



OFFICE OF THE CITY ATTORNEY
Long Beach, California

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December 2, 2008

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HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive supporting documentation into the record, conclude the hearing, declare ordinance relating to the temporary limitation (moratorium) on truck transfer and truck terminal facilities in the IG (General Industrial) Zone 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 this ordinance shall take effect immediately. (Citywide)

DISCUSSION

On October 21, 2008, the City Council adopted a minute order pursuant to an agenda request which initiated a moratorium against truck transfer and truck terminal facilities in the IG (General Industrial) Zone in the City. The moratorium was initiated pursuant to the provisions of Chapter 21.50 of the Municipal Code, "Interim Prohibition of Uses".

The Ordinance which has been prepared for Council's consideration establishes a one year moratorium period. During this time, the Development Services Department and the Planning Commission will undertake a study on the propriety of amending the City's building or zoning regulations related to truck transfer and truck terminal facilities in the IG Zone. The one year moratorium will apply to any application received by the Development Services Department after October 21, 2008.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 
MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm

A08-03461

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH INVOLVING THE TEMPORARY LIMITATION ON TRUCK TRANSFER AND TRUCK TERMINAL FACILITIES IN THE IG (GENERAL INDUSTRIAL) ZONE; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Section 1. Purpose and Findings. At the direction of the City Council, the Development Services Department and the Planning Commission will undertake a study of potential amendments to the Zoning Regulations and Building Codes of the City of Long Beach which would prohibit or limit the approval of any permits for construction or operation of truck transfer and truck terminal facilities in the IG Zone.

Residents, Councilmembers and other individuals have expressed concern that the current Zoning Regulations may not fully address the impacts that truck transfer and truck terminal facilities (with no outdoor storage) may have on adjacent properties or uses, including residential uses.

Currently, the City does not require the issuance of either a Conditional Use Permit (CUP) or Administrative Use Permit (AUP) for these types of uses to legally operate. The lack of administrative oversight may create a potential health and safety risk to the citizens of the City due to the City's current inability to control the volume of trucks entering or leaving a facility, the hours of operation for such facilities, the noise emanating from the facilities, or the other potential pollutants that can result from the operation of intense trucking related activities. This issue is particularly acute in those IG

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1 Zone areas that are in close proximity to residential or school uses.

2 The City Council specifically finds that the existing regulations contained in
3 the City's Zoning and Building regulations may be in conflict with the Zoning and Building
4 regulations that are or will be studied by the Development Services Department and the
5 Planning Commission pursuant to the City Council's direction.

6 Section 2. Estimated Time for Completion of Study. It is estimated that
7 the study or studies undertaken in connection with the adoption of this interim ordinance
8 shall take the Development Services Department and the Planning Commission
9 approximately one (1) year to complete.

10 Section 3. Prohibition - "Truck Transfer or Truck Terminal Facilities."
11 During the one (1) year interim period, no application shall be approved for a permit for
12 the development or operation of new trucking related uses in the IG (General Industrial)
13 Zone, such as truck transfer or truck terminal facilities, as well as those trucking
14 operations described in Standard Industrial Code (SIC) Groups 4212, 4213, and 4214.

15 Section 4. Said prohibition shall apply to and shall be effective within the
16 IG (General Industrial) Zoning District of the City as depicted on that certain map which is
17 attached hereto and incorporated herein by this reference, and referred to as Exhibit "A".

18 Section 5. Exceptions. The prohibition contained in this ordinance does
19 not apply where a permit application for development or operation of a truck transfer or
20 truck terminal facility was on file and deemed complete by the Development Services
21 Department on or before October 21, 2008.

22 Section 6. The City Council finds and determines that the proposed
23 interim ordinance is not in conflict with the various provisions of the California Coastal Act
24 because, among other things, the proposed interim ordinance does not in any way affect
25 access to or the enjoyment of coastal related activities.

26 Section 7. Declaration of Urgency. This ordinance is an emergency
27 measure, and it is urgently required for the reason that, pending completion of the
28 necessary planning study, and a determination relative to the potential need to amend

1 the Zoning or Building regulations of the City, it is necessary to temporarily prohibit
2 development or operation of new trucking related uses within the General Industrial (IG)
3 Zone in order to avoid the adverse impacts that might be inconsistent with the pending
4 revisions to the Zoning or Building regulations of the City being considered during the
5 interim period.

6 Section 8. This ordinance is an emergency ordinance duly adopted by
7 the City Council on _____, 2008, by a vote of at least five (5) of its
8 members and shall take effect immediately. The City Clerk shall certify to a separate roll
9 call and vote on the question of the emergency of this ordinance and to its passage by
10 the vote of five members of the City Council of the City of Long Beach, and cause the
11 same to be posted in three conspicuous places in the City of Long Beach.

12 Section 9. This ordinance shall also be adopted by the City Council as a
13 regular ordinance, to the end that in the event of any defect or invalidity in connection
14 with the adoption of this ordinance as an emergency ordinance, the same shall,
15 nevertheless, be and become effective on the thirty-first day after it is approved by the
16 Mayor.

17 Section 10. The City Clerk shall certify to the passage of this ordinance by
18 the City Council of the City of Long Beach and shall cause the same to be posted in three
19 (3) conspicuous places in the City of Long Beach.

20 I hereby certify that on a separate roll call and vote which was taken by the
21 City Council of the City of Long Beach upon the question of emergency of this ordinance
22 at its meeting of _____, 2008, the ordinance was declared to be an

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1 emergency by the following vote:

2 Ayes: Councilmembers: _____

3 _____

4 _____

5 Noes: Councilmembers: _____

6 _____

7 Absent: Councilmembers: _____

8 _____

9 _____

10 I further certify that on _____, 2008, upon a roll call and
11 vote on first reading of the ordinance, it was adopted by the City Council of the City of
12 Long Beach by the following vote:

13 Ayes: Councilmembers: _____

14 _____

15 _____

16 Noes: Councilmembers: _____

17 _____

18 Absent: Councilmembers: _____

19 _____

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1 I further certify that the foregoing ordinance was thereafter adopted on final
2 reading by the City Council of the City of Long Beach at its meeting of
3 _____, 2008, by the following vote:

4 Ayes: Councilmembers: _____

5 _____

6 _____

7 Noes: Councilmembers: _____

8 _____

9 Absent: Councilmembers: _____

10 _____

11 _____
12 _____
13 Clerk

14
15 Approved: _____
16 (Date)

17 _____
18 Mayor

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