

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1   ORDINANCE NO.   ORD-09-0016  
2

3   AN ORDINANCE OF THE CITY COUNCIL OF THE  
4   CITY OF LONG BEACH AMENDING THE LONG BEACH  
5   MUNICIPAL CODE BY AMENDING SECTION 21.21.302  
6   RELATING TO NOTICING REQUIREMENTS FOR  
7   HEARINGS  
8

9   The City Council of the City of Long Beach ordains as follows:  
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11    Section 1.    Section 21.21.302 of the Long Beach Municipal Code is  
12 amended to read as follows:

13    21.21.302    Noticing requirements for hearings.

14   A. General. Notice shall be given for all hearings requiring notice  
15 as set forth in Table 21-1 not less than fourteen (14) days nor more than  
16 forty-five (45) days prior to the hearing. In addition to the notice required  
17 by this Section, the City may give notice of the hearing in any other  
18 manner it deems necessary or desirable, but, in any event, notice shall be  
19 given by the means set forth in this Section.

20   B. For Noticing of Zone Changes and Other Specified Procedures.  
21 For noticing of a zone change, conditional use permit, standards variance,  
22 administrative use permit, planned development district, local coastal  
23 permit, special setback lines, density bonus, or any other planning or  
24 zoning matter not otherwise specifically provided for herein:

25   1. Owners and Occupants. Notice of hearing shall be  
26 mailed or delivered to the owner of the subject real property or to the  
27 owner's duly authorized agent. One (1) notice of hearing shall also be  
28 mailed or delivered to each tenant household or to each commercial

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

18 (2) For all Institutional or City projects, notice  
19 of the hearing shall be mailed or delivered to all owners of real property as  
20 shown on the latest equalized assessment roll within one thousand feet  
21 (1,000') of the real property that is the subject of the hearing. Notice of  
22 hearing shall also be mailed or delivered to all tenant households or  
23 commercial tenants, as applicable, of real property that is located within  
24 one thousand feet (1,000') of the Institutional or City project real property  
25 that is subject to the hearing.

26 (3) For notices on City-owned property in the  
27 Port of Long Beach and the Long Beach Airport, notices shall also be  
28 mailed and delivered to the leasehold interests on those properties.

1 Notices sent to leaseholders shall count in determination of the twenty  
2 (20)-notice minimum.

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

8 (5) Notice of the hearing shall also be mailed  
9 or delivered to resident managers of any multifamily residential rental units  
10 where the property owner is not an on-site occupant when the fact of non-  
11 occupancy is known to the person charged with the responsibility of  
12 mailing or delivering notice.

13 (6) Measurement of the distance for  
14 notification pursuant to this Subsection shall begin at the property  
15 boundary of the real property that is the subject of the hearing.

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

24 5. Posting.

25 a. Notice of the hearing shall be posted at least  
26 fourteen (14) days prior to the hearing in at least three (3) public places  
27 within the boundaries of the City, including one (1) public place in the  
28 area, if any, most directly affected by the proceedings. In addition, the

1 applicant or owner of the real property which is the subject of the hearing  
2 shall post a sign of at least thirty inches (30") by forty inches (40") on each  
3 street face of the real property that is the subject of the hearing, the  
4 content of which sign shall be subject to the prior approval of Development  
5 Services staff.

6 b. Building height variance applicants shall erect  
7 story poles which accurately represent the full extent of the proposed  
8 structure to the satisfaction of the Director of Development Services,  
9 including decks and eaves, at least fourteen (14) calendar days prior to  
10 the first public hearing and remain in place through the end of the appeal  
11 period.

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

18 C. For noticing of a zoning ordinance amendment:

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

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

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

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

D. For Noticing of Appeals:

1. Responsibility for Noticing. A notice of the public hearing on the appeal shall be mailed by the Department of Development Services for appeals to the City Planning Commission, and by the City Clerk for appeals to the City Council.

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

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

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

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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 conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of July 14, 2009, by the following vote:

Ayes: Councilmembers: Garcia, S. Lowenthal, Schipske,  
Andrews, Reyes Uranga, Gabelich,  
Lerch.

Noes: Councilmembers: DeLong.

Absent: Councilmembers: O'Donnell.

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

Approved: 7/22/09

  
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Mayor