ORDINANCE NO. ORD-19-0032


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

Section 1. Chapter 3.90 of the Long Beach Municipal Code is amended to read as follows:

CHAPTER 3.90
DEVELOPMENT PERMIT CENTER SURCHARGE

3.90.010 Purpose.

The purpose of this Chapter is to impose a surcharge to fund the continuous upgrade, improvement and maintenance of technology for development projects and services.

3.90.020 Surcharge.

A. There shall be added to each fee imposed or authorized by the provisions of Titles 12, 14, 18, 20 and 21 of this Code; and Part 12.01 of the rules, regulations, and charges governing potable water, reclaimed...
water, sewer service, and the emergency water conservation plan adopted
by the Long Beach Board of Water Commissioners, a surcharge in an
amount as set forth in the Schedule of Fees and Charges established by
City Council resolution.

Exception: The surcharge shall not apply to the fees or
charges required in Chapters 18.15, 18.16, 18.17, and 18.18 of this Code,
and Sections 18.20.150, 21.60.650 and 21.61.070 of this Code.

B. The City Manager is authorized to establish appropriate
procedures to carry out the provisions of this Chapter.

Section 2. Subsection 8.56.020.C of the Long Beach Municipal Code is
amended to read as follows:

C. "Weeds" and/or "debris" includes all bushes, vines, trees,
grass or other vegetation, whether cultivated or uncultivated, and whether
dead or growing, and all refuse and rubbish of any kind or description, or
wood, asphalt, concrete and similar materials, or tin cans, parts of
machinery, implements and automobiles, any of which cause unpleasant or
noxious odors, or which are or may become a refuge or breeding place for
insects and vermin, or which conceal or are capable of concealing filth and
other unsanitary conditions, or which are, or are capable of becoming, a fire
or other hazard to the use and occupancy of neighboring properties, or
which obstruct or hinder the use of any public street, sidewalk, alley or way.

Section 3. Subsection 8.76.010.E of the Long Beach Municipal Code is
amended to read as follows:

E. Dead, decayed, diseased or hazardous trees, vegetation, weeds
and debris constituting unsightly appearance, dangerous to public safety and
welfare, or detrimental to neighboring properties or property values;
Section 4. Subsection 8.76.010.J of the Long Beach Municipal Code is amended to read as follows:

J. Clothesline visible from public view including front yard areas, in side yard areas, and corner lots;

Section 5. Subsection 8.76.017.C of the Long Beach Municipal Code is amended to read as follows:

C. Prohibited materials. No wood, plastic or similar materials shall be used to cover window openings, whether glazed or unglazed, provided that plywood may be used if painted in a color conforming to and consistent with the existing color of the vacant unit or units and is so approved by the Director of Development Services or his/her designee.

Section 6. Section 8.76.030 of the Long Beach Municipal Code is amended to read as follows:

8.76.030 Abatement—Hearing—Notice—Form.

If the owner fails to comply with the notice of the appropriate City official to abate the subject nuisance within the time specified in the notice to abate, the City official shall apply to the Board of Examiners, Appeals and Condemnation for a hearing and a finding of a nuisance. Notice of such hearing shall be substantially in the following form:

NOTICE OF HEARING TO DETERMINE EXISTENCE OF PUBLIC NUISANCE AND TO ABATE IN WHOLE OR IN PART

NOTICE IS HEREBY GIVEN that on the __________ day of __________, 20__, at the hour of ________ m., the Board of Examiners, Appeals and Condemnation of the City of Long Beach will hold
a public hearing in the Council Chambers of the Long Beach City Hall,
located at 411 West Ocean Boulevard, Long Beach, California, to ascertain
whether certain premises situated in the City of Long Beach, State of
California, known and designated as __________________________,
constitute a public nuisance subject to abatement by the rehabilitation of
such premises or by the repair or demolition of buildings or structures
situated thereon. If said premises, in whole or part, are found to constitute a
public nuisance as defined by Section 8.76.010 of the Long Beach
Municipal Code, and if the same are not promptly abated by the owner,
such nuisances may be abated by municipal authorities, and the costs of
rehabilitation, repair or demolition plus incidental enforcement costs will be
assessed upon such premises and such costs will constitute a lien upon
such land until paid.

Said alleged violations consist of the following: ________________________.

Said methods of abatement available are: ____________________________.

All persons having any objection to or interest in said matters are hereby
notified to attend a meeting of the Board of Examiners, Appeal and
Condemnation of the City of Long Beach to be held on the ______ day of
____________ , 20___, at the hour of ______ _m., when their testimony
and evidence will be heard and given due consideration.

Dated this __________ day of ___________, 20__.

(City Official)
Section 7. Section 8.76.110 of the Long Beach Municipal Code is amended to read as follows:

8.76.110 Abatement by City—Notice.

If the nuisance is not completely abated by the owner within the designated abatement period, the City Manager or such other City official as may be designated by him shall serve notice on the owner of the affected premises by certified mail at his last known address as it appears on the last equalized assessment roll a notice of intent to abate nuisance which shall be substantially in the following form:

NOTICE OF INTENT TO ABATE NUISANCE

NOTICE IS HEREBY GIVEN that an inspection made of the premises or property known and designated as ________________________________ was made on the _____ day of ___________, 20__, and a determination made that the order to abate the nuisance at said premises or property by the Long Beach City Council on ________________ had not been complied with. Abatement of said nuisance will be accomplished by either City forces or private contractor in accordance with the specifications attached hereto and costs of such abatement will constitute a lien upon said property until paid. Notice is hereby given that said abatement will be undertaken ten (10) days after the date of this notice, and you are herewith notified to remove from the area of your affected premises those articles you deem of value within said ten-day period of time. Articles removed from the premises in the accomplishment of said abatement will be held in storage for a period of thirty (30) days at (location)________________________ and a claim for articles removed may be made within said thirty (30)-day period. Articles not claimed and removed from the storage location within
said thirty-day period will be discarded or will be sold if determined to have value.

A statement of costs incurred in the abatement with charges to be assessed will be mailed to you after completion.

Section 8. Section 9.37.170 of the Long Beach Municipal Code is amended to read as follows:

9.37.170 Notice of lien.

The City shall file in the office of the County Recorder a certificate substantially in the following form:

NOTICE OF LIEN

Under the authority of Government Code Sections 38773.5 and 53069.4, as well as Chapter 9 of the Long Beach Municipal Code, the City did on ____________, 20___, abate a nuisance upon the real property hereafter described, and also on ____________, 20___, did impose the cost of the abatement and administrative costs and penalties upon the real property. The City of Long Beach claims a lien for costs/charges on the real property for the expense of doing the work in the amount of $____________ and for the amount of $____________ for administrative costs and $____________ for administrative penalties, for a total amount of $____________. This amount is a lien against the real property until it is paid, with interest at the legal rate per year from ____________, 20___ (insert date of confirmation of statement), and discharged of record. The real property referred to above, and upon which the lien is claimed is that certain parcel of land situated within the City of Long Beach, County of Los Angeles, State of California, more particularly as follows: ______________
Dated ___________, 20__.  

City of Long Beach  
By ________________

Section 9. Section 14.04.015 of the Long Beach Municipal Code is amended to read as follows:

14.04.015 Work within or on a public street or right-of-way, obstruction of a public street or right-of-way - permit required, regulations, penalties for non-compliance.

A. Definitions.

"Activity or Work Permissible within a Public Street" is defined as any work or activity permitted by this Code or authorized by the Director of Public Works.

"After Hours Work" is defined as construction and obstruction activity in public right of way during outside of Regular Hours Work.

"Emergency Work" is defined as immediate and unplanned action that must be taken to alleviate a hazardous condition, which represents an immediate threat to life, health, safety, or property. This includes continuous efforts to affect the restoration of interrupted utility services (electrical, water, gas, sewer, wastewater and telecommunications).

"Parking Lane Closure" is defined as any activity within an existing designated parking lane where parking space is reserved and parking for public use is not allowed.
"Peak Hour Construction and Right-of-Way Obstruction Regulations" is defined as all regulations contained in this Section that control and limit all construction and obstruction activity in the public right-of-way during After Hours Work on Public Right-of-Way or Peak Traffic Hours on Street Classifications Subject to Work Hour Restrictions.

"Peak Traffic Hours" is defined as Monday through Friday, 6:00 a.m. to 8:30 a.m. and 3:30 p.m. to 6:30 p.m.

"Regular Hours Work" is defined as construction and obstruction activity in the public right of way during Monday through Friday from 7:00 a.m. to 4:00 p.m.

"Right-of-Way" means any easement or land owned by the City and used or designated for use as a street, parkway, alley, utility corridor, walkway, promenade, or bike path, and the surfaces thereof, and the airspace above such surfaces and the subsurface area below such surfaces and includes any right-of-way to be dedicated in the future.

"Sidewalk Closure" is defined as any activity within the sidewalk (property line to curb) which reduces the usable sidewalk width, interrupts pedestrian traffic and is a possible cause of safety hazard.

"Street Classifications Subject to Work Hour Restrictions" is defined as Temporary Street Closure or Traffic Lane Closure on major and secondary highways, or collector streets, as designated in the Transportation Element of the General Plan.

"Temporary Street Closure" is defined as the temporary restriction of all vehicular traffic for construction purposes authorized by a valid permit, and an approved
Traffic Management Plan.

"Traffic Lane Closure" is defined as any activity within the public street, travel lane, bike lane or in an alley, which reduces the usable width to the point where one or more lanes of traffic cannot move safely and efficiently.

"Traffic Management Plan" is defined as a plan that addresses traffic control requirements in a construction area, and along detour routes and pedestrian reroute plan. The operation of a Traffic Management Plan is affected by the project's construction phasing, construction schedules, and work area required by the contractor, and shall be consistent with the contractor's project requirements, provided by the Department of Public Works.

"Worksite Traffic Conditions" is defined as those physical conditions, including signage, signal devices, operation of equipment, and conduct of workers (which are required by law), permit and plans to provide adequate street space, and accommodate traffic demands, particularly during Peak Traffic Hours on Traffic Lane Closure.

B. Permit required. No person shall affect a Traffic Lane Closure, Sidewalk Closure or Parking Lane Closure or perform work within or on any Public Street or public Right-of-Way, or obstruct any Public Street or public Right-of-Way for any reason without first applying for and obtaining a permit from the City. The person or entity requesting the permit shall pay all applicable permit fees required for any Activity or Work Permissible within a Public Street or public Right-of-Way.

1. Exemption from obtaining permit prior to any work or obstruction on Public Street or Right-of-Way. Emergency Work as defined above shall be exempt from Peak Hour Construction and Right-of-Way
Obstruction Regulations during Peak Traffic Hours on Street Classifications
Subject to Work Hour Restriction. Advance notification shall be given to
the Department of Public Works prior to the work being initiated. A permit
shall be obtained within forty-eight (48) hours of beginning the Emergency
Work.

2. Exemption from Peak Hour Construction and Right-Of-
Way Obstruction Regulations for Public Works Approved Non-Emergency
Work. The permittee or applicant shall submit the request with a complete
permit application to the Department of Public Works. Applicable Traffic
Management Plan and After Hours Work or Peak Traffic Hours shall be
approved by the Department of Public Works.

3. Applicable fees for processing applications shall be
applied. A fee for processing each request submitted pursuant to the
provisions of paragraph 2 of this Subsection shall be established by City
Council resolution.

C. Application for permit. Any application for a permit under this
Section shall include the following information:

1. The name, address and telephone number of the
applicant and the person responsible for the work or obstruction of the
public street or any right-of-way;

2. The name, location and area of the street or right-of-
way for which the permit is desired; and

3. A description of the work to be done within the public
street or right-of-way and an explanation of why the proposed obstruction
of the public street or right-of-way is necessary.

4. Any other items as requested on the most current
application form or requested during review of a permit application
submittal.
D. Penalties for non-compliance.
   
   1. Administrative penalties.
      
      a. The failure to obtain a permit pursuant to this
         Section, the failure to abide by the Peak Hour Construction and Public
         Right-of-Way Obstruction Regulations contained in this Section, the failure
         to comply with Worksite Traffic Conditions or the violation of any special
         condition or requirement of a valid construction permit issued pursuant to
         the Long Beach Municipal Code, shall subject the violator to administrative
         penalties as set forth in Chapter 9.65, in an amount established by City
         Council resolution.
      
      b. Any administrative penalty issued pursuant to
         this Section shall be governed by the provisions set forth in Section
         9.65.060.
      
   2. Criminal prosecution for multiple violations. Four (4) or
      more administrative citations issued to the same person or entity within
      twelve (12) months may constitute a misdemeanor under the Long Beach
      Municipal Code, may subject the violator to prosecution by the City and
      may subject the violator to other potential criminal penalties as allowed by
      law.

Section 10. Chapter 14.08 of the Long Beach Municipal Code is amended

to read as follows:

CHAPTER 14.08

EXCAVATIONS, STREET IMPROVEMENTS AND TEMPORARY

OCCUPATION OF RIGHTS-OF-WAY

ARTICLE I. – GENERAL PROVISIONS

14.08.010 Definitions.
For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

"Applicant" means any person who applies for a permit under this Chapter.

"City" means the City of Long Beach, California, acting by and through the City Council.

"Contractor" means a person who, for a fixed sum, price, fee percentage or compensation other than wages, undertakes or offers to undertake or purports to have the capacity to construct, alter, repair, add to, improve or install surface improvements to streets or any part thereof, or makes or commences to make any excavation in or under the surface of any right-of-way for the installation, repair, or removal of any pipe, conduit, duct or tunnel in the right-of-way.

"Facilities" means pipes, pipelines, conduits, ducts, tunnels, poles, pole lines, cables, wires, vaults, traps, manholes, appliances, attachments and appurtenances used in connection therewith, for the purpose of the transmission, transportation or conveyance of any liquid or gaseous substance or substances, steam, air, electrical energy, or for communication purposes, or for the purpose of providing housing or protection for interior lines used, intended to be, or capable of being used for such purpose or purposes.

"Permit" means the document issued to an applicant by the City under this Chapter and includes any amendment or supplement to any such permit.
"Permittee" means any person to whom a permit has been granted and issued under the terms of this Chapter.

"Person" means an individual, a receiver, a trustee, a co-partnership, a joint venture, a firm, an unincorporated association, a syndicate, a club, a society, a trust, a private corporation, a limited liability company, a public corporation, a municipal corporation, a County, a State, a national government, a municipal, County, State or federal agency, board or commission, a water district, a utility district, a political subdivision, a school district, a drainage, irrigation, levee, replenishment, reclamation or conservation district, and a flood control district, whether acting for himself/herself/itself or in any representative capacity.

"Right-of-way" means any easement or land owned by the City and used or designated for use as a street, parkway, alley, utility corridor, walkway, promenade, or bike path, and the surfaces thereof, and includes any right-of-way to be dedicated in the future.

"Improvements" means the repair, modification, alteration, removal, or addition of facilities including, but not limited to, grading, paving, curbs, gutters, sidewalks, driveways, landscaping, street lighting, traffic signals, stairs, fences, walls, and any other work in the right-of-way.

ARTICLE II. – PERMITS

14.08.020 Public works permit—Required.

A. No person shall perform any of the following activities without first obtaining a permit from the City Engineer authorizing such person to make such excavation, improvement, or temporary occupancy:
1. Make any excavation or improvements in, on, or under the surface of any right-of-way.

2. Use or occupy any right-of-way with a temporary occupancy consisting of any structure, container, materials, equipment, vehicles, or construction signs related to work on private property.

3. Make any excavation or improvements in, on, or under the surface of private property adjacent to any right-of-way, where lateral support to such right-of-way or improvements or property within such right-of-way is affected by such excavation. Such excavation shall be subject to the additional requirements specified in Article IV of this Chapter.

B. This Section shall not be applicable to excavations performed pursuant to contracts awarded for such work by the Board of Harbor Commissioners, or any activity for which a permit has been granted pursuant to Chapter 5.60.

14.08.030 Public works permit—Application.

A. The application for a permit under this Chapter shall be completed and filed with the City Engineer on the City's application form. Such permit application shall contain the name and street address of the applicant and shall describe in detail the excavation, improvement, or temporary occupancy to be made and the purpose of the excavation, improvement or temporary occupancy.

B. The application for excavation or improvements shall include seven (7) copies of a construction plan, twenty-four inch by thirty-six inch (24" x 36") size showing the proposed location of the excavation or improvements and the dimensions thereof, together with such other details as the City Engineer may require on such plan. The plan shall be drawn to a scale of not more than twenty feet to the inch (20' = 1") and all copies
thereof shall be to this scale. In addition, the application shall include
evidence that the applicant is either:

1. Under contract with the City for the excavation or
improvement; or

2. Authorized by law or a valid franchise to use the right-
of-way for which an excavation or improvement is being requested; or

3. Authorized by a pipeline permit issued under Chapter
15.44 to use the right-of-way for which an excavation or improvement is
being requested; or

4. Required to construct the excavation or improvement
in conjunction with a building permit issued under Chapter 18.04 or a
conditional use permit issued under Chapter 21.25.

5. All construction plans submitted with an application for
an excavation permit relating to any hazardous liquid facilities shall be
signed by a California registered civil and/or mechanical engineer and shall
be accompanied by a certification, signed by the engineer, that all facilities
are in compliance with either the Federal Hazardous Liquid Pipeline Safety
Act of 1979 and its amendments, the California Pipeline Safety Act of 1981
and its amendments, or the City hazardous liquid pipeline ordinance and its
amendments, whichever one applies.

6. The applicant shall provide any additional information
which the City Engineer may deem necessary.

7. The application and permit shall be signed by the
applicant or the authorized agent of the applicant. Any person signing the
application and permit as an agent shall furnish written authorization signed
by the applicant designating the person as an authorized agent for such
purpose.
14.08.040  Public works permit—Fees.

A.  Every applicant for a permit under this Chapter shall, when
the application is filed, pay to the City a fee established by resolution of the
City Council. If, at any time, the City Engineer determines that the original
fee paid by the applicant is not sufficient to recover costs accrued by the
City, then the City Engineer may, at his discretion, require that an additional
fee be paid in an amount sufficient to recover said costs.

B.  The holder of a valid franchise or permit, with the approval of
the City Engineer, may pay pipeline permit and inspection fees on a
monthly basis. The City Engineer shall bill the holder each month for the
fees accrued during the preceding month.

14.08.050  Public works permit—Deposit or bond.

A.  Unless the City Engineer has authorized the permittee to
perform the resurfacing or repair of the surface of any highway, public street
or alley which may be removed in part or damaged by excavation, fill or
temporary occupancy pursuant to a permit issued under this Chapter, the
permittee shall deposit with the City the estimated cost of resurfacing or
repairing the surface of the highway, public street or alley which may be
damaged or destroyed.

B.  To ensure compliance with conditions established in the
permit, the City Engineer may require that the permittee furnish a surety
bond, cash deposit, or letter of credit. All bonds shall comply with
regulations issued by the City pursuant to Section 2.84.040 and shall be in
an amount equal to twice the estimated cost of performing the work
provided, however, that the minimum amount of such bond shall not be less
than one thousand dollars ($1,000.00), and the minimum duration of the
bond shall not be less than one (1) year. The condition of such bond shall
be that the permittee will perform the work authorized by any permit issued pursuant to this Code in a good and workmanlike manner and to the satisfaction of the City Engineer.

14.08.060 Public works permit—Issuance.

A. If the applicant complies in all respects with this Chapter and with all other applicable laws, rules, regulations and ordinances of the City, and pays the fees and deposits required by this Chapter, and said permit is not being sought for excavation in a right-of-way that has been constructed, reconstructed, or resurfaced within the previous sixty (60) months or slurry sealed within the previous twenty-four (24) months, then the City Engineer shall issue the permit.

B. However, permits for excavation in a right-of-way that has undergone construction, reconstruction or resurfacing within the previous sixty (60) months or slurry sealed within the previous twenty-four (24) months and are not for an emergency repair or a new service connection to an underground utility shall be deemed discretionary and subject to the approval of the City Council.

C. The City Council may authorize a discretionary permit under the following criteria:

1. The applicant can demonstrate that the permit for excavation in a right-of-way is immediately required for the general health, safety, and welfare of the City and, as such, cannot be delayed until the sixty (60) month or the twenty-four (24) month period, described above, has expired; and

2. The applicant can demonstrate that alternatives to excavating in the right-of-way, such as alternative routing or construction methods, including boring or excavation of the parkway, are not possible.
14.08.070  Public works permit—Failure to obtain.

   A. If a person begins excavation, the construction of any
   improvement, or occupies the right-of-way prior to obtaining a permit, the fee
   to obtain a permit shall be double the fee prescribed in Section 14.08.040, as
   a penalty for the failure to obtain a permit as required herein.

   B. The payment of the penalty shall not relieve such person from
   fully complying with this Chapter in the execution of the work, or from
   penalties prescribed herein.

14.08.080  Public works permit—Defective work.

   If improvements are made under a permit and do not comply
   with the specifications and this Chapter, the City Engineer shall notify the
   person to whom the permit was granted and identify the defect or failure
   and the person shall, within a period of five (5) days after the service of the
   notice, proceed with reasonable diligence to remedy the defect or failure. If
   the person does not comply with the requirements of the notice, the City
   Engineer may order the improvements removed at the expense of the
   permittee and the permittee shall promptly reimburse the City for the cost
   of removal.

14.08.090  Default.

   A. If a permittee fails to comply with this Chapter, the City may
   notify the permittee in writing of the failure and identify the time within
   which the failure must be remedied. If the permittee fails or refuses to
   remedy the failure within the period of time stated in the notice, the City
   Engineer may revoke the permit and correct the failure. The permittee
   shall promptly reimburse the City for any expense incurred by the City in
   correcting the failure. If the permittee continues work after the permit has
been revoked and if the City files suit to restrain the permittee or otherwise
enforce this Chapter, then the permittee shall reimburse the City for its
reasonable costs and expenses in connection therewith, including attorney
fees and court costs.

B. Any structure, materials, barricade, vehicle or other object
placed in the right-of-way in violation of this Chapter may be removed and
stored in any convenient place by the City Engineer or City officer or
employee designated by him/her. If it is removed, the City will notify the
owner thereof, in writing, within three (3) working days after its removal. If
the owner fails to claim the items and pay the expenses of removal and
storage within thirty (30) days after removal, the items shall be deemed to
be unclaimed property in possession of the Police Department and may be
disposed of pursuant to Chapter 2.78.

14.08.100 Liability

Insurance.

Permittee shall secure and maintain, during the life of the permit,
commercial general liability insurance as described in regulations issued by
the City pursuant to Section 2.84.040.

14.08.110 Exemption from fees, bonds and deposits.

If improvements or excavations are made under this Chapter by or
for a municipal corporation, a County, a State, the federal government, a
County, State or federal agency, board or commission, a drainage,
irrigation, levee, replenishment, reclamation or water district, or a
conservation or flood control district, then no fees or deposits shall be
required prior to the issuance of the permit.
14.08.120 Public works permit – Terms and conditions.

A. A permit shall be subject to the following conditions:

1. The permit shall be kept at the site of the work and shall be shown on demand to a City representative.

2. Permittee shall comply with California Government Code Section 4216 and following. Markings made pursuant to such Code Section shall not be made more than fourteen (14) calendar days prior to commencement of work and all markings shall be removed within two (2) months after the date markings are no longer needed or completion of the work, whichever occurs first.

3. The permit is nontransferable.

4. Improvements that will be maintained by the permittee may require the execution of a maintenance agreement with the City by the permittee.

5. For excavations or improvements, the City Engineer may revoke the permit unless the work begins within sixty (60) days after the issuance of the permit and is diligently performed to completion in the sole opinion of the City Engineer.

6. Permittee shall defend, indemnify and hold harmless the City, its officials and employees from and against all liability, loss, damage, demands, causes of action, proceedings, fines, penalties, costs, and expenses including attorney fees arising in any way from permittee's work under the permit and, furthermore, permittee shall obtain the commercial general liability insurance required in regulations issued by the City pursuant to Section 2.84.040.

7. Permittee shall, at permittee's sole expense, within ten (10) days after receipt of written notification from the City Engineer to do so, remove any improvement or facilities or, with the prior approval of the City
Engineer, relocate them to a site designated by the City Engineer if at any
time the improvement or facilities interfere with the use, repair, improvement,
widening, change in grade, or relocation of any right-of-way or highway, or
interfere with the construction of any subway, viaduct or other underground
conduit or structure of any kind.

B. Either when the permit is issued or at any time thereafter until
the completion of work or end of the temporary occupancy, the City
Engineer may require additional conditions as he finds reasonably
necessary for the protection of the right-of-way or highway, for the
prevention of undue interference with traffic, or to assure the safety of
persons using the right-of-way or highway.

14.08.130 Refusal to issue authorized.

The City Engineer may refuse to issue a permit for improvements,
excavation, or temporary occupancy in the right-of-way if the applicant has
previously failed or refused to comply with this Chapter or if the excavation,
improvement, or temporary occupancy will endanger the health and welfare
of the residents of the area where the work will be performed.

14.08.140 Public works permit—Construction standard.

All improvements shall be performed to the satisfaction of the City
Engineer and in accordance with the "Standard Specifications For Public
Works Construction" current edition, approved plans, and with this Chapter.

ARTICLE III. — CONSTRUCTION STANDARDS

14.08.150 Removal of materials and debris.

Any person performing or causing to be performed any work under
this Chapter shall remove or cause to be removed from the site of any
excavation or improvements all debris and excess materials within three (3) days after the completion of the work.

14.08.160 Inspection.

At least two (2) working days prior to beginning work or temporary occupancy, permittee shall notify the City Engineer by giving permittee’s name, permit number, type of work, starting date, time of construction, name of permittee’s representative at the site and the underground service alert ticket number. After work begins, permittee shall notify the City Inspector of the daily work in progress and the type of inspection required. Failure to contact the City Engineer or his representative or the use of unacceptable materials or unacceptable work shall result in a stop construction notice being issued. Work shall not resume until corrections have been made.

14.08.170 Subsurface installations—Depths.

A. No person shall install any conduit, duct, shoring structure or tunnel within three feet (3') below established grade of any right-of-way. Installations such as manholes, culverts, and catch basins, within three feet (3') below the established grade of the right-of-way will require the City Engineer’s approval. For all other installations below the established grade of the right-of-way, the City Engineer may, at his or her discretion, upon receipt of sufficient evidence of necessity or public benefit, grant a special permit for these installations. A shoring structure shall include, but is not limited to, tiebacks, excavation, caisson/soldier piles, and raker/brace system. Tiebacks shall include, but is not limited to, the steel tendon, coupler, bearing plate, anchor plate, and element made of cementitious or similar material anchoring the tieback tendon in the soil or rock. For any
structure left in place within the public right-of-way, applicants shall provide to the satisfaction of the City Engineer the as-built construction drawings and electronic files in current Geographic Information System (GIS) format, as per the latest official City datum plane to be used to update the City's GIS.

B. This Subsection shall apply to a proposed subsurface shoring system requiring tiebacks pursuant to a permit issued under this Chapter. When the tiebacks are no longer required due to the construction of a permanent retaining structure to maintain the stability of the subterranean structure, the tiebacks shall comply with the following:

1. Remove the tiebacks installed within eight feet (8') below the established grade of the right-of-way.

2. For any proposed tieback left in place between eight feet (8') and twenty feet (20') below the established grade of the right-of-way, applicants shall pay to the Public Works Department a mitigation fee, as determined by City Council resolution, for each tieback or portion thereof. This fee will be refunded upon proof of the entire tieback removal.

3. Where the tieback is allowed to remain in place at more than eight feet (8') below the established grade of the right-of-way, de-tension, decouple and remove the last extension of the tendon installed.

4. For any portion of the tieback made of cementitious or similar material left in place between eight feet (8') and twenty feet (20') below the established grade of the right-of-way, the compressive strength shall not exceed two thousand (2,000) pounds per square inch (psi).

5. Tiebacks shall maintain a minimum of two feet (2') clearance from any existing utility line or subsurface structure.

6. The City Engineer may modify the tieback requirements if extensive utility lines are present in the area or the street is on the Paving Moratorium List.
C. Exception: The City Engineer shall have the authority to exempt City-owned projects.

D. The City may issue an administrative citation and impose administrative penalties for violation of and failure to satisfy these requirements in accordance with Chapter 9.65.

14.08.180 Backfill—Standards.

All excavations shall be backfilled in a manner satisfactory to the City Engineer and in accordance with the "Standard Specifications For Public Works Construction," current edition. If, at any time, the backfill fails and creates an unsafe condition, the City Engineer shall notify permittee of the failure and permittee shall repair the failure, at his/her/its own expense, to the satisfaction of the City Engineer.

14.08.190 Backfill—Temporary road surface.

Whenever the pavement or surfacing is not immediately replaced, the surface of the backfill shall conform to the level of the adjoining street surface and shall be compacted so that it is hard and smooth enough to be safe for traffic to travel any legal rate of speed. If required by the City Engineer, permittee shall cover the backfilled area with temporary surfacing.

14.08.200 Right-of-way surface replacement.

The surface of the right-of-way shall be replaced under the direction and supervision of the City Engineer at the sole cost and expense of the permittee, who shall maintain the surface for one (1) year after the date of completion of the work. If permittee fails to maintain the surface during said one (1) year period, the City Engineer may give to permittee a written
notice specifying the manner in which the permittee has failed to maintain
the surface and the work necessary to be performed to restore the surface.
Permittee shall have five (5) days after notice is given to restore or repair
the surface and, if permittee fails or refuses to do so, the City Engineer, if
he deems it advisable, shall have the right to perform the restoration or
repair. Permittee shall be liable for the actual cost of the work plus twenty-
five percent (25%) for City's administration and overhead, and shall
promptly pay these charges to the City on receipt of a statement from the
City. All work shall be done in accordance with the requirements provided
in the "Standard Specifications For Public Works Construction," current
dition.

14.08.210 Backfill—Responsibility.

Permittee shall maintain the surface of the backfill safe for vehicular
traffic and pedestrian travel until the pavement or surfacing has been
replaced and accepted by the City Engineer, and be liable for all accidents
which occur to vehicles or pedestrians at the site of the excavation, until
the pavement or resurfacing has been replaced. If it is impractical to
maintain the surface of the backfill in a safe condition for traffic, then
permittee shall maintain barriers and red lights around it until the pavement
or surfacing has been replaced.

14.08.220 Safe crossings to be maintained.

Permittee making any excavation shall maintain safe crossings for
vehicles and pedestrian traffic at all street intersections and safe crossings
for pedestrians at intervals not to exceed six hundred feet (600'). If any
excavation is made across a public street, at least one (1) safe crossing
shall be maintained at all times for vehicles and pedestrians. All materials
excavated from the site shall be laid compactly along the side of the trench and kept trimmed to cause as little inconvenience as possible to public travel. If the right-of-way is not wide enough to hold the excavated material without using part of an adjacent right-of-way, permittee shall erect and maintain a tight board fence on and along the sidewalk and keep a passage at least three feet (3') wide open and along the right-of-way. The excavation shall be performed in such a manner so that it does not interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within fifteen feet (15') of fire hydrants. Passageways leading to fire escapes or firefighting equipment shall be kept free from piles of materials or other obstructions.

14.08.230 Gutters and watercourses.

Permittee shall keep and maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot (1') in width from the face of the curb at the gutter line. When a gutter crosses an intersecting street, an adequate waterway shall be provided and maintained at all times. Permittee shall also provide for the flow of any watercourse intercepted during the excavation and shall restore the watercourse to the same condition that existed prior to the excavation, or shall make other provisions for waterflow as the City Engineer may direct.

14.08.240 Plan to conform to actual installation.

Every person owning, using, controlling or having an interest in any facilities in a right-of-way, except a service pipe or pipes, shall file in the office of the City Engineer, within sixty (60) days after the completion of installation of the facilities, a corrected record plan drawn to scale of not more than forty feet to the inch (40' = 1"), showing the facilities provided,
however, that if the plan filed with the City Engineer at the time the permit is issued is correct in every detail, permittee may make a notation to that effect on the plan, and the plan shall constitute compliance with this Section.

Final acceptance by the City Engineer for the work performed under the permit is dependent on full compliance with this Section.

14.08.250 Abandonment of facilities.

Whenever facilities (except a service pipe or pipes) located under the surface of any right-of-way or the use of the facilities is abandoned or removed, the person owning, using, controlling or having any interest therein shall, within sixty (60) days after such abandonment, file in the office of the City Engineer a plan giving in detail the location of the facilities that were abandoned.

14.08.260 Repair of ruptured oil and gas lines.

Whenever facilities used for the transportation of oil, gasoline, gas or other petroleum products rupture in such a manner that the contents escape, the person maintaining or using the facilities shall immediately make repairs to ensure future safe operation of the facilities in accordance with Section 15.44.140. If the office of the City Engineer is closed when the break occurs, such person may make an excavation in the right-of-way to repair the facilities without first obtaining a permit from the City Engineer. Any person making an excavation under these circumstances shall apply for a permit not later than ten o’clock (10:00) a.m. on the first day the office of the City Engineer is open following the rupture. When the facilities are near a leaking facility, the person maintaining such facilities shall uncover them for inspection if required to do so by the City Engineer.
14.08.270 Temporary occupancy standards.

Any temporary occupancy of a right-of-way subject to this Chapter shall meet the following requirements:

A. The maximum width of the temporary occupancy including contents shall be eight feet (8'), unless otherwise approved by the City Engineer in accordance with this Chapter;

B. The temporary occupancy shall not be located in a manner which interferes with the flow of traffic;

C. Proper warning devices shall be provided for the temporary occupancy, to the satisfaction of the City Engineer;

D. The temporary occupancy shall be kept in good repair, free of graffiti, and in a safe and sanitary condition;

E. Temporary occupancy shall be located in a manner which does not interfere with visibility, vehicular mobility, or access to facilities. Locations shall be determined by the City Engineer at the time of application;

F. Permits will be issued for a period not to exceed ninety (90) days. On expiration, a new permit must be obtained on the basis of a new application.

14.08.280 Warning lights and barricades.

A permittee shall keep and maintain barriers at each end of excavations, at such places as may be necessary along the excavation, and at the site of the improvements or temporary occupancy. Permittee shall place and maintain signs or barriers with letters not less than three inches (3") high, which state the name of the permittee. Permittee shall also place and maintain lights at ends of the excavation and at a distance of not more than fifty feet (50') along the line thereof. For improvements
and temporary occupancy, permittee shall place and maintain such lights as necessary to warn the public. Permittee shall maintain the lights until the excavation has been entirely refilled or until the improvements or temporary occupancy has been completed. Any lighting required by this Section shall be operated between sunset and sunrise of the next day. If permittee fails to place and maintain such barricades and lights the City may place and maintain such barricades and lights and permittee shall promptly reimburse the City in the manner provided in Chapter 14.12.

14.08.290  Relocation of existing interferences.

Permittee shall move and relocate all interferences, including trees, poles, street lighting systems, parking meters, sewers, storm drain appurtenances and culverts located within the area of work which will interfere with the facilities, at the permittee’s expense. Permittee shall obtain consent of the owner of the interference for the removal or relocation and shall furnish to the City Engineer satisfactory evidence of all necessary arrangements for removal or relocation of the interference prior to the issuance of the permit.

14.08.300  Basement appurtenances.

No person shall construct or place a freight elevator or windows for basement lighting in the sidewalk area back of the established curbline of the street; provided, however, that existing freight elevators and window lights may be repaired or replaced if, in the opinion of the City Engineer, such freight elevators and window lights do not constitute a hazard to the public.
14.08.310 Plans.

A. Plans shall be prepared for right-of-way improvements whenever, in the opinion of the City Engineer, such plans are necessary for the proper construction and supervision of the work.

B. When such plans are necessary, they may be prepared, at the option of the City Engineer, by a qualified licensed engineer employed by the applicant. Plans submitted by the licensed engineer must first be approved by the City Engineer before a permit is issued and work is started. The City Engineer may specify the type and quality of material on which the plans are drawn, the size of the sheets, the scale of the drawings, the size and wording of the title, the information to be shown on the plans, and all other details, including specifications, in connection therewith. All plans for the work shall become the property of the City and shall be filed in the office of the City Engineer. When the qualified licensed engineer submits the required plans, he/she shall pay to the City a processing fee in an amount prescribed by the City Council by resolution.

14.08.320 Work stoppage authorized.

Whenever the City Engineer finds that any improvement or excavation is being constructed contrary to or in violation of this Code or if it comes to the attention of the City Engineer that any work under a permit is dangerous, unsafe or a menace to life, health or property, the City Engineer shall order the work to be immediately stopped or shall order the alteration of any dangerous or unsafe condition. Such order shall be in writing and shall specify the manner in which the work is dangerous, unsafe or a menace to life, health or property. After receipt of the order the permittee shall not continue with any improvement or excavation until the work has been made to comply with this Chapter and with the instructions
given by the City Engineer.

ARTICLE IV. – EXCAVATIONS ADJACENT TO RIGHTS-OF-WAY

14.08.330 Public works permit—Additional terms and conditions.

Whenever a permit is required under Subsection 14.08.020.A.3 to excavate, occupy, or use any space below any public sidewalk, public street, or other right-of-way adjacent to private property for the purpose of facilitating the construction of a structure to be erected on such private property, a permit issued under this Chapter shall be subject to the following additional terms and conditions:

A. Permittee shall comply with any and all other requirements set forth in this Chapter.

B. Permittee shall retain a professional civil engineer registered in the State of California and legally qualified to locate property lines and reference structures to such property line to prepare a plan and profile drawing on twenty-four inch by thirty-six inch (24" x 36") sheet showing all installations, substructures, utilities, water works, drainage facilities and appurtenances between the property line and the centerline of the street or to such further line as may be identified by the City Engineer. The street profiles shall be shown using elevations in reference to the official City datum plane. The location of any substructure or underground utility between the curb and the property line shall be verified by spot excavation prior to completion of plans. Any other substructure which may be affected by the proposed excavation or construction shall also be verified by spot excavation.

C. Permittee shall comply with all standard procedures established by the City Engineer in connection with uses on rights-of-way adjacent to private property where a private structure will be constructed.
with specific reference to the following uses:

1. Removal of a portion of the right-of-way adjacent to private property during a portion of the construction period; or

2. Constructing steel, concrete, or steel and concrete structures in rights-of-way for the purpose of providing lateral support for the right-of-way during the construction period and allowing these structures to remain in the right-of-way after completion of the building.

14.08.340 Public works permit—Bond required.

In addition to the requirements set forth under Section 14.08.050, for excavations adjacent to the right-of-way, Permittee shall furnish a bond in an amount of one hundred and twenty-five percent (125%) of the total estimated cost of restoring the right-of-way to its original condition in the event of a failure of the lateral supports in the excavation site, as determined by the City Engineer. The bond may be a cash deposit, security equivalent to cash, or surety bond, provided in accordance with regulations issued by the City pursuant to Section 2.84.040.

Section 11. Section 21.33.045 of the Long Beach Municipal Code is amended to read as follows:

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 18.04.040 of the Municipal Code.

Section 12. Section 21.45.400 of the Long Beach Municipal Code is amended to read as follows:

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 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 subject to all
applicable state and local construction codes and provide conduit from the
electrical panel to the roof; and

4. A designated area for the collection of recyclables
shall be provided adjacent to the area for the collection of waste.
Section 13. The Long Beach Municipal Code is amended by adding Chapter 14.44 to read as follows:

CHAPTER 14.44
TEMPORARY FENCING AND GRAPHIC SCREENING

14.44.010 Purpose.
The provisions of this Chapter shall govern the erection of temporary fencing on public or private property during periods of construction impacting the public right-of-way. This Chapter establishes parameters for such fencing.

14.44.020 Definitions.
For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

"City" means the City of Long Beach, California, acting by and through the City Council.

"Development" means the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; or any use or extension of the use of land. This definition includes, but is not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the California Government Code); 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; change in the intensity of use of water, or of access thereto; construction, reconstruction,
demolition, or alteration of the size of any structure, including any facility of
any private, public, or municipal utility; and 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 of the California Public Resources Code.)

"Graphics" is defined as visual images communicating a cohesive theme or
concept.

"Person" means an individual, a receiver, a trustee, a co-partnership, a
joint venture, a firm, an unincorporated association, a syndicate, a club, a
society, a trust, a private corporation, a limited liability company, a public
corporation, a municipal corporation, a County, a State, a national
government, a municipal, County, State or federal agency, board or
commission, a water district, a utility district, a political subdivision, a school
district, a drainage, irrigation, levee, replenishment, reclamation or
conservation district, and a flood control district, whether acting for
himself/herself/itself or in any representative capacity.

"Structure" means any of the following, including but not limited to, building,
road, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical
power transmission, and distribution line.

"Temporary fencing" is defined as any fencing or barrier installed for
demolition, construction, or other purposes to protect a development site or
shield a development site from view.
14.44.030 Permit required.

No person shall erect temporary fencing without first applying for and obtaining a permit from the City. The person requesting the permit shall submit all required items and pay all applicable permit fees. This includes:

A. Plan drawings clearly identifying the perimeter fencing dimensions, location, and impacts to the abutting rights-of-way.

B. Public Works permit shall be obtained for the purpose of street use of right-of-way.

C. Color renderings of the proposed graphics on a scaled drawing clearly identifying the location of each image.

D. Breakdown of the image area per the categories outlined in Section 14.44.040.

14.44.040 Graphic screening.

All temporary fencing erected on public or private property shall be screened with graphics representative of the City and/or the development being screened in accordance with all of the following conditions:

A. One hundred percent (100%) of the fenced area must contain graphics.

B. A minimum of forty percent (40%) of the fenced area must contain City images.

C. Up to thirty-five percent (35%) of fenced area can contain project specific images.

D. Up to twenty-five (25%) of fenced area can contain advertising for the site such as but not limited to contact information for a broker, leasing agent, and/or opening dates.

E. The total square footage of fenced area shall be calculated by
multiplying the height of the fence by the length of perimeter fencing that
requires graphic screening.

EXCEPTION: The following are exempt from the requirement of this Section:

1. A project that has a duration of less than six (6) months
   per the submitted and approved construction schedule.

2. Graphic screening is not required on temporary fencing
   that is fronting or facing an alley or other areas not visible to the general
   public as determined by the City.

14.44.050 Maintenance.
All fencing and graphics shall be maintained in good condition.
Damaged, torn, or faded fencing or graphic screening shall be replaced
within five (5) days.

Section 14. The Long Beach Municipal Code is amended by adding
Chapter 14.48 to read as follows:

CHAPTER 14.48
ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

14.48.010 Purpose.
The provisions of this Chapter shall govern the encroachment of
structures or a portion of a building into the public right-of-way. This
Chapter establishes parameters for such encroachments not only at grade
but also above and below grade.

14.48.020 Definitions.
For the purpose of this Chapter, unless the context clearly requires a
different meaning, the words, terms and phrases set forth in this Section are
defined as follows:

"Applicant" means any person who applies for a permit under this Chapter.

"City" means the City of Long Beach, California, acting by and through the City Council.

"Contractor" means a person who, for a fixed sum, price, fee percentage or compensation other than wages, undertakes or offers to undertake or purports to have the capacity to construct, alter, repair, add to, improve or install surface improvements to streets or any part thereof, or makes or commences to make any excavation in or under the surface of any right-of-way for the installation, repair, or removal of any pipe, conduit, duct or tunnel or any other construction purpose in the right-of-way.

"Development" means the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; or any use or extension of the use of land. This definition includes, but is not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code); 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; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and 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 of the California Public Resources Code.)

"Improvements" means the repair, modification, alteration, removal, or addition of facilities including, but not limited to, grading, paving, curbs, gutters, sidewalks, driveways, landscaping, street lighting, traffic signals, stairs, fences, walls, and any other work in the right-of-way.

"Installation and Maintenance Agreement" or "IMA" means the document required to formalize a binding agreement between an applicant and the City when work is being completed within the right-of-way that is not in compliance with or is outside of the City standards. The applicant is required to install and maintain the improvement for the duration of the agreement. This includes improvements such as artwork, decorative paving, or other objects. An improvement permit may not be issued until the IMA is executed.

"Permit" means the document issued to an applicant by the City under this Chapter and includes any amendment or supplement to any such permit.

"Permittee" means any person to whom a permit has been granted and issued under the terms of this Chapter.

"Person" means an individual, a receiver, a trustee, a co-partnership, a joint venture, a firm, an unincorporated association, a syndicate, a club, a society, a trust, a private corporation, a limited liability company, a public corporation, a municipal corporation, a County, a State, a national government, a municipal, County, State or federal agency, board or
commission, a water district, a utility district, a political subdivision, a school
district, a drainage, irrigation, levee, replenishment, reclamation or
conservation district, and a flood control district, whether acting for
himself/herself/itself or in any representative capacity.

"Right-of-way" means any easement or land owned by the City and used or
designated for use as a street, parkway, alley, utility corridor, walkway,
promenade, or bike path, and the surfaces thereof, and the airspace above
such surfaces and the subsurface area below such surfaces and includes
any right-of-way to be dedicated in the future.

"Structure" means any of the following, including but not limited to, building,
road, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical
power transmission, and distribution line.

14.48.030 Encroachments below grade.
A portion of a building or structure erected below grade that is
necessary for structural support of the building or structure shall not project
beyond the lot line, except that the footings, shoring devices, or other
similar supports as determined by the City shall not project more than
twelve (12) inches beyond the lot line. Encroachments below grade may be
subject to fees as outlined in Chapter 14.08.

14.48.040 Encroachments above grade.
A. Encroachments into the public right-of-way above grade and
below eight feet (8') in height are prohibited. This includes, but is not
limited to, any doors, windows, gates and other moveable objects that can
open, project or encroach into the public right-of-way. All existing
encroachments into a street or alley must be remedied as part of a new
development.

EXCEPTIONS: The following existing openings, projections or
encroachments into a public right-of-way that cannot feasibly be modified
as part of a new development may be permitted provided a warning device
or other similar protection measure approved by the City is installed to
minimize impact to the public. All improvements within the public right-of-
way shall comply with City standards.

1. Existing fenestrations.
2. Existing steps, ramps, or architectural features that are
   in a sidewalk.

B. Encroachments into the public right-of-way above eight feet
   (8') in height above a sidewalk are allowed for awnings, canopies, signs,
   architectural features, balconies, and windows. These improvements can
   encroach over the property line one (1) inch for each additional one inch
   (1") of clearance above eight feet (8'). The maximum encroachment shall
   be four feet (4') at a minimum clearance height of twelve feet (12').

C. Encroachments into the public right-of-way above seventeen
   feet (17') in height above a sidewalk or alley are allowed for pedestrian
   walkways and bridges. The maximum encroachment shall be four feet (4')
   unless they span the entire length of the public right-of-way to connect
   adjacent private parcels.

D. Encroachments into the public right-of-way above seventeen
   feet (17') in height are allowed for lighting and other uses approved by the
   City.

14.48.050 Permits required.

All encroachments into the public right-of-way shall applying for and
obtaining a permit from the City. The person requesting the permit shall
submit all required items and pay all applicable permit fees. This include
plan drawings clearly identifying the encroachment and applicable
dimensions with reference to the property line and public infrastructure
within abutting public right-of-way.

Section 15. The Long Beach Municipal Code is amended by repealing
Chapters 8.59 and 14.32.

Section 16. The City Clerk shall certify to the passage of this ordinance by
the City Council and shall cause it to be posted in three (3) conspicuous places in the
City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved
by the Mayor, but in no event prior to January 1, 2020.
I hereby certify that the foregoing ordinance was adopted by the City
Council of the City of Long Beach at its meeting of November 19, 2019, by the
following vote:

Ayes: Councilmembers:  Pearce, Price, Supernaw, Andrews,
                   Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Mungo.

Approved: 11/21/19
(Date)
AFFIDAVIT OF POSTING

STATE OF CALIFORNIA     ) ss
COUNTY OF LOS ANGELES   )
CITY OF LONG BEACH      )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 20th day of November 2019, I posted three true and correct copies of Ordinance No. ORD-19-0032 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

Subscribed and sworn to before me
This 20th day of November 2019.

[City Clerk's Signature]