

ORDINANCE NO. ORD-07-0050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH RELATING TO THE TEMPORARY LIMITATION OF CERTAIN CONSTRUCTION AND DEVELOPMENT ACTIVITIES; ADDING ADDITIONAL NOTICING AND STORY POLE REQUIREMENTS FOR CERTAIN DEVELOPMENT; 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 Department of Planning and Building and the Planning Commission will undertake or are currently studying potential amendments to the Zoning or Building Codes of the City of Long Beach relating to neighborhood character stabilization in order to respond to the issue of "mansionization" that has reported to be occurring in specified geographical areas of the City. The City's Housing and Neighborhoods Committee, concerned citizens and other individuals, have expressed that additions to the noticing requirements for certain applications for development are necessary in order to curtail "mansionization" and otherwise stabilize existing neighborhoods as well as certain structures with historical or architectural significance in the City, and that continued construction and or remodeling without such noticing requirements during the pendency of said studies may defeat the effectiveness of regulations ultimately adopted as a result of the current study and review. The City Council specifically finds that the existing noticing requirements contained in the zoning and building regulations of the City may be in conflict with the zoning and building regulations that are or will be studied by the Department of Planning

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1 and Building and the Planning Commission pursuant to the City Council's direction. The
2 City Council further finds that this interim ordinance shall not conflict with the California
3 Coastal Act.

4 Section 2. Estimated Time for Completion of Study. It is estimated that
5 the study or studies undertaken in connection with the adoption of this interim ordinance
6 shall take approximately one year to complete.

7 Section 3. City-wide Prohibition -- Story Poles. During the term of the
8 one year interim period, no application for a building height variance in a residential zone
9 shall be approved for any construction activity that does not comply with the following
10 requirement: The applicant shall erect story poles which accurately represent the full
11 extent of the proposed structure to the satisfaction of the director, including decks and
12 eaves, at least fourteen (14) calendar days prior to the first public hearing. If complete
13 story poles are not in place at least fourteen (14) calendar days prior to the hearing date,
14 the project shall be continued to a later date, with re-noticing required. For the purposes
15 of this subsection, "story poles" shall mean temporary frame structures used to visualize
16 the outline of a proposed structure.

17 Section 4. City-wide Prohibition -- Noticing Requirements. During the
18 term of the one year interim period, no application for any permit for which a hearing is
19 required shall be approved, unless the following requirements are met:

20 A. Mailed Hearing Notices. In addition to the noticing
21 requirements set forth in Section 21.21.302 of the Long Beach Municipal
22 Code, notice of the hearing shall be mailed or delivered to all owners and
23 renters of real property within (1) five hundred (500) feet of the real property
24 that is the subject of the hearing, and (2) two linear block faces in both
25 directions along the street of the real property that is the subject of the
26 hearing. Where unique street configurations occur (such as corner lots,
27 dead-end streets, etc.), the Zoning Administrator shall have the authority to
28 determine the linear street notification area. Measurement of the five-

1 hundred-foot distance for notification pursuant to this subsection shall begin
2 at the far property boundary.

3 B. Posted Hearing Notices. In addition to the noticing
4 requirements set forth in Section 21.21.302 of the Long Beach Municipal
5 Code, notice of the hearing shall be posted on the real property that is the
6 subject of the hearing in the following manner: The applicant shall post
7 such property with a sign at least thirty (30) inches by thirty-six (36) inches
8 in size, containing project and hearing information in a location on the real
9 property visible and accessible from the public right-of-way at least fourteen
10 (14) days prior to the public hearing. The posting shall remain through all
11 applicable appeal periods.

12 Section 5. Exceptions. The prohibitions contained in this ordinance does
13 not apply where an application for said development or construction was on file, and
14 deemed complete by the Department of Planning and Building on or before September
15 18, 2007.

16 Section 6. Declaration of Urgency. This ordinance is an emergency
17 measure, and it is urgently required for the reason that, pending completion of the
18 necessary planning study, and a determination relative to the potential need to amend
19 the Code, it is necessary to limit construction or development of in order to avoid the
20 adverse impacts associated with said construction that might be inconsistent with the
21 pending revisions to the zoning or building regulations of the City being considered during
22 the interim period.

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

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1 This ordinance shall also be adopted by the City Council as a regular
2 ordinance, to the end that in the event of any defect or invalidity in connection with the
3 adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, be
4 and become effective on the thirty-first day after it is approved by the Mayor. The City
5 Clerk shall certify to the passage of this ordinance by the City Council of the City of Long
6 Beach and shall cause the same to be posted in three conspicuous places in the City of
7 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 October 16, 2007, the ordinance was declared to be an
11 emergency by the following vote:

12 Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong,
13 O'Donnell, Schipske, Andrews,
14 Reyes Uranga, Gabelich, Lerch.

15 Noes: Councilmembers: None.

16
17 Absent: Councilmembers: None.

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19 I further certify that thereafter, at the same meeting, upon a roll call and
20 vote on adoption of the ordinance, it was adopted by the City Council of the City of Long
21 Beach by the following vote:

22 Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong,
23 O'Donnell, Schipske, Andrews,
24 Reyes Uranga, Gabelich, Lerch.

25 Noes: Councilmembers: None.

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27 Absent: Councilmembers: None.

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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 _____, 2007, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Clerk

Approved: _____
(Date)

Mayor

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HAM:kjm:fl 10/9/07