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H-17

June 15, 2021

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive supporting documentation into the record, conclude the hearing, and declare an ordinance relating to the temporary limitation (moratorium) on the issuance of building permits, construction permits or other entitlements for new residential stand-alone construction along commercial and transportation corridors in areas that are designated by the 2019 General Plan Land Use Element Update as the Neighborhood-Serving Corridors or Centers PlaceType on Willow Street, west of the 710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road on the north, in the City of Long Beach, 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. (Seventh District)

DISCUSSION

On May 18, 2021, the City Council adopted a minute order pursuant to an agenda request which initiated a moratorium relating to the issuance of building permits, construction permits, or other entitlements for new residential stand-alone construction along commercial and transportation corridors in areas that are designated by the 2019 General Plan Land Use Element Update as the Neighborhood-Serving Corridors or Centers PlaceType on Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road on the north, in the City of Long Beach. 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 twelve (12) month moratorium period to be effective in the geographic areas described above. During this time, the Development Services Department and the Planning Commission will undertake a study of potential amendments to the Zoning or Building

regulations of the City relating to the construction of stand-alone residential dwelling units along the corridors in question, and will also study the City's existing Zoning or Building regulations in order to align said regulations with the recently adopted Land Use and Urban Design Elements of the General Plan approved by the City Council in 2020. At the conclusion of the relevant study, the Planning Commission will make a recommendation to the City Council in regard to appropriate amendments that can, or should be, made to the City's current regulatory structure.

The twelve (12) month moratorium will apply to any application for permits received after 5:00 p.m. on May 18, 2021.

SUGGESTED ACTION:

Approve recommendation.

CHARLES PARKIN, City Attorney

By



MICHAEL J. MAIS
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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH IMPOSING INTERIM REGULATIONS (MORATORIUM) IN ACCORDANCE WITH CHAPTER 21.50 OF THE LONG BEACH MUNICIPAL CODE ON THE ISSUANCE OF BUILDING, CONSTRUCTION, OCCUPANCY PERMITS, OR OTHER ENTITLEMENTS FOR NEW STAND-ALONE RESIDENTIAL CONSTRUCTION ALONG TRANSPORTATION CORRIDORS IN AREAS THAT ARE DESIGNATED BY THE 2019 GENERAL PLAN LAND USE ELEMENT UPDATE AS THE NEIGHBORHOOD-SERVING CORRIDORS OR CENTERS PLACETYPE ON WILLOW STREET, WEST OF THE I-710 FREEWAY TO THE CITY TERMINUS; AND SANTA FE AVENUE, BETWEEN PACIFIC COAST HIGHWAY ON THE SOUTH AND WARDLOW ROAD ON THE NORTH, IN THE WEST LONG BEACH AREA OF THE CITY; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, concerns have been raised over applications for building permits, construction or occupancy permits, and other entitlements for new residential construction along certain transportation corridors on Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road on the north, in the West Long Beach area of the City; and

WHEREAS, residents, Councilmembers, and other stakeholders and individuals have expressed concern that the current Zoning Regulations of the City may

1 not fully address the impacts that residential construction may have on the transportation
2 corridors described above; and that said current Zoning Regulations are, or may be, in
3 conflict with the provisions of the newly adopted and amended Land Use (LUE) and
4 Urban Design Elements (UDE) of the City; and that as a result of said conflict, without the
5 adoption of interim land use regulations (i.e.; a moratorium), out of character
6 development could and would be permitted resulting in “stand alone” single-use
7 residential structures forestalling the ability to create walkable mixed use “neighborhood
8 serving centers” and corridors as contemplated by the adoption of the current LUE and
9 UDE Elements of the City’s General Plan; and

10 WHEREAS, the current LUE has designated the corridors of Santa Fe
11 Avenue between Pacific Coast Highway and Wardlow Road, and Willow Street from the
12 I-710 to the City terminus, as “neighborhood serving centers” designed to meet resident
13 and consumers daily needs for goods and services close to residential areas providing
14 such amenities as restaurants, cafes, retail shops, financial institutions and other daily
15 conveniences; and

16 WHEREAS, the subject interim regulations (moratorium) will provide the
17 City and City staff, together with input from the public, an opportunity to determine how
18 the current Zoning and/or building regulations can best be amended to eliminate, to the
19 extent reasonably feasible, the conflict between the current regulations and the newly
20 adopted LUE and UDE; and

21 WHEREAS, maintaining the status quo with respect to residential
22 construction in the geographic areas described above by assuring that no new
23 applications for building or construction permits, or other entitlements are accepted, and
24 no new building or construction permits, or other entitlements are issued, while the City
25 conducts the necessary study along transportation corridors on Willow Street, west of the
26 I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway
27 on the south and Wardlow Road on the north, is consistent with good planning practice
28 and is likewise consistent with the goals and objectives of both the LUE and UDE; and

1 WHEREAS, the City's planning staff and the Planning Commission will
2 undertake the necessary study of residential construction along transportation corridors
3 described above and will prepare an implementation plan and recommended action for
4 consideration by the City Council in due course; and

5 WHEREAS, the goal of any new residential construction along the above
6 described transportation corridors is to develop comprehensive regulations which
7 recognize and balance the various interests related to residential construction in
8 commercial zones and transportation corridors in a manner tailored to the City's unique
9 needs and community vision, and which are supportive of establishing environments that
10 are more walkable and pedestrian friendly environments and which provide surrounding
11 residents access to neighborhood-serving commercial uses and other necessary
12 amenities, and which reflect the land use and zoning policy choices of the City as
13 reflected in the General Plan; and

14 WHEREAS, until the policy study as described above is undertaken and
15 completed by City Staff and the Planning Commission and any new regulations are
16 adopted by the City Council, there is a significant risk that some individuals or entities
17 may make investments in new residential construction in commercial corridor areas
18 described above that would soon thereafter be illegal, nonconforming, or subject to an
19 amortization program; and

20 WHEREAS, the possibility that construction of new stand-alone residential
21 development along the commercial and transportation corridors described above could or
22 would be incompatible with the LUE and UDE, and therefore constitute a current and
23 immediate threat to the public health, safety, or welfare. Approval of building or
24 construction permits, or other entitlements in the described areas during the interim study
25 period could result in a threat to public health, safety, and welfare; and

26 WHEREAS, Chapter 21.50 of the Long Beach Municipal Code empowers
27 the City to enact interim zoning (moratorium) regulations which takes effect immediately
28 upon a showing of urgency;

1 WHEREAS, on May 18, 2021, the City Council adopted after a public
2 hearing and public input, a minute order pursuant to an agenda request which initiated a
3 moratorium relating to the issuance of building or construction permits, or other
4 entitlements for new stand-alone residential construction in areas that are designated by
5 the 2019 General Plan Land Use Element Update as the Neighborhood-Serving
6 Corridors or Centers PlaceType on the Willow Street and Santa Fe Avenue corridors in
7 the City, and declared the urgency thereof.

8 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
9 follows:

10 Section 1. Purpose and Findings. At the direction of the City Council, the
11 Development Services Department and the Planning Commission will undertake a policy
12 study of potential amendments to the Zoning Regulations and Building Codes of the City
13 of Long Beach ("City") regulating, limiting or prohibiting new residential construction along
14 commercial and transportation corridors in in areas that are designated by the 2019
15 General Plan Land Use Element Update as the Neighborhood-Serving Corridors or
16 Centers PlaceType on Willow Street, west of the I-710 freeway to the City terminus; and
17 Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road on
18 the north, in the City of Long Beach. The City Council specifically finds that the existing
19 regulations contained in the City's Zoning and/or Building regulations may be in conflict
20 with the Zoning and Building regulations that are or will be studied by the Development
21 Services Department and the Planning Commission pursuant to the City Council's
22 direction.

23 Section 2. Estimated Time for Completion of Study. It is estimated that
24 the study or studies undertaken in connection with the adoption of this interim ordinance
25 may take the Development Services Department and the Planning Commission
26 approximately twelve (12) months to complete.

27 Section 3. Prohibition.

28 Notwithstanding any provision of the Long Beach Municipal Code to the

1 contrary, for a period of twelve (12) months from the effective date of this Ordinance,
2 which would be June 15, 2022, or until a permanent ordinance becomes effective,
3 whichever occurs first:

4 A. No application shall be accepted for a building or construction permit,
5 or other entitlement for new residential stand-alone construction on the transportation
6 corridors in West Long Beach on Willow Street, west of the I-710 freeway to the City
7 terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and
8 Wardlow Road on the north, in the City of Long Beach.

9 B. No building or construction permit, or other entitlement for new
10 residential stand-alone construction on the transportation corridors on in West Long Beach
11 on Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe Avenue,
12 between Pacific Coast Highway on the south and Wardlow Road on the north, in the City,
13 shall be issued.

14 Section 4. Exceptions.

15 A. The prohibitions specified in Section 3 of this Ordinance shall not
16 apply to residential stand-alone construction along transportation corridors in West Long
17 Beach on Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe
18 Avenue, between Pacific Coast Highway on the south and Wardlow Road on the north, for
19 which a permit application is required as follows:

20 1. In order to comply with an order issued by the Department of
21 Development Services to repair, remove, demolish or maintain any unsafe or a
22 substandard condition; or

23 2. In order to replace or repair damage as a result of fire,
24 earthquake, or other natural disaster, provided that the replacement or repair is not
25 prohibited by any other provision of the Long Beach Municipal Code.

26 B. The prohibitions specified in Section 3 of this Ordinance shall not
27 apply to any building or construction permit or other entitlement issued for new residential
28 stand-alone construction along the transportation corridors on Willow Street, west of the

1 I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway
2 on the south and Wardlow Road on the north, prior to 5:00 p.m. on May 18, 2021.

3 C. The prohibitions specified in Section 3 of this Ordinance shall not
4 apply to the routine maintenance or repair of existing residential stand-alone construction
5 on the transportation corridors on Willow Street, west of the I-710 freeway to the City
6 terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and
7 Wardlow Road on the north, provided that the residential construction is not enlarged in
8 any manner. During the period of this interim ordinance no residential construction along
9 transportation corridors on Willow Street, west of the I-710 freeway to the City terminus;
10 and Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road
11 on the north, shall be removed and replaced for the purposes of modernization, except
12 pursuant to an order issued by the Department of Development Services.

13 Section 5. Severability. If any provision of this Ordinance is found to be
14 unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity
15 shall not affect the remaining provisions of this Ordinance which can be implemented
16 without the invalid provision, and, to this end, the provisions of this Ordinance are
17 declared to be severable.

18 Section 6. Applicability of the Zoning Code. The regulations of this
19 Ordinance are in addition to those set forth in the planning and zoning provisions of
20 Chapter 21 of the Long Beach Municipal Code, and any other ordinances adopted by the
21 City Council, and do not contain any rights not otherwise granted under the provisions
22 and procedures contained in Chapter 21 or any other ordinances.

23 Section 7. Urgency Clause. The City Council finds and declares that this
24 ordinance is required for the immediate preservation of the public peace, health and
25 safety for the following reasons. This ordinance is necessary to prevent irreversible
26 development from occurring pending adoption of a permanent ordinance or regulations
27 by preventing permits for the construction of new stand-alone residential construction on
28 Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe Avenue,

1 between Pacific Coast Highway on the south and Wardlow Road on the north, which
2 would possibly undermine the recommendations for updating the zoning and/or building
3 regulations regarding new residential stand-alone construction along the commercial and
4 transportation corridors described above. Therefore, this Ordinance shall become
5 effective upon adoption pursuant to Long Beach City Charter Sections 211 and 212, and
6 Chapter 21.50 of the Long Beach Municipal Code.

7 Section 8. The City Council finds and determines that the proposed
8 interim ordinance is not in conflict with the various provisions of the California Coastal Act
9 because, among other things, the proposed interim ordinance does not in any way affect
10 access to or the enjoyment of coastal related activities and the areas in question are not
11 in the City's coastal zone.

12 Section 9. Declaration of Urgency. This ordinance is an emergency
13 measure, and it is urgently required for the reason that, pending completion of the
14 necessary planning policy study, and a determination relative to the potential need to
15 amend the Zoning or Building regulations of the City, it is necessary to temporarily
16 prohibit the issuance of construction or building permits or other entitlements related to
17 new residential stand-alone construction on Willow Street, west of the I-710 freeway to
18 the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south
19 and Wardlow Road on the north, in order to avoid the adverse impacts that might arise
20 with the pending revisions to the Zoning or Building regulations of the City being
21 considered during the interim period.

22 Section 10. This ordinance is an emergency ordinance duly adopted by
23 the City Council on June 15, 2021, by a vote of at least five (5) of its members and shall
24 take effect immediately. The City Clerk shall certify to a separate roll call and vote on the
25 question of the emergency of this ordinance and to its passage by the vote of five
26 members of the City Council of the City of Long Beach, and cause the same to be posted
27 in three conspicuous places in the City of Long Beach.

28 Section 11. This ordinance shall also be adopted by the City Council as a

1 regular ordinance, to the end that in the event of any defect or invalidity in connection
2 with the adoption of this ordinance as an emergency ordinance, the same shall,
3 nevertheless, be and become effective on the thirty-first day after it is approved by the
4 Mayor.

5 Section 12. The City Clerk shall certify to the passage of this ordinance by
6 the City Council of the City of Long Beach and shall cause the same to be posted in three
7 (3) conspicuous places in the City of Long Beach.

8 I hereby certify that on a separate roll call and vote which was taken by the
9 City Council of the City of Long Beach upon the question of emergency of this ordinance
10 at its meeting of June 15, 2021, the ordinance was declared to be an emergency by the
11 following vote:

12 Ayes: Councilmembers: _____

13 _____

14 _____

15 Noes: Councilmembers: _____

16 _____

17 Absent: Councilmembers: _____

18 _____

19 Recusal(s): Councilmembers: _____

20 _____

21 _____

22 _____

23 I further certify that on June 15, 2021, upon a roll call and vote on first
24 reading of the ordinance, it was adopted by the City Council of the City of Long Beach by
25 the following vote:

26 Ayes: Councilmembers: _____

27 _____

28 _____

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Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): 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 June 22, 2021, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

Clerk

Approved: _____
(Date)

Mayor