

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 21.21.302
RELATING TO NOTICING REQUIREMENTS FOR
HEARINGS

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

Section 1. Section 21.21.302 of the Long Beach Municipal Code is amended to read as follows:

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

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1 tenant as applicable, of the subject real property;

2 2. Project Applicant. Notice shall be mailed or delivered to
3 the project applicant;

4 3. Local Agencies. Notice of the hearing shall be mailed or
5 delivered to each local agency expected to provide water, sewage,
6 streets, roads, schools, or other essential facilities or services to the
7 project, whose ability to provide those facilities and services may be
8 significantly affected;

9 4. Surrounding Property Owners.

10 a. (1) Notice of the hearing shall be mailed or
11 delivered to all owners of real property as shown on the latest equalized
12 assessment roll within seven hundred and fifty feet (750') of the real
13 property that is the subject of the hearing. Notice of hearing shall also be
14 mailed or delivered to all tenant households or commercial tenants, as
15 applicable, of real property that is located within seven hundred and fifty
16 feet (750') of the real property that is subject to the hearing.

17 For notices on City-owned property in the Port of Long Beach and
18 the Long Beach Airport, notices shall also be mailed and delivered to the
19 leasehold interests on those properties. Notices sent to leaseholders shall
20 count in determination of the twenty (20)-notice minimum.

21 In lieu of utilizing the assessment roll, the City may utilize records of
22 the county assessor or tax collector which contain more recent information
23 than the assessment roll. In no event shall less than a minimum of twenty
24 (20) nearest property owners, or owners and leaseholders as specified
25 above, be notified.

26 (2) Notice of the hearing shall also be mailed
27 or delivered to resident managers of any multifamily residential rental units
28 where the property owner is not an on-site occupant when the fact of non-

1 occupancy is known to the person charged with the responsibility of
2 mailing or delivering notice.

3 (3) Measurement of the seven hundred and
4 fifty foot (750') distance for notification pursuant to this subsection shall
5 begin at the property boundary of the real property that is the subject of
6 the hearing.

7 b. In a City-initiated zoning remapping program, if the
8 number of owners to whom notice would be mailed or delivered pursuant
9 to this Subsection is greater than one thousand (1,000), the City, in lieu of
10 mailed or delivered notice, may provide notice by placing a display
11 advertisement of at least one-eighth (1/8) page in at least one (1)
12 newspaper of general circulation within the local agency in which the
13 proceeding is conducted at least ten (10) and not more than forty-five (45)
14 days prior to the hearing; and

15 5. Posting.

16 a. Notice of the hearing shall be posted at least
17 fourteen (14) days prior to the hearing in at least three (3) public places
18 within the boundaries of the City, including one (1) public place in the
19 area, if any, most directly affected by the proceedings. In addition, the
20 applicant or owner of the real property which is the subject of the hearing
21 shall post a sign of at least thirty inches (30") by forty inches (40") on each
22 street face of the real property that is the subject of the hearing, the
23 content of which sign shall be subject to the prior approval of Development
24 Services staff.

25 b. Building height variance applicants shall erect
26 story poles which accurately represent the full extent of the proposed
27 structure to the satisfaction of the Director of Development Services,
28 including decks and eaves, at least fourteen (14) calendar days prior to

1 the first public hearing and remain in place through the end of the appeal
2 period.

3 6. Noticing of Actions in the Coastal Zone. Additionally,
4 when notice is required to be given for any matter in the coastal zone, in
5 addition to any and all other notices required by this Subsection, notice
6 shall be mailed to the California Coastal Commission and to all persons
7 requesting notice for the individual matter or for all coastal zone hearings,
8 and to all residents within one hundred feet (100') of the site.

9 C. For noticing of a zoning ordinance amendment:

10 1. Publishing Advertisement. Notice of the hearing shall be
11 published pursuant to Section 6061 of the California Government Code in
12 at least one newspaper of general circulation within the City;

13 2. Posting. Notice of the hearing shall be posted at least
14 fourteen (14) days prior to the hearing in at least three public places within
15 the boundaries of the City, including one (1) public place in the area, if
16 any, most directly affected by the proceeding; and

17 3. Mailing. Notice of the hearing shall be mailed, together
18 with all proposed changes, additions, modifications or deletions to all City
19 libraries and to anyone requesting such notice.

20 4. Amendments in the Coastal Zone. For any matter in the
21 coastal zone, in addition to any and all other notices required by this
22 Subsection, notice shall be mailed to the California Coastal Commission
23 and to all persons requesting notice for the individual matter or for all
24 coastal zone hearings, and to all residents within one hundred feet (100')
25 of the site.

26 D. For Noticing of Appeals:

27 1. Responsibility for Noticing. A notice of the public hearing
28 on the appeal shall be mailed by the Department of Development Services

1 for appeals to the City Planning Commission, and by the City Clerk for
2 appeals to the City Council.

3 The notice shall contain the same information as the original notice
4 except that it shall also give the appellant's name and state that the
5 hearing is an appeal.

6 2. Persons to be Noticed. Notice of the hearing shall be
7 mailed to the applicant and to all persons entitled to mailed notice and to
8 any known aggrieved person, as specified in Section 21.21.302B, not less
9 than ten (10) days prior to the hearing. A person shall not be considered
10 aggrieved for purposes of receiving this notice if the only indication of
11 interest is the signing of a petition unless that person indicates on the
12 petition that he wishes to receive notice.

13 3. Appeals in the Coastal Zone: For any matter in the
14 coastal zone, in addition to any and all other notices required by this
15 Subsection, notice shall be mailed to the California Coastal Commission
16 and to all persons requesting notice for the individual matter or for all
17 coastal zone hearings, and to all residents within one hundred feet (100')
18 of the site.

19
20 Section 2. The City Clerk shall certify to the passage of this ordinance
21 by the City Council and cause it to be posted in three conspicuous places in the City of
22 Long Beach, and it shall take effect on the thirty-first day after it is approved by the
23 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2009, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor