



ROBERT E. SHANNON City Attorney

HEATHER A. MAHOOD Chief Assistant City Attorney

MICHAEL J. MAIS 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

HAM:fl Enclosure

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

HEATHER A. MAHOOD Assistant City Attorney PRINCIPAL DEPUTIES

Barbara D. de Jong Dominic Holzhaus Belinda R. Mayes J. Charles Parkin

DEPUTIES

Gary J. Anderson Richard F. Anthony Amy R. Burton Christina L. Checel Lori A. Conway Randall C. Fudge Charles M. Gale Monte H. Machit Anne C. Lattime Barry M. Meyers Cristyl Meyers Howard D. Russell Tiffani L. Shin

By



CITY OF LONG BEACH

Department of Planning and Building

333 W. Ocean Boulevard - Long Beach, CA 90802 - (562) 570-6321 - FAX (526) 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.

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• 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

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:

15 Section 1. Purpose and Findings. At the direction of the City Council, the 16 Department of Planning and Building and the Planning Commission will undertake or are 17 currently studying potential amendments to the Zoning or Building Codes of the City of 18 Long Beach relating to neighborhood character stabilization in order to respond to the 19 issue of "mansionization" that has reported to be occurring in the Los Cerritos area of the 20 City. The City's Housing and Neighborhoods Committee, concerned citizens and other 21 individuals, have expressed that changes to existing zoning or building regulations are 22 desired in order to curtail "mansionization" and otherwise stabilize existing neighborhoods 23 as well as certain structures with historical or architectural significance in the City, and 24 that continued construction and or remodeling in said area during the pendency of said 25 studies may defeat the effectiveness of regulations ultimately adopted as a result of the 26 current study and review. The City Council specifically finds that the existing zoning and 27 building regulations of the City permit one or more uses, development standards, or 28 construction activities which are, or may be, in conflict with the zoning and building

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

Section 2. Estimated Time for Completion of Study. It is estimated that
the study or studies undertaken in connection with the adoption of this interim ordinance
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"):

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

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

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

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.

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 ______, 2007, the ordinance was declared to be an

emergency by the following vote:

Ayes: Councilmembers:

Noes: Councilmembers:

Absent: Councilmembers:

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
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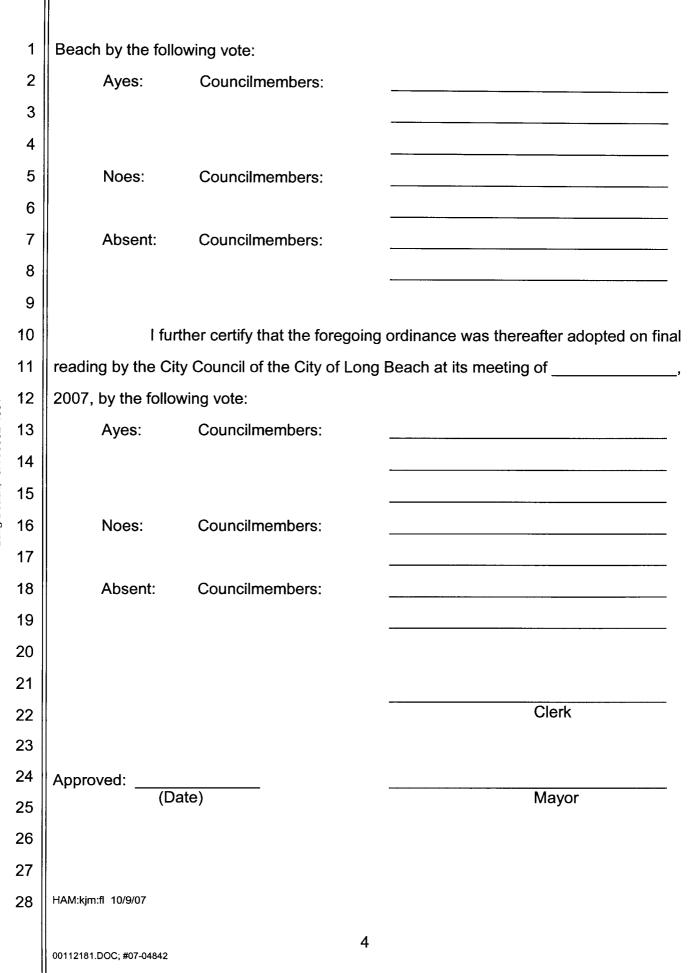
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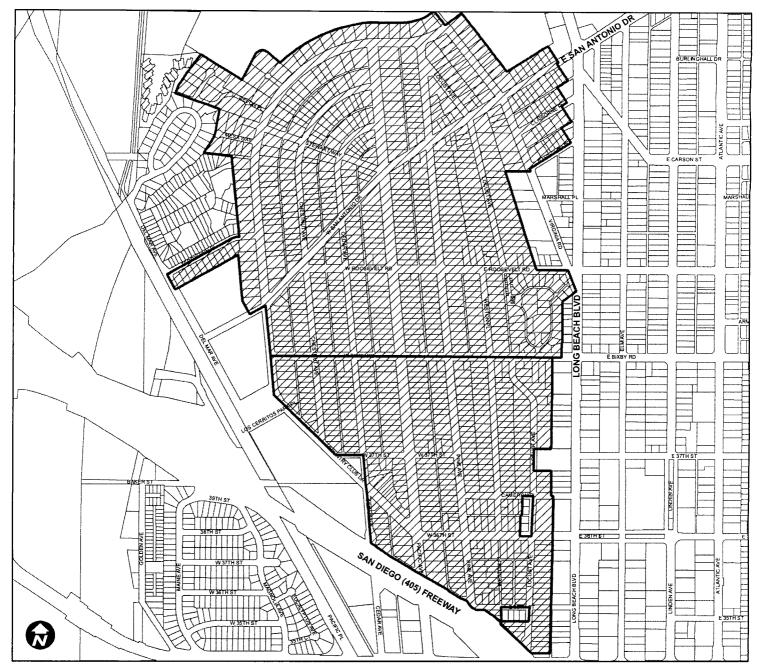
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Los Cerritos Neighborhood