6894 § 1 (part), 1991)

21.60.640 - Provision of units off-site.

- A. Units required by this Division VI may, with the prior approval of the City, be provided at a location within the City other than the project site. Any such off-site units shall be completed prior to the issuance of a certificate of occupancy for the market-rate housing units project and shall conform to

the requirements of the applicable building and housing codes and the minimum size provisions set forth in Subsection 21.60.630.B. In no event may units provided off-site be credited more than once or for any other project than that in connection with which they were originally provided.

- B. It is the intent of the City that, in permitting developers to rehabilitate extant deteriorating off-site residential structures in lieu of constructing new affordable units on-site, such action will extend the potential useful life of the residential structure by thirty (30) years and will insure that the unit remains affordable during that period. Therefore, rehabilitation of existing residential units may be substituted on a one-for-one basis for construction of new affordable units if the rehabilitation cost equals or exceeds twenty-five percent (25%) of the replacement cost of the unit as calculated by the City's Chief Building Official. Rehabilitated units must conform in use and density to the current zoning, but need not conform to the current development standards. Alternately, rehabilitation to existing residential units may be substituted on a two-for-one basis for construction of new affordable units if the rehabilitation cost of each unit equals or exceeds twelve and one-half percent (12½%) of the replacement cost of the units as calculated by the Building Official. In multiunit buildings, the per unit cost of rehabilitation shall be calculated by dividing the total rehabilitation cost for the structure or the total replacement cost for the structure by the number of residential units in the structure.
- C. The occupancy and sale or rental prices of such off-site units shall be governed by the terms of a deed restriction similar to that used for on-site units furnished pursuant to this Division VI which shall be structured to take precedence over all other covenants, liens and encumbrances.

(Ord. C-6933 § 40, 1991; Ord. C-6894 § 1 (part), 1991)

21.60.650 - In-lieu fees.

- A. Fees in lieu of construction of required very low or low income units pursuant to this Division VI may be paid to the City. The in-lieu fee payable under this Division VI shall be calculated as follows:
1. The in-lieu fee per dwelling unit shall equal one hundred three percent (103%) of the average price of land per dwelling unit for the subject project, which average price is calculated using the purchase price of the subject property, as verified by escrow instructions, development agreement or other legal document acceptable to the City, divided by the total number of dwelling units allowed under the existing zoning.
 2. If the subject site is improved, and all or a portion of the improvements will remain on the site or be relocated to another site, the purchase price of the property may be reduced, prior to the calculation of the in-lieu fee, by the value of the improvements to remain or to be relocated. The improvement value shall reflect the value assessed in the most current Consolidated Annual Tax Bill of Los Angeles County.
 3. The total in-lieu fee due shall be the in-lieu fee per dwelling unit times the number of affordable units required under this Division VI. The fee shall be paid prior to issuance of a building permit for the property subject to the fee.
 4. If, in any case hereunder, the City has reason to believe that the price used in calculating the price of land per dwelling unit does not represent the true value of such land, it may, at its sole discretion and expense, cause an appraisal to be made relating to the land or improvements involved and, may thereafter, assign a price based on such appraisal for use in calculating the fee.
 5. In no event shall the fee be less than twenty-seven thousand, eight hundred dollars (\$27,800.00), as adjusted annually to reflect the construction cost index for the Los Angeles/Long Beach statistical area, but in no event shall it be adjusted more than five percent (5%) annually.

B.

Projects may be entitled to density bonuses or other incentives, pursuant to the requirements of State law or as provided by local ordinance if and as otherwise eligible for such bonuses. They may also, at the sole discretion of the City, be permitted certain density bonuses even for projects failing to achieve the full State established thresholds of Section 65915 of the California Government Code provided that, in such case, density bonuses shall be proportionately reduced, but only with the prior approval of the City.

(Ord. C-6894 § 1 (part), 1991)

21.60.660 - Pricing of units furnished pursuant to or as a result of this Division VI.

Affordable units required pursuant to this Division VI shall be priced in accordance with HUD guidelines for the Los Angeles/Long Beach SMSA which defines units affordable to low and very low income households. For the purpose of establishing income guidelines on projects for sale, thirty-five percent (35%) of a qualifying household's gross monthly income shall be deemed available for housing to low income households. Affordable rents and sales prices will be established by City ordinance or resolution based on HUD guidelines. Such guidelines shall be re-established within thirty (30) days after announcement of new income guidelines by HUD. Pricing of units for sale or rent shall be set at the time of the closing of escrow using the most recent HUD guidelines then available. No charge or fee shall be imposed on the purchase of an affordable unit furnished pursuant to this Division VI which is in addition to or more than charges imposed upon purchases of market rate units.

(Ord. C-6894 § 1 (part), 1991)

21.60.670 - Eligibility requirements.

- A. Only very low and low income households shall be eligible to occupy affordable units provided pursuant to this Division VI. The City may establish administrative guidelines for determining household income, minimum and maximum occupancy standards and other eligibility criteria through its Department of Community Development.
- B. Following are those individuals who, by virtue of their position or relationship, shall be ineligible to purchase or rent a unit provided pursuant to this Division VI as their residence:
 1. All employees and officials of the City of Long Beach or its agencies, authorities or commissions who have, by the authority of their position, policy-making authority or influence affecting City housing programs.
 2. The immediate relatives of, employees of, and anyone gaining significant economic benefit from a direct business association with such public employees or officials.
- C. In setting priorities among eligible households, the applicant, owner or City shall generally give first priority to Long Beach residents, second to persons employed in Long Beach, and third to other parties.

(Ord. C-6894 § 1 (part), 1991)

21.60.680 - Deed restrictions.

- A. Prior to issuance of a building permit for a project subject to the requirements of this Division VI, the applicant shall submit for City review and approval deed restrictions or other legal instruments, in form satisfactory to the City Attorney, setting forth the obligations of the applicant under this program. Such restrictions shall remain in effect for at least thirty (30) years for rental units and at least ten (10) years for-sale units.
- B. 1.

Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for enforcement of owner or developer compliance. Any default or failure to comply may result in, but is not limited to, the following action:

- a. Revocation of a conditional use permit;
 - b. Withdrawal of certificate of occupancy;
 - c. Foreclosure; or
 - d. Specific performance.
2. In any action taken pursuant to this Subsection B to enforce compliance with deed restrictions, the City Attorney shall, if such compliance is ordered by a court of competent jurisdiction, take all such action as may be permitted by law to recover all City's costs of such action, including costs of legal services.
- C. Deed restrictions on affordable for-sale units shall contain provisions governing resale prices prior to expiration of the ten (10) year limitation period requiring the owner to use its best efforts to offer the affordable unit to another low or very low income household for a period of at least sixty (60) days. In no event shall these units be sold at a price higher than that affordable to low and very low income households prior to expiration of the deed restriction.

(Ord. C-6894 § 1 (part), 1991)

DIVISION VII. - OPERATIVE TIMES OF DIVISION IV AND DIVISION VI

21.60.710 - Operative instructions.

- A. Immediately on and after the effective date of the ordinance first enacting this Division VII, Division IV as contained in that ordinance shall be operative and in full force and effect, and Division VI shall not, at that time, be operative or of any force and effect.
- B. On January 4, 1993, and subsequently as provided in Subsection 21.60.530.B, the Director of Planning and Building shall report in writing to the City Council whether or not the housing goals set forth in Subsection 21.60.410.B have been met.
- C.
 1. If the Director of Planning and Building reports that the goals have been met, Division IV shall continue to be operative and in full force and effect.
 2. If the Director of Planning and Building reports that the goals have not been met, then the Director shall include in his/her report a recommendation that the City Council make immediately operative the provisions of Division VI of this Chapter 21.60. The City Council shall include in this report the record of its public hearing of March 2, 1993 to consider along with all other related materials and reports then before it concerning the subject of affordable housing.

(Ord. C-6894 § 1 (part), 1991)

CHAPTER 21.61 - MAINTENANCE OF LOW INCOME HOUSING IN THE COASTAL ZONE

21.61.010 - Purpose.

The purpose and intent of this Chapter is to maintain the present number of very low, low and moderate income housing units within the coastal zone and to require that any applicant for a coastal development permit, as a condition of permit issuance, be responsible for replacing existing very low, low and moderate income housing on a one-to-one basis.

(Ord. C-6533 § 1 (part), 1988)

21.61.020 - Definitions.

Very low, low and moderate income households and housing units are defined in Chapter 21.15 (Definitions).

(Ord. C-6533 § 1 (part), 1988)

21.61.030 - Applicability of this Chapter.

Any applicant proposing to remove existing affordable housing in the coastal zone shall be responsible for replacing on a one-to-one basis all existing very low, low and moderate income housing removed. This provision shall not apply in the following instances:

- A. If the residential structure has been condemned and would require the expenditure of fifty percent (50%) or more of the improvement value, not including land value, to meet applicable building codes; or
- B. If the removal is for the purpose of building two (2) or fewer new residential units, or for converting two (2) or fewer rental units to condominium type units.

(Ord. C-6533 § 1 (part), 1988)

21.61.040 - Administration.

A. **Authority.** The administration of the replacement housing program and in-lieu fee payment are delegated to the Housing Authority, subject to its consent as expressed in a resolution of its governing body. The Housing Authority shall adopt appropriate guidelines for program administration consistent with the intent of this Chapter. The authority may also adopt a fee schedule for the administration of this program as reasonably necessary.

B. **Determination.**

1. It shall be the responsibility of the Housing Authority to make all determinations regarding the very low, low and moderate cost housing displaced. In order to avoid short-term actions by the owner to disqualify housing from the very low, low and moderate income definitions, the authority shall develop procedures to average rental Levels over a three (3) year period and to establish fair market sales value based upon prior sales and assessment records.
2. Determinations made by the authority shall be attached by the applicant to the coastal development permit application and shall become a public record in all proceedings and hearings related to that application. The authority shall verify the rent/sales value history and insure that there have been no price changes made for the purpose of circumventing these regulations.

3. When the units provided under this program are not under the ownership and control of the Housing Authority, the authority shall guarantee that the units continue to be made available to very low, low and moderate households. The authority and the property owner shall enter into an agreement and shall cause necessary covenants and deed restrictions recorded as provided for in Subsections 21.61.080.E and F.

(Ord. C-6533 § 1 (part), 1988)

21.61.050 - Responsibility to provide housing.

No coastal permit and no permit to demolish units shall be issued until the applicant has demonstrated compliance with the responsibility to provide replacement units, or has demonstrated the intention to comply with this Chapter prior to occupancy of the new development. No certificate of occupancy shall be issued prior to the satisfaction of this responsibility.

(Ord. C-6533 § 1 (part), 1988)

21.61.060 - Method of replacement.

An applicant shall provide replacement housing units by one of the methods outlined in Subsections 21.61.060.A through E.

- A. **On-site—New Units.** The replacement units may be provided on the same site as the units being removed.
- B. **Off-site—New Units.** Replacement units may be provided at an off-site location approved by the Housing Authority. The new units shall be completed and ready for occupancy within three (3) years of issuance of a coastal development permit. To assure performance, the applicant shall post a performance bond in favor of the City in an amount equal to the in-lieu fee as specified in Section 21.61.070 required for the number of units being replaced.
- C. **Off-site—Rehabilitated Units.** Replacement units may consist of rehabilitated existing residential units at a site approved by the Housing Authority. The units to be rehabilitated shall have been cited as substandard by the City Building Official. Also one (1) of the following shall apply:
 1. The units to be rehabilitated must, in the opinion of the Building Official, require an investment equal to at least twenty-five percent (25%) of the improvement value (total value less land value) of the units to correct the substandard conditions; or
 2. The applicant may rehabilitate two (2) units for each unit displaced, provided that the existing units are substandard and require an investment equal to at least twelve and one-half percent (12½%) of the improvement value of the units to correct the substandard condition.
- D. **Off-site—Unit Conversion.** Replacement units may be provided through the permanent conversion of existing units to housing for very low, low and moderate income households. The existing units, prior to conversion, must be renting or selling at least twenty percent (20%) above the affordable housing limit of very low and low income housing units displaced and fifteen percent (15%) above the limit of moderate income units displaced.
- E. **In-lieu Fees.** A developer may choose to pay in-lieu fees rather than provide replacement housing. Fees shall be paid in accordance with the provisions of Section 21.61.070. If the in-lieu fee is selected in a redevelopment project area, the developer shall be credited with the amount of relocation benefit actually paid to displaced residents, up to a maximum of four thousand five hundred dollars (\$4,500.00) per unit, provided that the relocation payments made to displaced residents by the redevelopment agency are subsequently reimbursed by the developer.

21.61.070 - In-lieu fees.

- A. **Payment Schedule.** In-lieu housing replacement fees shall be paid in accordance with the schedule indicated in Table 61-I. The fee shall be paid to the Housing Authority and shall be based on the number, size and income groups served by the displaced units. The schedule in Table 61-1 shall be adjusted annually in accordance with the current building cost index for the Los Angeles metropolitan area.
- B. **Dispensation of In-lieu Fees.** The Housing Authority shall place all in-lieu funds received into a special account for very low, low and moderate income housing. The funds must be dispensed within three (3) years from the date of receipt.

**Table 61-1
In-Lieu Fee Schedule**

Number of Bedrooms in Displaced Unit	REQUIRED FEE Type of Housing			
	Very Low	Low	Moderate I 80—100% ^(a)	Moderate II 100—120% ^(a)
Zero/1	\$20,000	\$15,000	\$10,000	\$10,000
2	20,000	20,000	15,000	10,000
3	25,000	20,000	20,000	15,000
4+	30,000	25,000	20,000	20,000

(a) Percent of County median income.

- C. **Inventory of Properties.** The Housing Authority shall maintain an inventory of properties suitable for rehabilitation, new construction or acquisition within the area specified in Subsection 21.61.080.B.
- D. **Priority.** The Housing Authority shall seek housing opportunities in accordance with the following order of priority:
 - 1. Rehabilitation of existing substandard units.
 - 2. Conversion of existing standard market rate units to housing for very low, low and moderate income persons.
 - 3. Construction of new housing for very low, low and moderate income persons.The intent of this priority order is to maximize the number of affordable units produced so that the number produced will approximate or exceed the number of units lost to displacement. The authority may alter this priority as deemed reasonable to accomplish the objectives of this Chapter. The

Authority shall attempt to reproduce affordable units in a mix proportional to the City-wide housing need, as established by the most current adopted general plan housing element and housing assistance plan.

- E. **Annual Report Required.** The Housing Authority shall make an annual report to the City Council on its progress in this program. The report shall include annual and cumulative figures, in size and cost, for the number of housing units lost and the number of units provided by the program, as well as the relationship between program achievements and existing housing needs as established by the housing element and housing assistance plan.

(Ord. C-6533 § 1 (part) 1988)

21.61.080 - Conditions on replacement housing.

- A. **Equivalency.** An applicant shall provide replacement housing units which are equivalent to the units displaced in terms of size, measured in the number of bedrooms and income range served, for persons of very low, low and moderate incomes. Subject to the approval of the Housing Authority, and upon showing that provision of equivalent units is not feasible, an applicant may provide replacement housing in a mix of household sizes and incomes. The mix shall be proportional to the City-wide housing need, as established in the most current general plan housing element and housing assistance plan.
- B. **Location.**
1. Any affordable housing produced through this program shall be located within the City of Long Beach anywhere south of the following line:
Beginning at the Los Angeles River and Anaheim Street; thence east along Anaheim Street to Pacific Coast Highway; thence southeast along Pacific Coast Highway to Seventh Street; thence east along Seventh Street to West Campus Drive; thence north along West Campus Drive to the common boundary between Cal. State Long Beach and the VA Hospital on the north side of the hospital; thence west, north, east and south around the Cal. State Long Beach property line, returning to Seventh Street along East Campus Drive; thence east along Seventh Street to the boundary line between Los Angeles and Orange Counties.
 2. The Housing Authority shall attempt to achieve a reasonable distribution throughout this area in accordance with City General Plan housing element policies.
- C. **Income Requirements.**
1. Housing units produced through the replacement program shall be available to households of very low, low and moderate income. To achieve this, each new tenant of rental property and each new buyer of sales property shall first be qualified by the Housing Authority in accordance with procedures set forth by HUD under Section 8 of the Housing Act of 1937, as amended, or similar procedures which take into account annual household income and total household assets.
 2. Applicants shall be qualified as very low income, low income and moderate income, corresponding to the three (3) classes of housing units (very low, low and moderate) defined in Chapter 21.15 (Definitions).
- D. **Guarantee.** An applicant shall guarantee that replacement housing provided pursuant to Section 21.61.040 will continue to be provided for very low, low and moderate income households. The applicant shall enter into a recorded agreement with the Housing Authority as specified in Subsections 21.61.060.C and D.
- E.

Rental Units Guarantee. Affordable housing developed as rental units shall be subject to the following:

1. Prior to the issuance of an occupancy permit, the developer shall enter into an agreement with the Housing Authority to assure that all units will continue to be rented at prices affordable to very low, low and moderate income renters. The agreement shall bind the developer and any successor in interest to the real property being developed. The agreement shall be recorded as a covenant running with the land, with no prior liens, other than tax liens, for a period extending thirty (30) years from the date the agreement is recorded. The agreement shall provide that either:
 - a. The unit rents shall be fixed at a level affordable to very low, low and moderate income households. The rent may be adjusted annually to reflect changes in the median income. Tenants must qualify as meeting the definition of very low, low and moderate income; or
 - b. The units shall be rented at the fair market rent for new construction as established by the Department of Housing and Urban Development (HUD). The units shall be rented to persons who either meet the standards for rent subsidy established by HUD pursuant to Section 8 of the Housing Act of 1937, as amended, or to persons who meet the requirements of other rent subsidy or funding program that provides rental housing for low income households.
2. The developer shall make best efforts to accomplish the intent of this Chapter. Those efforts shall include, but not be limited to, entering into contracts offered by HUD, the Housing Authority, or other such agency administering a rent subsidy program; or, refraining from taking any action to terminate any rent subsidy programs entered into.
3. In the event that any time within thirty (30) years after the agreement is recorded housing subsidies are not available, the developer or his successor shall maintain the rental levels for the unit at amounts no higher than those affordable to persons within the appropriate income categories described in this Title. In the event that so-called Section 8 or comparable maximum rental levels are no longer published by the federal government or local governmental agencies, maximum rental levels shall be a base rent established by the last rental ceiling published for the Section 8 program, adjusted by a percentage to reflect the percentage increase or decrease in median income.

F. **Sale Unit Guarantee.** Affordable units developed as sale units shall be subject to the following:

1. Prior to the issuance of an occupancy permit, the developer shall enter into an agreement with the Housing Authority to assure that subsequent sales following the initial sale of the unit will be at a price affordable to households earning substantially the same percentage of the median income as the initial purchasers. The agreement shall bind the developer, any successor in interest and all subsequent purchasers of the unit. The agreement shall be recorded as a covenant running with the land, with no prior liens other than tax liens. The agreement shall provide as follows:
 - a. The applicant, his successors and any subsequent purchasers shall give the Housing Authority an option to purchase the units. The authority may assign this option to an individual private purchaser who qualifies as a very low, low or moderate income person and who falls within substantially the same income group as the person for whom the initial sales price was originally established.

2.

Whenever the applicant or any subsequent owner of the unit wishes to sell or transfer the unit, he shall notify the Authority of his intent to sell. The authority shall have the right to exercise the option cited in Subsection 21.61.080.F.1 within one hundred and eighty (180) days of the initial sale of the unit by the developer, or within ninety days for subsequent sales. Following the exercise of the option, escrow shall be opened and closed within ninety (90) days after delivery of the notice to exercise the option.

3. The option price paid by the authority or its designee shall be the original sales price of the unit plus an amount which reflects any increase in the median income since the time of original sale.
4. Following the notice of intent to sell the unit, the authority shall have the right to inspect the premises to determine whether repair or rehabilitation beyond the requirements of general or deferred maintenance is necessary. If such repair or maintenance is necessary, the authority shall determine the cost of repair, and the cost shall be deducted from the purchase price. The repair costs shall be paid to the authority, its designee, or contractors chosen by the authority to carry out the deferred maintenance, and the money received shall be expended in making repairs.
5. The purchaser shall not sell, lease, rent, assign or otherwise transfer the property without the expressed written consent of the Housing Authority. This provision shall not prohibit encumbrancing the property for the sole purpose of securing financing. However, in the event of foreclosure or sale by deed of trust or other involuntary transfer, title to the property shall not be taken subject to the recorded agreement.

(Ord. C-6533 § 1 (part), 1988)

21.61.090 - First option.

Any resident displaced by new construction or condominium conversion in the coastal zone shall have the first option to rent or buy affordable housing.

(Ord. C-6533 § 1 (part), 1988)

CHAPTER 21.62 - RESERVED

FOOTNOTE(S):

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Editor's note— ORD-10-0035, § 2, adopted Nov. 16, 2010, repealed Ch. 21.62 §§ 21.62.010—21.62.240, entitled "Flood Damage Prevention", and derived from: Ord. C-6533 § 1 (part), 1988; Ord. C-7062 § 1 (part), 1992; Ord. C-7507 §§ 1—24, 27, 1997; Ord. C-7522 §§ 1, 2, 1998; and Ord. C-7544 §§ 1—11, 1998. See Ch. 18.73 for similar provisions.

CHAPTER 21.63 - INCENTIVES FOR AFFORDABLE HOUSING

21.63.010 - Purposes.

This Chapter establishes a system of incentives to encourage developers to provide housing for very low, low income, moderate income, and senior households, pursuant to Section 65915 et seq. of the California Government Code. The incentive consists of a density bonus.

(ORD-06-0045 § 1 (part), 2006: Ord. C-6822 § 20 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.63.020 - Qualification.

In order to qualify for a density bonus, a project must be a very low income, low income, moderate income condominium project as defined by the State of California, or a senior citizen housing project (as defined in Sections 51.2 and 51.3 of the California Civil Code).

(ORD-06-0045 § 1 (part), 2006: Ord. C-6822 § 20 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.63.030 - Limitation.

Density bonuses shall not exceed the percentage as permitted by the State of California of maximum density allowed in the applicable zoning district.

(ORD-06-0045 § 1 (part), 2006: Ord. C-6822 § 20 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.63.040 - Procedures.

The following procedural requirements shall be observed in reviewing and acting upon applications for density bonuses made pursuant to this Chapter:

- A. Application. An application for a density bonus shall be made in conjunction with other required applications for residential developments and shall be subject to the same procedures required by this Title and other applicable Sections of the Municipal Code.

(ORD-06-0045 § 1 (part), 2006: Ord. C-6822 § 20 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.63.050 - Development standards.

All residential projects granted a density bonus shall conform to the development standards of the applicable zoning district, except those standards regulating density or as waived according to Section 21.63.080 of this Chapter.

(ORD-06-0045 § 1 (part), 2006: Ord. C-6822 § 20 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.63.060 - Maintenance of units.

In exchange for the density bonus, the developer shall guarantee the units will be maintained for very low income, low income, moderate income condominiums, and senior households for thirty (30) years. The guarantee shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Attorney. The document shall be recorded with the Los Angeles County Recorder prior to the issuance of a building permit. The applicant shall comply with the provisions of Chapter 21.60 of this Code for the maintenance of the units according to Housing Authority procedures.

(ORD-06-0045 § 1 (part), 2006: Ord. C-6822 § 20 (part), 1990: Ord. C-6533 § 1 (part), 1988)

21.63.070 - Additional incentives.

In addition to the density bonus, the very low income, low income, moderate income condominiums, and senior units shall be exempt from the parks and recreation and transportation developer fees, if the developer is in compliance with the applicable exemption provisions of Sections 18.17.130, 18.18.120 and 18.18.140 of the Long Beach Municipal Code as they now exist or may later be amended.

(ORD-06-0045 § 1 (part), 2006: Ord. C-7247 § 28, 1994: Ord. C-6822 § 20 (part), 1990)

21.63.080 - Waiver of development standards.

A. **Criteria for Waiver.** If the applicant can demonstrate that the increased density cannot physically be accommodated on the site, then the following development standards shall be waived during site plan review to accommodate the increased density. The waiver in the standards shall follow the priority order established and the applicant shall demonstrate that the increased density cannot be accommodated with each sequential waiver before the waiver of the next standard is allowed. Only one (1) standard shall be waived unless it is shown that each individual standard waiver will not physically accommodate the proposed density. A complete site plan and floor plan shall be provided to demonstrate the physical noncompliance.

B. Priority order for waiver:

1. Percentage compact parking;
2. Tandem parking design limitations;
3. Privacy standards;
4. Private open space;
5. Common open space;
6. Height;
7. Distance between buildings;
8. Side yard setbacks;
9. Rear yard setbacks;
10. Number of parking spaces (but not less than one (1) space per unit); and
11. Front setbacks.

(ORD-06-0045 § 1 (part), 2006: Ord. C-6822 § 20 (part), 1990)

21.63.090 - Additional financial incentives.

If the developer believes that with the density bonus and the additional incentives, the provision of the very low income, low income, moderate income condominiums, or senior citizen housing units are not financially feasible, then the developer shall submit a project pro forma demonstrating the deficiency. Such pro forma shall include the costs of complying with each of the above-listed standards. These standards shall then be sequentially waived until financial feasibility is achieved.

(ORD-06-0045 § 1 (part), 2006: Ord. C-6822 § 20 (part), 1990)

CHAPTER 21.64 - TRANSPORTATION DEMAND AND TRIP REDUCTION MEASURES

21.64.010 - Purpose and intent.

- A. The Legislature of the State of California has found that the lack of an integrated transportation system and the increase in the number of vehicles are causing traffic congestion that each day results in hundreds of thousands of hours lost in traffic, tons of pollutants released into the air and millions of dollars of added costs to the motoring public. It has, therefore, adopted legislation requiring the preparation and implementation of a Congestion Management Program ("CMP") by County Transportation Commissions or other public agencies of every County that includes an urbanized area.
- B. The Los Angeles County Metropolitan Transportation Authority ("MTA") is responsible for the preparation of the CMP for Los Angeles County ("County").
- C. The CMP must contain a trip reduction and travel demand management element that promotes alternative transportation methods, such as carpools, vanpools, transit, bicycles, walking and park-and-ride lots, improvement in the balance between jobs and housing, and other strategies, including flexible work hours, telecommuting and parking management programs.
- D. The County and every City within the County is required by State law to adopt and implement a Transportation Demand Management ("TDM") ordinance as an important element of the CMP to improve both congestion and air quality.
- E. LACTC must determine annually whether the County and cities within the County are conforming to the CMP, including the requirement to adopt and implement a TDM ordinance.
- F. The State Clean Air Act requires regions to attain a 1.5 vehicle occupancy during the commute period by the year 1999.
- G. This Chapter 21.64 is intended to comply with the CMP's requirements for a TDM ordinance. The requirements of South Coast Air Quality Management District ("District") Regulation XV, are separate from this Chapter, and administered by the District. Nothing herein is intended, nor shall it be construed, to limit or otherwise preclude employers from offering or providing additional inducements to use alternatives to single-occupant vehicles to their employees necessary to meet Regulation XV requirements.
- H. In order to use the existing and planned transportation infrastructure more efficiently, maintain or improve traffic levels of service, and lower motor vehicle emissions, it is the policy of the City to minimize the number of peak period vehicle trips generated by additional development, promote the use of alternative transportation, improve air quality and participate in regional and County-wide efforts to improve transportation demand management.

(Ord. C-7092 § 2 (part), 1993)

21.64.020 - Definitions.

The following words or phrases shall have the following meanings when used in this Chapter:

- A. "Alternative transportation" means the use of modes of transportation other than the single passenger motor vehicle, including but not limited to carpools, vanpools, buspools, public transit, walking and bicycling.

- B. "Applicable development" means any development project that is determined to meet or exceed the project size threshold criteria contained in Section 21.64.030
- C. "Buspool" means a vehicle carrying sixteen or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.
- D. "Carpool" means a vehicle carrying two (2) to six (6) persons commuting together to and from work on a regular basis.
- E. "California Environmental Quality Act (CEQA)" is a statute that requires all jurisdictions in the State of California to evaluate the extent of environmental degradation posed by proposed development.
- F. "Developer" shall mean the builder who is responsible for the planning, design and construction of an applicable development project. A developer may be responsible for implementing the provisions of this Chapter as determined by the property owner.
- G. "Employee parking area" means the portion of total required parking at a development used by on-site employees. Employee parking shall be calculated as follows:

Type of Use	Percent of Total Required Parking Devoted to Employees
Commercial	30%
Office/professional	85%
Industrial/manufacturing	90%

- H. "Preferential parking" means parking spaces designated or assigned, through use of a sign or painted space markings, for carpool and vanpool vehicles carrying commute passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single-occupant vehicles.
- I. "Property owner" means the legal owner of a development who serves as the lessor to a tenant. The property owner shall be responsible for complying with the provisions of this Chapter either directly or by delegating such responsibility as appropriate to a tenant and/or his agent.
- J. "South Coast Air Quality Management District (SCAQMD)" is the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin (the nondesert portions of Los Angeles, Orange, Riverside, and San Bernardino Counties).
- K. "Tenant" means the lessee of facility space at an applicable development project.
- L. "Transportation Demand Management (TDM)" means the alteration of travel behavior, usually on the part of commuters, through programs of incentives, services, and policies. TDM addresses alternatives to single occupant vehicles such as carpooling and vanpooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks).

- M. "Trip reduction" means reduction in the number of work-related trips made by single-occupant vehicles.
- N. "Vanpool" means a vehicle carrying seven (7) or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven to fifteen (15) adult passengers and on a prepaid subscription basis.
- O. "Vehicle" means any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles. (Also see the definition for "recreational vehicle" in Section 21.15.2270.)

(Ord. C-7092 § 2 (part), 1993)

21.64.030 - Transportation demand and trip reduction measures.

- A. **Applicability.** Prior to approval of any development project, the applicant shall make provision for, as a minimum, all of the following applicable transportation demand management and trip reduction measures.
 - 1. This Chapter shall not apply to projects for which a development application has been deemed "complete" by the City pursuant to Government Code Section 65943, or for which a NOP for a draft EIR has been circulated or for which an application for a building permit has been received prior to the effective date of this Chapter.
 - 2. All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair.
 - 3. Additions to buildings which existed prior to April 1, 1993 and which exceed the thresholds defined in this Section shall comply with the applicable requirements but shall not be added cumulatively with existing square footage; existing square footage shall be exempt from these requirements. All calculations shall be based on gross square footage.
- B. **Development Standards.**
 - 1. Nonresidential development of twenty-five thousand (25,000) square feet or more shall provide the following to the satisfaction of the City:
 - a. A bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to the following:
 - i. Current maps, routes and schedules for public transit routes serving the site;
 - ii. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;
 - iii. Ridesharing promotional material supplied by commuter-oriented organizations;
 - iv. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information; and
 - v. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
 - 2. Nonresidential development of fifty thousand (50,000) square feet or more shall comply with Subsection B.1 of this Section and shall provide all of the following measures to the satisfaction of the City:
 - a.

Not less than ten percent (10%) of employee parking area shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for building permit, to the satisfaction of the City. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required Transportation Information Board. Spaces will be signed/striped as demand warrants; provided, that at all times at least one (1) space for projects of fifty thousand (50,000) square feet to one hundred thousand (100,000) square feet and two (2) spaces for projects over one hundred thousand (100,000) square feet will be signed/striped for carpool/vanpool vehicles.

- b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet (7') two inches (2") shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.
 - c. Bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles per the first fifty thousand (50,000) square feet of nonresidential development and one (1) bicycle per each additional fifty thousand (50,000) square feet of nonresidential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers, or locked room) shall be to the satisfaction of the City.
3. Nonresidential development of one hundred thousand (100,000) square feet or more shall comply with Subsections B.1 and 2 of this Section, and shall provide all of the following measures to the satisfaction of the City:
- a. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers:
 - b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development:
 - c. If determined necessary by the City to mitigate the project impact, bus stop improvements must be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops:
 - d. Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

(Ord. C-7092 § 2 (part), 1993)

CHAPTER 21.65 - RESERVED

FOOTNOTE(S):

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Editor's note— ORD-13-0024, § 2, adopted Nov. 12, 2013, repealed Ch. 21.65, §§ 21.65.010—21.65.210, entitled "Tenant Relocation and Code Enforcement", which derived from ORD-05-0007, § 1(part), 2006. See Ch. 18.25 for similar provisions.