

# H-12

February 2, 2021

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and find the project exempt from the California Environmental Quality Act in accordance with Article 5, Section 15061; and,

Declare an Ordinance repealing Ordinance No. C-3377 related to a special setback on the 5800 block of Linden Avenue in the Multi-family Residential, Townhouse (R-3-T) and Neighborhood Commercial, Automobile Orientated (CNA) zoning districts, read the first time and laid over to the next regular meeting of the City Council for final reading. (District 9)

## DISCUSSION

In 1954, the City Council adopted Ordinances establishing special setbacks throughout the City. These Ordinances were for the purpose of tailoring setbacks to the development pattern of an area as well as to widen streets. The special setback Ordinances preceded the Subdivision Map Act, the current Zoning Code, and other tools to govern the dimensions of rights-of-way that are now used. The special setback requirement accommodated future street widening before more effective mechanisms of street dedication and setbacks by zoning district came into full practice. As these new tools came into existence, the City did not reevaluate the individual special setback Ordinances and provisions of the Zoning Code to determine whether the special setbacks were still necessary or whether they resulted in conflicting regulations.

Ordinance C-3377 established a special setback for parcels fronting Linden Avenue, north of South Street to 59<sup>th</sup> Street in North Long Beach (Attachment A – Ordinance No C-3377 with Resolution and Map). This special setback requires a 15-foot building setback on both the east and west sides of the above segment of Linden Avenue. In reviewing a development proposal on one of these parcels, staff discovered an Ordinance encumbering these parcels with special additional setback requirements. In a joint effort with Public Works staff, a review of the special setback was completed, and it was determined that the City would not derive any long-term benefits from retaining the Ordinance. On August 20, 2020, the Planning Commission held a public hearing to consider the proposed repeal of the special setback. The Planning Commission found that the special setback was no longer a necessary tool and recommended unanimously that the City Council repeal the Ordinance (Attachment B – PC Findings).

Over the long-term, as resources permit, Development Services will undertake a more comprehensive effort to remove similar outdated special setback Ordinances and reconcile conflicting zoning regulations. In the near term, the removal of this particular setback on Linden Avenue is consistent with the November 17, 2020, action of the City Council to adopt new zoning districts tailored for North Long Beach through the Uptown Planning Land Use and Neighborhood Strategy (UPLAN) process. The newly adopted zoning districts establish more context-sensitive setback requirements and introduce "minimum public realm requirements," which can be met with a combination of dedicated public right-of-way and private setbacks (as appropriate). This approach allows the setback to function as an expanded path of travel in areas where there are currently narrow sidewalk conditions, while maintaining the development feasibility of shallow lots commonly found on the City's linear corridors. This minimum public realm requirement of the new zoning districts allows for a variable setback that better responds to the existing development patterns and challenging lot sizes and depths found in the area as a whole. Existing development on the west side of Linden Avenue consists of single and small multifamily structures that are sufficiently regulated by the setbacks found in Chapter 21.31 of the Zoning Code. Also, failure to repeal the special setback would present challenges to housing and mixed-use development planned for the area and contemplated by the 2019 General Plan Land Use Element Update.

This matter was reviewed by Assistant City Attorney Michael J. Mais on December 30, 2020 and by Budget Analysis Officer Julissa José-Murray on December 9, 2020.

#### TIMING CONSIDERATIONS

Pursuant to Section 21.25.103 of the Zoning Regulations, this request should be presented to the City Council within 60 days of the Planning Commission hearing, which took place on August 20, 2020. While the advisory 60-day period could not be met, the earliest possible City Council action is requested on February 2, 2021.

#### FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

#### SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



OSCAR W. ORCI  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA  
CITY MANAGER

ATTACHMENTS: CITY COUNCIL ORDINANCE  
ATTACHMENT A – ORDINANCE NO C-3377  
ATTACHMENT B – FINDINGS

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 W. Ocean Boulevard, 9th Floor  
Long Beach, CA 90802

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH REPEALING ORDINANCE NO.  
C-3377 FOR THE PURPOSE OF REMOVING PREVIOUSLY  
ESTABLISHED SPECIAL SETBACK REQUIREMENTS ON  
THE 5800 BLOCK OF LINDEN AVENUE

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

Section 1. Upon recommendation of the Planning Commission, it is the determination of the City Council that the public interest and general welfare require the repeal of the following ordinance which established special setbacks in 1954 on private property located on the 5800 block of Linden Avenue in the City of Long Beach. Henceforth, the setback provisions of the City's Zoning Regulations as set forth in the Long Beach Municipal Code shall apply to such properties. Therefore, the following ordinance is hereby repealed:

Ordinance No. C-3377 adopted April 20, 1954, establishing setbacks on the east and west sides of the 5800 block of Linden Avenue between South Street and 59<sup>th</sup> Street. A map of said area is attached hereto as Exhibit "A."

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and 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.

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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 \_\_\_\_\_, 20\_\_\_\_, by the following vote:

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

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

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

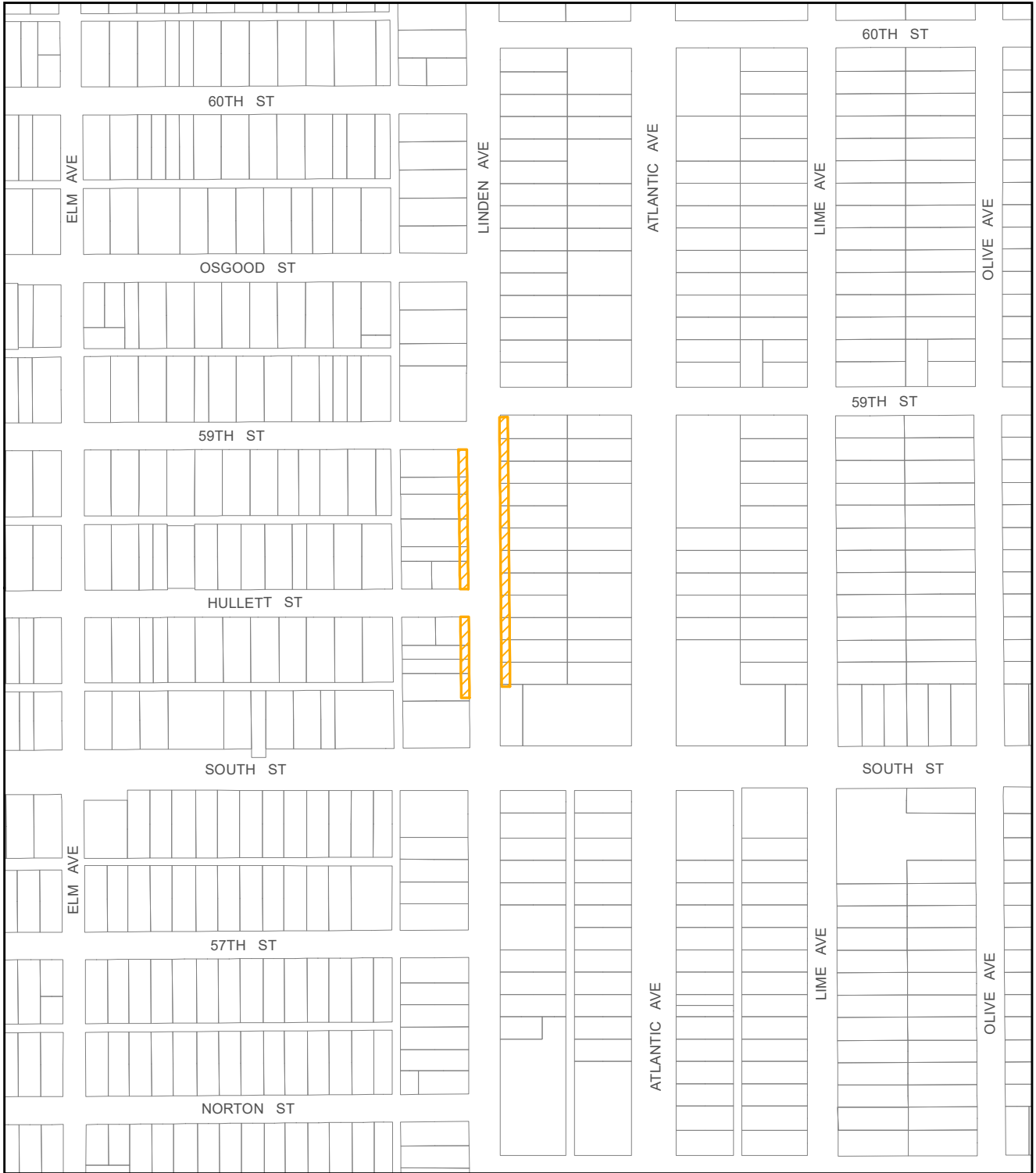
Recusal(s): Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

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

\_\_\_\_\_  
Mayor

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 W. Ocean Boulevard, 9th Floor  
Long Beach, CA 90802



 15' SPECIAL SETBACK TO BE REPEALED



# REPEAL OF ORDINANCE C-3377

Special Setback  
Application No.  
2006-02

ORDINANCE NO. C- 3377

AN ORDINANCE ORDERING THE ESTABLISHMENT OF SETBACK LINES ON PRIVATE PROPERTY BORDERING ON BOTH SIDES OF LINDEN AVENUE, BETWEEN A POINT NORTHERLY OF THE NORTH LINE OF SOUTH STREET AND THE SOUTHERLY LINE OF FIFTY-NINTH STREET, IN THE CITY OF LONG BEACH, AND DESCRIBING SAID IMPROVEMENT AND THE LAND AFFECTED THEREBY.

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

Section 1. It is the determination of the City Council of the City of Long Beach that the public interest, peace, health, safety, comfort, convenience and welfare require the establishment of setback lines as hereinafter described and that said City Council, having now acquired the requisite jurisdiction, should order the establishment thereof.

Sec. 2. It is therefore hereby ordered that setback lines be, and the same are hereby, established on private property bordering on both sides of Linden Avenue, between a point northerly of the north line of South Street and the southerly line of Fifty-ninth Street, in the City of Long Beach, as follows, to wit:

Fifteen (15) feet westerly of and parallel to the westerly line of Linden Avenue, 60 feet in width, between a line 5 feet northerly of and parallel to the southerly line of Lot 50, Block 18, Tract No. 5992, as per map recorded in Book 64, pages 21 to 23, both inclusive

IRVING M. SMITH  
CITY ATTORNEY OF LONG BEACH  
604 CITY HALL  
LONG BEACH 2, CALIFORNIA  
TELEPHONE 6-9041

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1 of Maps, Records of the County of Los  
2 Angeles, State of California, and the  
3 southerly line of Fifty-ninth Street.

4 Fifteen (15) feet easterly of and  
5 parallel to the easterly line of Linden  
6 Avenue, 60 feet in width, between the  
7 southerly line of Lot 12, Block 15,  
8 Tract No. 6521, as per map recorded in  
9 Book 69, pages 31 and 32 of Maps, Records  
10 of the County of Los Angeles, State of  
11 California, and the southerly line of  
12 Fifty-ninth Street.

13  
14 Sec. 3. Except as is otherwise permitted by ordinance,  
15 no building permit shall hereafter be issued for the erection  
16 of any building, or other structure, between the setback lines  
17 herein ordered and established and the street line from which  
18 such setback is established; nor shall any person, firm,  
19 corporation, association, trust or syndicate, whether as  
20 principal, agent, servant, or employee, except as the same  
21 may be otherwise permitted by ordinance, construct, or cause  
22 or permit to be constructed, any building, wall, fence, or  
23 other structure, between said setback lines and the street  
24 line from which such setback is established.

25 Sec. 4. Any person, firm, corporation, association,  
26 trust or syndicate, whether as principal, agent, servant,  
27 employee or otherwise, violating any of the provisions of this  
28 ordinance shall be deemed guilty of a misdemeanor, and, upon  
29 conviction thereof, shall be subjected to the penalties pre-  
30 scribed by Ordinance No. C-390, as amended.

31 Sec. 5. The City Clerk shall certify to the passage  
32 of this ordinance by the City Council of the City of Long

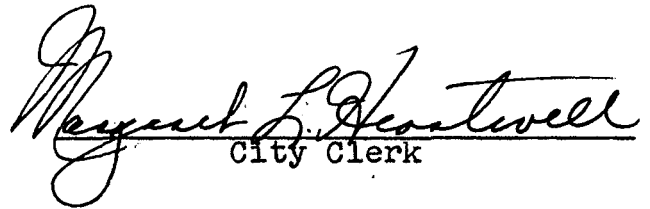
1 Beach and cause the same to be posted in three (3) conspicuous  
2 places in the City of Long Beach, and it shall take effect  
3 on the 31st day after its final passage.

4 I hereby certify that the foregoing ordinance  
5 was adopted by the City Council of the City of Long Beach,  
6 at its meeting of April 20, 1954, by the  
7 following vote:

8 Ayes: Councilmen: PARMLEY, KEALER, SEATON, WAGNER, LIVONI,  
9 FLETCHER, HUGHES, CARLESON, SUTTER.

10  
11 Noes: Councilmen: NONE.

12 Absent: Councilmen: NONE.

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18 City Clerk

IRVING M. SMITH  
CITY ATTORNEY OF LONG BEACH  
604 CITY HALL  
LONG BEACH 2, CALIFORNIA  
TELEPHONE 6-9041

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32 PJB:tb  
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AFFIDAVIT OF POSTING

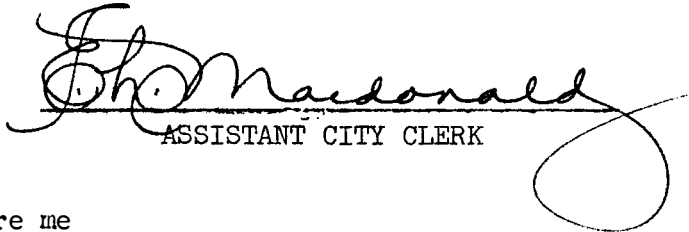
STATE OF CALIFORNIA, :

COUNTY OF LOS ANGELES, :

CITY OF LONG BEACH. :

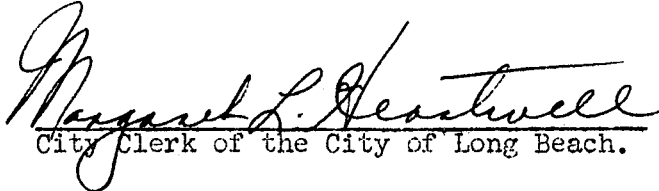
E. L. Macdonald , being duly sworn, says;

that he is Assistant City Clerk of the City of Long Beach;  
and that on the 21st day of April 19 54 , <sup>he</sup>~~she~~ posted  
three true and correct copies of the forgoing Ordinance  
in three conspicuous places in the City of Long Beach, to-wit:  
one of said copies in the main corridor of the City Hall opposite  
the office of the City Clerk of the City of Long Beach,  
one of said copies in the foyer of the Public Utilities Building  
of the City of Long Beach and one of said copies at the entrance  
to the Council Chamber where the City Council of the City of Long  
Beach meets regularly.

  
ASSISTANT CITY CLERK

Subscribed and sworn to before me

this 21st day of April , 19 54

  
City Clerk of the City of Long Beach.

IRVING M. SMITH  
CITY ATTORNEY OF LONG BEACH  
604 CITY HALL  
LONG BEACH 2, CALIFORNIA  
TELEPHONE 6-9041

1 RESOLUTION NO. C- 14823

2  
3 A RESOLUTION OF INTENTION TO ESTABLISH  
4 SETBACK LINES ON PRIVATE PROPERTY BORDERING  
5 ON BOTH SIDES OF LINDEN AVENUE, BETWEEN A  
6 POINT NORTHERLY OF THE NORTH LINE OF SOUTH  
7 STREET AND THE SOUTHERLY LINE OF FIFTY-NINTH  
8 STREET, IN THE CITY OF LONG BEACH, CALIFORNIA;  
9 DESIGNATING THE SETBACK LINES PROPOSED TO BE  
10 ESTABLISHED; PROVIDING THAT PROCEEDINGS BE  
11 TAKEN UNDER ORDINANCE NO. C-390, AS AMENDED,  
12 ORDINANCES OF THE CITY OF LONG BEACH; DIRECT-  
13 ING THE CITY ENGINEER TO POST NOTICES THEREOF  
14 AS PROVIDED IN PARAGRAPH C OF SECTION 16-A OF  
15 SAID ORDINANCE NO. C-390 AND DIRECTING THE CITY  
16 CLERK TO MAIL NOTICES THEREOF AS PROVIDED IN  
17 PARAGRAPH D OF SAID SECTION 16-A OF SAID  
18 ORDINANCE NO. C-390.

19  
20 The City Council of the City of Long Beach resolves  
21 as follows:

22 Section 1. It is the determination of the City  
23 Council that the public interest, peace, health, safety,  
24 comfort, convenience, and welfare require the establishment  
25 of setback lines on private property bordering on both sides  
26 of Linden Avenue, between a point northerly of the north  
27 line of South Street and the southerly line of Fifty-ninth  
28 Street, in the City of Long Beach, as follows, to wit:

29 Fifteen (15) feet westerly of and  
30 parallel to the westerly line of Linden  
31 Avenue, 60 feet in width, between a line  
32 5 feet northerly of and parallel to the

1 southerly line of Lot 50, Block 18,  
2 Tract No. 5992, as per map recorded  
3 in Book 64, pages 21 to 23, both in-  
4 clusive of Maps, Records of the County  
5 of Los Angeles, State of California, and  
6 the southerly line of Fifty-ninth Street.

7 Fifteen (15) feet easterly of and  
8 parallel to the easterly line of Linden  
9 Avenue, 60 feet in width, between the  
10 southerly line of Lot 12, Block 15,  
11 Tract No. 6521, as per map recorded in  
12 Book 69, pages 31 and 32 of Maps, Records  
13 of the County of Los Angeles, State of  
14 California, and the southerly line of  
15 Fifty-ninth Street.

16  
17 Sec. 2. The City Council hereby declares its  
18 intention to establish such setback lines and hereby fixes  
19 the 16th day of March, 1954, at the hour of  
20 11:00 A.M., at the Council Chamber in the City Hall, in the  
21 City of Long Beach, as the time and place for the hearing  
22 thereon, at which any and all persons having objection thereto  
23 may appear and be heard.

24 Sec. 3. The City Engineer is hereby ordered to  
25 post notices, relating to the establishment of such setback  
26 lines, in the time, form and manner prescribed by Subdivision  
27 C of Section 16-A of Ordinance No. C-390, as amended, and the  
28 City Clerk is hereby ordered to mail notices thereof to the  
29 persons mentioned in Subdivision D thereof, in the time, form,  
30 and manner prescribed by said Subdivision D.

31 Sec. 4. The City Clerk shall certify to the  
32 passage of this resolution, shall post it in three (3)

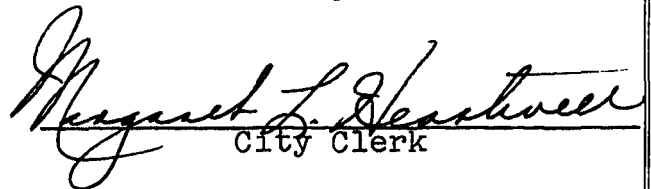
1 conspicuous places in the City, and said resolution shall  
2 thereupon take effect.

3 I hereby certify that the foregoing resolution was  
4 adopted by the City Council of the City of Long Beach at its  
5 meeting of February 23, 1954, by the following  
6 vote:

7 Ayes: Councilmen: PARMLEY, KEALER, SEATON, WAGNER,  
8 FLETCHER, HUGHES, CARLESON, SUTTER.

9 \_\_\_\_\_  
10 Noes: Councilmen: NONE.

11 Absent: Councilmen: LIVONI.

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IRVING M. SMITH  
CITY ATTORNEY OF LONG BEACH  
604 CITY HALL  
LONG BEACH 2, CALIFORNIA  
TELEPHONE 6-9041

PJB:tb  
2-15-54

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AFFIDAVIT OF POSTING

STATE OF CALIFORNIA, :

COUNTY OF LOS ANGELES, :

CITY OF LONG BEACH. :

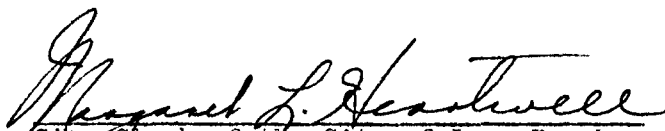
E. L. Macdonald , being duly sworn, says;

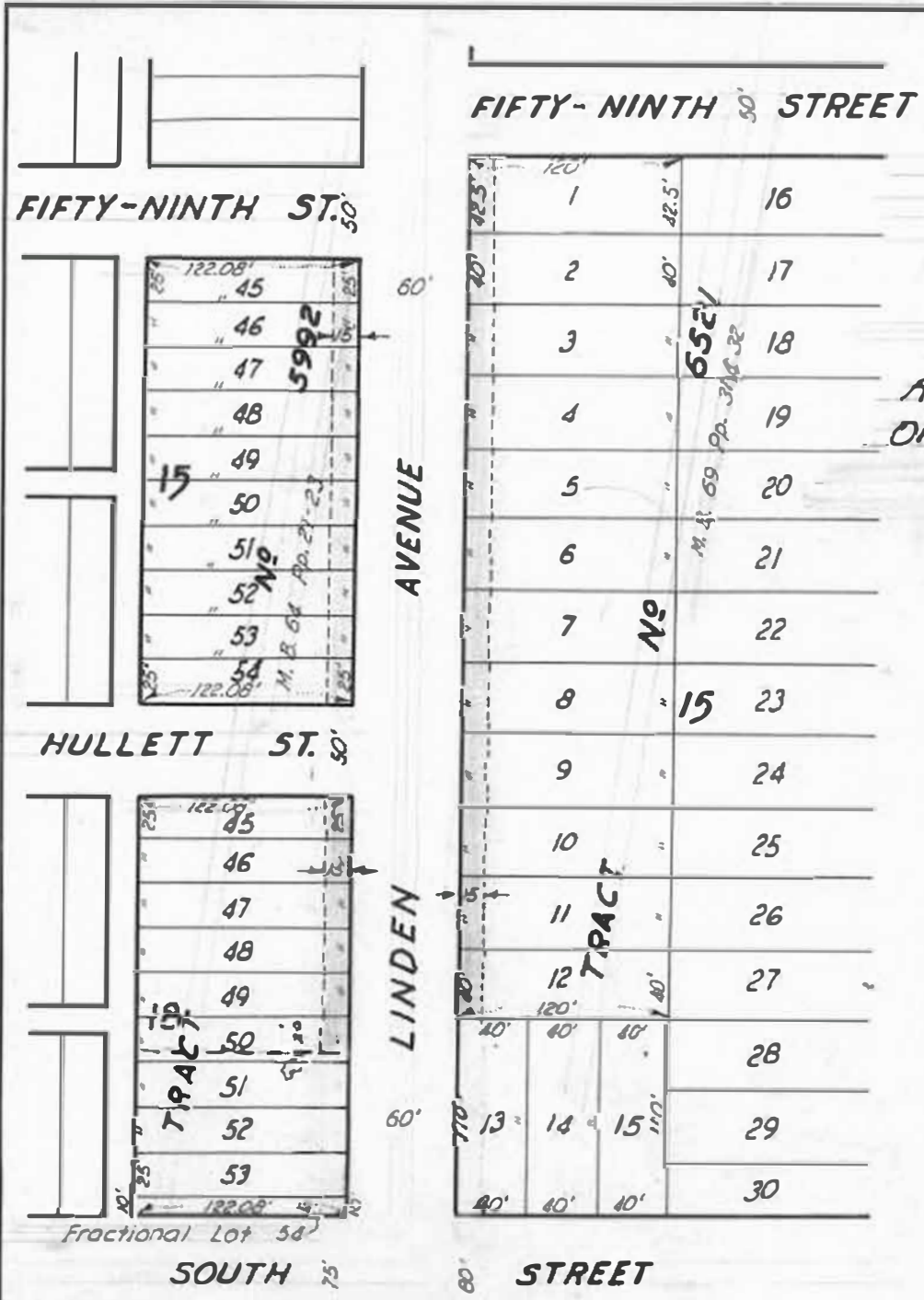
that he is Assistant City Clerk of the City of Long Beach;  
and that on the 24th day of February 1954 , ~~she~~<sup>he</sup> posted  
three true and correct copies of the forgoing Resolution  
in three conspicuous places in the City of Long Beach, to-wit:  
one of said copies in the main corridor of the City Hall opposite  
the office of the City Clerk of the City of Long Beach,  
one of said copies in the foyer of the Public Utilities Building  
of the City of Long Beach and one of said copies at the entrance  
to the Council Chamber where the City Council of the City of Long  
Beach meets regularly.

  
ASSISTANT CITY CLERK

Subscribed and sworn to before me

this 24th day of February , 1954

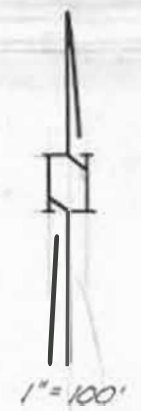
  
City Clerk of the City of Long Beach.



SKETCH SHOWING SETBACK LINES ON BOTH SIDES OF LINDEN AVENUE, BETWEEN SOUTH STREET AND FIFTY-NINTH STREET

Red Tint Shows Setback Lines

Resolution Intention No. C-14823 Adopted 2-23-54  
 Ordinance Ordering No. C-3377 Adopted 4-20-54



## FINDINGS

**Special Setback – Ordinance Repeal  
Application No. 2006-09  
February 2, 2021**

The Long Beach Municipal Code does not require specific findings for the adoption of a Zoning Code Amendment nor specifically in this case, the repeal of an ordinance establishing special setbacks requirements. The proposed ordinance repeal, however, is consistent with state law and guidelines, consistent with other elements of the General Plan, will not adversely affect the character, livability or appropriate development of the City, and is in conformity with public necessity, convenience, general welfare, and good planning practice. The City of Long Beach makes these findings in support of its repeal of Ordinance No. 3377 related to special setbacks on Linden Avenue from South Street to 59<sup>th</sup> Street.

**The Ordinance repeal is consistent with objectives, principles, and standards of the General Plan.** The ordinance repeal would not conflict with the City's General Plan, the 2010 Strategic Plan, local coastal program, or any other applicable land use plans and policies. The repeal involves removing a "special setback" which currently applies in addition to, and in conflict with the underlying zoning. The repeal of this special setback ordinance is consistent with the goals, policies and strategies in the existing Land Use Element (LUE), Housing Element (HE), and Mobility Element (ME) of the General Plan. The repeal will allow the development of real property consistent with the adopted, more current standards in the Zoning Code and General Plan rather than the outdated standards imposed by the special setback ordinance. This provides more streamlined and transparent zoning regulations, consistent with the General Plan goals of increasing the housing supply, mixed use development and investments that promote neighborhood enhancement.

**The ordinance repeal will not adversely affect the character, livability or appropriate development of the City, and is in conformity with public necessity convenience, general welfare, and good planning practice.** The proposed ordinance repeal will create consistent regulations and remove a situation where setbacks in the special setback ordinance conflict with those in the underlying Zoning Code. The zoning for the subject area and its vicinity was recently changed through the Uptown Planning Land Use and Neighborhood Strategy (UPLAN) process and includes provisions of adequate setbacks and public realm enhancements to assure pedestrian and vehicular access and circulation. The change harmonizes conflicting zoning regulations related to setbacks, a change that is consistent with good planning practice and furtherance of the public interest to promote development and investment that is consistent with the General Plan.