



# CITY OF LONG BEACH

DEPARTMENT OF THE CITY CLERK

# UB-23

333 W. Ocean Blvd.

Long Beach, CA 90802

(562) 570-6101

FAX (562) 570-6789

ELECTIONS BUREAU

November 6, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

That the City Council adopt either of the following alternative (A) or (B) actions:

(A) Adopt enabling resolutions relative to placement of a Superstore measure on the February 2008 Presidential Primary, as follows:

1. A Resolution of the City Council of the City of Long Beach Ordering, Calling and Providing for and Giving Notice of a Special Municipal Election to be Held in the City of Long Beach on Tuesday, the 5<sup>th</sup> Day of February, 2008, for the Purpose of Submitting A Ballot Proposition to a Vote of the Qualified Electors of the City;
2. A Resolution of the City Council of the City of Long Beach Requesting the Board of Supervisors of the County of Los Angeles to Authorize and Order the Consolidation of a Citywide Special Municipal Election with the Statewide Presidential Primary Election to be Held February 5, 2008, and Determining and Declaring that the City Will Pay to the County Reasonable and Actual Expenses Incurred by the County on Account of the Consolidation of this Election; and
3. A Resolution of the City Council of the City of Long Beach, California, Requesting the Board of Supervisors of the County of Los Angeles to Render Specified Services to the City Relating to the Conduct of a Special Municipal Election to be Held on Tuesday, February 5, 2008.

(B) Declare ordinance repealing Ordinance No. ORD-06-0040, relating to Superstores read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

## DISCUSSION

On January 2, 2007, a motion was made by Councilmember Reyes Uranga, and seconded by Vice Mayor Lowenthal, to approve the recommendation to request the City Attorney to prepare a resolution placing the question of the re-adoption of Ordinance No. ORD-06-0040 regarding Superstores, on the ballot for the next statewide election.

In April 2007, the County Registrar-Recorder estimated that it would cost \$490,000 to place one measure on the February 2008, Presidential Primary Ballot. This estimate is contained in Attachment A.

On October 9, 2007, a motion was made by Councilwoman Schipske, seconded by Councilmember DeLong, to continue discussion of the subject referendum to the next meeting of the City Council and request that the City Clerk Department obtain further cost information from the County Registrar-Recorder.

Specifically, the Council wanted to know the estimated costs, to the City, for a citywide election in the event that the Long Beach Community College District (LBCCD) placed a bond measure on the February 2008 ballot. In response to this inquiry, the County Registrar-Recorder estimates that cost will range between \$451,000 to \$489,000. This estimate is contained in Attachment B.

In addition to the foregoing estimate, the Registrar-Recorder updated its April 2007 estimate of \$490,000 for one measure to a revised range of \$514,000 to \$564,000. The Registrar-Recorder's estimate for this scenario is contained in Attachment C.

The Registrar-Recorder's timely response to the City's request for cost information is appreciated.

#### TIMING CONSIDERATIONS

Pursuant to City Charter Section 2000, the foregoing measures must be placed on the next Statewide Election. Under the provisions of SB 113 signed by the Governor on March 15, 2007, the next statewide election is scheduled for February 5, 2008.

At this time the City Council is required by law to either:

- (A) Adopt the above resolutions calling for placement of the Superstore measure on the next statewide election; or
- (B) Declare an ordinance repealing the Superstore ordinance read the first time and laid to the next regular meeting for adoption.

The last day to request consolidation with the Los Angeles County Registrar-Recorder for placement of a measure on the February 2008 ballot is November 9, 2007.

Should the City Council determine to place the Superstore ordinance to voters at the next statewide election, the following milestones and actions are required.

1. Per Long Beach Municipal Code Section 1.24.020, requests to write arguments for these propositions must be submitted to Mayor Foster no later than Friday, November 9, 2007. The list of argument writers must be submitted to City Council for approval on the City Council Agenda of November 13, 2007.
2. Arguments for and against the measure must be submitted to the Registrar-Recorder no later than November 19, 2007. Arguments may not exceed 300 words in length. On the same date, the City Attorney's impartial analysis is also due to the Registrar-Recorder. From this date forward, the Registrar-Recorder's Calendar of Events guides the processing of the ballot measure ( see Attachment D).

3. The public examination period for ballot measure materials begins on November 20, 2007 and closes November 29, 2007. During this period the elections official shall make available for public examination a copy of the ballot measure, its arguments or its impartial analysis.
4. In addition, rebuttal arguments for the measure must be submitted to the Registrar-Recorder no later than November 29, 2007.

FISCAL IMPACT

The City Clerk Department budget contains \$1,350,000 for conduct of elections in FY 2008.

Assuming that placement of one measure on the February 2008 ballot will cost between \$514,000 to \$564,000, this will leave appropriations of approximately \$789,000 to \$836,000 for conduct of the City's Primary Nominating Election.

As of October 9, 2007, the City Clerk Department estimates the cost of the April 2008 Primary Nominating Election to be approximately \$742,000. This estimate has been referred to the Budget Oversight Committee and Elections Oversight Committee for further review.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LARRY HERRERA  
CITY CLERK

Attachments:

Attachment A – Registrar-Recorder, Estimated Cost for City of Long Beach Measure (only) for the February Primary Election, dated April 24, 2007.

Attachment B – Registrar-Recorder, Estimated Costs for City of Long Beach and Long Beach Community College District Measures, dated October 17, 2007.

Attachment C - Registrar-Recorder, Updated Estimated Cost for City of Long Beach Measure (only), dated October 17, 2007.

Attachment D – Registrar-Recorder, Calendar of Events, as of November 1, 2007.



COUNTY OF LOS ANGELES  
**REGISTRAR-RECORDER/COUNTY CLERK**  
12400 IMPERIAL HWY. - P.O. BOX 1024, NORWALK, CALIFORNIA 90651-1024

**Conny B. McCormack**  
Registrar-Recorder/County Clerk

April 24, 2007

Larry Herrera, City Clerk  
City of Long Beach  
333 West Ocean Blvd. Plaza Level  
Long Beach, CA 90802

### ESTIMATED COST FOR FEBRUARY 5, 2008 PRIMARY ELECTION

Dear Mr. Herrera:

The estimated cost for your agency to consolidate with the February 5, 2008 Primary Election:

<u>Type of Election</u>	<u>Sharing with Other Agencies</u>	<u>Additional Measure</u>
1 Measure	\$490,000	\$20,000
2 Measures	\$510,000	

This estimate is based on the estimated voter registration, voting precincts, and the number of jurisdictions sharing prorated costs with your agency at this time. **A change in any of these factors will have an impact on final costs.**

If you have any questions or need additional information, please call Tammi Dao of my staff at (562) 462-2690.

Sincerely,

Conny B. McCormack  
Registrar-Recorder/County Clerk

A handwritten signature in black ink, appearing to read "Kathleen Connors".

Kathleen Connors, Assistant  
Registrar-Recorder/County Clerk, Administration



COUNTY OF LOS ANGELES  
**REGISTRAR-RECORDER/COUNTY CLERK**

12400 IMPERIAL HWY. - P.O. BOX 1024, NORWALK, CALIFORNIA 90651-1024

# Attachment B

**CONNIE B. McCORMACK**

Registrar-Recorder/County Clerk

October 17, 2007

CITY OF LONG BEACH  
333 WEST OCEAN BLVD. PLAZA LEVEL  
LONG BEACH, CA 90802

**ESTIMATE ONLY**

ATTENTION: MR. JAMES JOHNSON, CITY OF LONG BEACH

**SCENARIO 2: ASSUMES SHARING WITH FEDERAL, STATE, COUNTY, CITY OF LONG BEACH AND  
LONG BEACH COMMUNITY COLLEGE**

**ELECTION: FEBRUARY 2008 PRESIDENTIAL SPECIAL PRIMARY ELECTION 2/5/2008**

	<u>LOW</u>	<u>HIGH</u>
REGISTERED VOTERS	209,982	230,980
VOTING PRECINCTS	280	308
MEASURE	1	1
AGENCIES SHARING	5	5
SECURING BOARDS AND POLLS	\$57,000	\$62,000
BOARD MEMBER PAYROLL	45,000	49,000
OFFICIAL BALLOTS	6,000	6,000
VOTE RECORDER ASSEMBLY	9,000	9,000
SUPPLY PROCESSING	16,000	17,000
DELIVERY AND MILEAGE	26,000	28,000
MAILING AND POSTAGE	5,000	6,000
<b>ABSENT VOTER PROCESSING*</b>	<b>23,000</b>	<b>25,000</b>
PRECINCTING	1,000	1,000
ELECTION SUPPLIES	1,000	1,000
BALLOT MATERIAL PROCESSING	23,000	25,000
ELECTION DAY COSTS	61,000	66,000
PUBLICATION	5,000	5,000
PRINTING	156,000	172,000
ELECTION PREPARATION	17,000	17,000
<b>TOTAL ESTIMATE COST</b>	<b><u>\$451,000</u></b>	<b><u>\$489,000</u></b>

**AVERAGE ESTIMATED COST: \$470,000**

**THIS ESTIMATE IS BASED ON THE ESTIMATED VOTER REGISTRATION, VOTING PRECINCTS, AND THE NUMBER OF JURISDICTIONS SHARING PRORATED COSTS WITH YOUR AGENCY AT THIS TIME. A CHANGE IN ANY OF THESE FACTORS WILL HAVE AN IMPACT ON FINAL COSTS. IF YOU HAVE ANY QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE CALL MANUEL CAMPOS AT (562) 462-2690.**

\* Due to recent changes in the SB90 claiming process for Absent Voter Processing, Counties no longer have the authority to claim costs of providing these services on behalf of jurisdictions. Therefore, these cost must now be billed directly to jurisdictions and jurisdictions must submit their claim for Absent Voter Processing costs directly to the State.

Conny B. McCormack  
Registrar-Recorder/County Clerk

Manuel Campos, Accounting Manager  
Finance and Management Division



COUNTY OF LOS ANGELES  
**REGISTRAR-RECORDER/COUNTY CLERK**

12400 IMPERIAL HWY. - P.O. BOX 1024, NORWALK, CALIFORNIA 90651-1024

**CONNOR B. McCORMACK**  
 Registrar-Recorder/County Clerk

October 17, 2007

CITY OF LONG BEACH  
 333 WEST OCEAN BLVD. PLAZA LEVEL  
 LONG BEACH, CA 90802

**ESTIMATE ONLY**

ATTENTION: MR. JAMES JOHNSON, CITY OF LONG BEACH

**SCENARIO 1: ASSUMES SHARING WITH FEDERAL, STATE, COUNTY AND CITY OF LONG BEACH**

**ELECTION: FEBRUARY 2008 PRESIDENTIAL SPECIAL PRIMARY ELECTION 2/5/2008**

	<u>LOW</u>	<u>HIGH</u>
REGISTERED VOTERS	209,982	230,980
VOTING PRECINCTS	280	308
MEASURE	1	1
AGENCIES SHARING	4	4
SECURING BOARDS AND POLLS	\$71,000	\$78,000
BOARD MEMBER PAYROLL	56,000	61,000
OFFICIAL BALLOTS	7,000	8,000
VOTE RECORDER ASSEMBLY	11,000	12,000
SUPPLY PROCESSING	19,000	21,000
DELIVERY AND MILEAGE	32,000	35,000
MAILING AND POSTAGE	6,000	7,000
<b>ABSENT VOTER PROCESSING*</b>	<b>28,000</b>	<b>31,000</b>
PRECINCTING	1,000	1,000
ELECTION SUPPLIES	1,000	1,000
BALLOT MATERIAL PROCESSING	29,000	32,000
ELECTION DAY COSTS	75,000	83,000
PUBLICATION	5,000	5,000
PRINTING	156,000	172,000
ELECTION PREPARATION	17,000	17,000
<b>TOTAL ESTIMATE COST</b>	<b><u>\$514,000</u></b>	<b><u>\$564,000</u></b>

<b>AVERAGE ESTIMATED COST:</b>	<b>\$540,000</b>
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**THIS ESTIMATE IS BASED ON THE ESTIMATED VOTER REGISTRATION, VOTING PRECINCTS, AND THE NUMBER OF JURISDICTIONS SHARING PRORATED COSTS WITH YOUR AGENCY AT THIS TIME. A CHANGE IN ANY OF THESE FACTORS WILL HAVE AN IMPACT ON FINAL COSTS. IF YOU HAVE ANY QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE CALL MANUEL CAMPOS AT (562) 462-2690.**

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Conny B. McCormack  
 Registrar-Recorder/County Clerk

Manuel Campos, Accounting Manager  
 Finance and Management Division

Los Angeles County  
 Registrar-Recorder/County Clerk



**TENTATIVE – SUBJECT TO CHANGE**

## CALENDAR OF EVENTS

**PRESIDENTIAL PRIMARY ELECTION — FEBRUARY 5, 2008**

### IMPORTANT NOTICE

All documents are to be filed with and duties performed by the Registrar-Recorder/County Clerk unless otherwise specified.

DATES	EVENTS
(2007) SEPT. 4 (Tu) E-154	<p><b>REGISTRATION NEW PARTY</b></p> <p>Last day to register affiliation with a particular political party attempting to qualify for the February 5, 2008 Presidential Primary Election.            (E. C. §§ 2187 &amp; 5100)</p>
SEPT. 10 (M) E-148	<p><b>GOVERNOR'S PROCLAMATION</b></p> <p>No later than this date, the Governor shall issue the Presidential Primary Election Proclamation.            (E. C. § 12000)</p>
SEPT. 24* (M) E-134*	<p><b>STATEMENT OF REGISTRATION AND QUALIFICATION OF NEW POLITICAL PARTIES</b></p> <p>Before this date, the total number of registered voters in Los Angeles County as of September 4, 2007, shall be certified to the Secretary of State.            (E.C. §§ 2187 &amp; 5100)</p> <p><b>POLITICAL PARTIES ADOPT SB 28 RULES</b></p> <p>Last day for political party to adopt rule to permit declines to state voters to participate in party's Presidential primary nominating election.            (E.C. § 13102)</p> <p><b>LAST DAY FOR SECRETARY OF STATE TO DETERMINE IF NEW PARTY HAS QUALIFIED EITHER BY SUFFICIENT REGISTRATION OR BY FILING OF PETITION</b></p> <p>(E.C. § 5100)</p>

\*Date adjusted due to weekend and/or holiday

DATES	EVENTS
<p><b>SEPT. 27 (Th)</b> E-131</p>	<p><b>STATEWIDE MEASURES — QUALIFY FOR BALLOT</b> Last day for initiative or legislative measure to qualify for the Presidential Primary Election ballot. (Calif. Const. Art ii, § 8 (c) &amp; E.C. §§ 9013 &amp; 9040)</p>
<p><b>OCT. 9* (Tu)</b> E-120</p>	<p><b>ANNOUNCEMENT OF SELECTED PRESIDENTIAL CANDIDATES — REPUBLICAN, AMERICAN INDEPENDENT, GREEN, LIBERTARIAN, NATURAL LAW, AND PEACE AND FREEDOM PARTIES</b> On or before this date the Secretary of State will announce and publish the list of names of persons affiliated with the above parties who wish to place their names on the Presidential Primary ballot. (E. C. §§ 6340- 6342, 6520, 6720 -6724)</p>
<p><b>NOV. 9 (F)</b> E-88</p>	<p><b>CONSOLIDATION OF ELECTIONS</b> Last day for local jurisdictions to file a resolution with the Board of Supervisors and this office requesting consolidation with the Presidential Primary Election. (E. C. §§ 10401 &amp; 10403)</p>
<p><b>NOV. 15 (Th)</b> E-82</p>	<p><b>RANDOMIZED ALPHABET DRAWING</b> The Secretary of State shall hold a public drawing to determine order of candidate's names on ballot by randomly drawing each letter of the alphabet. (E. C. § 13112)</p>

\*Date adjusted due to weekend and/or holiday



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**DATES**

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**EVENTS**

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**NOV. 19 (M)****ARGUMENTS – LAST DAY TO SUBMIT**

E-78

Last day to submit arguments for or against any county, district or school measure. Arguments may not exceed 300 words in length.  
(E. C. §§ 9162,9163, 9315,9316,9401 & 9502)

**EXCEPTION:** These provisions, regarding word limit, do not apply to a measure on school district reorganization.  
(E. C. § 35758)

**IMPARTIAL ANALYSIS – LAST DAY TO SUBMIT**

Recommended last day for County Counsel to transmit impartial analysis of any county, district or school measure.  
(E. C. §§ 9160, 9313 & 9500)

**NOV. 20 (Tu)****NOV. 29 (Th)****PUBLIC EXAMINATION PERIOD FOR BALLOT MEASURE MATERIALS**

E-77

E-68

During this period the elections official shall make available for public examination a copy of any **ballot measure text, arguments, impartial analysis and the bond statement** for any county, district or school measure. A fee may be charged to any person obtaining a copy of the materials. During this period any person may file a writ of mandate or an injunction to require any or all of the material/data to be amended or deleted.  
(E. C. §§ 9190, 9380 & 9509)

**NOV. 29 (Th)****SECRETARY OF STATE CERTIFIES PRESIDENTIAL CANDIDATES**

E-68

Last day for Secretary of State to certify and send to the county elections officials the names of presidential candidates.  
(E. C. §§ 6340- 6342, 6520, 6720 -6724)

**REBUTTALS — LAST DAY TO SUBMIT**

Last day for authors of arguments for and against any county, district or school measure to submit rebuttals. Rebuttals may not exceed 250 words in length.  
(E. C. §§ 9167, 9317 & 9504)

**DATES****EVENTS**

<b>NOV. 30 (F)</b> E-67	<b>DEC. 10* (M)</b> E-57*	<b>PUBLIC EXAMINATION PERIOD — REBUTTALS</b> During this period rebuttals for any county, district or school measure shall be open for public examination. A fee may be charged to any candidate/person obtaining a copy of the material. During this period any person may file a writ of mandate or an injunction to require any or all of the material/data to be amended or deleted. (E. C. §§ 3001, 3302 & 3003)
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<b>DEC. 4 (Tu)</b> E-63		<b>ANNOUNCEMENT OF SELECTED PRESIDENTIAL CANDIDATES — DEMOCRATIC PARTY</b> On or before this date the Secretary of State will announce and publish the list of names of all Democratic Presidential candidates. (E. C. §§ 6041 - 6043)
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<b>DEC. 27 (Th)</b> E-40	<b>(2008)</b> <b>JAN. 28* (M)</b> E-8*	<b>MAIL SAMPLE BALLOT BOOKLETS</b> A sample ballot booklet shall be mailed to each voter during this period. (E. C. §§ 13303 & 13304)  <b>STATE BALLOT PAMPHLET MAILED</b> Between these dates, a state ballot pamphlet shall be mailed to all registered voters. (E. C. § 9094)
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<b>JAN. 7 (M)</b> E-29	<b>JAN. 29 (Tu)</b> E-7	<b>ABSENT VOTERS — FIRST AND LAST DAY TO APPLY</b> Applications may be filed between these dates (both dates inclusive). Applications received prior to the 29 <sup>th</sup> day preceding the election will be kept and processed during this period. (E. C. §§ 3001, 3302 & 3003)
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\*Date adjusted due to weekend and/or holiday

DATES	EVENTS
<p>JAN. 18 (F)</p>	<p><b>CERTIFIED LIST OF PRESIDENTIAL WRITE-IN CANDIDATES</b></p>
<p>E-18</p>	<p>Secretary of State to prepare and send to county elections officials a certified list of write-in candidates. (E. C. §§ 6241, 6441, 6621 &amp; 6822)</p>
<p>JAN. 22* (Tu)</p>	<p><b>REGISTRATION CLOSES</b></p>
<p>E-14*</p>	<p>Last day to transfer or register to vote in the presidential primary election. (E. C. § 2102)</p>
<p>FEB. 5 (Tu)</p>	<p><b>ELECTION DAY</b></p>
<p>ELECTION DAY</p>	<p>Polls open 7 a.m., close 8 p.m. (E. C. §§ 1000, 1200 &amp; 14212)</p> <p><b>ABSENT VOTER BALLOTS RETURNED — 8 P.M.</b>  Last day for absent voter ballots to be received or turned in personally by the voter to the County Elections Official's office or at any polling place in the county. A designated family member may return the voted ballot under specified conditions. (E. C. §§ 3017 &amp; 3020)</p>
<p>MAR. 4 (Tu)</p>	<p><b>COMPLETION OF OFFICIAL CANVASS</b></p>
<p>E+28</p>	<p>The official canvass must be completed within 28 days of the election. (E. C. §§ 15372-15375)</p> <p><b>NOTE:</b> On <b>March 3, 2008</b> the Registrar-Recorder/County Clerk is tentatively scheduled to certify the election results. On <b>March 4</b> the Board of Supervisors is tentatively scheduled to declare the election results official. (E. C. §15505)</p>

\*Date adjusted due to weekend and/or holiday



COUNTY OF LOS ANGELES  
**REGISTRAR-RECORDER/COUNTY CLERK**  
12400 IMPERIAL HWY. - P.O. BOX 1024, NORWALK, CALIFORNIA 90651-1024

**Conny B. McCormack**  
Registrar-Recorder/County Clerk

April 24, 2007

Larry Herrera, City Clerk  
City of Long Beach  
333 West Ocean Blvd. Plaza Level  
Long Beach, CA 90802

**ESTIMATED COST FOR FEBRUARY 5, 2008 PRIMARY ELECTION**

Dear Mr. Herrera:

The estimated cost for your agency to consolidate with the February 5, 2008  
Primary Election:

<u>Type of Election</u>	<u>Sharing with Other Agencies</u>	<u>Additional Measure</u>
1 Measure	\$490,000	\$20,000
2 Measures	\$510,000	

This estimate is based on the estimated voter registration, voting precincts, and the number of jurisdictions sharing prorated costs with your agency at this time. **A change in any of these factors will have an impact on final costs.**

If you have any questions or need additional information, please call Tammi Dao of my staff at (562) 462-2690.

Sincerely,

Conny B. McCormack  
Registrar-Recorder/County Clerk

Kathleen Connors, Assistant  
Registrar-Recorder/County Clerk, Administration

1 RESOLUTION NO.

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH ORDERING, CALLING AND  
5 PROVIDING FOR AND GIVING NOTICE OF A SPECIAL  
6 MUNICIPAL ELECTION TO BE HELD IN THE CITY OF  
7 LONG BEACH ON TUESDAY, THE 5<sup>TH</sup> DAY OF FEBRUARY,  
8 2008, FOR THE PURPOSE OF SUBMITTING A BALLOT  
9 PROPOSITION TO A VOTE OF THE QUALIFIED  
10 ELECTORS OF THE CITY

11  
12 The City Council of the City of Long Beach does resolve, order, declare,  
13 proclaim and give notice as follows:

14 Section 1. Under the provisions of the Constitution and laws of the State  
15 of California and the Charter of the City of Long Beach, a Special Municipal Election is  
16 ordered, proclaimed and called to be held in the City of Long Beach, between the hours  
17 of 7:00 a.m. and 8:00 p.m. on Tuesday, the 5th day of February, 2008, for the purpose of  
18 submitting to a vote of the qualified electors of the City of Long Beach the following  
19 proposition which, for identification purposes, is marked as Proposition A.

20 Proposition A

21 Shall Ordinance No. 06-0040, which amends the City's Zoning  
22 Code to ban major retail projects over 100,000 square feet,  
23 and which devote more than ten percent (10%) of sales floor  
24 area to the sale of non-taxable merchandise, be adopted?

25  
26 Section 2. Notice is given of the time and place of the election. The City  
27 Clerk is directed and authorized to print and publish the propositions as required by law.  
28 All particulars not provided in this resolution shall be held under the provisions of law

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 governing the conduct of such elections in the City of Long Beach.

2 Section 3. The proposition shall be stated as provided in Section 13119  
3 of the Elections Code of the State of California. The ballot used in voting upon the  
4 propositions shall contain the words "yes" and "no". The text of Proposition A is set forth  
5 in full in Exhibit "1".

6 Section 4. That only qualified voters of the City of Long Beach shall be  
7 permitted to vote in the election called by this resolution.

8 Section 5. This resolution shall take effect immediately upon its adoption  
9 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City  
Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2007, by the  
following vote:

Ayes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

HAM:fl  
10/11/07  
#07-03589

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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**TEXT OF PROPOSITION A**

ORDINANCE NO. ORD-06-0040

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH AMENDING THE LONG BEACH  
MUNICIPAL CODE BY AMENDING TABLES 32-1 AND 33-2;  
AND BY ADDING SECTION 21.15.2985, RELATING TO  
SUPERSTORES

WHEREAS, General Plan policies promote and encourage vital  
neighborhood commercial districts that are evenly distributed throughout the city so that  
residents are able to meet their basic daily shopping needs at neighborhood shopping  
centers; and

WHEREAS, Section 65860 of the California Government Code requires that  
a zoning ordinance be consistent with the City's General Plan; and

WHEREAS, the California Government Code also provides that in order for  
the ordinance to be consistent with the General Plan, the various land uses authorized by  
the ordinance should be compatible with the objectives, policies, general land uses, and  
programs specified in the General Plan; and

WHEREAS, given the changes in the retail sector and the evolution toward  
ever-bigger stores, it is necessary that the zoning ordinance be amended to regulate  
larger retail establishments appropriately; and

WHEREAS, the Long Beach zoning ordinance (Title 21 of the Long Beach  
Municipal Code) has not kept pace with the evolution of the retail sector and fails to  
adequately distinguish the size, scale and scope of various retail activities; and

WHEREAS, there is an emerging national trend toward increasing the size  
of retail outlets and the diversity of products offered at such large-scale discount stores

1 and discount superstores; and

2           WHEREAS, large-scale discount superstores typically combine discount  
3 general merchandise and full-service grocery sales under one roof, and, while similar in  
4 size to other large-scale retailers and to wholesale membership clubs, such discount  
5 superstores tend to generate more intensive impacts; and

6           WHEREAS, the establishment of discount superstores in Long Beach is  
7 likely to negatively impact the vitality and economic viability of the City's neighborhood  
8 commercial centers by drawing sales away from traditional supermarkets located in these  
9 centers; and

10           WHEREAS, industry and academic studies indicate discount superstores  
11 rarely add any retail services currently not provided within a community, and that the  
12 majority of sales growth at a discount supercenter comes from a direct shift of dollars  
13 from existing retailers within a community, primarily from grocery stores; and

14           WHEREAS, discount superstores compete directly with existing grocery  
15 stores that anchor neighborhood-serving commercial centers; and

16           WHEREAS, smaller stores within a neighborhood center rely upon the foot  
17 traffic generated by the grocery store for their existence and in neighborhood centers  
18 where the grocery store closes, vacancy rates typically increase and deterioration takes  
19 place in the remaining center; and

20           WHEREAS, discount superstores adversely affect the viability of small-  
21 scale, pedestrian-friendly neighborhood commercial areas, contributing to blight in these  
22 areas; and

23           WHEREAS, the proposed zoning ordinance amendments are intended to  
24 preserve the city's existing neighborhood-serving shopping centers that are located within  
25 the community; and

26           WHEREAS, the city's current distribution of neighborhood shopping centers  
27 provide convenient shopping and employment in close proximity to most residential  
28 neighborhoods in Long Beach, consistent with the Long Beach General Plan; and



1           WHEREAS, this distribution of shopping and employment creates a land  
2 use pattern that reduces the need for vehicle trips and encourages walking and biking for  
3 shopping, services, and employment;

4           WHEREAS, discount superstores have particularly high transportation  
5 impacts because of the frequency of grocery trips combined with the overall scale of the  
6 establishments, since a typical household makes 2-3 grocery-related trips weekly; and

7           WHEREAS, figures from the Institute of Transportation Engineer's Trip  
8 Generation manual, a compilation of traffic generation studies, shows that discount  
9 superstores are likely to generate more traffic on a daily or weekly basis than other types  
10 of large stores; and

11           WHEREAS, large-scale retail stores of more than 100,000 square feet in  
12 floor area that sell a large volume and variety of non-taxable grocery and pharmacy items  
13 in a supermarket format significantly increase traffic volumes, strain the existing street  
14 network, promote traffic intrusion into nearby neighborhoods, discourage pedestrian  
15 travel, and otherwise aggravate traffic congestion; and

16           WHEREAS, numerous local jurisdictions in the country and the State of  
17 California, taking all of the above considerations in mind, have enacted ordinances that  
18 either completely prohibit new retail stores over a certain size or require special impact  
19 studies; and

20           WHEREAS, the proposed amendments, by prohibiting large-scale  
21 combined retail and grocery stores, can serve as a means for protecting Long Beach's  
22 neighborhood-serving shopping centers and perpetuate the land use pattern established  
23 by the City's General Plan; and

24           WHEREAS, the proposed new regulations would not affect large retail  
25 establishments that do not include a sizeable grocery component ("discount clubs"); and

26           WHEREAS, discount superstore activities are distinguished from the above-  
27 mentioned large-scale retailers because they have the potential to create particularly high  
28 impacts on traffic and transportation, and on the vitality of neighborhood commercial

1 districts; and

2 WHEREAS, the proposed amendments are intended to protect grocery  
3 stores in existing neighborhood centers to prevent a significant change in land use,  
4 employment and traffic patterns throughout the city; and

5 WHEREAS, the proposed regulations will place stricter controls on the  
6 establishment of, or conversion to large-scale combined retail and grocery stores and  
7 would prevent a large-scale store with potential negative environmental impacts from  
8 being established in Long Beach, but will not itself generate environmental impacts or  
9 necessitate environmental review; and

10 WHEREAS, the adoption of these regulations do not approve any  
11 development project nor do they disturb the physical environment either directly or  
12 indirectly as the regulations modify the limitations of land use by prohibiting large-scale  
13 retail business stores that exceed 100,000 square feet of gross floor area from devoting  
14 more than 10% of that floor area to the sale of non-taxable (food/grocery) merchandise;  
15 and

16 WHEREAS, the Planning Commission held a public hearing at a meeting  
17 on July 20, 2006 for which a public notice was published in accordance with applicable  
18 state and local law, and recommended the Long Beach City Council amend certain  
19 sections of the Long Beach Municipal Code to establish regulations for large-scale  
20 retailers; and

21 WHEREAS, the Long Beach City Council held a public hearing at a regular  
22 meeting on September 19, 2006, for which a public notice was published in accordance  
23 with applicable state and local law; and

24 WHEREAS, from the facts and testimony presented at the noticed public  
25 hearing held on September 19, 2006, the Long Beach City Council found and determined  
26 as follows:

27 1. That the proposed amendments to the Long Beach Municipal Code  
28 are consistent with the General Plan; and

1                   2.       That the proposed amendments to the Long Beach Municipal Code  
2 will implement the goals, objectives, and policies of the General Plan; and

3                   3.       That the proposed amendments are consistent with the purposes of  
4 the Zoning Ordinance; and

5                   4.       That the proposed amendments to the Long Beach Municipal Code  
6 are reasonably related to the public interest, and that public necessity, convenience and  
7 general welfare require the proposed amendments.

8                   NOW, THEREFORE, the City Council of the City of Long Beach ordains as  
9 follows:

10                   Section 1.    The Long Beach Municipal Code is amended by adding  
11 Section 21.15.2985 as follows:

12                   21.15.2985 Superstore.

13                   “Superstore” means a major development retail project that sells from  
14 the premises goods and merchandise, primarily for personal or household  
15 use, and whose total Sales Floor Area exceeds 100,000 square feet and  
16 which devote more than 10% of sales floor area to the sale of Non-Taxable  
17 Merchandise. This definition excludes wholesale clubs or other  
18 establishments selling primarily bulk merchandise and charging  
19 membership dues or otherwise restricting merchandise sales to customers  
20 paying a periodic assessment fee. This definition also excludes the sale or  
21 rental of motor vehicles, except for parts and accessories, and the sale of  
22 materials used in construction of buildings or other structures, except for  
23 paint, fixtures, and hardware. The above definition shall apply to the  
24 cumulative sum of related or successive permits which are part of a larger  
25 project, such as piecemeal additions to a building, or multiple buildings on a  
26 lot as determined by the Director of Planning and Building.

27                   For the purpose of this definition, “Sales Floor Area” means the  
28 interior building space devoted to the sale of merchandise, but excludes

1 restrooms, office space, storage space, automobile service floor area of a  
 2 single business establishment, the aggregate square footage of all adjacent  
 3 stores that share common check stands, management of the business  
 4 operation of such adjacent stores, controlling ownership interest in the  
 5 business operation of such adjacent stores, warehouses, or distribution  
 6 facilities shall be considered a single business establishment.

7 For the purpose of this definition, "Non-taxable Merchandise" means  
 8 products, commodities, or items not subject to California state sales tax.  
 9 The definition of non-taxable merchandise shall not include, without  
 10 limitation, Sales Floor Area devoted to any of the following categories:  
 11 services, including the services of a chiropractor, optometrist, optician,  
 12 physician, surgeon, podiatrist, dentist, spa, gym, nail salon, and travel  
 13 accommodation services; theaters and other entertainment uses; and food  
 14 products sold through vending machines.

15 Section 2. Section 21.32 of the Long Beach Municipal Code is amended  
 16 by amending Table 32-1 (Uses in All Other Commercial Zoning Districts) under "Retail  
 17 Sales" by adding the following use:

18  
 19 Table 32-1  
 20 Uses In All Other Commercial Zoning Districts  
 21

Use	Neighborhood			Community				Regional	Other	
Retail Sales	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
		N								
Superstores (Retail > 100,000 sf with > 10% Floor Area non- taxable merchandise)	N	N	N	N	N	N	N	N		For Superstore definition see 21.15.2985

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Section 3. Section 21.33 of the Long Beach Municipal Code is amended by amending Table 33-2 (Uses in Industrial Districts) under "Retail Trade" by adding the following use:

Table 33-2

Uses In Industrial Districts

Use	IL	IM	IG	IP	* Notes and Exceptions
Retail Trade					
Superstores  (Retail > 100,000 sf with > 10% Floor Area non-taxable merchandise)	N	N	N	N	For Superstore definition, see 21.15.2985

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