



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

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January 5, 2010

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HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to receive supporting documentation into the record, conclude the hearing, declare ordinance relating to the temporary limitation (moratorium) on truck transfer and truck terminal facilities in the IG (General Industrial) Zone read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof; and declaring this ordinance shall take effect immediately. (Citywide)

DISCUSSION

On December 1, 2009, the City Council adopted a minute order pursuant to an agenda request which initiated a moratorium against truck transfer and truck terminal facilities in the IG (General Industrial) Zone in the City. The moratorium was initiated pursuant to the provisions of Chapter 21.50 of the Municipal Code, "Interim Prohibition of Uses".

The Ordinance which has been prepared for Council's consideration establishes a one year moratorium period. During this time, the Development Services Department and the Planning Commission will undertake a study on the propriety of amending the City's building or zoning regulations related to truck transfer and truck terminal facilities in the IG Zone. The one year moratorium will apply to any application received by the Development Services Department after December 1, 2009.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

  
MICHAEL J. MAIS  
Assistant City Attorney

MJM:kjm  
A09-03845

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH INVOLVING THE TEMPORARY  
LIMITATION ON TRUCK TRANSFER AND TRUCK  
TERMINAL FACILITIES IN THE IG (GENERAL INDUSTRIAL)  
ZONE; DECLARING THE URGENCY THEREOF; AND  
DECLARING THAT THIS ORDINANCE SHALL TAKE  
EFFECT IMMEDIATELY

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

Section 1. Purpose and Findings. At the direction of the City Council, the  
Development Services Department and the Planning Commission will undertake a study  
of potential amendments to the Zoning Regulations and Building Codes of the City of  
Long Beach which would prohibit or limit the approval of any permits for construction or  
operation of truck transfer and truck terminal facilities in the IG Zone.

Residents, Councilmembers and other individuals have expressed concern  
that the current Zoning Regulations may not fully address the impacts that truck transfer  
and truck terminal facilities (with no outdoor storage) may have on adjacent properties or  
uses, including residential uses.

Currently, the City does not require the issuance of either a Conditional Use  
Permit (CUP) or Administrative Use Permit (AUP) for these types of uses to legally  
operate. The lack of administrative oversight may create a potential health and safety  
risk to the citizens of the City due to the City's current inability to control the volume of  
trucks entering or leaving a facility, the hours of operation for such facilities, the noise  
emanating from the facilities, or the other potential pollutants that can result from the  
operation of intense trucking related activities. This issue is particularly acute in those IG

1 Zone areas that are in close proximity to residential or school uses.

2 The City Council specifically finds that the existing regulations contained in  
3 the City's Zoning and Building regulations may be in conflict with the Zoning and Building  
4 regulations that are or will be studied by the Development Services Department and the  
5 Planning Commission pursuant to the City Council's direction.

6 Section 2. Estimated Time for Completion of Study. It is estimated that  
7 the study or studies undertaken in connection with the adoption of this interim ordinance  
8 shall take the Development Services Department and the Planning Commission  
9 approximately one (1) year to complete.

10 Section 3. Prohibition - "Truck Transfer or Truck Terminal Facilities."  
11 During the one (1) year interim period, no application shall be approved for a permit for  
12 the development or operation of new trucking related uses in the IG (General Industrial)  
13 Zone, such as truck transfer or truck terminal facilities, as well as those trucking  
14 operations described in Standard Industrial Code (SIC) Groups 4212, 4213, and 4214.

15 Section 4. Said prohibition shall apply to and shall be effective within the  
16 IG (General Industrial) Zoning District of the City.

17 Section 5. Exceptions. The prohibition contained in this ordinance does  
18 not apply where a permit application for development or operation of a truck transfer or  
19 truck terminal facility was on file and deemed complete by the Development Services  
20 Department on or before December 1, 2009.

21 Section 6. The City Council finds and determines that the proposed  
22 interim ordinance is not in conflict with the various provisions of the California Coastal Act  
23 because, among other things, the proposed interim ordinance does not in any way affect  
24 access to or the enjoyment of coastal related activities.

25 Section 7. Declaration of Urgency. This ordinance is an emergency  
26 measure, and it is urgently required for the reason that, pending completion of the  
27 necessary planning study, and a determination relative to the potential need to amend  
28 the Zoning or Building regulations of the City, it is necessary to temporarily prohibit

1 development or operation of new trucking related uses within the General Industrial (IG)  
2 Zone in order to avoid the adverse impacts that might be inconsistent with the pending  
3 revisions to the Zoning or Building regulations of the City being considered during the  
4 interim period.

5 Section 8. This ordinance is an emergency ordinance duly adopted by  
6 the City Council on December 1, 2009, by a vote of at least five (5) of its members and  
7 shall take effect immediately. The City Clerk shall certify to a separate roll call and vote  
8 on the question of the emergency of this ordinance and to its passage by the vote of five  
9 members of the City Council of the City of Long Beach, and cause the same to be posted  
10 in three conspicuous places in the City of Long Beach.

11 Section 9. This ordinance shall also be adopted by the City Council as a  
12 regular ordinance, to the end that in the event of any defect or invalidity in connection  
13 with the adoption of this ordinance as an emergency ordinance, the same shall,  
14 nevertheless, be and become effective on the thirty-first day after it is approved by the  
15 Mayor.

16 Section 10. The City Clerk shall certify to the passage of this ordinance by  
17 the City Council of the City of Long Beach and shall cause the same to be posted in three  
18 (3) conspicuous places in the City of Long Beach.

19 I hereby certify that on a separate roll call and vote which was taken by the  
20 City Council of the City of Long Beach upon the question of emergency of this ordinance  
21 at its meeting of December 1, 2009, the ordinance was declared to be an emergency by  
22 the following vote:

23 Ayes: Councilmembers: \_\_\_\_\_

24 \_\_\_\_\_

25 \_\_\_\_\_

26 Noes: Councilmembers: \_\_\_\_\_

27 \_\_\_\_\_

28 Absent: Councilmembers: \_\_\_\_\_

OFFICE OF THE CITY ATTORNEY  
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I further certify that on \_\_\_\_\_, 2010, upon a roll call and  
vote on first reading of the ordinance, it was adopted by the City Council of the City of  
Long Beach by the following vote:

Ayes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Noes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_  
Absent: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

I further certify that the foregoing ordinance was thereafter adopted on final  
reading by the City Council of the City of Long Beach at its meeting of  
\_\_\_\_\_, 2010, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Noes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_  
Absent: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor