

CITY OF LONG BEACH

POLICE DEPARTMENT

100 LONG BEACH BLVD. • LONG BEACH • CALIFORNIA 90802 • (562) 570-7301 • FAX (562) 570-7114

ANTHONY W. BATTS
Chief of Police

December 14, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Application of Delaware CPK Incorporated, dba California Pizza Kitchen Incorporated, for a Person-to-Person Transfer of an Alcoholic Beverage Control License at 61 South Pine Avenue (District 2)

DISCUSSION

It is City Council policy to review applications for Alcoholic Beverage Control licenses. This Person-to-Person Transfer application is placed on the Consent Calendar for your information only; conditions that were placed on the original license continue to be enforceable. Additional information and a map are attached.

TIMING CONSIDERATIONS

The Department of Alcoholic Beverage Control will finalize this transfer on December 17, 2004. Accordingly, City Council action is required at the December 14, 2004 City Council meeting.

FISCAL IMPACT

None.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file the application for an Alcoholic Beverage Control license, with existing conditions.

Respectfully submitted,

APPROVED:

ANTHONY W. BATTS
CHIEF OF POLICE

GERALD R. MILLER
CITY MANAGER

AWB:JA:ja
attachments

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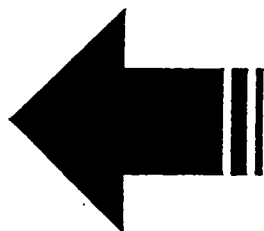


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HONORABLE MAYOR AND CITY COUNCIL
December 14, 2004

Council District: 2

Applicant: Delaware CPK Incorporation
DBA: California Pizza Kitchen Incorporation
Address: 61 South Pine Avenue

Type of Application: A person-to-person transfer of an On-Sale General bonafide eating place license.

Basis for possible protest: None.

PUBLIC CONVENIENCE DETERMINATION: A determination by the City of public convenience and necessity **is not** required for this application.

Census Tract: 5760.00

Boundaries: Broadway/Los Angeles River to the North
Queensway Bay to the South
Pine Avenue/Pacific Terrace Harbor to the East
Los Angeles River to the West

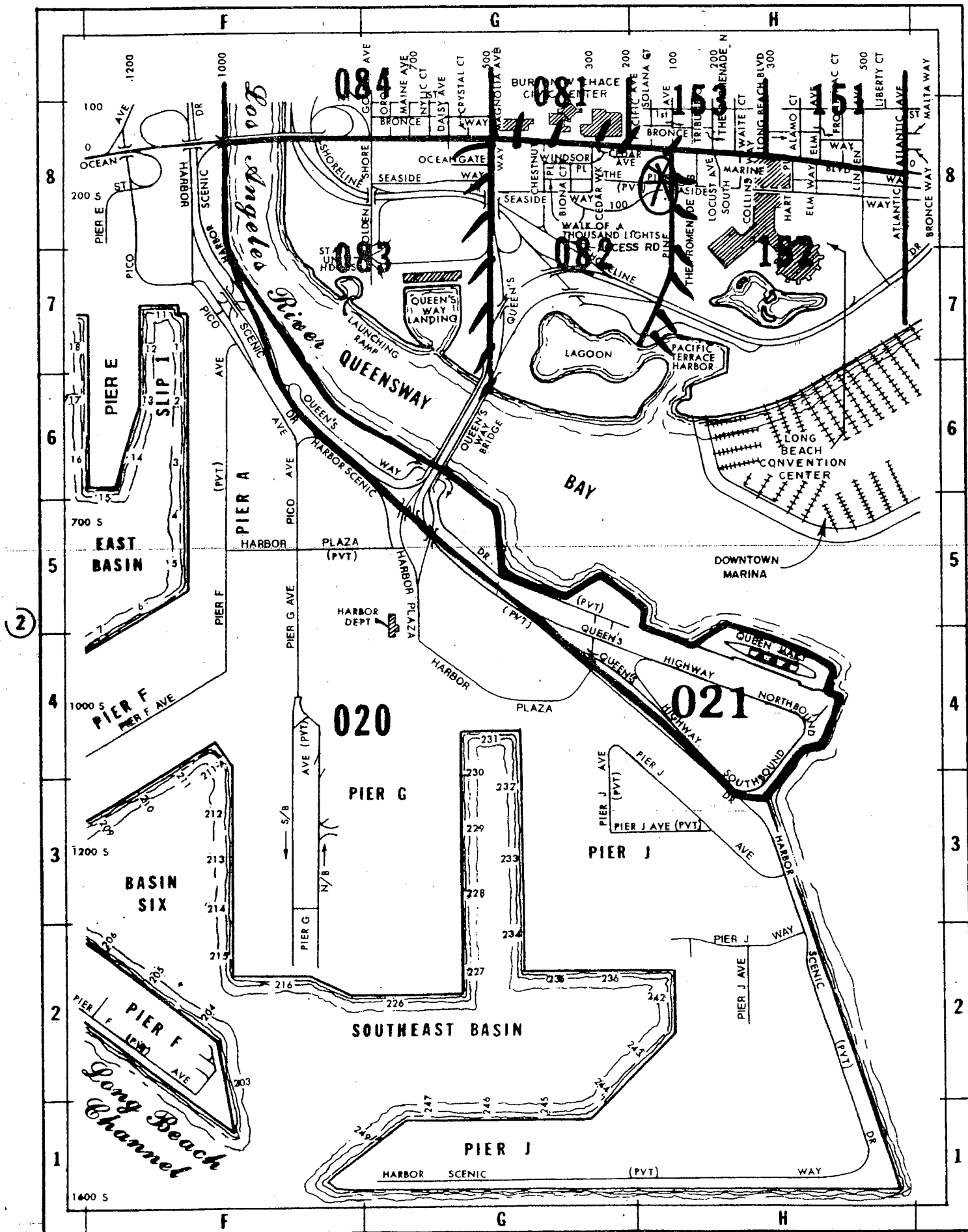
Number of licenses allowed: 1
Number of licenses existing: 17

Police Reporting District: 082

Boundaries: Ocean Boulevard to the North
Los Angeles River/Queensway Bay to the South
Pine Avenue to the East
Queensway Drive to the West

Reported crimes in this district for ABC purposes are 181. Crime in a reporting district must be at least 156 to qualify for a high crime protest. A protest may not be filed on a person-to-person transfer application.

Type of business: A restaurant.
Last day to request conditions: December 17, 2004



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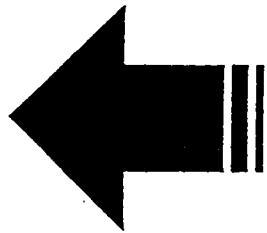


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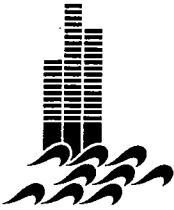


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ANTHONY W. BATTS
Chief of Police

December 14, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Application of Delaware CPK Incorporated, dba California Pizza Kitchen Incorporated, for a Person-to-Person Transfer of an Alcoholic Beverage Control License at 6417 East Pacific Coast Highway Unit A1 (District 3)

DISCUSSION

It is City Council policy to review applications for Alcoholic Beverage Control licenses. This Person-to-Person Transfer application is placed on the Consent Calendar for your information only; conditions that were placed on the original license continue to be enforceable. Additional information and a map are attached.

TIMING CONSIDERATIONS

The Department of Alcoholic Beverage Control will finalize this transfer on December 17, 2004. Accordingly, City Council action is required at the December 14, 2004 City Council meeting.

FISCAL IMPACT

None.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file the application for an Alcoholic Beverage Control license, with existing conditions.

Respectfully submitted,

APPROVED:

ANTHONY W. BATTS
CHIEF OF POLICE

GERALD R. MILLER
CITY MANAGER

AWB:JA:ja
attachments

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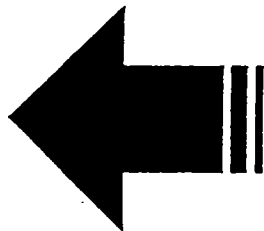


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HONORABLE MAYOR AND CITY COUNCIL
December 14, 2004

Council District: 3

Applicant: Delaware CPK Incorporation
DBA: California Pizza Kitchen Incorporation
Address: 6417 East Pacific Coast Highway Unit A1

Type of Application: A person-to-person transfer of an On-Sale Beer and Wine
for bonafide eating place license.

Basis for possible protest: None.

PUBLIC CONVENIENCE DETERMINATION: A determination by the City of public
convenience necessity **is not** required
for this application.

Census Tract: 5776.01

Boundaries: 7th Street/Garden Grove Freeway to the North
Long Beach Marina/San Gabriel River/County Line to the East
Los Cerritos Channel/Marina Drive/Long Beach Marina

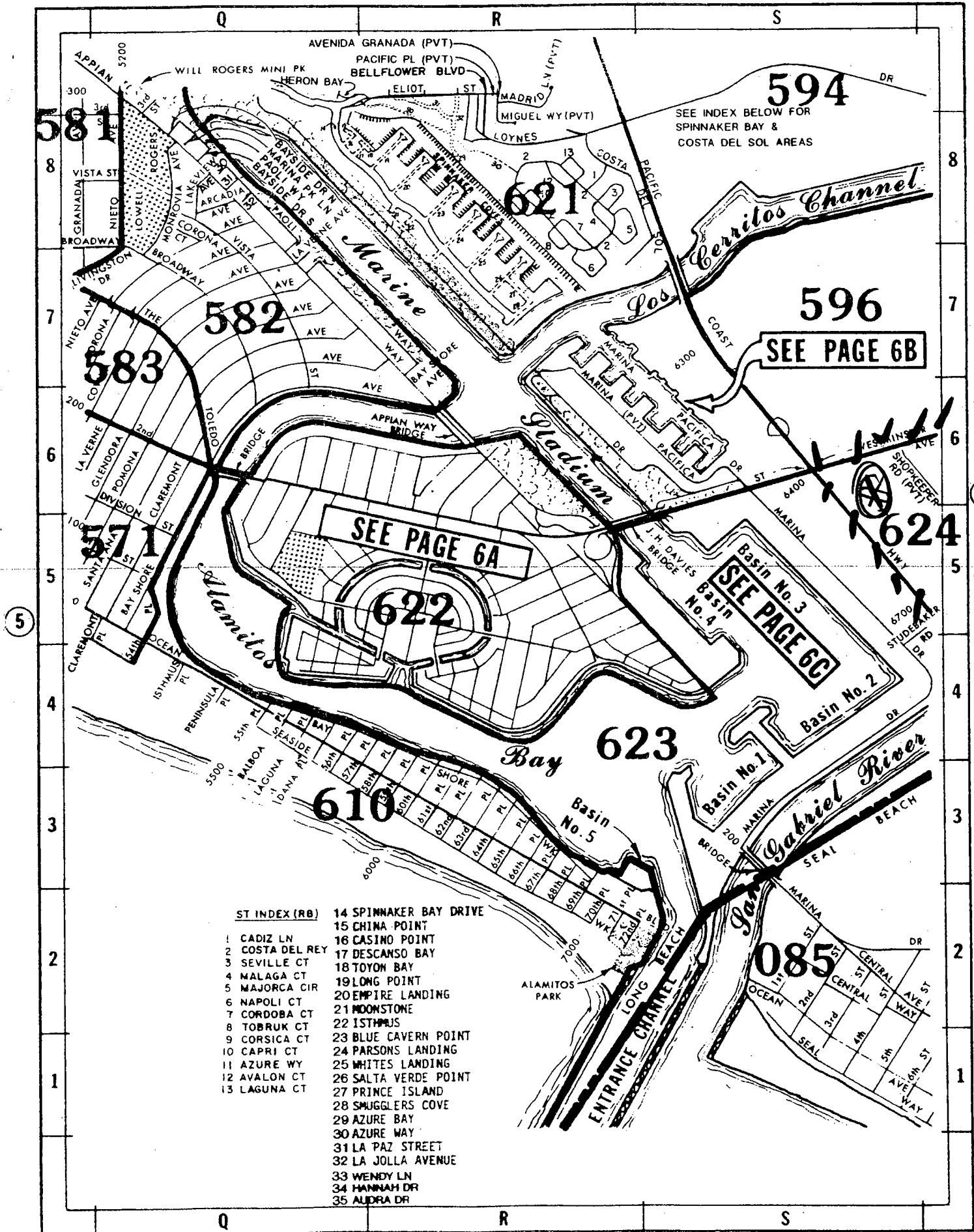
Number of licenses allowed: 2
Number of licenses existing: 25

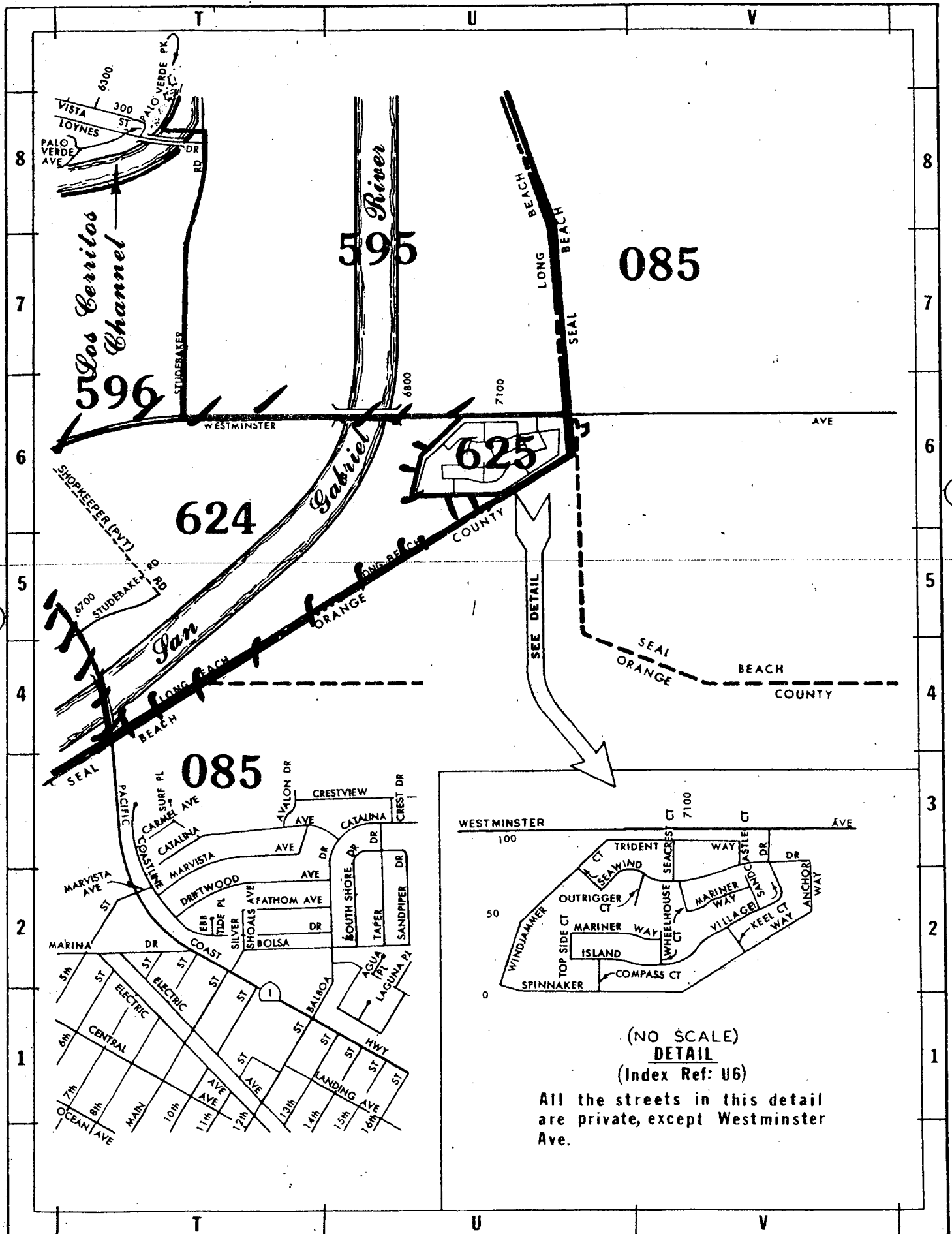
Police Reporting District: 624

Boundaries: Westminster Avenue to the North
County Line to the South
Windjammer Court/Spinnaker Way to the East
Pacific Coast Highway to the West

Reported crimes in this district for ABC purposes are 72. Crime in a reporting district must be
at least 156 to qualify for a high crime protest. A protest may not be filed on a person-to-person
transfer application.

Type of business: A restaurant.
Last day to request conditions: December 17, 2004





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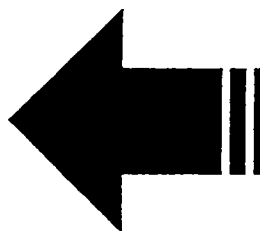
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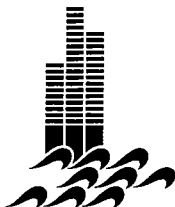
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CITY OF LONG BEACH

POLICE DEPARTMENT

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ANTHONY W. BATTS
Chief of Police

December 14, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Application of Rasmey Angkor Incorporated, dba Henry's Market, for a Person-to-Person Transfer of an Alcoholic Beverage Control License at 301 Loma Avenue (District 3)

DISCUSSION

It is City Council policy to review applications for Alcoholic Beverage Control licenses. This Person-to-Person Transfer application is placed on the Consent Calendar for your information only; conditions that were placed on the original license continue to be enforceable. Additional information and a map are attached.

TIMING CONSIDERATIONS

The Department of Alcoholic Beverage Control will finalize this transfer on December 16, 2004. Accordingly, City Council action is required at the December 14, 2004 City Council meeting.


FISCAL IMPACT

None.


IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file the application for an Alcoholic Beverage Control license, with existing conditions.

Respectfully submitted,


ANTHONY W. BATTS
CHIEF OF POLICE

APPROVED:


GERALD R. MILLER
CITY MANAGER

AWB:JA:ja
attachments

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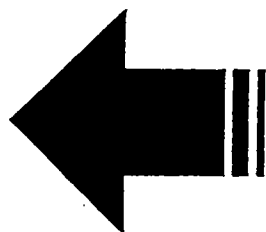
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HONORABLE MAYOR AND CITY COUNCIL
December 14, 2004

Council District: 3

Applicant: Rasmey Angkor Incorporated
DBA: Henry's Market
Address: 301 Loma Avenue

Type of Application: A person-to-person transfer of an Off-Sale Beer and Wine license.

Basis for possible protest: None.

PUBLIC CONVENIENCE DETERMINATION: A determination by the City of public convenience and necessity **is not** required for this application.

Census Tract: 5771.00

Boundaries: 7th Street to the North
Vista Street to the South
Ximeno Avenue to the East
Obispo Avenue to the West

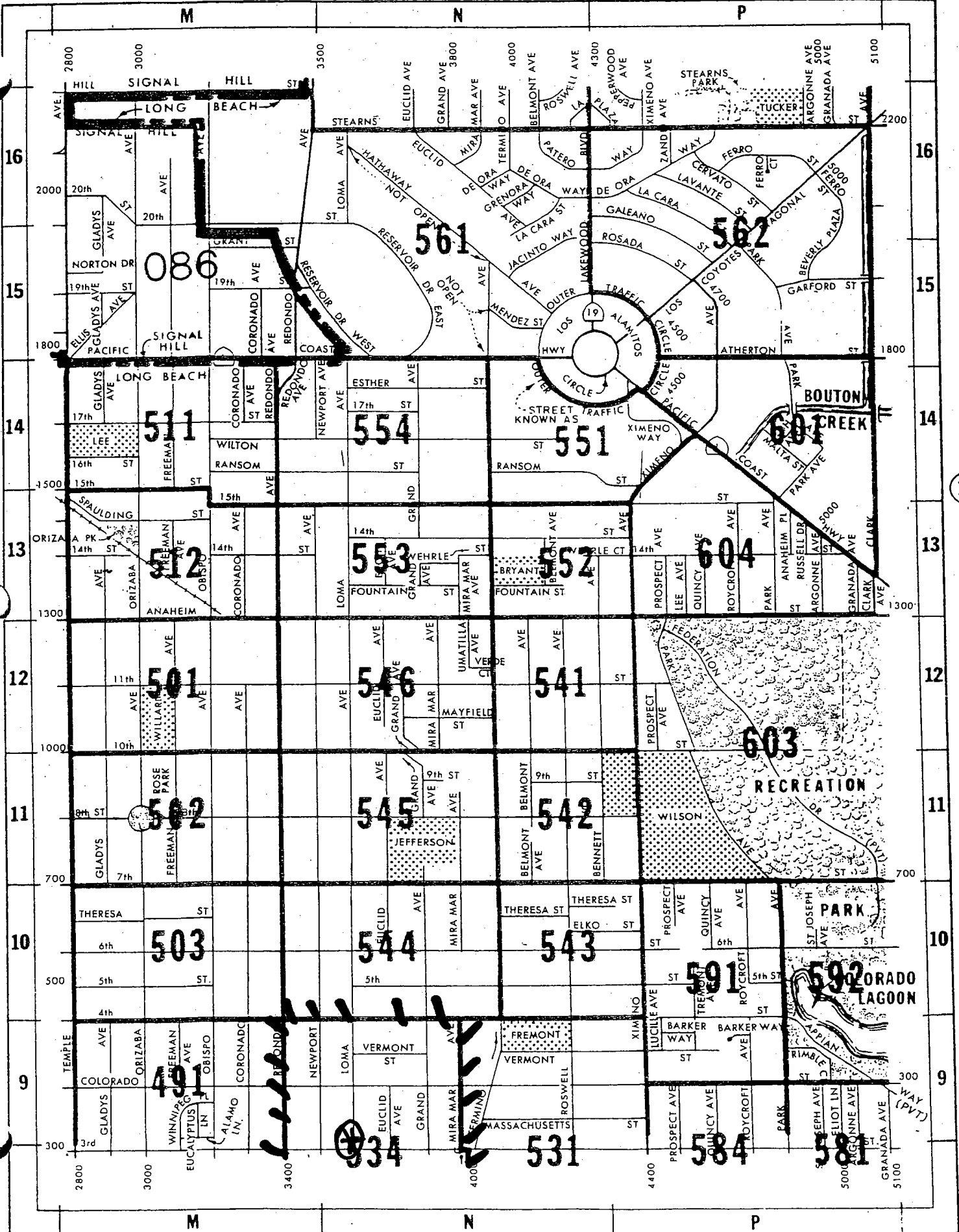
Number of licenses allowed: 5
Number of licenses existing: 7

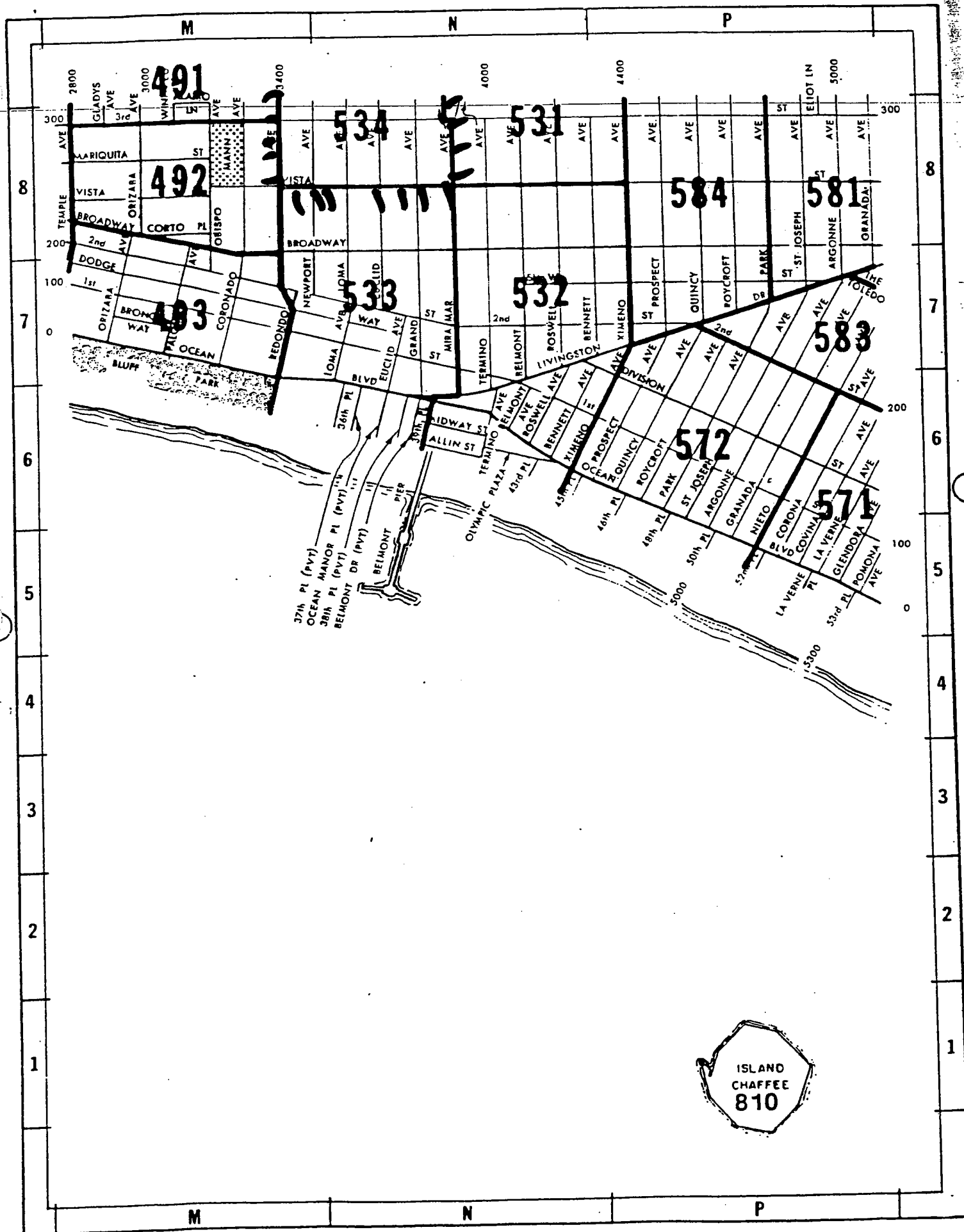
Police Reporting District: 534

Boundaries: 4th Street to the North
Vista Street to the South
Mira Mar Avenue to the East
Redondo Avenue to the West

Reported crimes in this district for ABC purposes are 56. Crime in a reporting district must be at least 156 to qualify for a high crime protest. A protest may not be filed on a person-to-person transfer application.

Type of business: A neighborhood market.
Last day to request conditions: December 16, 2004





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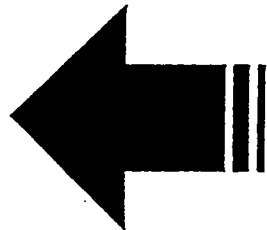


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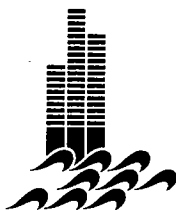


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POLICE DEPARTMENT

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ANTHONY W. BATTS
Chief of Police

December 14, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Application of Seo IL Incorporated, dba Arco AM PM, for a Person-to-Person Transfer of an Alcoholic Beverage Control License at 1001 Redondo Avenue (District 4)

DISCUSSION

It is City Council policy to review applications for Alcoholic Beverage Control licenses. This Person-to-Person Transfer application is placed on the Consent Calendar for your information only; conditions that were placed on the original license continue to be enforceable. Additional information and a map are attached.

TIMING CONSIDERATIONS

The Department of Alcoholic Beverage Control will finalize this transfer on December 17, 2004. Accordingly, City Council action is required at the December 14, 2004 City Council meeting.

FISCAL IMPACT

None.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file the application for an Alcoholic Beverage Control license, with existing conditions.

Respectfully submitted,

APPROVED:

ANTHONY W. BATTS
CHIEF OF POLICE

GERALD R. MILLER
CITY MANAGER

AWB:JA:ja
attachments

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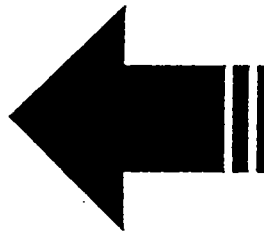


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HONORABLE MAYOR AND CITY COUNCIL
December 14, 2004

Council District: 4

Applicant: Seo IL Incorporated
DBA: Arco AM PM
Address: 1001 Redondo Avenue

Type of Application: A person-to-person transfer of an Off-Sale Beer and Wine license.

Basis for possible protest: None

PUBLIC CONVENIENCE DETERMINATION: A determination by the City of public convenience and necessity **is not** required for this application.

Census Tract: 5769.02

Boundaries: Anaheim Street to the North
7th Street to the South
Redondo Avenue to the East
Stanley Avenue/Molino Avenue to the West

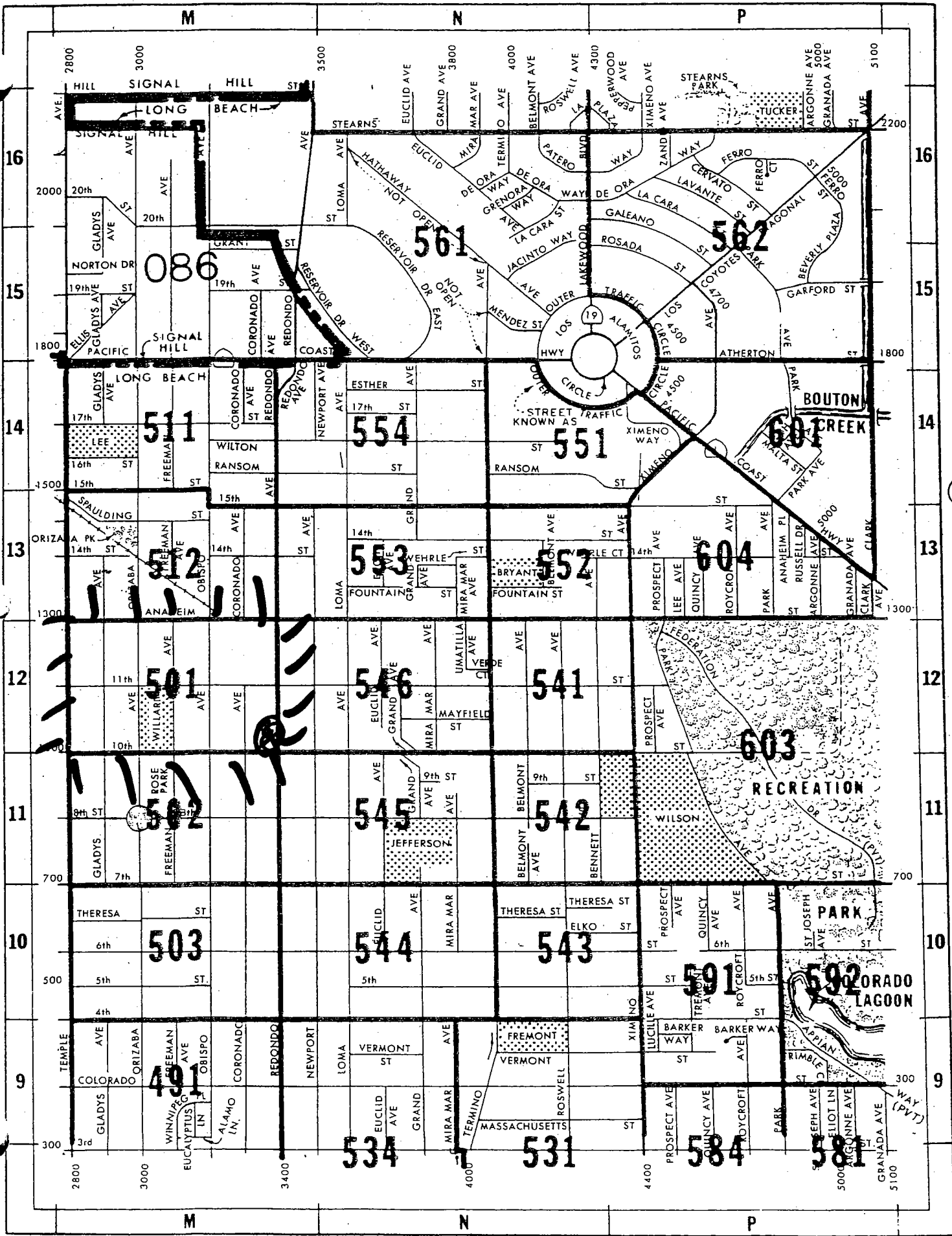
Number of licenses allowed: 6
Number of licenses existing: 8

Police Reporting District: 501

Boundaries: Anaheim Street to the North
10th Street to the South
Redondo Avenue to the East
Temple Avenue to the West

Reported crimes in this district for ABC purposes are 339. Crime in a reporting district must be at least 156 to qualify for a high crime protest. A protest may not be filed on a person-to-person transfer application.

Type of business: A convenience store.
Last day to request conditions: December 17, 2004



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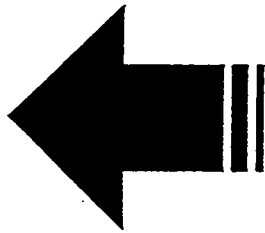


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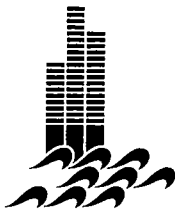


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CITY OF LONG BEACH

POLICE DEPARTMENT

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ANTHONY W. BATTS
Chief of Police

December 14, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Application of Chi Wang Yoo and Mi Sook Yoo, dba Fox Liquor, for a Person-to-Person Transfer of an Alcoholic Beverage Control License at 5402 Orange Avenue (District 8)

DISCUSSION

It is City Council policy to review applications for Alcoholic Beverage Control licenses. This Person-to-Person Transfer application is placed on the Consent Calendar for your information only; conditions that were placed on the original license continue to be enforceable. Additional information and a map are attached.

TIMING CONSIDERATIONS

The Department of Alcoholic Beverage Control will finalize this transfer on December 17, 2004. Accordingly, City Council action is required at the December 14, 2004 City Council meeting.

FISCAL IMPACT


None.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file the application for an Alcoholic Beverage Control license, with existing conditions.

Respectfully submitted,

APPROVED:


ANTHONY W. BATTS
CHIEF OF POLICE


GERALD R. MILLER
CITY MANAGER

AWB:JA:ja
attachments

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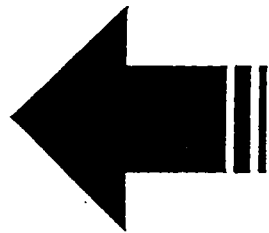


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HONORABLE MAYOR AND CITY COUNCIL
December 14, 2004

Council District: 8

Applicant: Chi Wang Yoo and Mi Sook Yoo
DBA: Fox Liquor
Address: 5402 Orange Avenue

Type of Application: A person-to-person transfer of an Off-Sale General license.

Basis for possible protest: None.

PUBLIC CONVENIENCE DETERMINATION: A determination by the City of public convenience and necessity **is not** required for this application.

Census Tract: 5706.02

Boundaries: 59th Street to the North
Union Pacific Railroad to the South
Cherry Avenue to the East
Orange to the West

Number of licenses allowed: 5

Number of licenses existing: 3

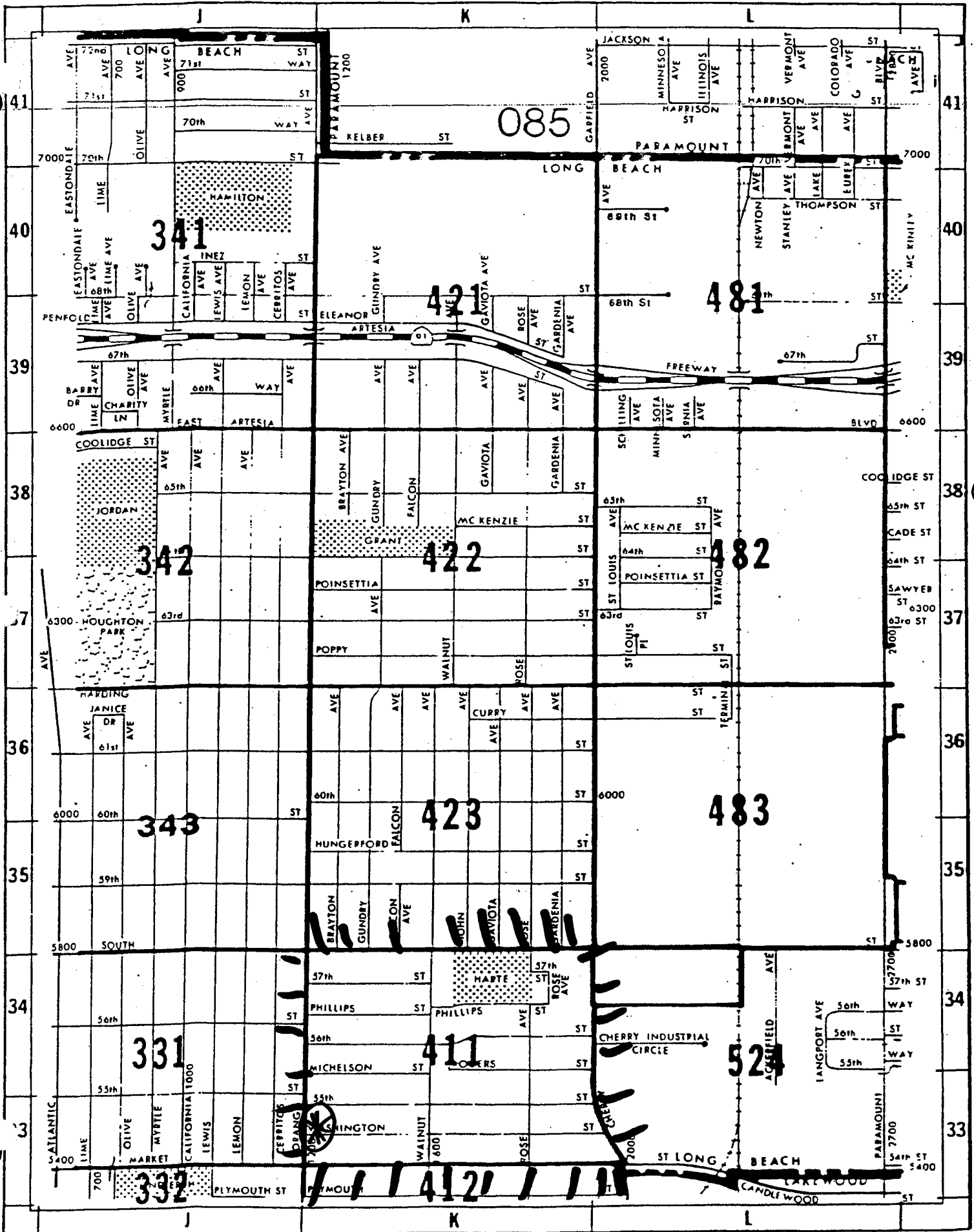
Police Reporting District: 411

Boundaries: South Street to the North
Market Street to the South
Cherry Avenue to the East
Orange Avenue to the West

Reported crimes in this district for ABC purposes are 157. Crime in a reporting district must be at least 156 to qualify for a high crime protest. A protest may not be filed on a person-to-person transfer application.

Type of business: A liquor store.

Last day to request conditions: December 17, 2004



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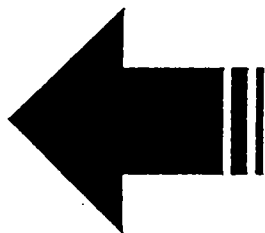


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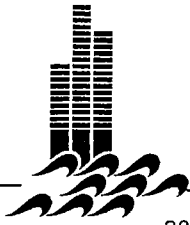


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CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

December 14, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Update to the City of Long Beach Disadvantaged Business Enterprise Program for U. S. Department of Transportation Capital Improvement Projects (Citywide)

DISCUSSION

On January 2, 2001, the City Council adopted a Disadvantaged Business Enterprise (DBE) Program for its U. S. Department of Transportation (DOT) capital improvement projects, including goals for its DBE participation on DOT-assisted contracts. Participation is a condition of federal assistance under Title 49 Code of Federal Regulations (CFR) Part 26. This program encompasses consulting and construction contracts for capital improvements using Federal Highway Administration (FHWA) and Federal Aviation Administration (FAA) Airport Improvement Program funds.

DBE regulations require that the City of Long Beach establish annual DBE goals using a prescribed methodology to ensure full compliance with relevant regulatory requirements of both the FHWA and the FAA. On August 31, 2004, the City submitted to the Local Assistance Engineer at Caltrans (FHWA administrator) the following proposed FY 05 FHWA DBE Goal:

- An 11 percent goal for contracts funded by the DOT for streets

The FHWA goal was developed by comparing the number of available ready, willing and able DBEs to the number of all comparable firms (DBE and non-DBEs). This data was drawn from a Caltrans database of firms located in the City's market area of Los Angeles County. The resulting figure was then modified to account for past goal attainment performance. Caltrans has affirmed that the City's proposed goal and methodology meet the basic requirements of Title 49 CFR Part 26.

On September 14, 2004, Caltrans approved the proposed FY 05 FHWA DBE Goal, which was advertised via outreach letters to business and community organizations and local media. On November 22, 2004, Caltrans issued final approval of the City's DBE goal following a 45-day comment period for public participation. No comments were received from the public.

HONORABLE MAYOR AND CITY COUNCIL
December 14, 2004
Page 2

No DBE goal was submitted to the FAA for FY 05 because the City was not anticipating any new DOT-assisted (Airport Capital Improvement) projects for the affected fiscal year. Should this change, the City will initiate the goal-setting process and submit a new FAA DBE goal to Council for approval.

This matter was reviewed by Senior Deputy City Attorney Donna Gwin on December 6, 2004.

TIMING CONSIDERATIONS

City Council action on this matter on December 14, 2004 is requested to avoid interrupting on-going projects and jeopardizing the City's federal financial assistance.

FISCAL IMPACT

None.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Adopt the FY 05 Overall Annual Disadvantaged Business Enterprise Goal in accordance with Title 49 of the Code of Federal Regulations, Part 26, for projects funded by the U. S. Department of Transportation.

Authorize the City Manager to execute all necessary documents related to the Disadvantaged Business Enterprise Program.

Respectfully submitted,



CHRISTINE F. ANDERSEN
DIRECTOR OF PUBLIC WORKS

APPROVED:

CFA:jsc
P/CL/FY 04-05/Dec/Long Beach DBE Program Goal



GERALD R. MILLER
CITY MANAGER

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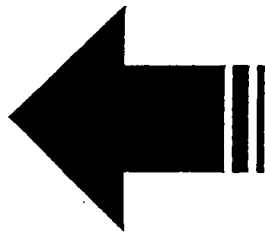


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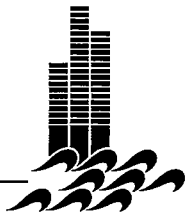


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December 14, 2004

FOR THIS AGENDA ITEM,
PLEASE CONTACT
THE LONG BEACH CITY CLERK DEPARTMENT AT
(562) 570-6101
(562) 570-6789 (FAX)
cityclerk@longbeach.gov

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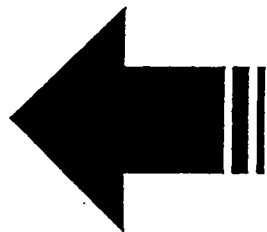
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CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

333 West Ocean Boulevard 6th Floor • Long Beach, CA 90802

Gerald R. Miller
CITY MANAGER

December 14, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Contract for Managed Health Care Services with Tristar Managed Care Inc.
for Workers' Compensation Claims Management Citywide

DISCUSSION

In recognition of burgeoning Workers' Compensation costs, the City, with the approval of the City Council, secured the professional services of Deloitte Consulting in mid-2003 to conduct a comprehensive study of the City's Workers' Compensation, Risk Management, and Occupational Health operations. Upon completion of their study activities, Deloitte issued a series of recommendations that would, if adopted, reduce costs and improve efficiencies in the City's operations.

At the same time, the Governor and State Legislature were equally concerned about the trend of rising Workers' Compensation costs in the State and the deleterious effects those costs would have on the California economy. With the Governor's support and encouragement, a package of legislation was approved with the stated intent of reducing Workers' Compensation costs and improving the business climate in California while still providing superior care and treatment to affected employees.

While the legislation has many varied components, one very positive aspect is that which permits employers to designate a specific appropriate and acceptable medical provider in a managed care network for treatment of a Workers' Compensation claimant. By maintaining a degree of oversight in the treatment process, there is far less likelihood of questionable diagnoses and treatment regimens. In addition, the acquisition of a managed care provider was one of Deloitte's recommendations for both improving the efficiency and enhancing the quality of the City's Workers' Compensation programs.

In accordance with the provisions of the legislation and Deloitte's recommendation, the City initiated a Request for Proposal (RFP) process to select a managed health care provider that would serve as the City's preferred source of medical treatment for its Worker's Compensation claimants. The result of the RFP was the selection of Tristar Managed Care, Incorporated, headquartered in Long Beach.

TRISTAR Risk Management is a leading provider of professional claims and risk management services. Tristar was founded in 1987 and has claims offices in Sacramento, Los Angeles, Santa Ana, Irvine, San Diego, Phoenix, Las Vegas and Denver. Tristar will provide the following services for the City's Workers' Compensation program:

Bill Review: Tristar will provide bill review services consisting of analyzing provider billing for errors, duplication, fraud; billed charges will be repriced to the lesser of charges pursuant to the applicable state-mandated Fee Schedule or in non-Fee Schedule states to usual and customary charges. Bill Review will also provide any applicable additional savings for services provided by a Preferred Provider in the Medical Treatment network. Bill Review services are designed to insure that payment for medical treatment is being made with the optimal cost savings benefit to the City in accordance with State allowable charges.

Utilization Review: Tristar will provide services, when referred by the City of Long Beach, for review of treatment recommended by physicians who treat employees under the City of Long Beach Workers' Compensation Program for adherence to the American College of Occupational and Environmental Medicine (ACOEM) guidelines or those treatment guidelines mandated by the State of California. Tristar will also review such treatment in accordance with any other medically-accepted, scientifically-based guidelines that may apply. Utilization Review services are designed to provide the City of Long Beach with tools to insure that the City and the injured worker receives the reasonable and necessary medical care to treat Workers' Compensation injuries. Utilization Review is a State-mandated program for which all employers must establish a process to approve, modify, delay, or deny treatment plans based on medical necessity to cure and relieve the effects of an industrial injury. This law went into effect January 1, 2004.

Medical Case Management: Tristar will provide services, when cases are referred by the City of Long Beach, in the form of telephonic case management, field-based case management, and task-based case management, all provided by licensed professional medical practitioners including physicians and nurses. These services are designed to assist the Workers' Compensation office with the management of treatment for injured workers. Referral criteria are to include, but are not limited to, claims with an anticipation of long-term disability, severe or catastrophic injuries or one time intervention to assist in returning the employee to modified or full duty.

Medical Treatment Network: Tristar will assist the City in the development and maintenance of an Employer Treatment Network for the medical care to be provided to industrially injured workers. The network is to conform to the rules and regulations as outlined by the State of California and will be a combination of Preferred Provider Network Physicians and City of Long Beach selected physicians. The network will include certified medical professionals, up-to-date facilities, and it will cover an extensive geographical area. The implementation of this Employer Medical Treatment Network will provide the City with control of the medical care necessary to treat injured employees and to maximize the

savings available. The network will provide expert medical services the City needs to insure that the best care possible is available to the injured worker.

TIMING CONSIDERATIONS

To comply with the recently enacted State legislation and to ensure that the City achieves the maximum possible benefit under the law, Managed Health Care services must be in place as of January 1, 2005.

FISCAL IMPACT

In addition to improving the level of services provided to the City's Workers' Compensation claimants, the most significant advantage of establishing a contractual relationship with a managed health care provider is the savings to be derived. In its recommendations, Deloitte Consulting estimated that subsequent to the implementation of a managed care network, the City would ultimately achieve savings of 8% in medical costs and 3% in indemnity costs. Using the average costs in both categories for the past three fiscal years, savings at the rate estimated by Deloitte would generate approximately \$1,000,000 annually. Total medical and indemnity costs for the Fiscal Year 03-04 were approximately \$16.5 million.

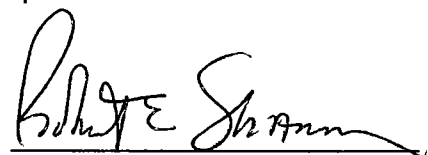
The City's contract with Tristar will establish an agreed-upon fee schedule for the various components of the agreement. The savings to be derived by the City will be over and above the charges paid in accordance with an established fee schedule for primary services, which is attached.

The charges that will be incurred as a result of the implementation of the fee schedule have been included in the Fiscal Year 2005 Budget in the Insurance Fund (IS 390) in the Department of Financial Management (FM).

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Authorize the City Manager to execute a contract with Tristar Managed Care, Incorporated, to provide managed health care services for workers' compensation claims management for the City of Long Beach for the period beginning January 1, 2005, through December 31, 2005, with an option for a two year renewal.
2. Authorize the City Manager to execute any subsequent amendments necessary to maintain service levels and remain in compliance with State and Federal laws.


GERALD R. MILLER
CITY MANAGER


ROBERT E. SHANNON
CITY ATTORNEY

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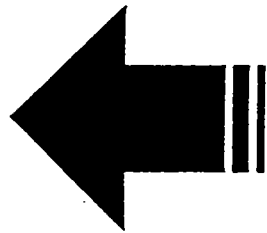


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HONORABLE MAYOR AND CITY COUNCIL
December 14, 2004

Attachment

**TRISTAR MANAGED CARE, INC.
FEE SCHEDULE FOR PRIMARY SERVICES**

Bill Review:	\$2.30 per bill with an additional \$1.25 per line with a four-line minimum and a sixteen-line maximum.
PPO Network:	23% of savings for medical treatment and pharmacy bills
Inpatient Medical Fee schedule and PPO discount:	12% of savings
Utilization Review:	\$100.00 per initial inpatient pre-certification, thereafter \$85.00 per hour. \$75.00 per initial outpatient pre-certification, thereafter \$85.00 per hour.
Case Management:	Telephonic 1-30 days \$300.00 31-60 days \$200.00 61-90 days \$100.00
Field Case Management:	\$85.00 per hour plus expenses
Physician Advisor:	Depending on the extent of services \$200.00 to \$250.00 per hour

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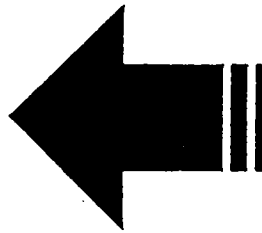
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CITY OF LONG BEACH

CITY PLANNING COMMISSION

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6357 FAX (562) 570-6068

December 14, 2004

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

SUBJECT: Housing Element Annual Report (Citywide)

DISCUSSION

On April 17, 2001, the Long Beach City Council adopted the 2000-2005 Housing Element. The Housing Element contains 37 housing programs, which address community concerns relating to housing and neighborhoods.

California State law requires that cities submit to their legislative body a progress report on the implementation of their Housing Element. The intent of this statute is to summarize housing development accomplishments for the year and to report on the City's progress in meeting its Regional Housing Needs Assessment goals. The principal purpose of this report (Attachment A) is to satisfy this requirement and to bring to the attention of the people of our City the more important implementation achievements of the past year.

On October 21, 2004, the Planning Commission reviewed and moved to forward the 2003-2004 Housing Element Annual Report to City Council (Attachment B).

Assistant City Attorney Michael J. Mais reviewed this letter on November 17, 2004.

TIMING CONSIDERATIONS

None.

FISCAL IMPACT

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL
December 14, 2004
Page 2

IT IS RECOMMENDED THAT THE CITY COUNCIL

- 1) Receive and file the attached 2003-2004 Housing Element Annual Report

Respectfully submitted,

MORTON STUHLBARG, CHAIR
CITY PLANNING COMMISSION

BY :


FADY MATTAR
ACTING DIRECTOR OF PLANNING AND BUILDING


for/ MELANIE FALLON
DIRECTOR OF COMMUNITY DEVELOPMENT

MS:FM:IB

Attachments:

- A) 2003-2004 Housing Element Annual Report
- B) Planning Commission Staff Report

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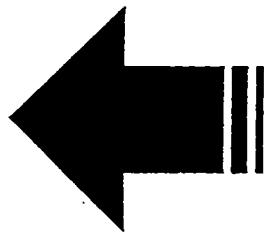


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LONG BEACH, CALIFORNIA
HOUSING ELEMENT ANNUAL REPORT
2003-2004

Prepared by:

Long Beach Planning and Building Department
Advance Planning Division
333 East Ocean Boulevard
Long Beach, CA 90802

Prepared for:

California Department of Housing & Community Development
1800 Third Street
Sacramento, CA 94252-2050

Attachment A

CITY OF LONG BEACH
2003-2004 Housing Element Annual Report

Mayor Beverly O'Neill

City Council

Bonnie Lowenthal
Dan Baker
Frank Colonna
Patrick O'Donnell
Jackie Kell, Vice Mayor
Laura Richardson
Tonia Reyes Uranga
Rae Gabelich
Val Lerch

Planning Commission

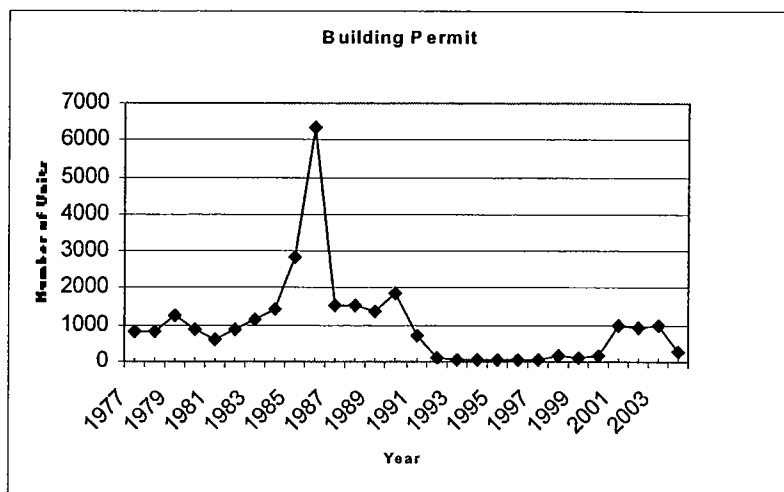
Morton Stuhlbarg, Chairperson
Leslie Gentile
Charles Greenberg
Matthew Jenkins, Vice-Chairperson
Mitch Rouse
Nick Sramek
Charles Winn

INTRODUCTION

California law [§65400(b)(1)] mandates that all cities and counties submit to their legislative bodies, the Office of Planning and Research, and the Department of Housing and Community Development an annual report on the status of their general plan and the progress toward its implementation. The intent of this statute is to ensure that the General Plan directs all land use decisions and remains an effective guide for future development. State law further directs the reporting on a city's achievements in meetings its housing policy goals and Regional Housing Needs Assessment (RHNA) contained in its Housing Element. The principal purpose of this report is to satisfy this requirement and to bring to the attention of the people of our City the more important Housing Plan implementation achievements for the 2003-2004 fiscal year. This annual report covers the period from October 1, 2003 to September 30, 2004.

The Planning Commission is authorized by State law and the City Charter with the responsibility of preparing and overseeing the City's General Plan. California law requires each city and county to adopt a general plan for comprehensive, rational decision-making regarding a jurisdiction's long-term physical development. Comprehensive planning takes all relevant matters into account, recognizing that everything is related to everything else, and that planning in one department cannot be effective without coordinated planning with other departments. The General Plan covers the full range of activities that city government is charged with, from physical planning and natural resource protection to public health and safety.

Housing is a major land use in the City and the location and condition of individual houses can have a major impact on our neighborhoods and our local economy. Consequently, the Housing Element involves more than just the building of houses but also the building of stronger communities. According to recent research, a significant number of housing units in Long Beach are overcrowded; compounding this issue, high absentee ownership in single-family neighborhoods contributes to neighborhood decline. The City is making significant progress in addressing these issues and other related challenges.



Graph 1

The Housing Element is unique among General Plan Elements in that the State is much more prescriptive regarding its form and content. As required by State law, this report provides a Housing Plan program status report and progress towards meeting our

Regional Housing Need. In 1999, the Southern California Association of Governments developed its Regional Housing Need Assessment (RHNA) based on growth forecasts. In short, these growth forecasts were then assigned to Long Beach and its fair share of State mandated affordable and market rate housing goals were allocated.

Notwithstanding some large parcels along the shoreline, Long Beach is a built out city with very little vacant land to develop. A recent survey conducted by the City identified only 900 vacant parcels in the City. Consequently, finding suitable sites for housing is a continuing challenge for the City. In the downtown area, where it is appropriate, the City has raised the density to meet our housing demand. Since the beginning of 2000, the City has permitted nearly 1,500 units in the downtown area. Graph 1 illustrates our historic building construction growth over the past twenty-five years.

On our commercial corridors and mixed residential neighborhoods, there are many constraints to higher density. As a built out city, one response has been to focus on rehabilitation of existing properties. Grisham Community Housing is a prime example where the City leveraged its resources with a non-profit housing developer to completely transform several block of blighted apartment buildings into a well-managed housing community with childcare and other family support facilities. The rehabilitation of 528-unit Northpointe apartment complex is another model example.

As indicated by our RHNA production in Table 1, the City is making progress in providing affordable housing, but more still needs to be done. Building on these and other local best practice models, the City has a number of exciting projects that are scheduled to start construction next year which are not reflected in this year's progress in meeting the City RHNA obligations. Those housing developments include: Olive Court, West Gateway and the Jamboree Housing Development. Moreover, with the adoption of the Housing Action Plan, the completion of the Commercial Nexus Study, inclusionary housing study and the public commitments to the policies and programs in the upcoming Land Use and Transportation Elements of the General Plan, the incentives for more housing opportunities for all income groups should be in place.

Income Level	Initial RHNA	Accepted Gateway	Total Allocation	Income Distribution	Fiscal Year 04 Production	2000-2004 Production
Very Low ¹	145	266	411	28%	9	14
Low ¹	89	162	251	17%	4	14
Moderate ¹	105	191	296	20%	8	25
Upper ²	179	327	506	35%	257	3170
			1464	100%	278	3,223

¹ Deed restricted Housing Production from the Long Beach Housing Services Baureau

² Upper income level represents market rate housing production

Table 1

HOUSING AND NEIGHBORHOOD CONSERVATION

Rehabilitation Programs

Project Home Pride provides low-interest loans to lower-income homeowners to make improvements and repairs to their homes. Up to \$25,000 can be borrowed by owner-occupants at an interest rate of 3%. Often, payment on the loans can be deferred until the home is sold or transferred. Proceeds can be used to correct code deficiencies, repair damage, and improve the building or grounds.

The Multi-family Rehabilitation Loan Program provides loans up to \$10,000 per unit to make improvements and repairs in apartments. These loans typically carry an interest rate of 4%, repayable over 15 years. To qualify, the housing units improved by the rehabilitation loans must be occupied by low-income households at affordable rents, and the units must meet federal occupancy standards.

Home Improvement Grants are also available for properties in Neighborhood Improvement Strategy areas. Property owners are reimbursed up to \$2,000 to improve the exterior of their homes. Eligible improvements include painting or stucco, fencing, doors and windows, concrete work, and the repair of landscaping. Other programs are offered to address lighting, locks, tool rental, and graffiti removal.

Five-Year Objective: Provide rehabilitation assistance to 1,935 low-income owner households and 1,256 low-income renters.

Accomplishments

- During this reporting period, the Long Beach Home Pride program delivered 22 rehabilitation loans for single-family residences totaling nearly \$800,000 dollars. Of these 22 loans, 14 were distributed to low-income families and 5 were distributed to very low-income families.
- Decro Properties are being rehabilitated resulting in 320 remodeled units for very low- and low-income families at a total loan amount of \$2 million dollars.

Acquisition & Rehabilitation Program

Many of Long Beach's older neighborhoods have buildings that are deteriorating. The presence of dilapidated structures contributes to an overall decline in the quality of neighborhoods. To address this problem, the Long Beach Housing Development Company (LBHDC) administers an acquisition and rehabilitation program for multi-family and single-family homes, some of which are acquired from the City through HUD's "Homes to Local Government Program." LBHDC acquires buildings, rehabilitates the units and sells them to low- and moderate-income households or to another nonprofit organization with affordability restrictions in place. Many units provided by the LBHDC address special needs. Acquisition and rehabilitation contributes to the improvement of neighborhoods.

Five-Year Objective: Provide assistance to 32 ownership units and 419 rental units set-aside for lower-income households.

Accomplishments

During this reporting period, the City of Long Beach and the Los Angeles Community Design Center celebrated the opening of Grisham Community Housing – bounded by 49th, Grisham, Ruth, and Peace Streets. The development consists of the acquisition, rehabilitation and reconfiguration of 26 individual four-plexes into 96 units of affordable housing for very –low-income families with a childcare center/community center, and open space for very low-income households.

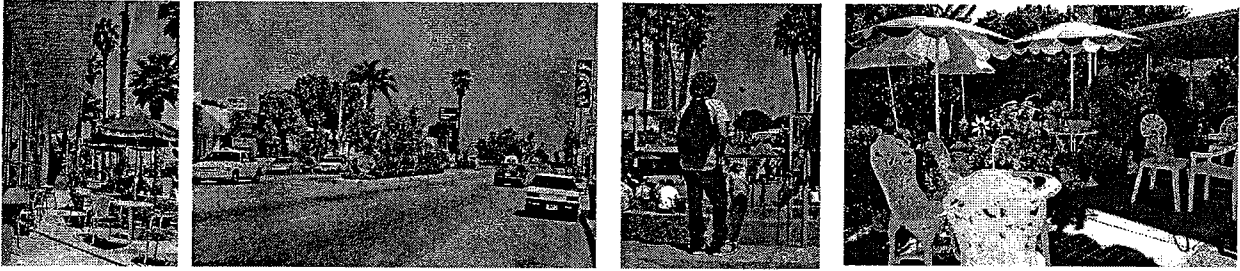
Mobile home Rehabilitation Program

The City of Long Beach has approximately 2,200 mobile home units that generally provide affordable housing for low-income households. Many mobile home parks were originally designed for seniors, but have gradually transitioned to occupancy by families. As a result, mobile home parks may contain inadequate open space and play areas for their children. Moreover, many mobile home complexes now suffer from deferred maintenance. To address these conditions, the City offers a mobile home loan program to correct deficiencies. Eligible corrective work includes weatherizing and energy conservation, exterior painting, roofing, vector control, and the repair of major systems (e.g., heating, air conditioning, plumbing, electrical, etc.).

Five-Year Objective: Offer rehabilitation assistance to mobile home occupants and study long-term strategy for preserving and upgrading parks.

Accomplishments

The Housing Rehabilitation Division provided 3 loans to residents of mobile homes, all of which were to very –low-income residents.



Neighborhood Resource Center

The Neighborhood Resource Center (NRC) assists neighborhood and community organizations to increase their effectiveness. Neighborhood volunteers who work together are frequently in need of supplies, training, and meeting locations. The NRC assists them by providing free access to a community meeting room, neighborhood flyer boxes, use of computers, and the Internet, and by hosting training workshops on relevant community topics. The NRC also administers a Safe Streets Now program to empower residents and property owners to reclaim their neighborhoods from criminal activity. In addition, the County Bar Association offers dispute resolution services to diffuse conflict and foster non-violent alternatives which might otherwise result in court action or escalate into acts of frustration, violence and racial/ethnic tensions.

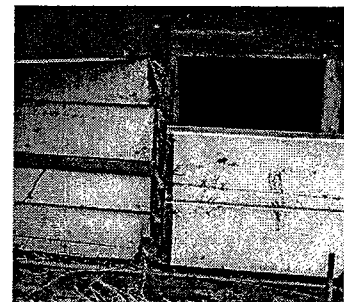
Five-Year Objective: Continue to foster neighborhood volunteerism through the Neighborhood Resource Center.

Accomplishments

The Neighborhood Resource Center continues to provide access to programs and services, workshops on community diversity and leadership, and seminars on neighborhood problem solving skills. Additional services include free access to computers, neighborhood newsletter production assistance and community meeting room space.

Further Documentation

A complete list of services offered by NRC can be found at
http://www.longbeach.gov/cd/neighborhood_services/resource_center/default.asp



Code Enforcement

The Long Beach Strategic Plan identifies the need for code enforcement to provide for routine maintenance and repair of homes, the elimination of substandard building conditions, improvement in infrastructure, and reinvestment in neighborhoods. To achieve this goal, Long Beach provides a citywide Code Enforcement Program to address dilapidated buildings, property maintenance, weed abatement, and vehicle abatement along with enforcement of zoning regulations. Within the citywide code enforcement program, four proactive neighborhood programs focus on various aspects and locations for enhanced code enforcement efforts.

Five-Year Objective: Continue comprehensive code enforcement.

Accomplishments

Code enforcement responsibility in Long Beach was spread over 22 programs across 8 departments – mostly in health, Planning & Building, and Community Development. Beginning in May 2004, the City consolidated many code enforcement responsibilities within one unit with the Department of Community Development to improve accountability and productivity. Many of these changes to Code Enforcement were the result of a program analysis prepared by Management Partners, Incorporated.

The report identified the Community Code Enforcement (CCE) and Code Compliance Program (CCP) as statewide models for code enforcement. The CCE program covers 14 areas and will expand into two new neighborhoods over the next year. In addition, CCE program restarted efforts in four areas over the past year. The Code Compliance Program, which was partially funded by a state grant, expired July 2004. No decision has been made as to whether or not the City will fund this program in the future.

Further Documentation

To review the report prepared by Management Partners, Incorporated, please follow this link: <http://www.longbeach.gov/civica/filebank/blobdload.asp?BlobID=3037>.

Multi-family Housing Inspection Program

The City's Environmental Health Bureau administers a Housing Inspection Program to ensure that dwelling units are clean and well maintained. Under this program inspectors provide both routine and compliance driven inspections of commercial and residential buildings. Routine inspections are scheduled for dwellings with a City business license, which is required for residential properties with over four units. Currently, the City has 8,098 licensed multi-unit dwellings and 179 licensed commercial lodging facilities. The program also includes inspections of garages, which are cited if there is evidence of residency. New funds have been budgeted to increase the number of inspectors under this program from five to nine.

Five-Year Objective: Continue to support efforts to inspect multi-family properties and correct code violations.

Accomplishments

Long Beach continues to support efforts to inspect multi-family properties and correct code violations

Lead-Based Paint Hazards

Lead poisoning is the top preventable environmental health hazard facing children. According to the Agency of Toxic Substances and Disease Registry, lead-based paint (LBP) hazards are concentrated in Long Beach's older housing stock, comprised of an estimated 66,000 units built before 1950. Since 1995, the City's Health Department has received \$8 million in grants to address potential LBP hazards. The City's strategy is designed around the following five-point program: (1) a community education and awareness program; (2) blood testing for young children in families below 200% of the poverty line; (3) housing and environmental inspections, (4) grants and loans for repairs, and (5) a monitoring program.

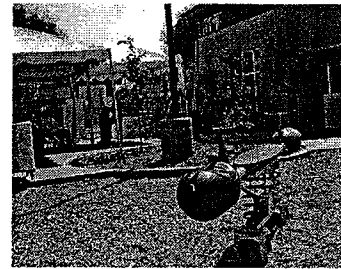
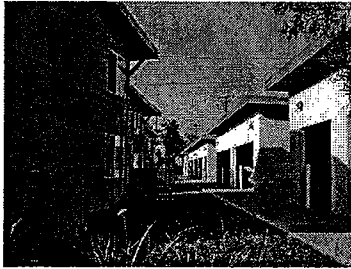
Five-Year Objective: Eliminate lead-based paint hazards for 100 homes.

Accomplishments

Through a grant funded by the U.S. Department of Housing and Urban Development, the Long Beach Department of Health and Human Services has made lead safe 221 housing units.

Further Documentation

More information about this program including educational brochures and program statistics can be found at <http://www.longbeach.gov/health/organization/eh/lead/default.asp>.



Neighborhood Revitalization

The LBHDC, in conjunction with the Los Angeles Community Design Center and the Long Beach Redevelopment Agency has identified several neighborhoods in North Long Beach that suffer from various social, economic and physical problems. The Grisham Neighborhood has been chosen for a comprehensive neighborhood revitalization effort. The neighborhood consists of 26 fourplex units, which are in a state of disrepair. The project will consist of acquisition, and a combination of reconfiguration, rehabilitation and new construction. The plans call for reducing the density from 104 to 92 units, and creating an on-site childcare center, open space play area, and a community room.

Five-Year Objective: Complete revitalization of the Grisham project, identify other distressed neighborhoods, and seek funding for their revitalization.

Accomplishments

During this reporting period, the City of Long Beach and the Los Angeles Community Design Center celebrated the opening of Grisham Community Housing. The development consists of the acquisition, rehabilitation and reconfiguration of 26 individual four-plexes into 96 units of affordable housing for very –low-income families.

In June 2004, the Long Beach City Council adopted the Housing Action Plan, which identified three focus areas for housing resources.

Further Documentation

A copy of the Housing Action Plan can be found at <http://www.longbeach.gov/cd/default.asp>



Historic Preservation Programs

Long Beach has twelve historic districts that contain examples of homes which have retained their original design integrity. Designation is based on an architectural survey and expressed commitment of owners to establish the accompanying historic district regulations. Regulations are intended to preserve existing housing, discourage demolition, and encourage the rehabilitation of older homes in a consistent and historic character. Overall, the net effect of historic preservation is to stabilize and protect historic housing, encourage rehabilitation of older neighborhoods, and improve quality of life. Historic preservation has also been implemented through adaptive reuse policies.

Five-Year Objective: Preserve and upgrade historic neighborhoods and structures offering a diversity of housing and fostering neighborhood pride.

Accomplishments:

- The establishment of the Bluff Heights Historic District
- The Hotel Rivera entered into a Mills Act agreement with the City
- Many of the City's historic districts now have unique street name signs

Further Documentation

For continuous updates on historic preservation programs at the City, please visit our historic preservation website at: <http://www.longbeach.gov/plan/pb/hpd/default.asp>

Neighborhood Score Card

Long Beach is one of four cities in the nation selected by the National Civic League to participate in a pilot program involving the community in government decision making. Grass roots participants in the program will be involved in establishing goals and milestones for a "neighborhood scorecard" which will use specific, measurable indicators to monitor the well-being of the community. Information gathered through this monitoring effort will be used to guide government policies and decisions regarding the future development of neighborhoods and the community at large. Work on this scorecard commenced in Summer 2000. When completed, the scorecard will be an important tool in monitoring success of City programs.

Five-Year Objective: Establish a permanent, neighborhood scorecard-monitoring program involving the community in guiding government actions.

Accomplishments

Although the Neighborhood Score Card was never implemented, the City did survey the residents regarding service priorities through the "Voice Your Choice" survey," which informs the budgetary decision-making process.

Community Development Impact Team

Linking affordable housing with other community development goals and resources is an important means of improving the quality of life in troubled neighborhoods. To facilitate these efforts, the Community Development Department has created a department wide initiative with the establishment of Community Development Impact Teams (CDIT). The goal of these impact teams is to deliver community development programs and services in a coordinated and comprehensive manner. CDIT provides for a concentration of community development programs and funding to be delivered simultaneously to foster the economic recovery or preservation of a targeted business district or neighborhood. This approach was used in Cherry-Temple NIS and for projects like Renaissance Walk.

Five-Year Objective: Continue to implement the CDIT process and encourage projects linking housing with community development goals and resources.

Accomplishments

The City continues to implement the CDIT program; however, the focus is now on major corridors and specific projects, as opposed to broad geographic areas.



Affordable Housing Assistance

The Long Beach Housing Development Corporation (LBHDC) provides assistance to for-profit and non-profit housing developers for the construction or rehabilitation of affordable rental and for-sale ownership housing. LBHDC assistance usually takes the form of low-interest loans and all assisted units must be deed-restricted for occupancy by low- and moderate-income households. The LBHDC seeks out other sources of funding, including HOME, CDBG, State, Federal, and City of Industry funds. In many cases, the LBHDC assists other non-profits to provide affordable housing for special needs groups, such as the mentally ill and persons with disabilities, and very low-income households through assistance to Habitat for Humanity. Priority in funding is granted to projects with special needs.

Five-Year Objective: Continue to seek out opportunities to partner with other developers of affordable housing and new sources of funding for this program.

Accomplishments

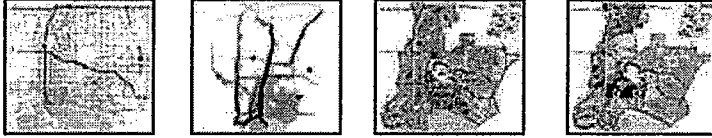
The LBHDC has partnered with the non-profit developers Livable Places for the development of Olive Court, a 58-unit affordable condominium complex near a rail transit stop. Livable Places has received all of their entitlements and are expected to begin construction this year.

The proposed Jamboree housing at Golden Avenue and 3rd Street will produce 64 new rental units.

Pacific Avenue Apartments at 16th Street and Pacific when constructed will create 42 new rental units.

Further Documentation

More Information about Olive Court can be found at <http://www.olivecourt.com/>



Adequate Sites

The City of Long Beach has identified sufficient residential sites, zoned at the appropriate densities, to accommodate the housing production and affordability targets of the RHNA. In keeping with the goals set forth in the 2010 Strategic Plan and Land Use Element of the General Plan, new high-density residential development is to be focused in key locations, allowing for the preservation of existing and stable neighborhoods. Appropriate and feasible housing densities are allowed, with appropriate development standards and design guidelines, along transit corridors, in the downtown area, and in close proximity to major employment and activity centers. Specific sites for future development and their carrying capacity are discussed in Chapter IV Housing Resources.

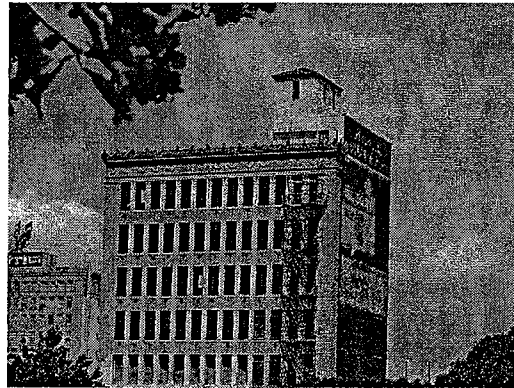
Five-Year Objective: Provide for sufficient sites to accommodate housing that is affordable to 411 very-low-income households, 251 low-income households, 296 moderate-income households, and 506 upper-income households.

Accomplishments:

Through a grant from the California Department of Housing and Community Development, the City of Long Beach has identified 1,000 acres of vacant land and approximately 1,000 parcels. These sites have been made available to the development community and to City staff via the City's intranet.

Further Documentation

A map of all the vacant sites in Long Beach can be found at http://www.longbeach.gov/apps/advance_plan/pdf/fig_3_7_1.pdf



Adaptive Reuse Strategies

Long Beach encourages the retention of sound buildings for the provision of living units when and if traditionally non-residential structures are adaptable for residences. The City has facilitated the reconfiguration of former hotels, commercial and institutional structures, to accommodate senior-citizen apartments, and live/work lofts for artists, and home businesses. Examples include the Breakers Hotel (senior housing), Lafayette Hotel (condominiums), and Kress Building (condominiums). Planned re-use of other historic structures include: Walker Department Store, York Rite Masonic Temple, Long Beach Professional Building, and the Skating Palace. Saving these historic structures and recycling them for residential use provides an additional way for creative developers to offer residential products to the community.

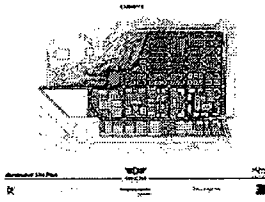
Five-Year Objective: Continue and enhance efforts to support creative adaptive reuse scenarios and consider expanding provisions to appropriate areas.

Accomplishments:

A pivotal aspect our Downtown revival has been the conservation of our historic buildings. All of the historic buildings itemized in the Housing Element have been completed or are near completion. Currently under construction is the conversion of the Insurance Exchange Building into 11 residential condominium units, the adaptive reuse of the Masonic Temple into 82 condominium units and the conversion of the Ebell Theater into 11 residential condominium units. In addition, at the preliminary planning stage are the Broadway lofts, the rehabilitation of the Historic Ocean Center office building, and the reuse of the Newberry's Department Store. Lastly, through the Downtown Rebound Planning Grant, the Famous Department building was identified as a potential reuse site thus completing the adaptive reuse of all the historic department stores along Pine Avenue.

Further Documentation

A list of current downtown projects are be found at
http://www.longbeach.gov/cd/redevelopment/current_projects/downtown.asp



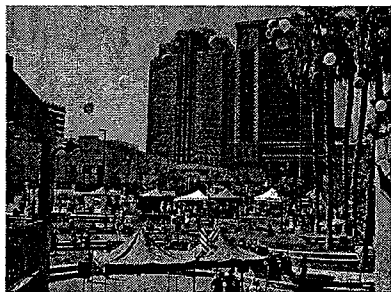
Design Review

While the City's residential development standards are effective at ensuring compatibility among various land uses, the City lacks design guidelines to regulate the overall quality and character of housing throughout the community. Moreover, the Planning and Building Department does not have an architect on staff to review housing plans and provide design input. In contrast, the LBHDC and the RDA have adopted specific housing and other design guidelines and have access to professional architectural services, which has resulted in high-quality housing. The 2010 Strategic Plan renews our commitment to the preservation and livability of neighborhoods. Methods to enhance building and landscape design are integral to this effort.

Five-Year Objective: Evaluate adoption of citywide housing design guidelines and retention of architectural services to enhance the design review process.

Accomplishments:

Since February 2003, the Department of Planning and Building has worked in cooperation with two local architects to provide design guidance during site plan review meetings.



Downtown Redevelopment

Long Beach's downtown has long been a major focus of redevelopment efforts. Located adjacent to the shoreline, and surrounded by the Central Business District and high-density residential uses, the downtown is the core of the community. Redevelopment areas have been designated to revitalize the retail and office center. The development standards for the downtown encourage higher density infill housing. Now that a critical mass of retail, commercial and infrastructure improvements is underway, the demand for housing is emerging. Several large-scale projects are currently in the planning stage and will provide substantial housing opportunities in the upcoming few years. The City will use development agreements to achieve a mix of affordability levels in these and other large-scale projects.

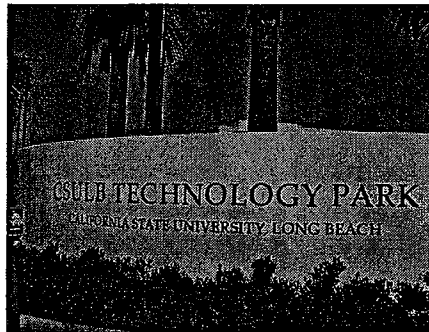
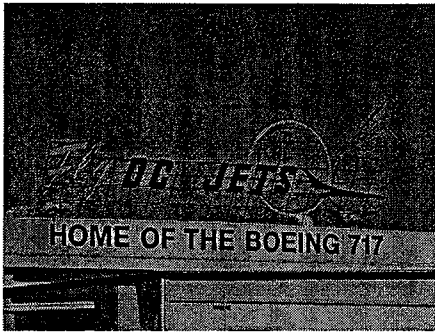
Five-Year Objective: Continue to support revitalization efforts to facilitate establishment of a healthy urban residential community in the downtown.

Accomplishments

Downtown Long Beach has undergone a renaissance over the past decade. Open in November 2003, the Pike at Rainbow Harbor adjacent to the Long Beach Aquarium is a 350,000 square-foot commercial complex consisting of entertainment, retail and restaurants. In addition, new housing units at CityPlace, the Park at Harbor View and the Walker Building promote a transit-oriented lifestyle. The City has amended the Downtown Planned Development Plan (PD-30) to allow residential units in the Promenade subarea.

Further Documentation

Many Long Beach business associations have partnered with the City to remake downtown into an 18-hour activity center. A good place to keep up on the latest developments is at <http://www.downtownlongbeach.org/>.



Housing for Technology Workforce

Over the 1990s Long Beach experienced an economic transformation whereby the restructuring of the defense-related industry, in particular aerospace, resulted in the loss of one third of all manufacturing jobs in the community. The City's historical focus on durable manufacturing is transitioning to more of an emphasis on information and technology products. California State University at Long Beach is developing a 20-acre technology park to attract light manufacturing, research and development and other similar uses. Additionally, 238 acres of Boeing Corporation property are anticipated to become available in the near future, enhancing the City's opportunity to become the technology center of Southern California. As set forth in the Strategic Plan, housing opportunities are needed to accommodate this emerging workforce.

Five Year Objective: Planning staff will work with the Redevelopment and Economic Development Bureaus of the Community Development Department to ensure that housing is available and suitable to attract and accommodate the labor force needed to support technology industries.

18. Site Inventory Analysis

Accomplishments:

The City of Long Beach has entitled over 977 housing units that are suitable for technology workers. These upscale developments include: Camden, CityPlace units, Aqua Towers and housing at the Java Lanes site. In addition, the reuse of the Boeing plant into a mixed-use technology park with 1,400 proposed housing units is near to receiving their entitlement. In addition, this proposal includes a contribution of funds for the construction of new affordable housing in Long Beach.

Further Documentation

The more information regarding the reuse of the Boeing Site can be found at <http://www.douglaspark.org/index2.html>

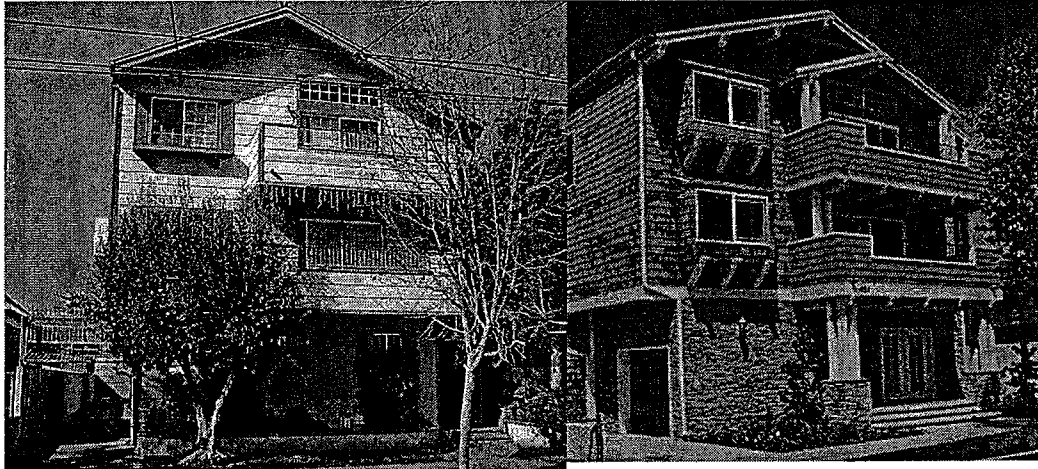
Site Inventory Analysis

Although Long Beach is a highly urbanized community with limited vacant residential land there is a significant potential for adaptive reuse of structures, infill development and targeted recycling of sites to housing. As demonstrated in the downtown, the City has successfully promoted the adaptive reuse of commercial, hotel and institutional structures to provide a variety of housing that is suitable for persons of all economic strata. Furthermore, with the recovery of the housing market, property values in the community have been rising, making them more attractive for housing development, in particular recycling. While adequate zoning controls are in place to preserve and further the character and scale of neighborhoods, focused recycling can be an effective tool to provide new upgraded housing that enhances neighborhoods and provides housing for the emerging workforce.

Five Year Objective: Undertake an inventory of underutilized sites appropriate for adaptive reuse, infill, or recycling activities and conduct market and community studies to determine the feasibility of such actions.

Accomplishments

Through a Downtown Rebound Planning Grant from the California Department of Planning and Building, the Long Beach Planning Bureau has identified all vacant lots in the City and on selected corridors has identified vacant buildings and other buildings appropriate for adaptive reuse. Those sites have been incorporated into the Central Area Guide for redevelopment.



Before

After

Condominium Conversion with Home Ownership Assistance

During the 1980s, the proliferation of 8-10 unit apartment buildings was one of the most controversial issues in Long Beach that led to neighborhood deterioration. During the mid-1980s, in an attempt to jump start housing construction, the Zoning Code was revised to allow 8-10 apartment units on single lots, often without adequate parking and open space. The net effect was to destabilize single-family neighborhoods. Over 500 single-family homes were demolished before the City Council down zoned these areas. The City is implementing a demonstration project to convert an eight-unit apartment into four two-story condominiums, with public assistance of \$350,000-\$400,000. Homeownership assistance is provided if eligible tenants desire to purchase their unit.

Five-Year Objective: Complete the demonstration project and evaluate the feasibility of expanding similar projects citywide, combined

Accomplishments

The Long Beach Housing Development Company (LBHDC) acquired an eight-unit apartment building at 429 Almond Avenue in the City of Long Beach to implement a pilot project to address the issue of the 385 eight-to-ten unit apartment buildings that proliferate the eastern and central sections of the City. The 429 Almond Avenue Development converted an 8-unit apartment building to four, two-story town home units. Three of the units were sold to low-income, first-time homebuyers. The fourth unit was sold to a participant of the Section 8 Homeownership Program. The Long Beach City Council approved \$500,000 in Federal HOME funds and \$505,000 of Community Development Block Grant funds for the acquisition and construction of the development. Construction began in April 2002 and was completed in July 2003. It turned out to be a successful yet very costly demonstration project. Currently, there are no plans to expand similar projects citywide.



General Plan Land Use Element Update

The identification of adequate sites is necessary to encourage the production of housing that is suitable and affordable to all economic and special needs groups. The City's Housing Element identifies sufficient sites, zoned at the appropriate density and with adequate development standards and public services, to accommodate the City's RHNA. However, in keeping with the direction of the 2010 Strategic Plan, future residential growth is to be concentrated along transit corridors, in downtown, and in proximity to major employment, transit and activity centers. The 1989 Land Use Element policies, although reflective of the Strategic Plan, need to be updated to maintain consistency.

Five-Year Objective: Perform update of the General Plan Land Use and Transportation Element.

Accomplishments

The City of Long Beach has contracted with EIP and Meyer Mohaddes Associates to update the Land Use and Mobility Elements of the General Plan. As part of this effort we have held 20 community meetings and are planning to hold another 15 so that the plan properly reflects the community's vision for Long Beach. Currently, City staff and planning professionals are evaluating the various land use alternatives from our community meetings. The program schedule indicates project completion in August 2005.

Further Documentation

All of the documents, agendas, and maps produced for this effort are online at http://www.longbeach.gov/apps/advance_plan/index.html

Commercial Impact Fee

There is a clear relationship between new employment within a given area and the associated demand for housing. Some jobs will be service occupations that earn more modest income, while other occupations will be higher-paying. If the demand for new housing exceeds the supply housing, housing costs will increase accordingly –having its greatest impact upon low- and moderate-income households. Suitable housing will also need to be available in order to attract desired industries. An impact fee program can provide funding to address the demand for affordable housing generated by commercial and office development. Funds received are deposited in a Housing Trust fund.

Five Year Objective: Evaluate establishing a commercial impact/linkage fee for non-residential development to fund housing services.

Accomplishments

The planning firm of David Paul Rosen & Associates (DRA) has completed a nexus study to explore the potential of establishing an inclusionary housing ordinance and a commercial development linkage fee for a dedicated revenue source for the development and preservation of affordable housing.

Further Documentation

You can find a copy of the Housing Trust Fund Study at:
http://www.longbeach.gov/cd/housing_services/default.asp

Homeownership Zone

Long Beach faced particularly troubled times during the early 1990s. The housing market crash was followed by the 1993 civil disturbance, closure of the Long Beach Naval Station, the Hospital, and Naval Shipyard. In 1998, the federal government awarded \$1.9 million to implement a Homeownership Zone Plan to help revitalize the City's economy. The Plan provides housing, transportation, economic, and beautification efforts along Long Beach and Atlantic Boulevards. A total of 381 homes are slated for the Wrigley neighborhood and American Marketplace, including 49 single-family homes, 282 town homes with 3 or more bedrooms, and the conversion of 50 single-family rentals to ownership units. Renaissance Walk will provide 40 high quality single-family homes affordable to low- and moderate-income persons and a child care center for 65 children.

Five-Year Objective: Implement the Homeownership Zone plans for 381 new homes in the Wrigley and American Marketplace neighborhoods.

Accomplishments

The Homeownership Zone program assisted in the funding of a total of 44 new homeownership units. The program was closed out in May 2003 at the conclusion of the grant.

LBHDC Homeownership Programs

The City of Long Beach offers a number of homeownership assistance programs for first-time homebuyers. To qualify for these programs, the buyer must meet certain household income and purchase price limitations.

Down Payment Assistance. The Down Payment Assistance program offers first-time lower-income purchasers conditional grants of up to \$5,000 that can be used for up to 40% of the down payment and non-recurring closing costs on a home purchase.

Second Mortgage Assistance. The 2nd Mortgage Assistance program is also aimed at assisting first-time homebuyers. Under this program, loans of up to \$25,000 are provided as a second trust deed to people who otherwise qualify for a loan from a first mortgage lender.

Five-Year Objective: Assist 1,427 lower-income first-time homebuyers.

Accomplishments

Six first time homebuyers were assisted using a variety of programs. The structure of the housing market and the level of assistance that the City can offer has contributed the current level of assistance. Revision to this program are under development.

Other Homebuyer Assistance Programs

Several homeownership programs are also available through private lenders, lender consortiums, joint power authorities, and the federal government. These programs help the City to achieve the homeownership goals set forth in the 2010 Strategic Plan. Programs currently used or that could be used in Long Beach are as follows:

- Mortgage Credit Certificate (MCC)
- Fresh-Rate Program
- Homebuyer Seminars
- Public Safety Officer Programs
- Lease-Purchase (New)

Five-Year Objective: Continue participation in homeownership programs and advertise program availability. Pursue participation in lease-purchase program to further expand homeownership options.

Accomplishments

- The City held 12 first-time homebuyer seminars during FY03-04 with 480 families in attendance
- Sixty families attended one of three post homeownership seminars

Development Services Center

The City of Long Beach will continue operation of its Development Services Center and upgrading of its computerized permit-tracking system to facilitate the timely processing of building permits. The Development Services Center is the one-stop processing counter for building permit-related activities in Long Beach, concentrating functions as diverse as business licensing, planning, and building together. This Center has been established to implement the Permit Streamlining Act. To further encourage timely processing of building and planning permits, applicants can apply online via Web access.

Five-Year Objective: Continue operation and upgrading of the Development Services Center to ensure timely processing of building-related permits.

Accomplishments

The Department of Planning and Building has instituted three innovative programs at the Development Services Center: Q-Matic, File Net and RVI. Q-Matic is a streamlined queuing system that routes applicants through the permitting process while providing real-time waiting times to staff in order to better allocate staffing resources. File Net is an online resource to find and view building permits. Although still in the testing stage, RVI is an online system designed to schedule building inspections and to check on the status of plan checks.

E-Government

Under leadership of the City Manager's Office, the City has embarked upon an E-Government Strategic Plan. E-Government stands for the use of electronics or digital communications systems in government applications. The purpose of the program is to improve internal and external business operating processes and service delivery systems to better serve the community. With the advent of new technology, particularly the Internet, government has a tremendous opportunity to revolutionize the way constituents are served. The City already offers 'static' information on-line and limited on-line permitting services. However, the E-Government Strategic Plan will outline new services, service enhancements, and other opportunities to improve how the City serves and interacts with the community.

Five-Year Objective: Adopt and implement an E-Government Strategic Plan to facilitate and guide service delivery and community communications.

Accomplishments

The City instituted the Content Management System (CMS) in May 2004, where city employers who are responsible for creating content also have the authority and ability to posted that information on the City's Internet. The CMS includes e-Notify, citywide calendars and news/announcements/news tickers on the City's homepage. Content Management System is clearly a major e-Gov milestone in providing a single, unified face to customers and transparency in how government entities are internally organized. In addition, the streaming video of Council meeting archives was a major accomplishment of the E-government Strategic Plan. In addition, utility customers are now able to check the status of their accounts and make payments over the internet or by touchtone phone.

Further Documentation

More general information regarding the City's E-Government Strategic Plan can be found at http://www.longbeach.gov/tsd/egov/executive_summary.asp. Streaming video of our City Council meetings can be seen at http://www.longbeach.gov/cityclerk/council_online.asp.

Development Incentives

Long Beach offers other ways to reduce governmental constraints that increase the cost of housing development. In Long Beach, some of these constraints include government regulations regarding residential development standards, fees or exactions paid for new residential development, or simply the cost of vacant land. Several programs designed to mitigate these constraints are as follows:

Five-Year Objective: Continue to offer regulatory incentives for affordable and accessible housing.

Accomplishments:

The City of Long Beach Planning Bureau amended the Long Beach Boulevard PD (PD-29) to allow housing near the Pacific Coast Highway transit station.

The City has amended the Downtown Planned Development Plan (PD-30) to allow residential units in the Promenade subarea.

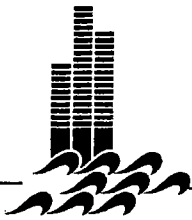
Replacement Housing Provisions

Long Beach has several programs to ensure the preservation of affordable housing units that are proposed to be converted to other residential uses. These include affordable housing lost in the Coastal Zone and the conversion of mobile homes to other uses. The programs are briefly described below.

Five-Year Objective: Continue implementation of replacement ordinances.

Accomplishments

Long Beach continues to implement replacement ordinances. However, no replacement housing occurred in Fiscal Year 2003-04, but four households were relocated due to code enforcement rehabilitation.



Agenda Item No.

CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6357 FAX (562) 570-6068

ADVANCE PLANNING

October 21, 2004

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

SUBJECT: Annual Report for the Housing Element of the General Plan

LOCATION: Citywide

APPLICANT: Fady Mattar, Acting Director of Planning and Building

RECOMMENDATION

Review and comment on the Annual Report for the Housing Element of the General Plan and forward to the City Council, the State Office of Planning and Research and Department of Housing and Community Development.

BACKGROUND

State law requires that cities submit to their City Council a progress report on the implementation of their Housing Element. The intent of this statute is to summarize housing development accomplishments for the year. The principal purpose of this report is to satisfy this requirement and to bring to the attention of the people of our City the more important implementation achievements of the past year.

IT IS RECOMMENDED THAT THE PLANNING COMMISSION

Review and comment on the Annual Report for the Housing Element of the General Plan and forward to the City Council, the State Office of Planning and Research and the Department of Housing and Community Development.

Respectfully submitted,

FADY MATTAR
ACTING DIRECTOR OF PLANNING AND BUILDING

By:

Ira Brown
Planner III

Approved:

Angela Reynolds
Advance Planning Officer

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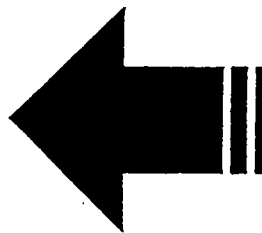


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OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-16

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Assistant City Attorney

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Christina L. Checcl
Randall C. Fudge
Charles M. Gale
Michelle Gardner
Everett L. Glenn
Donna F. Gwin
Monte H. Machit
Lisa Peskay Malmsten
James N. McCabe
Barry M. Meyers
Susan C. Oakley
J. Charles Parkin
Howard D. Russell
Carol A. Shaw

December 14, 2004


HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
CALIFORNIA

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH FINDING AND DETERMINING THAT A FURTHER CREDIT IS DUE AGAINST THE TRANSPORTATION IMPROVEMENT IMPACT FEE APPLICABLE TO THE CSULB FOUNDATION TECHNOLOGY PARK LOCATED AT 2000 WEST NINETEENTH STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT REGARDING CREDIT FOR TRANSPORTATION IMPROVEMENTS MADE TO PACIFIC COAST HIGHWAY FROM COTA AVENUE TO NINETEENTH STREET

Pursuant to your request, we have prepared the subject ordinance and transmit it with this letter for your consideration and adoption.

Very truly yours,

ROBERT E. SHANNON, City Attorney

BY 
LISA PESKAY MALMSTEN
Deputy City Attorney

LPM:ET

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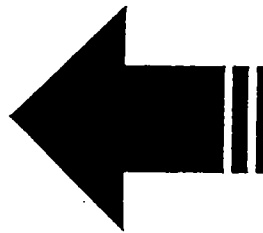


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ORDINANCE NO. C-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH FINDING AND DETERMINING THAT A FURTHER CREDIT IS DUE AGAINST THE TRANSPORTATION IMPROVEMENT IMPACT FEE APPLICABLE TO THE CSULB FOUNDATION TECHNOLOGY PARK LOCATED AT 2000 WEST NINETEENTH STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT REGARDING CREDIT FOR TRANSPORTATION IMPROVEMENTS MADE TO PACIFIC COAST HIGHWAY FROM COTA AVENUE TO NINETEENTH STREET

WHEREAS, Chapter 18.17 of the Long Beach Municipal Code imposes a transportation improvement fee upon certain new residential and commercial development within the City for purposes of assuring that the transportation level of service goals of the City as set forth in the Traffic Mitigation Program are met with respect to the additional demands placed on the transportation system by traffic generated from such development; and

WHEREAS, the California State University, Long Beach Foundation ("CSULB Foundation") is constructing the CSULB Foundation Technology Park ("the Project"), and;

WHEREAS, the first phase of the Project consisted of five buildings totaling 172,748 square feet, at 2000 West Nineteenth Street in the City of Long Beach ("the Project"); and

WHEREAS, the transportation improvement fee for the first phase was \$190,028.28; and

1 WHEREAS, CSULB Foundation has constructed road improvements
2 consisting of widening Pacific Coast Highway from Cota Avenue to Nineteenth Street,
3 at a cost of \$332,869.47; and

4 WHEREAS, CSULB Foundation sought and the City Council granted a
5 partial offset of the transportation improvement fee in the amount of \$190,028.28 on
6 April 1, 2003, leaving a positive credit balance of \$142,831.19; and

7 WHEREAS, CSULB Foundation is now constructing the second phase of
8 the Project, consisting of two additional buildings, and is responsible for an additional
9 transportation improvement fee in the amount of \$92,750.90 for that second phase; and

10 WHEREAS, CSULB Foundation has performed landscape improvements
11 at cost of \$63,784.88, for which it seeks a further offset of the transportation
12 improvement fee; and

13 WHEREAS, after the additional fee is imposed and an offset is allowed,
14 CSULB Foundation will have a positive credit balance of \$113,865.17, and;

15 WHEREAS, CSULB Foundation intends to apply for a further offset based
16 on additional improvements when further construction occurs at the same location; and

17 WHEREAS, such offset and credit is authorized under Section 18.17 of
18 the Municipal Code; and

19 WHEREAS, CSULB Foundation has filed an application for a credit
20 against the transportation improvement fee in accordance with the requirements of
21 Section 18.17.110 of the Municipal Code, together with sufficient supporting
22 documentation.

23
24 NOW, THEREFORE, the City Council of the City of Long Beach ordains
25 as follows:
26

27 Section 1. Having reviewed the Application for Credit filed by CSULB
28 Foundation and all other documentary evidence before it, the City Council hereby finds

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 and determines that CSULB Foundation is due a credit in the amount of \$63,784.00
2 against new transportation improvement fees in the amount of \$92,750.90 otherwise
3 payable in connection with the Project, leaving a positive credit balance of \$113,865.17.
4

5 Sec. 2. The City Manager is authorized to execute an agreement with
6 CSULB Foundation together with all other documents necessary to carry out the terms
7 thereof, regarding the construction of certain transportation-related improvements at
8 2000 West Nineteenth Street in the City of Long Beach.
9

10 Sec. 3. The City Clerk shall certify to the passage of this ordinance by the
11 City Council and cause it to be posted in three conspicuous places in the City of Long
12 Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.
13

14 I hereby certify that the foregoing ordinance was adopted by the City

15 ///

16 ///

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28 ///

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 Council of the City of Long Beach at its meeting of _____,
2 200__, by the following vote:

3
4 Ayes: Councilmembers: _____

5 _____

6 _____

7 _____

8 Noes: Councilmembers: _____

9 _____

10 Absent: Councilmembers: _____

11 _____

12 _____

13 _____

14 _____

15 City Clerk

16 _____

17 Approved: _____
18 (Date) Mayor

19 _____

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

26 _____

27 _____

28 LPM:et

11/19/04; 12/03/04

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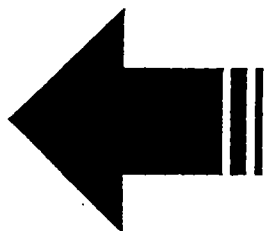


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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING CHAPTER 8.68 IN ITS
ENTIRETY RELATING TO SMOKING IN THE WORK PLACE
AND PUBLIC PLACES

The City Council of the City of Long Beach ordains as follows:

Section 1. Chapter 8.68 of the Long Beach Municipal Code is hereby
amended in its entirety to read as follows:

CHAPTER 8.68

SMOKING IN PUBLIC PLACES

8.68.010 Purpose and findings.

The City Council finds that the smoking of tobacco, or any other
weed or plant, is a medically documented danger to health and a material
annoyance, inconvenience, discomfort and health hazard to those who
are present in confined spaces, and in order to reduce exposure to
environmental tobacco smoke and to serve the public health, safety and
welfare, the declared purpose of this Chapter is to prohibit the smoking of
tobacco, or any other weed or plant, in public places and places of
employment as stated and required in this Chapter.

8.68.020 Definitions.

The following words and phrases, whenever used in this Chapter,
shall be constructed as defined in this Section:

A. "Bar" means an area which is devoted to serving of alcoholic

1 beverages and in which the service of food is only incidental to the
2 consumption of such beverages. Bar shall also include a nightclub or
3 cabaret where entertainment and/or dancing are provided in addition to
4 the consumption of alcoholic beverages or food.

5 B. "Child care facility" means any location or portion thereof where
6 children other than those of the owner, operator or proprietor are cared for
7 or supervised in exchange for anything of value.

8 C. "City facility" means any enclosed structure wherever owned or
9 used by the City of Long Beach for its operations or activities.

10 D. "City vehicle" means any vehicle owned and operated by the
11 city for public purposes.

12 E. "Employee" means any person who is employed by any
13 employer for direct or indirect monetary wages or profit.

14 F. "Employer" means any person who employs the services of any
15 person other than himself or herself.

16 G. "Enclosed" means closed in by a roof and four (4) walls with
17 appropriate openings for ingress and egress but does not include areas
18 commonly described as public lobbies.

19 H. "Motion Picture Theater" means any theater engaged in the
20 business of exhibiting motion pictures.

21 I. "Playground," for purposes of California Health and Safety Code
22 section 104495, is more specifically defined to mean twenty-five feet (25')
23 from the edge of a sand area within a city park or recreational area
24 specifically designed to be used by children and that has play equipment
25 installed in it.

26 J. "Public Place" means any enclosed area to which the public is
27 invited or in which the public is permitted, including, but not limited to,
28 retail stores, retail service establishments, retail food production and

1 marketing establishments, restaurants, theaters, auditoriums,
2 gymnasiums, waiting rooms, reception areas, educational facilities, health
3 facilities, public transportation facilities, bowling alleys, bingo parlors, hair
4 salons, laundromats, gaming clubs, bars, taverns, hotel and motel lobbies.
5 A private residence is not a "public place", except that the enclosed
6 common areas of apartment or condominium structures, if any, shall be
7 considered "public places" for purposes of Section 8.68.060.

8 K. "Service Line" means an indoor line or area in which persons
9 await service of any kind, regardless of whether or not such service
10 involves the exchange of money. Such service shall include, but is not
11 limited to, sales, providing information, directions, or advice and transfers
12 of money or goods.

13 L. "Smoking" means the combustion of any cigar, cigarette, pipe,
14 or any similar article, using any form of tobacco or other combustible
15 substance in any form.

16 M. "Workplace" means any enclosed area of a structure or portion
17 thereof occupied by any entity and frequented by employees during the
18 normal course of their employment where clerical, professional,
19 manufacturing, business services or other normal and customary activities
20 of the entity are performed or where other work is done at that location.
21 Workplace also includes, but is not limited to, spaces in office buildings,
22 medical office waiting rooms, libraries, museums, gaming clubs, bars,
23 taverns, employee lounges, employee breakrooms, conference rooms,
24 and employee cafeterias. A private home is not a workplace, except
25 where such home is used as a child care facility as defined in Section
26 8.68.020(B).

27 8.68.030 Smoking prohibited - elevators.

28 Smoking is prohibited and is unlawful within elevators in buildings

generally used by and open to the public, including elevators in office, hotel and multifamily buildings.

8.68.040 Smoking prohibited - hospitals and health care facilities.

A. In public areas of health care facilities and hospitals, as defined in Section 1250 of the California Health and Safety Code.

B. "Staff and Visitor Smoking Prohibited" signs shall be conspicuously posted in public areas of health care facilities.

C. Smoking is prohibited in all child care facilities as defined in Section 8.68.020(B).

8.68.050 Smoking prohibited - public meeting rooms.

Smoking is prohibited and is unlawful in public meeting rooms, hearing rooms, conference rooms, chambers and places of public assembly in which public business is conducted, when the public business requires or permits direct participation or observation by the general public.

8.68.060 Smoking prohibited - enclosed public places.

Smoking is prohibited and is unlawful in every enclosed public place as defined in Section 8.68.020(J). Every owner, manager or operator of such facility shall post signs conspicuously in the premises stating that smoking is prohibited within the public place as defined in Section 8.68.020 and in the case of motion picture theaters, such information shall be shown upon the screen for at least five (5) seconds before showing feature motion pictures.

8.68.070 Smoking prohibited - public restrooms.

Smoking is prohibited and is unlawful in public restrooms.

8.68.080 Smoking prohibited - indoor service lines.

Smoking is prohibited and is unlawful in indoor service lines in

1 which more than one (1) person is giving or receiving services of any kind.

2 8.68.090 Smoking prohibited - eating establishments and bars.

3 A. Smoking is prohibited and is unlawful in every publicly or
4 privately owned enclosed coffee shop, cafeteria, short-order cafe,
5 luncheonette, sandwich shop, soda fountain, restaurant, gaming club, bar,
6 tavern, or other eating establishment serving food.

7 B. Establishments, as defined in Subsection A above, which
8 maintain an outdoor seating area shall maintain a contiguous no smoking
9 area of not less than two-thirds (2/3) of both the outdoor seating capacity
10 or the outdoor floor space in which customers are being served.

11 8.68.100 Smoking prohibited - retail food production and
12 marketing establishments.

13 Smoking is prohibited and unlawful in any retail food marketing
14 establishments including grocery stores and supermarkets.

15 8.68.110 Regulation of smoking in the workplace.

16 A. Smoking is prohibited in all work places in the City of Long
17 Beach as defined in Section 8.68.020(M).

18 B. Smoking is prohibited in conference and meeting rooms,
19 classrooms, auditoriums, restrooms, medical facilities, hallways, elevators,
20 cafeteria, lunchrooms, employee lounges, employee breakrooms,
21 designated eating areas and common areas.

22 C. This Section is not intended to regulate smoking in the following
23 places and under the following conditions:

24 1. A private home which may serve as a workplace except
25 when used as a child care facility as defined in Section 8.68.020(B).

26 2. Any property owned, leased or used by governmental
27 agencies other than the City of Long Beach.

28 D. The provisions of Section 8.68.090 and 8.68.100 shall govern

1 the public access areas of such facilities; however, such employers shall
2 otherwise comply with provisions of this Section 8.68.110.

3 8.68.120 Posting of signs required.

4 A. Except where other signs are required, whenever in this code
5 smoking is prohibited, conspicuous signs shall be posted so stating,
6 containing all capital lettering not less than one inch (1") in height on a
7 contrasting background. It is the duty of the owner, operator, manager, or
8 other persons having control of such room, building, workplace, or other
9 place where smoking is prohibited, to post such signs or to cause such
10 signs to be posted.

11 B. A warning sign must be posted at each sales counter and on
12 each vending machine where tobacco products are sold. This warning
13 sign must be posted in a place that can be clearly seen by the public, and
14 the size and format of the warning sign shall comply with California Code
15 of Regulations, Title 17.

16 8.68.130 Structural modifications not required.

17 A. It shall be the responsibility of employers to provide smoke-free
18 areas for nonsmokers within existing facilities to the maximum extent
19 possible, but employers are not required to incur any expense to make
20 structural or other physical modifications in providing these areas.

21 B. Nothing in this Chapter shall require the owner, operator, or
22 manager of any theater, auditorium, health care facility, or any building,
23 facility, structure, or business, to incur any expense to make structural or
24 other physical modifications to any area or workplace.

25 C. Nothing in this Section shall relieve any person from the duty to
26 post signs on adopt policies as required by this Chapter.

27 8.68.140 Administration and enforcement.

28 A. The no smoking ordinance established by this Chapter shall be

1 administered by the Department of Health and Human Services.

2 B. Any person may register a complaint for an alleged
3 non-compliance with this Chapter with the Department of Health and
4 Human Services.

5 8.68.150 Exemptions.

6 Any owner or manager of a business or other establishment
7 subject to this Chapter may apply to the City Health Officer for an
8 exemption or modification to any provision of this Chapter due to unusual
9 circumstances or conditions.

10 A. Such exemption shall be granted only if the City Health Officer
11 finds from the evidence presented by the applicant for exemption at a
12 public hearing that the applicant cannot comply with the provisions of this
13 Chapter for which an exemption is requested without incurring expenses
14 for structural or other physical modifications, other than posting signs, to
15 buildings and structures.

16 B. The applicant for an exemption shall pay concurrent with the
17 application, the fee, as prescribed by resolution of the City Council, to
18 cover cost of the hearing and noticing of the hearing.

19 8.68.160 City facilities.

20 There shall be no smoking in any "city facility" as defined in Section
21 8.68.020(C) or in any "city vehicle" as defined in Section 8.68.020(D) or in
22 any covered area of the Long Beach Airport, notwithstanding any
23 exception or exemption contained in any other provision of this Chapter.

24 8.68.170 Tobacco products distribution.

25 A. No person or entity shall sell or otherwise distribute any
26 cigarette or other tobacco product unless such cigarette or tobacco
27 product is in the manufacturers original package with all required health
28 warnings.

1 B. No person or entity shall distribute or furnish without charge or
2 cause or authorize distribution or furnishing of any cigarette or other
3 tobacco product in any public place or at any event to which the public is
4 invited unless such activity is authorized in a permit for staging of a
5 special event which is subject to revocation for violation of the
6 requirement of Subsection A of this Section.

7 C. The provision of Subsection B of this section shall not apply to
8 private functions or nightclubs, where minors are not present and such
9 distribution is authorized by the proprietor.

10 8.68.180 Billboard advertising.

11 No person or entity shall place, establish, keep, maintain or locate
12 any advertisement for any tobacco product on any billboard within five
13 hundred (500) feet of or so oriented that the message portion of the sign
14 is visible from any school, child care center, nursery school, hospital,
15 place of worship or recreational facility.

16 8.68.190 Violations and penalties.

17 Any person or entity violating any provision of this Chapter is guilty
18 of an infraction, and upon conviction thereof, shall be punished by a fine
19 not to exceed one hundred dollars (\$100.00) for a first violation, two
20 hundred dollars (\$200.00) for a second violation within one (1) year, and
21 five hundred dollars (\$500.00) for a third (3rd) and for each subsequent
22 violation within one (1) year.

23 8.68.200 Retaliation.

24 No person shall discharge, refuse to hire, or in any other manner
25 retaliate against any employee, applicant, or patron exercising any right or
26 privilege created by this Chapter.

27 //

28 //

Sec. 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause the same to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that this ordinance was adopted by the City Council of the
City of Long Beach at its meeting of _____, 2004, by the following vote:

Ayes: Councilmembers:

Noes: Councilmembers:

Absent: Councilmembers:

City Clerk

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

MJM:kjm 12/2/04; 12/06/04 #04-05447
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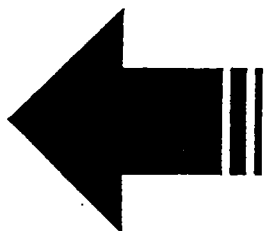


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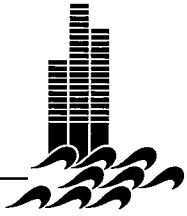


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December 14, 2004

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(562) 570-6789 (FAX)
cityclerk@longbeach.gov

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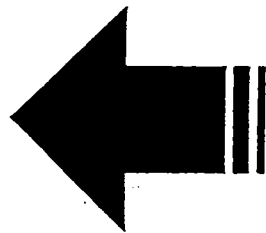


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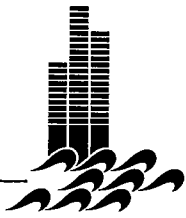


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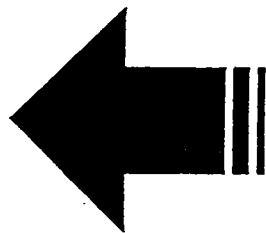


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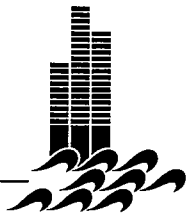


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