



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

H-1

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Chief Assistant City Attorney

MICHAEL J. MAIS  
Assistant City Attorney

October 16, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

RECOMMENDATION:

Recommendation to adopt an urgency ordinance establishing a temporary limitation (moratorium) of construction and development activities in the Rancho Estates area; adopt an urgency ordinance establishing a temporary limitation (moratorium) of construction and development activities in the Los Cerritos areas; adopt an urgency ordinance establishing a temporary limitation (moratorium) relating to story poles and noticing requirements; and adopt a resolution establishing a new fee for noticed public hearings; declare the ordinances read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to your request at the City Council meeting of September 18, 2007, the attached ordinances and resolution have been prepared and are submitted for your consideration. A staff report from the Department of Planning and Building is attached.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 

HEATHER A. MAHOOD  
Assistant City Attorney

PRINCIPAL DEPUTIES

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

DEPUTIES

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

HAM:fl  
Enclosure

00112131.DOC: 07-04603



# CITY OF LONG BEACH

Department of Planning and Building

333 W. Ocean Boulevard - Long Beach, CA 90802 - (562) 570-6321 - FAX (562) 570-6068

October 16, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## DISCUSSION

This item is in response to the action taken by the City Council on September 18, 2007. The City Council requested that the City Attorney's Office prepare Interim Ordinances altering development rights in Ranchos Estates and Los Cerritos. In addition, the City Council requested that additional Public Noticing be required for discretionary actions related to development, and that "story poles" be required for all height standards variances.

### Ranchos Estates Interim Ordinance – One Year

- No construction of second stories will be allowed.
- No demolitions will be allowed. The new definition of demolition for the Rancho Estates area is, "Removal of more than 30% of exterior walls in whole or in part. Replacement of windows or doors where the frame remains intact shall count as removal of an exterior wall. Removal of exterior surface finishes such as wood siding or stucco shall count as removal of an exterior wall."

### Los Cerritos Interim Ordinance – One Year

- Corner Lots – Exterior side yard fence within the setback area, shall be a three-foot maximum height. Outside the setback area, the fence may be 6' 6" high. The area between the property line and the fence must be landscaped.

### Citywide Story Poles – One Year

- Height Variances – Applicant shall erect "story poles" demonstrating the additional height requested, at least 14 days prior to the first public hearing.

### Citywide Public Noticing – One Year

- This item requires that all property owners and tenants within 500 feet of the subject hearing property and two linear block faces in both directions along the street of the subject hearing property, be notified of a hearing by mail of the type of permit requested and the time and location of the hearing.

- Notice of the hearing must be posted on the subject hearing property. The sign must be 30 x 36 inches in size and be visible from the public right-of-way. The sign shall be posted at least 14 days before the hearing.

Increased Fee - Additional Required Public Notice

- In order to recover the estimated cost of additional required public notice mailing, an additional \$150.00 will be charged for every discretionary permit requiring mailed public notice.

This report was reviewed by Assistant City Attorney Heather A. Mahood on October 9, 2007, and by Budget Management Officer Victoria Bell on October 9, 2007.

TIMING CONSIDERATIONS

Title 21.50 of the Zoning Ordinance requires that an interim ordinance be returned to the third City Council meeting following the minute order action of September 18, 2007, which is October 16, 2007.

FISCAL IMPACT

Based on the new public noticing requirements, more notices will be mailed out to property owners and tenants. This equates to approximately \$150.00 in additional cost, which covers postage and additional staff time dedicated to the preparation of notices. In order to maintain full cost recovery of services, a \$150.00 fee will be paid by the applicant.

The cost of erecting story poles for height variance permits will be paid by the applicant.

SF:AR

1 RESOLUTION NO.

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH ESTABLISHING AN ADDITIONAL  
5 FEE FOR PUBLIC NOTICES FOR THE DEPARTMENT OF  
6 PLANNING AND BUILDING

7  
8 WHEREAS, the City Council of the City of Long Beach ("City") seeks to  
9 establish new fees and charges to recover the full, lawfully recoverable costs incurred by  
10 the City in providing services to those who request them for the departments of Planning  
11 and Building; and

12 WHEREAS, it is the City's policy to set service fees and charges at full cost  
13 recovery levels, except where a greater public benefit demonstrates the need to impose a  
14 lesser fee or charge to the satisfaction of the City Council, or when it is not cost effective  
15 to do so; and

16 WHEREAS, the City has conducted an analysis of its services, the costs  
17 reasonably borne by the City in providing those services, the beneficiaries of those  
18 services, and the revenues produced by those paying service fees and charges for said  
19 services; and

20 WHEREAS, on October 16, 2007, the City Council, at a duly noticed public  
21 hearing, took public testimony and input regarding certain proposed new fee; and

22 WHEREAS, California Government Code Section 66000, et. seq.  
23 authorizes the City to adopt service fees and charges for municipal services, provided  
24 such fees do not exceed the cost to the City of providing the service; and

25 WHEREAS, in accordance Government Code Section 66016, at least  
26 fourteen (14) days prior to the public hearing at which this Resolution was adopted,  
27 notice of the time and place of the hearing was mailed to eligible interested parties who  
28 filed written requests with the City for mailed notice of meetings regarding new or

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

1 increased fees or service charges; and

2 WHEREAS, in accordance with the Government Code 66016, data  
3 regarding the estimated cost of the services and the revenue sources anticipated to  
4 provide the services was available for public review and comment for ten (10) days prior  
5 to the public hearing at which this Resolution was adopted; and

6 WHEREAS, publication of notice was given in accordance with the  
7 provisions of Government Code Section 6062a, ten (10) days in advance of the public  
8 hearing at which the adoption of this Resolution was considered; and

9  
10 NOW, THEREFORE, the City Council of the City of Long Beach does  
11 hereby resolve as follows:

12 Section 1. The facts set forth in the recitals of this Resolution are true  
13 and correct and are hereby incorporated by reference herein as though set forth in full.

14 Section 2. Adoption of the new fee set forth and described in this  
15 Resolution, and in Exhibit "A" attached hereto, is intended to recover costs necessary to  
16 provide the services within the City for which the fees are charged. In adopting the new  
17 fee set forth in this Resolution, the City Council of the City of Long Beach is exercising its  
18 powers under Article XI, Section 7 of the California Constitution.

19 Section 3. All requirements of California Government Code Sections  
20 66000, et seq., are hereby found to have been satisfied.

21 Section 4. The fee set forth in Exhibit "A" is a reasonable estimate of the  
22 costs incurred by the City in providing the service to those who request them. The fee for  
23 such services is necessary to recover the reasonable, estimated cost of providing such  
24 services.

25 Section 5. The City Council hereby further adopts and approves the new  
26 fee as set forth and described in Exhibit "A", which is attached hereto and incorporated  
27 herein by this reference, as though set forth in full, word for word. The fee set forth in  
28 said Exhibit "A" shall thereafter be incorporated into those fees and charges previously

1 adopted and approved by the City Council, which shall collectively be known as the  
2 Master Fee and Charges Schedule of the City of Long Beach and may be made available  
3 to the public for its information and review;

4           Section 6. All provisions of prior City Council ordinances and resolutions,  
5 including, but not limited to, Resolution RES-07-0116, establishing fees which in any way  
6 conflicts in part or in whole with this Resolution, are hereby rescinded and repealed in  
7 part or in whole to the extent of any conflict.

8           Section 7. The establishment of fees and charges herein is exempt from  
9 the requirements of the California Environmental Quality Act (CEQA) pursuant to Public  
10 Resources Code Section 21080(b)(8) and the adoption of this Resolution is for the  
11 purposes of inter alia: (1) meeting operating expenses; (2) purchasing or leasing  
12 supplies, equipment or materials; (3) meeting financial reserve needs and requirements;  
13 or (4) obtaining funds for capital projects, necessary to maintain service within the various  
14 areas of the City.

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

17  
18 I hereby certify that the foregoing resolution was adopted by the City

19 ////  
20 ////  
21 ////  
22 ////  
23 ////  
24 ////  
25 ////  
26 ////  
27 ////  
28 ////

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

1 Council, and the City Clerk shall certify the vote adopting this resolution.

2 Councilmembers: \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

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

7 \_\_\_\_\_

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

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

City Clerk

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

HAM:kjm:fl 10/9/07

# EXHIBIT A

## DEPARTMENT: PLANNING AND BUILDING

Fee Name	Fee Description	Fee	Per
<b>PLANNING FEES</b>			
<b>OTHER FEES</b>			
Public Notice Supplemental Fee	Mailing and Notification of Public Hearing	\$150.00 (sunsets 10/16/08)	Notice