

ORDINANCE NO. ORD-10-0027

AN INTERIM ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LONG BEACH AMENDING ORDINANCE
NOS. ORD-10-0015 AND ORD-10-0020 RELATING TO THE
TEMPORARY LIMITATION ON THE ISSUANCE OF
DISCRETIONARY PERMITS FOR THE INSTALLATION,
MODIFICATION OR RELOCATION OF WIRELESS
FACILITIES WITHIN RESIDENTIAL AND INSTITUTIONAL
USE ZONES, RESPECTIVELY; DECLARING THE
URGENCY THEREOF; AND DECLARING THAT THIS
ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, on May 18, 2010, by Ordinance No. ORD-10-0015, the City
Council of the City of Long Beach imposed, on an urgency basis, a temporary
moratorium for one hundred twenty (120) days on the issuance of discretionary permits
for the installation, modification or relocation of Wireless Facilities within those areas of
the City zoned exclusively for Residential use; and

WHEREAS, on July 6, 2010, by Ordinance No. ORD-10-0020, the City
Council of the City of Long Beach imposed, on an urgency basis, a temporary
moratorium for one hundred twenty (120) days on the issuance of discretionary permits
for the installation, modification or relocation of Wireless Facilities within those areas of
the City zoned exclusively for Institutional use; and

WHEREAS, additional time is required to study and complete the
comprehensive regulations for the permitting, placement, design and maintenance of
wireless facilities in all zones within the City, and to work with local residents and wireless
representatives in the telecommunications industry to review and make revisions to the
draft ordinance; and

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

1 WHEREAS, a duly noticed public hearing was held on September 14, 2010,
2 regarding the extension of the moratoriums;

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

5 Section 1. Subsection F of Section 1 of Ordinance No. ORD-10-0015,
6 adopted May 18, 2010, is amended to read as follows:

7 F. To accomplish this, the City Council intends to
8 impose, on an urgency basis, a temporary moratorium on the issuance of
9 discretionary permits for the installation, modification or relocation of
10 Wireless Facilities within those areas of the City zoned exclusively for
11 residential use so that City staff, the City Council, and the citizens of the
12 City will have sufficient time to consider a comprehensive ordinance
13 lawfully regulating the installation, modification and relocation of Wireless
14 Facilities in the City. The preparation of such an ordinance, together with
15 the necessary public outreach, legal research, and City processes for
16 consideration of such enactments cannot be completed until December
17 14, 2010.

18
19 Section 2. Section 10 of Ordinance No. ORD-10-0015, adopted May 18,
20 2010, is amended to read as follows:

21 Section 10. Effective Date. This ordinance shall take effect
22 immediately upon its passage. It shall be of no further force or effect after
23 December 14, 2010, unless extended following a public hearing, as
24 provided for by law.

25
26 Section 3. Subsection F of Section 1 of Ordinance No. ORD-10-0020,
27 adopted July 6, 2010, is amended to read as follows:

28 F. To accomplish this, the City Council intends to

1 impose, on an urgency basis, a temporary moratorium on the issuance of
2 discretionary permits for the installation, modification or relocation of
3 Wireless Facilities within those areas of the City zoned exclusively for
4 Institutional use so that City staff, the City Council, and the citizens of the
5 City will have sufficient time to consider a comprehensive ordinance
6 lawfully regulating the installation, modification and relocation of Wireless
7 Facilities in the City's Institutional Zones. The preparation of such an
8 ordinance, together with the necessary public outreach, legal research,
9 and City processes for consideration of such enactments cannot be
10 completed until December 14, 2010.

11
12 Section 4. Section 10 of Ordinance No. ORD-10-0020, adopted July 6,
13 2010, is amended to read as follows:

14 Section 10. Effective Date. This ordinance shall take effect
15 immediately upon its passage. It shall be of no further force or effect after
16 December 14, 2010, unless extended following a public hearing, as
17 provided for by law.

18
19 Section 5. Declaration of Urgency. This ordinance is an emergency
20 measure, and it is urgently required for the reason that, pending completion of the
21 necessary planning study, and a determination relative to the potential need to amend
22 the Zoning or Building regulations of the City, it is necessary to temporarily prohibit the
23 issuance of discretionary permits for the installation, modification or relocation of Wireless
24 Facilities in Residential and Institutional zones of the City that might be inconsistent with
25 the pending revisions to the Zoning or Building regulations of the City being considered
26 during the interim period.

27 Section 6. This ordinance is an emergency ordinance duly adopted by
28 the City Council on September 14, 2010, by a vote of at least five (5) of its

members and shall take effect immediately. The City Clerk shall certify to a separate roll call and vote on the question of the emergency of this ordinance and to its passage by the vote of five members of the City Council of the City of Long Beach, and cause the same to be posted in three conspicuous places in the City of Long Beach.

Section 7. This ordinance shall also be adopted by the City Council as a regular ordinance, to the end that in the event of any defect or invalidity in connection with the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, be and become effective on the thirty-first day after it is approved by the Mayor.

Section 8. The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach and shall cause the same to be posted in three (3) conspicuous places in the City of Long Beach.

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 14, 2010, the ordinance was declared to be an emergency by the following vote:

Ayes: Councilmembers: Garcia, DeLong, O'Donnell, Schipske,
Andrews, Johnson, Gabelich, Neal.

Noes: Councilmembers: None.

Absent: Councilmembers: Lowenthal.

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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: Garcia, DeLong, O'Donnell, Schipske,
Andrews, Johnson, Gabelich, Neal.

Noes: Councilmembers: None.

Absent: Councilmembers: Lowenthal.

I further hereby certify that the foregoing ordinance was adopted on final reading by the City Council of the City of Long Beach at its meeting of _____, 2010, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor