ORDINANCE NO. ORD-21-0020

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH IMPOSING INTERIM
REGULATIONS (MORATORIUM) IN ACCORDANCE WITH
CHAPTER 21.50 OF THE LONG BEACH MUNICIPAL CODE
ON THE ISSUANCE OF BUILDING, CONSTRUCTION,
OCCUPANCY PERMITS, OR OTHER ENTITLEMENTS FOR
NEW STAND-ALONE RESIDENTIAL CONSTRUCTION
ALONG TRANSPORTATION CORRIDORS IN AREAS THAT
ARE DESIGNATED BY THE 2019 GENERAL PLAN LAND
USE ELEMENT UPDATE AS THE NEIGHBORHOOD-
SERVING CORRIDORS OR CENTERS PLACETYPE ON
WILLOW STREET, WEST OF THE I-710 FREEWAY TO THE
CITY TERMINUS; AND SANTA FE AVENUE, BETWEEN
PACIFIC COAST HIGHWAY ON THE SOUTH AND
WARDLOW ROAD ON THE NORTH, IN THE WEST LONG
BEACH AREA OF THE CITY; DECLARING THE URGENCY
THEREOF; AND DECLARING THAT THIS ORDINANCE
SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, concerns have been raised over applications for building
permits, construction or occupancy permits, and other entitlements for new residential
construction along certain transportation corridors on Willow Street, west of the I-710
freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on
the south and Wardlow Road on the north, in the West Long Beach area of the City; and

WHEREAS, residents, Councilmembers, and other stakeholders and
individuals have expressed concern that the current Zoning Regulations of the City may
not fully address the impacts that residential construction may have on the transportation
corridors described above; and that said current Zoning Regulations are, or may be, in
conflict with the provisions of the newly adopted and amended Land Use (LUE) and
Urban Design Elements (UDE) of the City; and that as a result of said conflict, without the
adoption of interim land use regulations (i.e.; a moratorium), out of character
development could and would be permitted resulting in “stand alone” single-use
residential structures forestalling the ability to create walkable mixed use “neighborhood
serving centers” and corridors as contemplated by the adoption of the current LUE and
UDE Elements of the City’s General Plan; and

WHEREAS, the current LUE has designated the corridors of Santa Fe
Avenue between Pacific Coast Highway and Wardlow Road, and Willow Street from the
I-710 to the City terminus, as “neighborhood serving centers” designed to meet resident
and consumers daily needs for goods and services close to residential areas providing
such amenities as restaurants, cafes, retail shops, financial institutions and other daily
conveniences; and

WHEREAS, the subject interim regulations (moratorium) will provide the
City and City staff, together with input from the public, an opportunity to determine how
the current Zoning and/or building regulations can best be amended to eliminate, to the
extent reasonably feasible, the conflict between the current regulations and the newly
adopted LUE and UDE; and

WHEREAS, maintaining the status quo with respect to residential
construction in the geographic areas described above by assureing that no new
applications for building or construction permits, or other entitlements are accepted, and
no new building or construction permits, or other entitlements are issued, while the City
conducts the necessary study along transportation corridors on Willow Street, west of the
I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway
on the south and Wardlow Road on the north, is consistent with good planning practice
and is likewise consistent with the goals and objectives of both the LUE and UDE; and
WHEREAS, the City's planning staff and the Planning Commission will undertake the necessary study of residential construction along transportation corridors described above and will prepare an implementation plan and recommended action for consideration by the City Council in due course; and

WHEREAS, the goal of any new residential construction along the above described transportation corridors is to develop comprehensive regulations which recognize and balance the various interests related to residential construction in commercial zones and transportation corridors in a manner tailored to the City's unique needs and community vision, and which are supportive of establishing environments that are more walkable and pedestrian friendly environments and which provide surrounding residents access to neighborhood-serving commercial uses and other necessary amenities, and which reflect the land use and zoning policy choices of the City as reflected in the General Plan; and

WHEREAS, until the policy study as described above is undertaken and completed by City Staff and the Planning Commission and any new regulations are adopted by the City Council, there is a significant risk that some individuals or entities may make investments in new residential construction in commercial corridor areas described above that would soon thereafter be illegal, nonconforming, or subject to an amortization program; and

WHEREAS, the possibility that construction of new stand-alone residential development along the commercial and transportation corridors described above could or would be incompatible with the LUE and UDE, and therefore constitute a current and immediate threat to the public health, safety, or welfare. Approval of building or construction permits, or other entitlements in the described areas during the interim study period could result in a threat to public health, safety, and welfare; and

WHEREAS, Chapter 21.50 of the Long Beach Municipal Code empowers the City to enact interim zoning (moratorium) regulations which takes effect immediately upon a showing of urgency;
WHEREAS, on May 18, 2021, the City Council adopted after a public hearing and public input, a minute order pursuant to an agenda request which initiated a moratorium relating to the issuance of building or construction permits, or other entitlements for new stand-alone residential construction in areas that are designated by the 2019 General Plan Land Use Element Update as the Neighborhood-Serving Corridors or Centers Place Type on the Willow Street and Santa Fe Avenue corridors in the City, and declared the urgency thereof.

NOW, THEREFORE, 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 a policy study of potential amendments to the Zoning Regulations and Building Codes of the City of Long Beach ("City") regulating, limiting or prohibiting new residential construction along commercial and transportation corridors in areas that are designated by the 2019 General Plan Land Use Element Update as the Neighborhood-Serving Corridors or Centers Place Type on Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road on the north, in the City of Long Beach. The City Council specifically finds that the existing regulations contained in the City’s Zoning and/or 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 Planning Commission pursuant to the City Council’s direction.

Section 2. Estimated Time for Completion of Study. It is estimated that the study or studies undertaken in connection with the adoption of this interim ordinance may take the Development Services Department and the Planning Commission approximately twelve (12) months to complete.

Section 3. Prohibition.

Notwithstanding any provision of the Long Beach Municipal Code to the
contrary, for a period of twelve (12) months from the effective date of this Ordinance, which would be June 15, 2022, or until a permanent ordinance becomes effective, whichever occurs first:

A. No application shall be accepted for a building or construction permit, or other entitlement for new residential stand-alone construction on the transportation corridors in West Long Beach on Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road on the north, in the City of Long Beach.

B. No building or construction permit, or other entitlement for new residential stand-alone construction on the transportation corridors on in West Long Beach on Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road on the north, in the City, shall be issued.

Section 4. Exceptions.

A. The prohibitions specified in Section 3 of this Ordinance shall not apply to residential stand-alone construction along transportation corridors in West Long Beach on Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road on the north, for which a permit application is required as follows:

1. In order to comply with an order issued by the Department of Development Services to repair, remove, demolish or maintain any unsafe or a substandard condition; or

2. In order to replace or repair damage as a result of fire, earthquake, or other natural disaster, provided that the replacement or repair is not prohibited by any other provision of the Long Beach Municipal Code.

B. The prohibitions specified in Section 3 of this Ordinance shall not apply to any building or construction permit or other entitlement issued for new residential stand-alone construction along the transportation corridors on Willow Street, west of the
I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road on the north, prior to 5:00 p.m. on May 18, 2021.

C. The prohibitions specified in Section 3 of this Ordinance shall not apply to the routine maintenance or repair of existing residential stand-alone construction on the transportation corridors on Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road on the north, provided that the residential construction is not enlarged in any manner. During the period of this interim ordinance no residential construction along transportation corridors on Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south and Wardlow Road on the north, shall be removed and replaced for the purposes of modernization, except pursuant to an order issued by the Department of Development Services.

Section 5. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this Ordinance which can be implemented without the invalid provision, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 6. Applicability of the Zoning Code. The regulations of this Ordinance are in addition to those set forth in the planning and zoning provisions of Chapter 21 of the Long Beach Municipal Code, and any other ordinances adopted by the City Council, and do not contain any rights not otherwise granted under the provisions and procedures contained in Chapter 21 or any other ordinances.

Section 7. Urgency Clause. The City Council finds and declares that this ordinance is required for the immediate preservation of the public peace, health and safety for the following reasons. This ordinance is necessary to prevent irreversible development from occurring pending adoption of a permanent ordinance or regulations by preventing permits for the construction of new stand-alone residential construction on Willow Street, west of the I-710 freeway to the City terminus; and Santa Fe Avenue,
between Pacific Coast Highway on the south and Wardlow Road on the north, which
would possibly undermine the recommendations for updating the zoning and/or building
regulations regarding new residential stand-alone construction along the commercial and
transportation corridors described above. Therefore, this Ordinance shall become
effective upon adoption pursuant to Long Beach City Charter Sections 211 and 212, and

Section 8. The City Council finds and determines that the proposed
interim ordinance is not in conflict with the various provisions of the California Coastal Act
because, among other things, the proposed interim ordinance does not in any way affect
access to or the enjoyment of coastal related activities and the areas in question are not
in the City’s coastal zone.

Section 9. Declaration of Urgency. This ordinance is an emergency
measure, and it is urgently required for the reason that, pending completion of the
necessary planning policy study, and a determination relative to the potential need to
amend the Zoning or Building regulations of the City, it is necessary to temporarily
prohibit the issuance of construction or building permits or other entitlements related to
new residential stand-alone construction on Willow Street, west of the I-710 freeway to
the City terminus; and Santa Fe Avenue, between Pacific Coast Highway on the south
and Wardlow Road on the north, in order to avoid the adverse impacts that might arise
with the pending revisions to the Zoning or Building regulations of the City being
considered during the interim period.

Section 10. This ordinance is an emergency ordinance duly adopted by
the City Council on June 15, 2021, by a vote of at least five (5) of its members and shall
take effect immediately. The City Clerk shall certify to a separate roll call and vote on the
question of the emergency of this ordinance and to its passage by the vote of five
members of the City Council of the City of Long Beach, and cause the same to be posted
in three conspicuous places in the City of Long Beach.

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

Section 12. The City Clerk shall certify to the passage of this ordinance by
the City Council of the City of Long Beach and shall cause the same to be posted in three
(3) conspicuous places in the City of Long Beach.

I hereby certify that on a separate roll call and vote which was taken by the
City Council of the City of Long Beach upon the question of emergency of this ordinance
at its meeting of June 15, 2021, the ordinance was declared to be an emergency by the
following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,
Mungo, Saro, Uranga, Austin,
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.

I further certify that on June 15, 2021, 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: Zendejas, Allen, Price, Supernaw,
Mungo, Saro, Uranga, Austin,
Richardson.
Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.

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 July 6, 2021, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,

Mungo, Saro, Uranga, Austin,

Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.

Approved: [Signature]

(Date)

Clerk

Mayor
AFFIDAVIT OF POSTING

STATE OF CALIFORNIA ) ss
COUNTY OF LOS ANGELES )
CITY OF LONG BEACH )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 17th day of June, 2021, I posted three true and correct copies of Emergency Ordinance No. ORD-21-0020 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

[Signature]

Subscribed and sworn to before me
This 17th day of June 2021.

[CITY CLERK]
AFFIDAVIT OF POSTING

STATE OF CALIFORNIA       ) ss
COUNTY OF LOS ANGELES     )
CITY OF LONG BEACH        )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 7th day of July, 2021, I posted three true and correct copies of Final Ordinance No. ORD-21-0020 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

[Signature]

Subscribed and sworn to before me
This 7th day of July 2021.