

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 sSection, the cityCity 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 sSection.

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~~manner not otherwise specifically provided for herein:

1. Owners and Occupants~~Property Owners~~. 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 tenant as applicable, of the subject real property.;

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

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

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

7 4. Surrounding Property Owners.

8 a. (1) For Residential projects, Nnotice of the hearing
9 shall be mailed or delivered to all owners of real property as shown on the latest
10 equalized assessment roll within seven hundred and fifty feet (750') ~~three hundred feet~~
11 ~~(300')~~ of the real property that is the subject of the hearing. Notice of hearing shall also
12 be mailed or delivered to all tenant households or commercial tenants, as applicable, of
13 real property that is located within seven hundred and fifty feet (750') of the Residential
14 real property that is subject to the hearing.

15 ~~; except that for projects otherwise requiring that notice be given pursuant to this~~
16 ~~subsection which contain structures forty five (45) or more feet in height or one hundred~~
17 ~~thousand (100,000) or more square feet or with a seating capacity of five hundred (500)~~
18 ~~or more persons, notice shall be mailed or delivered to all such owners within five~~
19 ~~hundred feet (500') of the real property that is the subject of the hearing.~~

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

27 (3) For notices on cityCity-owned property in the Port of
28 Long Beach and the Long Beach Airport, notices shall also be mailed and delivered to

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

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

8 ~~(2)~~(5) Notice of the hearing shall also be mailed or delivered
9 to resident managers of any multifamily residential rental units where the property
10 owner is not an on-site occupant when the fact of non-occupancy is known to the
11 person charged with the responsibility of mailing or delivering notice.

12 ~~(3)~~(6) Measurement of the ~~three hundred (300')~~ or five-
13 hundred foot (500') distance for notification pursuant to this sSubsection shall begin at
14 the property boundary of the real property that is the subject of the hearing. ~~the far side~~
15 ~~of any abutting public property or public right of way including, but not limited to, parks,~~
16 ~~playgrounds, beaches, canals, flood control channels, roads, highways and alleys.~~
17 ~~However, the extent of notification need not exceed one thousand feet (1,000'),~~
18 ~~regardless of the width of the abutting public property.~~

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

26 5. Posting.

27 a. Notice of the hearing shall be posted at least fourteen
28 (14) days prior to the hearing in at least three public places within the boundaries of the

1 cityCity, including one public place in the area, if any, most directly affected by the
2 proceedings. In addition, the applicant or owner of the real property which is the
3 subject of the hearing shall post a sign of at least thirty inches (30") by forty inches (40")
4 on each street face of the real property that is the subject of the hearing, the content of
5 which sign shall be subject to the prior approval of Development Services staff.

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

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

16 C. For noticing of a zoning ordinance amendment:

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

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

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

27 4. Amendments in the Coastal Zone. For any matter in the coastal
28 zone, in addition to any and all other notices required by this sSubsection, notice shall

1 be mailed to the California Coastal Commission and to all persons requesting notice for
2 the individual matter or for all coastal zone hearings, and to all residents within one
3 hundred feet (100') of the site.

4 D. For nNoticing of Appeals:

5 1. Responsibility for Noticing. A notice of the public hearing on the
6 appeal shall be mailed by the dDepartment of planning and building Development
7 Services for appeals to the eCity pPlanning eCommission, and by the eCity eClerk for
8 appeals to the eCity eCouncil.

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

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

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

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

27 I hereby certify that the foregoing ordinance was adopted by the City Council of
28 the City of Long Beach at its meeting of _____, 20098, by the following

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

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vote:

Ayes: Councilmembers:

Noes: Councilmembers:

Absent: Councilmembers:

City Clerk

Approved: _____

Mayor

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ORDINANCE NO.

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CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 21.21.302
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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:

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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

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

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

7 D. For Noticing of Appeals:

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

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

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

22 3. Appeals in the Coastal Zone: For any matter in the
23 coastal zone, in addition to any and all other notices required by this
24 Subsection, notice shall be mailed to the California Coastal Commission
25 and to all persons requesting notice for the individual matter or for all
26 coastal zone hearings, and to all residents within one hundred feet (100')
27 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 _____, 2009, by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

City Clerk

Approved: _____

Mayor