



CITY OF LONG BEACH

H-1

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

August 23, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, declare an Ordinance relating to the extension of the temporary limitation (moratorium) on certain construction and development activities in the R-1-L zone in the Los Cerritos and Virginia Country Club areas of the City 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 that this Ordinance shall take effect immediately. (District 8)

DISCUSSION

In September 2015, the City Council adopted Ordinance No. ORD-15-0024, which initiated a moratorium on new residential structures and new residential additions exceeding fifteen-hundred (1,500) square feet in the R-1-L zone in the Los Cerritos and Virginia Country Club areas of the City. The one-year moratorium, set to expire on September 1, 2016, was enacted to allow the Development Services Department staff and the Planning Commission adequate time to study potential amendments to the Zoning Regulations (Title 21) in response to the issue of "mansionization" that has been reported to be occurring in these areas.

While staff has met regularly with representative members of the neighborhood, additional time is required to engage a broader group of residents in a series of community meetings, present findings to the Planning Commission, and deliver amendments to the City Council for consideration. Furthermore, the representative residents have requested that City-initiated outreach activities be held in September, as summer vacation schedules may interfere with attendance levels prior to that time. The attached Ordinance will extend the moratorium instituted under Ordinance No. ORD-15-0024 through March 31, 2017.

Public hearing notices were distributed on August 2, 2016, and no responses were received as of the date of preparation of this report.

This matter was reviewed by Assistant City Attorney Michael J. Mais on July 26, 2016 and by Budget Analysis Officer Rhutu Amin Gharib on July 29, 2016.

TIMING CONSIDERATIONS

City Council action is requested on August 23, 2016, to prevent expiration of the original one-year moratorium period.

FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT:CT:mh
P:\Planning\City Council Items (Pending)\Council Letters\2016\2016-08-23\R-1-L Moratorium Extension V4.doc

APPROVED:



PATRICK H. WEST
CITY MANAGER

Attachments: City Council Ordinance No. ORD-15-0024
City Council Ordinance

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 ORDINANCE NO. ORD-15-0024

2

3 AN ORDINANCE OF THE CITY COUNCIL OF THE

4 CITY OF LONG BEACH RELATING TO THE TEMPORARY

5 LIMITATION OF CERTAIN CONSTRUCTION AND

6 DEVELOPMENT ACTIVITIES IN THE R-1-L ZONE IN THE

7 LOS CERRITOS AND VIRGINIA COUNTRY CLUB AREAS

8 OF THE CITY IN ORDER TO FOSTER AND PROMOTE

9 NEIGHBORHOOD CHARACTER STABILIZATION IN SAID

10 AREA; DECLARING THE URGENCY THEREOF; AND

11 DECLARING THAT THIS ORDINANCE SHALL TAKE

12 EFFECT IMMEDIATELY

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

15

16 Section 1. Purpose and Findings. At the direction of the City Council, the

17 Department of Development Services and the Planning Commission will undertake or are

18 currently studying potential amendments to the Zoning or Building Codes of the City of

19 Long Beach relating to neighborhood character stabilization in order to respond to the

20 issue of "mansionization" that has reported to be occurring in the R-1-L (Single-Family

21 Residential, Large Lot) zones in the Los Cerritos and Virginia Country Club areas of the

22 City of Long Beach. The City Council, concerned citizens, and other interested

23 individuals, have expressed that changes to the existing zoning or building regulations are

24 desired in order to curtail "mansionization" and otherwise stabilize existing neighborhoods,

25 and that continued construction and or remodeling in said R-1-L zone during the pendency

26 of said studies may defeat the effectiveness of zoning or building regulations ultimately

27 adopted as a result of the current study and review. The City Council specifically finds

28 that the existing zoning and building regulations of the City permit one or more uses,

1 development standards, or construction activities which are, or may be, in conflict with the
2 zoning and building regulations that are or will be studied by the Department of
3 Development Services and the Planning Commission pursuant to the City Council's
4 direction.

5 Section 2. Estimated Time for Completion of Study. It is estimated that
6 the study or studies undertaken in connection with the adoption of this interim ordinance
7 shall take the various involved Departments and the Planning Commission approximately
8 one (1) year to complete. For the purposes of this ordinance, this interim moratorium
9 study period shall expire no later than September 1, 2016, or at such time as the City
10 Council does adopt appropriate zoning regulations or development standards related to all
11 or some of the below mentioned construction activities in the R-1-L zone, whichever is
12 sooner.

13 Section 3. Prohibition on activities in the R-1-L zones in the Los
14 Cerritos and Virginia Country Club areas of the City. During the term of the one (1) year
15 interim (moratorium) period, no application for a building permit, construction permit, or
16 variance, of any kind, shall be approved, nor shall any such permit be issued, for any
17 construction activity that would result in the following activities in the R-1-L zone:

18 A. Construction of any new residential structure that exceeds
19 fifteen hundred (1,500) square feet. In calculating the 1,500 square foot
20 limit, all accessory buildings, including garages shall be included in the
21 calculation.

22 B. Construction of any addition to any existing residential
23 structure that exceeds fifteen hundred (1,500) square feet. In calculating the
24 1,500 square foot limit, all accessory buildings, including garages shall be
25 included in the calculation.

26 Section 4. Exceptions. The prohibitions contained in this ordinance do not
27 apply where an application for said development or construction was on file, and deemed
28 complete by the Department of Development Services prior to September 8, 2015,

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1 provided that any application: (1) does not include any request for a lot merger; (2) does
2 not exceed a floor to area ratio (FAR) of thirty-five percent (35%); and (3) does not require
3 any standards variance for new construction.

4 Section 5. Declaration of Urgency. This ordinance is an emergency
5 measure, and it is urgently required for the reason that, pending completion of the
6 necessary planning study, and a determination relative to the potential need to amend the
7 City's Zoning Code or regulations, it is necessary to limit construction or development in
8 order to avoid the adverse impacts associated with said construction that might be
9 inconsistent with the pending revisions to the zoning or building regulations of the City
10 being considered during the interim moratorium period.

11 Section 6. This ordinance is an emergency ordinance duly adopted by the
12 City Council by a vote of five of its members and shall take effect immediately. The City
13 Clerk shall certify to a separate roll call and vote on the question of the emergency of this
14 ordinance and to its passage by the vote of five members of the City Council of the City of
15 Long Beach, and cause the same to be posted in three conspicuous places in the City of
16 Long Beach.

17 Section 7. This ordinance shall also be adopted by the City Council as a
18 regular ordinance, to the end that in the event of any defect or invalidity in connection with
19 the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless,
20 be and become effective on the thirty-first (31st) day after it is approved by the Mayor.
21 The City Clerk shall certify to the passage of this ordinance by the City Council of the City
22 of Long Beach and shall cause the same to be posted in three (3) conspicuous places in
23 the City of Long Beach.

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I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of September 8, 2015, the ordinance was declared to be an emergency by the following vote:

Ayes: Councilmembers: Gonzalez, Lowenthal, Price,
Supernaw, Mungo, Andrews, Austin,
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Uranga.

I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes: Councilmembers: Gonzalez, Lowenthal, Price,
Supernaw, Mungo, Andrews, Austin,
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Uranga.

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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 September 15, 2015, by the following vote:

Ayes:	Councilmembers:	<u>Gonzalez, Lowenthal, Price,</u>
		<u>Supernaw, Mungo, Andrews, Uranga,</u>
		<u>Austin, Richardson.</u>
Noes:	Councilmembers:	<u>None.</u>
Absent:	Councilmembers:	<u>None.</u>

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Approved: 9/15/15
(Date)

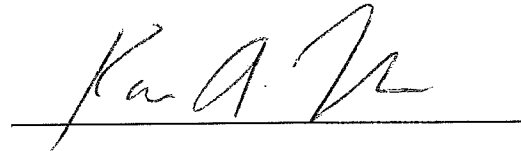
Maria del Valle
Clerk

[Signature]
Mayor

AFFIDAVIT OF POSTING

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

Karen Moore being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 15th day of September, 2015, I posted three true and correct copies of Emergency Ordinance No. ORD-15-0024 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the City Clerk Department.



Subscribed and sworn to before me
this 15th day of September, 2015.

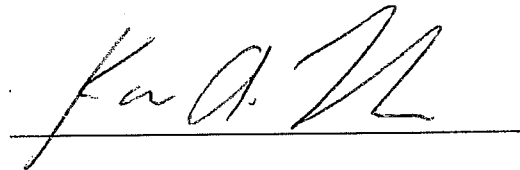


CITY CLERK

AFFIDAVIT OF POSTING

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

Karen Moore being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 16th day of September, 2015, I posted three true and correct copies of Ordinance No. ORD-15-0024 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies on the front counter of the City Clerk Department.



A handwritten signature in cursive script, appearing to read "Karen Moore", is written above a horizontal line.

Subscribed and sworn to before me
this 16th day of September, 2015.



A handwritten signature in cursive script, appearing to read "Maria del Socorro", is written above a horizontal line. Below the line, the words "CITY CLERK" are printed in a sans-serif font.

ORDINANCE NO.

AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING ORDINANCE NO. ORD-15-0024 RELATING TO THE EXTENSION OF THE TEMPORARY LIMITATION OF CERTAIN CONSTRUCTION AND DEVELOPMENT ACTIVITIES IN THE R-1-L ZONE IN THE LOS CERRITOS AND VIRGINIA COUNTRY CLUB AREAS OF THE CITY; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, on September 8, 2015, by Ordinance No. ORD-15-0024, the City Council of the City of Long Beach imposed, on an urgency basis, a temporary moratorium for one (1) year, of certain construction and development activities in the R-1-L zone in the Los Cerritos and Virginia Country Club areas of the City in order to foster and promote neighborhood character stabilization;; and

WHEREAS, additional time is required to study and complete the amendments to the zoning or building regulations related to construction and development in the R-1-L zone in the Los Cerritos and Virginia Country Club areas of the City, and to work with local residents and other interested individuals who have expressed their views that changes to the existing zoning or building regulations are needed in order to curtail "mansionization" and otherwise stabilize existing neighborhoods in the R-1-L zone; and

WHEREAS, a duly noticed public hearing was held on August 23, 2016, regarding the extension of the moratorium;

NOW, THEREFORE, The City Council of the City of Long Beach ordains as follows:

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1 Section 1. ORD-15-0024 is amended by amending Section 3-“Prohibition
2 on activities in the R-1-L” to read as follows:

3 Section 3: Prohibition on activities in the R-1-L zones in the Los
4 Cerritos and Virginia Country Club areas of the City. During the term of
5 the interim (moratorium) period to December 31, 2016, no application for a
6 building permit, construction permit, or variance, of any kind, shall be
7 approved, nor shall any such permit be issued, for any construction
8 activity that would result in the following activities in the R-1-L zone:

9 A. Construction of any new residential structure that exceeds
10 fifteen hundred (1,500) square feet. In calculating the 1,500 square foot
11 limit, all accessory buildings, including garages shall be included in the
12 calculation.

13 B. Construction of any addition to any existing residential
14 structure that exceeds fifteen hundred (1,500) square feet. In calculating
15 the 1,500 square foot limit, all accessory buildings, including garages shall
16 be included in the calculation.

17
18 Section 2. Declaration of Urgency. This ordinance is an emergency
19 measure, and it is urgently required for the reason that, pending completion of the
20 necessary planning study, and a determination relative to the potential need to amend
21 the City's Zoning Code or regulations, it is necessary to limit construction or development
22 in order to avoid the adverse impacts associated with said construction that might be
23 inconsistent with the pending revisions to the zoning or building regulations of the City
24 being considered during the interim moratorium period.

25 Section 3. This ordinance is an emergency ordinance duly adopted by
26 the City Council by a vote of five of its members and shall take effect immediately. The
27 City Clerk shall certify to a separate roll call and vote on the question of the emergency of
28 this ordinance and to its passage by the vote of five members of the City Council of the

1 City of Long Beach, and cause the same to be posted in three conspicuous places in the
2 City of Long Beach.

3 Section 4. This ordinance shall also be adopted by the City Council as a
4 regular ordinance, to the end that in the event of any defect or invalidity in connection
5 with the adoption of this ordinance as an emergency ordinance, the same shall,
6 nevertheless, be and become effective on the thirty-first (31st) day after it is approved by
7 the Mayor. The City Clerk shall certify to the passage of this ordinance by the City
8 Council of the City of Long Beach and shall cause the same to be posted in three (3)
9 conspicuous places in the City of Long Beach.

10
11 I hereby certify that on a separate roll call and vote which was taken by the
12 City Council of the City of Long Beach upon the question of emergency of this ordinance
13 at its meeting of _____, 2016, the ordinance was declared to be an
14 emergency by the following vote:

15	Ayes:	Councilmembers:	_____
16			_____
17			_____
18	Noes:	Councilmembers:	_____
19			_____
20	Absent:	Councilmembers:	_____
21			_____

22
23 I further certify that thereafter, at the same meeting, upon a roll call and
24 vote on adoption of the ordinance, it was adopted by the City Council of the City of Long
25 Beach by the following vote:

26	Ayes:	Councilmembers:	_____
27			_____
28			_____

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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 _____, 2016, by the following vote:

Ayes: Councilmembers:

Noes: Councilmembers:

Absent: Councilmembers:

Clerk

Approved: _____
(Date)

Mayor