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Long Beach, California

ORD-26

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July 22, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare ordinance amending the LBMC by amending Chapter 21.60, relating to relocation assistance for households displaced due to demolition or condominium conversion, read the first time and laid over to the next regular meeting of the City Council for final reading; and adopt resolution authorizing the Director of Development Services to submit amendments to the California Coastal Commission for approval. (Citywide)

DISCUSSION

On July 24, 2007, the City Council requested that the Planning Commission undertake a review of the City's ordinance and procedures related to the relocation of persons due to the conversion of apartment units to condominiums or demolition. Among other things, the Planning Commission held a public hearing on October 13, 2007, to receive the public's input on this topic. As a result of the public hearing and other information received by Planning staff and the Commission, the Planning Commission submitted a report to the City Council at the Council's meeting of December 11, 2007. At the conclusion of the December 11, 2007, City Council meeting, the Council voted to request the City Attorney to prepare amendments to Chapter 21.60 of the Municipal Code to provide better protections to households who might be displaced due to the conversion of apartment buildings to condominiums or demolition.

Pursuant to the direction of the City Council, staff and the City Attorney's office met with various stakeholders including the Legal Aid Foundation of Los Angeles to craft ordinance amendments that would reflect the direction given by the City Council at its meeting of December 11, 2007.

Among other things, the proposed amendments to Chapter 21.60 include:

- A clearer and more accurate definition of terms;
- Stricter “waiver” provisions that require payment of the full relocation amount directly to the tenant household and the ability of the tenant household to rescind the “waiver” within seventy-two (72) hours of its execution, together with a requirement that the City Attorney review all waivers for compliance;
- A requirement that very low and low income households displaced due to conversion or demolition receive \$3,945.00 in relocation benefits from the property owner;
- A requirement that very low and low income displaced individuals suffering from disabilities be reimbursed up to the amount of \$2,500.00 for structural improvements made to the unit to accommodate the disability;
- A requirement that low and very low income senior citizens and disabled persons who are displaced receive an additional payment of \$2,000.00 from available Tax Increment Set Aside Funds;
- A requirement that relocation payment amounts be adjusted annually based upon changes to the Consumer Price Index;
- A requirement that Final Map or demolition approval will not be given until appropriate relocation benefits have been paid;
- A requirement that the property owner assist the displaced household with relocation by providing current lists of vacant and available rental units in the City every two weeks until such time as the household vacates the property;
- A provision that provides tenant households with a “private right of action” that would permit the tenant to bring a legal action directly against the property owner for a failure to abide by the provisions of Chapter 21.60.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 
MICHAEL J. MAIS
Assistant City Attorney

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RESOLUTION NO.

A RESOLUTION OF THE CITY OF LONG BEACH
AUTHORIZING THE DIRECTOR OF DEVELOPMENT
SERVICES TO SUBMIT AMENDMENTS TO THE LONG
BEACH ZONING REGULATIONS TO THE CALIFORNIA
COASTAL COMMISSION FOR APPROVAL

WHEREAS, on _____, 2008, the City Council of the City of
Long Beach amended certain provisions of the Long Beach Zoning Regulations of the
City of Long Beach related to Relocation Assistance; and

WHEREAS, it is the desire of the City Council to submit the above
referenced zoning regulation amendments to the California Coastal Commission for its
review as implementing ordinances of the Long Beach Local Coastal Program (LCP); and

WHEREAS, the Planning Commission and City Council gave full
consideration to all facts and the proposals respecting the amendments to the zoning
regulations at a properly noticed and advertised public hearing; and

WHEREAS, the City Council approved the proposed changes to the LCP by
adopting the amendments to the zoning regulations. The proposed zoning regulation
amendments are to be carried out in a manner fully consistent with the Coastal Act and
become effective in the Coastal Zone immediately upon Coastal Commission
certification; and

WHEREAS, environmental documentation has been prepared, certified,
received and considered as required by law, and the City Council hereby finds that the
proposed amendments will not adversely affect the character, livability or appropriate
development of the surrounding properties and that the amendments are consistent with
the goals, objectives and provisions of the general plan;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as

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follows:

Section 1. The amendment to the Long Beach Zoning Regulations of the City of Long Beach adopted on _____, 2008, by Ordinance No. _____, a copy of which is attached to and incorporated in this resolution as Exhibit "A" and is hereby submitted to the California Coastal Commission for its earliest review as to that part of the ordinance that directly affects land use matters in that portion of the California Coastal Zone within the City of Long Beach.

Section. 2. The Director of Development Services of the City of Long Beach is hereby authorized to and shall submit a certified copy of this resolution, together with appropriate supporting materials, to the California Coastal Commission with a request for its earliest action, as an amendment to the Local Coastal program that will take effect automatically upon Commission approval pursuant to the Public Resources Code or as an amendment that will require formal City Council adoption after Coastal Commission approval.

Section. 3. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

I certify that this resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2008, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk