



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

H-2

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

February 1, 2005

PRINCIPAL DEPUTIES

Barbara D. de Jong  
Dominic Holzhaus  
Belinda R. Mayes

DEPUTIES

Gary J. Anderson  
Richard F. Anthony  
Alan D. Bennett  
Christina L. Checel  
Randall C. Fudge  
Charles M. Gale  
Everett L. Glenn  
Donna F. Gwin  
Monte H. Machit  
Lisa Peskay Malmsten  
Barry M. Meyers  
Cristyl Meyers  
Susan C. Oakley  
J. Charles Parkin  
Howard D. Russell  
Carol A. Shaw

Honorable Mayor and City Councilmembers  
City of Long Beach  
CALIFORNIA

Subject: An Urgency Ordinance Establishing A Temporary Limitation  
(Moratorium) Against Certain Construction Activities Wherein the  
Interior Alteration of Existing Living Areas in Multi-Family  
Residential Properties Results in the Creation of New Bedrooms

As per the request of the City Council at its meeting of January 4, 2005, the City Attorney's Office has prepared the attached Ordinance which, if adopted, would place a moratorium on the issuance of building or construction permits for multi-family residential units where the interior alteration of existing living areas would result in the creation of new bedrooms and no additional on-site parking is provided by the applicant. For the purpose of this ordinance, "multi-family residential units" are defined as buildings containing more than one dwelling unit and single-family residences where more than one dwelling unit exists on a lot. This proposed moratorium would be in effect City-wide.

The moratorium is being proposed because the division of existing living spaces into additional bedrooms, without the provision of additional parking, has had adverse effects on density, open space, overcrowding of units, and parking. This problem has been exacerbated because many of the properties involved already exist as legal non-conforming uses that have little or no adequate parking on site.

The moratorium would remain in effect for up to one year while the Planning Commission and the Department of Planning and Building undertake a study for the purpose of determining if the current zoning and building regulations relating to this issue require modification or amendment. The moratorium will have the effect of maintaining the status quo during the time that the zoning and building issues are under study.

As drafted, the moratorium would not affect the issuance of building or construction permits where the applicant is able to provide adequate parking at the time additional bedrooms are added to the property. Likewise, the moratorium would not affect the issuance of permits where two or more units are combined, provided that the total number of bedrooms in the combined unit(s) are not increased.

As presented, the proposed Ordinance would be adopted as an "urgency ordinance" that would become effective immediately upon adoption. The purpose of proceeding on an "urgency" basis is to facilitate the status quo and to prevent new building permits from being issued during the time period normally required for the passage of a "non-urgency" ordinance. A separate roll call vote is required for the passage of this item on an urgency basis.

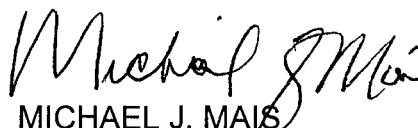
FISCAL IMPACT

Not applicable.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

- 1) Receive the supporting documentation into the record, conclude the public hearing, and declare the emergency to exist; and
- 2) Declare the Ordinance Read, adopted as read, and laid over to the next regular meeting of the City Council for final reading.

ROBERT E. SHANNON, City Attorney

By   
MICHAEL J. MAIS  
Assistant City Attorney