



OFFICE OF THE CITY ATTORNEY
Long Beach, California

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ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

PRINCIPAL DEPUTIES

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

DEPUTIES

C. Geoffrey Allred
Gary J. Anderson
Richard F. Anthony
Amy R. Burton
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Cristyl Meyers
Howard D. Russell
Tiffani L. Shin
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September 9, 2008

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) on interior alterations to create additional bedrooms (bedroom or room splitting) in a designated parking impacted area read the first time 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 August 12, 2008, the City Council adopted a minute order pursuant to an agenda request which initiated a moratorium against bedroom or room splitting in designated parking impacted areas in 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 six month 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 building or zoning regulations related to the ability to alter or partition existing rooms in order to create additional bedrooms. The six month moratorium will apply to any application received by the Development Services Department after August 12, 2008, and will apply to both single and multi-family residential dwelling units.

The area subject to the moratorium ordinance is depicted on the map which is attached as Exhibit "A" to the proposed ordinance.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 
MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm

Attach.

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#A08-02349

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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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH INVOLVING THE TEMPORARY
LIMITATION ON INTERIOR ALTERATIONS TO CREATE
ADDITIONAL BEDROOMS (BEDROOM SPLITTING) IN THE
DESIGNATED PARKING IMPACTED 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 Development Services Department and the Planning Commission will undertake or are currently undertaking a study of potential amendments to the Zoning Regulations and Building Codes of the City of Long Beach which would prohibit or limit the approval of any permits for construction of interior alterations to create additional bedrooms in single-family and multi-family dwellings (sometimes described as room or bedroom splitting) within the designated Parking Impacted Area.

Residents, Councilmembers and other individuals have expressed concern that the current Zoning Regulations may not fully address the parking impacts that “bedroom splitting” is causing which allows for existing residential buildings with little or no parking to be altered to create additional bedrooms which activity serves to further exacerbate already restricted parking situations, and also serves to diminish the safety and quality of life for those residing or working in the Parking Impacted Area.

The City Council specifically finds that the existing regulations contained in the City’s Zoning and Building regulations may be in conflict with the Zoning and Building regulations that are or will be studied by the Development Services Department and the

1 Planning Commission pursuant to the City Council's direction.

2 Section 2. Estimated Time for Completion of Study. It is estimated that
3 the study or studies undertaken in connection with the adoption of this interim ordinance
4 shall take the Development Services Department and the Planning Commission
5 approximately six (6) months to complete.

6 Section 3. Prohibition - "Bedroom or Room Splitting." During the six (6)
7 month interim period, no application shall be approved for a permit to alter the interior of
8 any existing structure to create an additional bedroom or bedrooms in single-family and
9 multi-family dwellings within the designated Parking Impacted Area. Said prohibition
10 shall apply to and shall be effective within the boundaries of the Parking Impacted Area
11 as depicted on that certain map which is attached hereto and incorporated herein by this
12 reference, and referred to as Exhibit "A", as though said map were set forth herein in their
13 entirety.

14 Section 4. Exceptions. The prohibition contained in this ordinance does
15 not apply where a permit application for construction of interior alterations to create
16 additional bedrooms in single-family and multi-family dwellings within the designated
17 Parking Impact Area was on file and deemed complete by the Development Services
18 Department on or before August 12, 2008.

19 Section 5. The City Council finds and determines that the proposed
20 interim ordinance is not in conflict with the various provisions of the California Coastal Act
21 because, among other things, the proposed interim ordinance does not in any way affect
22 access to or the enjoyment of coastal related activities.

23 Section 6. Declaration of Urgency. This ordinance is an emergency
24 measure, and it is urgently required for the reason that, pending completion of the
25 necessary planning study, and a determination relative to the potential need to amend
26 the Zoning or Building regulations of the City, it is necessary to limit and prevent interior
27 alterations to create additional bedrooms in single-family or multi-family dwellings within
28 the designated Parking Impacted Area in order to avoid the adverse impacts that might

1 be inconsistent with the pending revisions to the Zoning or Building regulations of the City
2 being considered during the interim period.

3 Section 7. This ordinance is an emergency ordinance duly adopted by
4 the City Council on September 9, 2008, by a vote of at least five (5) of its members and
5 shall take effect immediately. The City Clerk shall certify to a separate roll call and vote
6 on the question of the emergency of this ordinance and to its passage by the vote of five
7 members of the City Council of the City of Long Beach, and cause the same to be posted
8 in three conspicuous places in the City of Long Beach.

9 This ordinance shall also be adopted by the City Council as a regular
10 ordinance, to the end that in the event of any defect or invalidity in connection with the
11 adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, be
12 and become effective on the thirty-first day after it is approved by the Mayor.

13 The City Clerk shall certify to the passage of this ordinance by the City
14 Council of the City of Long Beach and shall cause the same to be posted in three (3)
15 conspicuous places in the City of Long Beach.

16 I hereby certify that on a separate roll call and vote which was taken by the
17 City Council of the City of Long Beach upon the question of emergency of this ordinance
18 at its meeting of September 9, 2008, the ordinance was declared to be an emergency by
19 the following vote:

20	Ayes:	Councilmembers:	_____
21			_____
22			_____
23	Noes:	Councilmembers:	_____
24			_____
25	Absent:	Councilmembers:	_____
26			_____

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I further certify that on September 9, 2008, upon a roll call and vote on first reading of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

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 September 16, 2008, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Clerk

Approved: _____
(Date)

Mayor

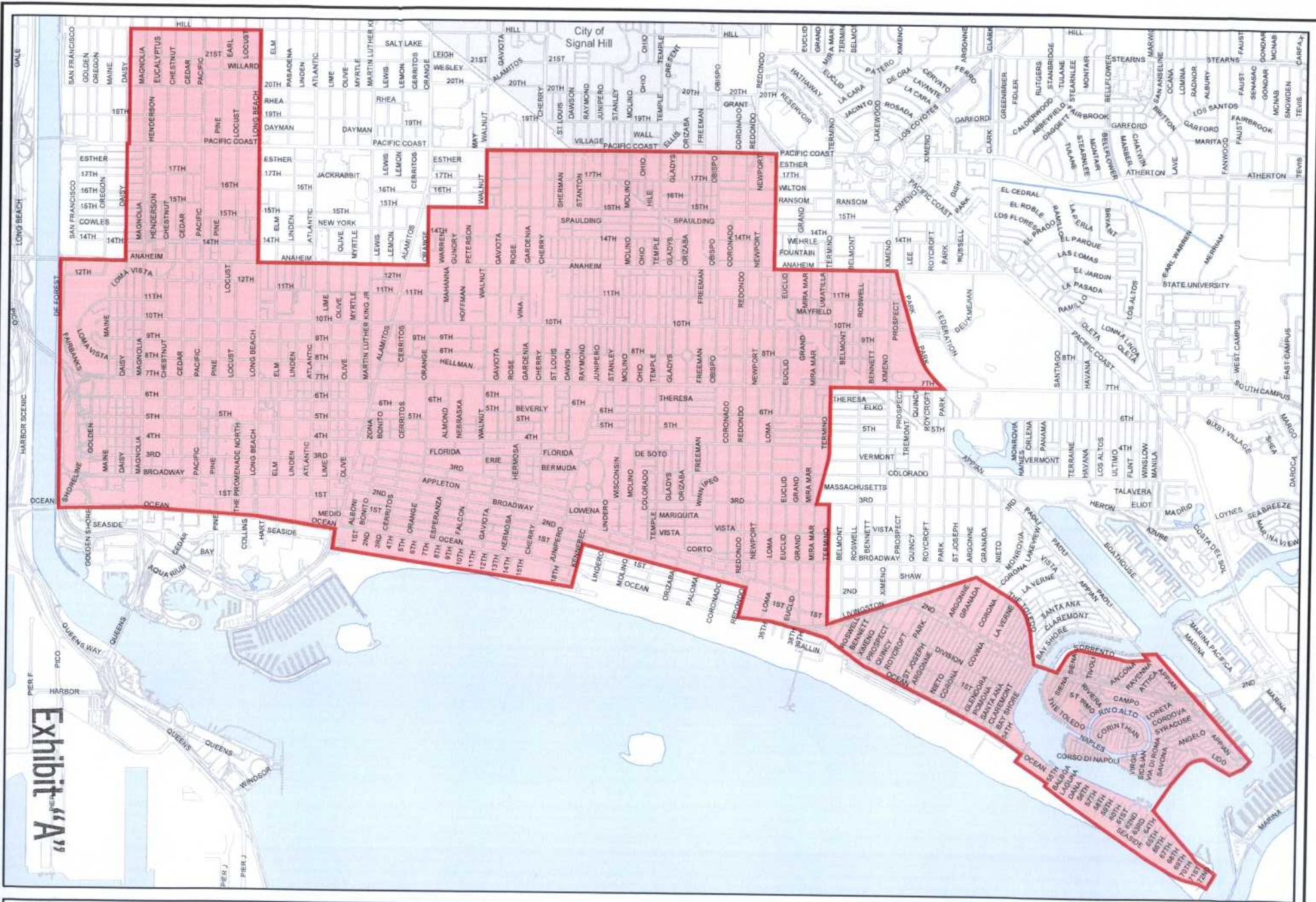


Exhibit "A"



City of Long Beach Parking Impacted Area

Dept. of Technology Services and Dept. of Planning and Building

Exhibit "A"

