



OFFICE OF THE CITY ATTORNEY
Long Beach, California

H-1

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City Attorney

September 1, 2015

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HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive supporting documentation into the record, conclude the hearing, declare ordinance relating to the temporary limitation (moratorium) of certain construction and development activities in the R-1-L zone in the Los Cerritos and Virginia Country Club areas of the City read, adopted as read, and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof; and declaring this ordinance shall take effect immediately. (Citywide)

DISCUSSION

On July 21, 2015, the City Council adopted a minute order pursuant to an agenda request which initiated a moratorium against certain residential construction and development activities in the R-1-L zone in the Los Cerritos and Virginia Country Club areas of the City. The moratorium was initiated pursuant to the provisions of Chapter 21.50 of the Municipal Code, "Interim Prohibition of Uses."

The Ordinance which has been prepared for Council's consideration establishes a one year moratorium period. During this time, the Development Services Department and the Planning Commission will undertake a study on the propriety of amending the City's zoning regulations related to the above described uses.

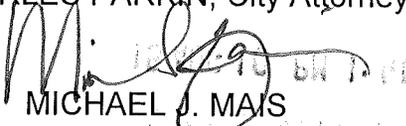
The one year moratorium will apply to any permits for new residential construction or addition to existing construction exceeding 1,500 square feet which are applied for on or after July 21, 2015. Specifically exempted from the moratorium provisions are those permit applications "in the pipeline" that had been submitted and which were deemed complete before July 21, 2015. Those developments currently in the pipeline will be required to pursue and complete the entitlement process in the normal course of the City's application and permit procedures.

SUGGESTED ACTION:

Approve recommendation.

CHARLES PARKIN, City Attorney

By


MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm A15-01700

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH RELATING TO THE TEMPORARY LIMITATION OF CERTAIN CONSTRUCTION AND DEVELOPMENT ACTIVITIES IN THE R-1-L ZONE IN THE LOS CERRITOS AND VIRGINIA COUNTRY CLUB AREAS OF THE CITY IN ORDER TO FOSTER AND PROMOTE NEIGHBORHOOD CHARACTER STABILIZATION IN SAID AREA; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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

Section 1. Purpose and Findings. At the direction of the City Council, the Department of Development Services and the Planning Commission will undertake or are currently studying potential amendments to the Zoning or Building Codes of the City of Long Beach relating to neighborhood character stabilization in order to respond to the issue of "mansionization" that has reported to be occurring in the R-1-L (Single-Family Residential, Large Lot) zones in the Los Cerritos and Virginia Country Club areas of the City of Long Beach. The City Council, concerned citizens, and other interested individuals, have expressed that changes to the existing zoning or building regulations are desired in order to curtail "mansionization" and otherwise stabilize existing neighborhoods, and that continued construction and or remodeling in said R-1-L zone during the pendency of said studies may defeat the effectiveness of zoning or building regulations ultimately adopted as a result of the current study and review. The City Council specifically finds that the existing zoning and building regulations of the City

1 permit one or more uses, development standards, or construction activities which are, or
2 may be, in conflict with the zoning and building regulations that are or will be studied by
3 the Department of Planning and Building and the Planning Commission pursuant to the
4 City Council's direction.

5 Section 2. Estimated Time for Completion of Study. It is estimated that
6 the study or studies undertaken in connection with the adoption of this interim ordinance
7 shall take the various involved Departments and the Planning Commission approximately
8 one (1) year to complete. For the purposes of this ordinance, this interim moratorium
9 study period shall expire no later than July 20, 2016, or at such time as the City Council
10 does adopt appropriate zoning regulations or development standards related to all or
11 some of the below mentioned construction activities in the R-1-L zone, whichever is
12 sooner.

13 Section 3. Prohibition on activities in the R-1-L zones in the Los
14 Cerritos and Virginia Country Club areas of the City. During the term of the one (1) year
15 interim (moratorium) period, no application for a building permit, construction permit, or
16 variance, of any kind, shall be approved, nor shall any such permit be issued, for any
17 construction activity that would result in the following activities in the R-1-L zone:

18 A. Construction of any new residential structure that exceeds
19 fifteen hundred (1,500) square feet. In calculating the 1,500 square foot
20 limit, all accessory buildings, including garages shall be included in the
21 calculation.

22 B. Construction of any addition to any existing residential
23 structure that exceeds fifteen hundred (1,500) square feet. In calculating
24 the 1,500 square foot limit, all accessory buildings, including garages shall
25 be included in the calculation.

26 Section 4. Exceptions. The prohibitions contained in this ordinance do
27 not apply where an application for said development or construction was on file, and
28 deemed complete by the Department of Planning and Building prior to July 21, 2015.

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

8 Section 6. This ordinance is an emergency ordinance duly adopted by
9 the City Council by a vote of five of its members and shall take effect immediately. The
10 City Clerk shall certify to a separate roll call and vote on the question of the emergency of
11 this ordinance and to its passage by the vote of five members of the City Council of the
12 City of Long Beach, and cause the same to be posted in three conspicuous places in the
13 City of Long Beach.

14 Section 7. This ordinance shall also be adopted by the City Council as a
15 regular ordinance, to the end that in the event of any defect or invalidity in connection
16 with the adoption of this ordinance as an emergency ordinance, the same shall,
17 nevertheless, be and become effective on the thirty-first (31st) day after it is approved by
18 the Mayor. The City Clerk shall certify to the passage of this ordinance by the City
19 Council of the City of Long Beach and shall cause the same to be posted in three (3)
20 conspicuous places in the City of Long Beach.

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CHARLES PARKIN, City Attorney
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Lona Beach, CA 90802-4664

1 I hereby certify that on a separate roll call and vote which was taken by the
2 City Council of the City of Long Beach upon the question of emergency of this ordinance
3 at its meeting of _____, 2015, the ordinance was declared to be an
4 emergency by the following vote:

5 Ayes: Councilmembers: _____

6 _____

7 _____

8 Noes: Councilmembers: _____

9 _____

10 Absent: Councilmembers: _____

11 _____

12
13 I further certify that thereafter, at the same meeting, upon a roll call and
14 vote on adoption of the ordinance, it was adopted by the City Council of the City of Long
15 Beach by the following vote:

16 Ayes: Councilmembers: _____

17 _____

18 _____

19 Noes: Councilmembers: _____

20 _____

21 Absent: Councilmembers: _____

22 _____

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I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of _____, 2015, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Clerk

Approved: _____
(Date)

Mayor