



OFFICE OF THE CITY ATTORNEY
Long Beach, California

H-1

ROBERT E. SHANNON
City Attorney

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Assistant City Attorney

October 16, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to adopt an urgency ordinance establishing a temporary limitation (moratorium) of construction and development activities in the Rancho Estates area; adopt an urgency ordinance establishing a temporary limitation (moratorium) of construction and development activities in the Los Cerritos areas; adopt an urgency ordinance establishing a temporary limitation (moratorium) relating to story poles and noticing requirements; and adopt a resolution establishing a new fee for noticed public hearings; declare the ordinances read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to your request at the City Council meeting of September 18, 2007, the attached ordinances and resolution have been prepared and are submitted for your consideration. A staff report from the Department of Planning and Building is attached.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

HEATHER A. MAHOOD
Assistant City Attorney

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Enclosure

00112131.DOC: 07-04603



CITY OF LONG BEACH

Department of Planning and Building

333 W. Ocean Boulevard - Long Beach, CA 90802 - (562) 570-6321 - FAX (562) 570-6068

October 16, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

DISCUSSION

This item is in response to the action taken by the City Council on September 18, 2007. The City Council requested that the City Attorney's Office prepare Interim Ordinances altering development rights in Ranchos Estates and Los Cerritos. In addition, the City Council requested that additional Public Noticing be required for discretionary actions related to development, and that "story poles" be required for all height standards variances.

Ranchos Estates Interim Ordinance – One Year

- No construction of second stories will be allowed.
- No demolitions will be allowed. The new definition of demolition for the Rancho Estates area is, "Removal of more than 30% of exterior walls in whole or in part. Replacement of windows or doors where the frame remains intact shall count as removal of an exterior wall. Removal of exterior surface finishes such as wood siding or stucco shall count as removal of an exterior wall."

Los Cerritos Interim Ordinance – One Year

- Corner Lots – Exterior side yard fence within the setback area, shall be a three-foot maximum height. Outside the setback area, the fence may be 6' 6" high. The area between the property line and the fence must be landscaped.

Citywide Story Poles – One Year

- Height Variances – Applicant shall erect "story poles" demonstrating the additional height requested, at least 14 days prior to the first public hearing.

Citywide Public Noticing – One Year

- This item requires that all property owners and tenants within 500 feet of the subject hearing property and two linear block faces in both directions along the street of the subject hearing property, be notified of a hearing by mail of the type of permit requested and the time and location of the hearing.

- Notice of the hearing must be posted on the subject hearing property. The sign must be 30 x 36 inches in size and be visible from the public right-of-way. The sign shall be posted at least 14 days before the hearing.

Increased Fee - Additional Required Public Notice

- In order to recover the estimated cost of additional required public notice mailing, an additional \$150.00 will be charged for every discretionary permit requiring mailed public notice.

This report was reviewed by Assistant City Attorney Heather A. Mahood on October 9, 2007, and by Budget Management Officer Victoria Bell on October 9, 2007.

TIMING CONSIDERATIONS

Title 21.50 of the Zoning Ordinance requires that an interim ordinance be returned to the third City Council meeting following the minute order action of September 18, 2007, which is October 16, 2007.

FISCAL IMPACT

Based on the new public noticing requirements, more notices will be mailed out to property owners and tenants. This equates to approximately \$150.00 in additional cost, which covers postage and additional staff time dedicated to the preparation of notices. In order to maintain full cost recovery of services, a \$150.00 fee will be paid by the applicant.

The cost of erecting story poles for height variance permits will be paid by the applicant.

SF:AR

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH RELATING TO THE TEMPORARY
LIMITATION OF CERTAIN CONSTRUCTION AND
DEVELOPMENT ACTIVITIES IN THE LOS CERRITOS AREA
OF THE CITY IN ORDER TO FOSTER AND PROMOTE
NEIGHBORHOOD CHARACTER STABILIZATION IN SAID
AREA; 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 the Los Cerritos area of the City. The City's Housing and Neighborhoods Committee, concerned citizens and other individuals, have expressed that changes to existing zoning or building regulations are desired 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 in said area 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 zoning and building regulations of the City permit one or more uses, development standards, or construction activities which are, or may be, in conflict with the zoning and building

1 regulations that are or will be studied by the Department of Planning and Building and the
2 Planning Commission pursuant to the City Council's direction.

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

6 Section 3. Prohibition on Activities in the Los Cerritos Area. During the
7 term of the one year interim period, no application for a building permit, construction
8 permit, or variance, of any kind, shall be approved, nor shall any such permit be issued,
9 for any construction activity that would result in the following activities in the Los Cerritos
10 area (as shown on the map attached as Exhibit "A"):

11 For corner lots, the construction of any fence (including the
12 replacement of a non-conforming fence) within the front-yard setback, or
13 within a 6'0" exterior side-yard setback area which exceeds the height of
14 three (3) feet. The area between the exterior property line and the fence
15 shall be landscaped.

16 Section 4. Exceptions. The prohibitions contained in this ordinance does
17 not apply where an application for said development or construction was on file, and
18 deemed complete by the Department of Planning and Building on or before September
19 18, 2007.

20 Section 5. Declaration of Urgency. This ordinance is an emergency
21 measure, and it is urgently required for the reason that, pending completion of the
22 necessary planning study, and a determination relative to the potential need to amend
23 the Code, it is necessary to limit construction or development of in order to avoid the
24 adverse impacts associated with said construction that might be inconsistent with the
25 pending revisions to the zoning or building regulations of the City being considered during
26 the interim period.

27 Section 6. This ordinance is an emergency ordinance duly adopted by
28 the City Council by a vote of five of its members and shall take effect immediately. The

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

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

12 I hereby certify that on a separate roll call and vote which was taken by the
13 City Council of the City of Long Beach upon the question of emergency of this ordinance
14 at its meeting of _____, 2007, the ordinance was declared to be an
15 emergency by the following vote:

16	Ayes:	Councilmembers:	_____
17			_____
18			_____
19	Noes:	Councilmembers:	_____
20			_____
21	Absent:	Councilmembers:	_____
22			_____

23 I further certify that thereafter, at the same meeting, upon a roll call and
24 vote on adoption of the ordinance, it was adopted by the City Council of the City of Long

25 ////
26 ////
27 ////
28 ////

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1 Beach by the following vote:

2 Ayes: Councilmembers: _____

3 _____

4 _____

5 Noes: Councilmembers: _____

6 _____

7 Absent: Councilmembers: _____

8 _____

9 _____

10 I further certify that the foregoing ordinance was thereafter adopted on final
11 reading by the City Council of the City of Long Beach at its meeting of _____,
12 2007, by the following vote:

13 Ayes: Councilmembers: _____

14 _____

15 _____

16 Noes: Councilmembers: _____

17 _____

18 Absent: Councilmembers: _____

19 _____

20 _____

21 _____

22 _____ Clerk

23 _____

24 Approved: _____

25 (Date) Mayor

26 _____

27 _____

28 HAM:kjm:fl 10/9/07



Los Cerritos Neighborhood