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Long Beach, California

ORD-26

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April 4, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive supporting documentation into the record, conclude the hearing, and declare ordinance relating to the temporary limitation (moratorium) on the establishment, installation, placement, construction, expansion, or issuance of permits for the use of unattended donation/recycling collection boxes or bins read, adopted as read, 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 March 7, 2017, the City Council adopted a minute order pursuant to an agenda request which initiated a moratorium relating to the establishment, installation, placement, construction, expansion, or issuance of permits for the use of unattended donation/recycling collection boxes or bins in or on any private or public lot in the City. The moratorium was initiated pursuant to the provisions of Chapter 21.50 of the Municipal Code, "Interim Prohibition of Uses."

The attached ordinance, which has been prepared for Council's consideration, establishes a one (1) year moratorium period. During this time, the Development Services Department and the Planning Commission will undertake a study of potential amendments to the Zoning or Building regulations relating to portable unattended donation and/or recycling boxes or bins in the City of Long Beach. The one year moratorium will apply to any application for permits received after March 7, 2017, for the establishment, installation, placement, construction, expansion of unattended donation/recycling collection boxes or bins in the City of Long Beach. As of March 7, 2017, there were no new applications on

file related to the above described uses. Therefore, for the purpose of this moratorium, there are no unattended donation and/or recycling boxes or bin applications that would be exempt from the provisions of the proposed moratorium.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By

A handwritten signature in black ink, appearing to read "Michael J. Mais", written over the printed name.

MICHAEL J. MAIS
Assistant City Attorney

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH RELATING TO A TEMPORARY
LIMITATION ON THE ESTABLISHMENT, INSTALLATION,
PLACEMENT, CONSTRUCTION, EXPANSION, OR
ISSUANCE OF PERMITS FOR THE USE OF UNATTENDED
DONATION/RECYCLING COLLECTION BOXES OR BINS IN
OR ON ANY PRIVATE OR PUBLIC LOT IN THE CITY;
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, by
Minute Order on March 7, 2017, the Department of Development Services and the
Planning Commission will undertake or currently are undertaking studies of potential
amendments to the Zoning or Building regulations of the City of Long Beach relating to
portable unattended donation and/or recycling boxes or bins in the City of Long Beach.
The City Council, concerned citizens, and other interested individuals, have expressed
that changes to the existing zoning or building regulations are desired in order to prevent
the unregulated proliferation of unattended donation and/or recycling boxes or bins which
can, if not properly or consistently maintained, become a public nuisance as they attract
graffiti, scavenging and illegal dumping near and around said uses, all of which activity
leads to visual blight and a diminution in the quality of life of the City's residents and
visitors. If said uses are permitted to be installed, established, constructed, expanded or
operated during the pendency of said studies, such activity may defeat the effectiveness

1 of zoning or building regulations ultimately adopted as a result of the current study and
2 review to be undertaken by the Department of Development Services and the Planning
3 Commission.

4 Section 2. The City Council specifically finds that until such time that the
5 City concludes its review and study and adopts appropriate controls to regulate
6 unattended donation and/or recycling boxes or bins in the City of Long Beach the
7 resulting potentially negative effects of said uses will pose a current and immediate threat
8 to the public safety, health and or welfare of the citizens, residents and visitors of the City
9 of Long Beach.

10 Section 3. Estimated Time for Completion of Study. It is estimated that
11 the study or studies undertaken in connection with the adoption of this interim ordinance
12 shall take the Department of Development Services and the Planning Commission
13 approximately one (1) year to complete. For the purposes of this ordinance, this interim
14 moratorium study period shall expire no later than March 8, 2018, or at such time as the
15 City Council does adopt appropriate zoning regulations or development standards related
16 to all or some of the below mentioned activities, whichever is sooner.

17 Section 4. Prohibition on placement, construction or use of unattended
18 donation and/or recycling boxes or bins throughout the City. During the term of the one
19 (1) year interim (moratorium) period, no application for a use permit, building permit,
20 construction permit, encroachment permit, variance or business license, of any kind, shall
21 be approved, nor shall any such permit be issued, for any activity that would result in the
22 placement of unattended donation and/or recycling boxes or bins throughout the City.

23 Section 5. Declaration of Urgency. This ordinance is an urgency
24 measure, and it is urgently required for the reason that, pending completion of the
25 necessary planning study, and a determination relative to the potential need to amend
26 the City's Zoning Code or building regulations, it is necessary to limit construction,
27 development or placement of unattended donation and/or recycling boxes or bins
28 throughout the City in order to avoid the adverse impacts associated with said use that

1 might be inconsistent with the pending revisions to the zoning or building regulations of
2 the City being considered during the interim moratorium period.

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

9 Section 7. This ordinance shall also be adopted by the City Council as a
10 regular ordinance, to the end that in the event of any defect or invalidity in connection
11 with the adoption of this ordinance as an urgency ordinance, the same shall,
12 nevertheless, be and become effective on the thirty-first (31st) day after it is approved by
13 the Mayor. The City Clerk shall certify to the passage of this ordinance by the City
14 Council of the City of Long Beach and shall cause the same to be posted in three (3)
15 conspicuous places in the City of Long Beach.

16
17 I hereby certify that on a separate roll call and vote which was taken by the City
18 Council of the City of Long Beach upon the question of urgency of this ordinance at its
19 meeting of _____, 2017, the ordinance was declared to be an urgency by
20 the following vote:

21	Ayes:	Councilmembers:	_____
22			_____
23			_____
24	Noes:	Councilmembers:	_____
25			_____
26	Absent:	Councilmembers:	_____
27			_____

28 //

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: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of _____, 2017, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Clerk

Approved: _____
(Date)

Mayor