

CALIFORNIA COASTAL COMMISSION

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April 20, 2006

TO: Commissioners and Interested Persons**W17a****FROM:** Deborah Lee, South Coast Deputy Director
Pam Emerson, Los Angeles County Area Supervisor
Charles Posner, Coastal Program Analyst**SUBJECT:** Major Amendment Request No. 2-05 (LOB-MAJ-2-5) to the City of Long Beach Certified Local Coastal Program. For public hearing and Commission action at the Commission's May 10, 2006 meeting in Costa Mesa.**SUMMARY OF LCP AMENDMENT REQUEST NO. 2-05**

The Coastal Commission certified the City of Long Beach Local Coastal Program (LCP) on July 22, 1980. Amendment Request No. 2-05 is the City's second and final major LCP amendment request for 2005. The LCP amendment request is comprised of Parts A and B.

Part A (Tenant Relocations) of LCP Amendment Request No. 2-05, contained in City Council Ordinance No. 05-0007 and submitted for Commission certification by City Council Resolution No. 05-0018, would amend the City's zoning ordinance procedures as they relate to tenant relocations that result from a City code enforcement action. The City's zoning code comprises part of the Implementing Ordinances (LIP) portion of the certified LCP. Part A would affect only the LIP portion of the certified LCP.

Part B (PD-6 Subarea 4) of LCP amendment Request No. 2-05, contained in City Council Ordinance No. 05-0033 and submitted for Commission certification by City Council Resolution No. 06-0007, would amend the development standards for Subarea 4 of the Downtown Shoreline Planned Development District (PD-6) in order to increase the total number of residential units (from 1,000 to 1,500 units) and decrease the amount of commercial/office area (from 2 million to 1.8 million sq. ft.) that can be permitted in the subarea. Part B of the LCP amendment affects both the Land Use Plan (LUP) and LIP portion of the certified LCP.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

1. **Approve Part A (the LIP amendment request) as submitted;**
2. **Approve the LUP amendment portion of Part B as submitted;**
3. **Reject the LIP amendment portion of Part B as submitted; and,**
4. **Certify, only if modified, the LIP amendment portion of Part B.**

The motions to accomplish this recommendation begin on Page Three. The suggested LIP modification for Part B is on Page Five. The modification for Part B is necessary to ensure the replacement of displaced public parkland in Subarea 4 of PD-6, as called for by the certified LUP. Only if modified as suggested, would the LIP amendment portion of Part B conform with, and be adequate to carry out, the provisions of the certified LUP, as amended. Part A of the LCP amendment request conforms with, and is adequate to carry out, the provisions of the certified LUP as submitted, and the LUP amendment portion of Part B meets the requirements of, and is in conformity with, the policies in Chapter 3 of the Coastal Act.

CONTENTS OF LCP AMENDMENT REQUEST NO. 2-05

The City of Long Beach has submitted LCP Amendment Request No. 2-05 for Commission certification with City Council Resolution Nos. 05-0018 (Part A – Exhibit #6) and 06-0007 (Part B – Exhibit #3). The resolutions state that the LCP amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act, and that the LCP amendments shall be effective upon certification by the Coastal Commission.

For Part A (Tenant Relocations) of the LCP amendment request, the City Planning Commission held a public hearing on March 3, 2005, and the City Council held a public hearing on April 12, 2005. The changes to the LCP Implementing Ordinances (LIP) proposed by Part A are contained in City Council Ordinance No. 05-0007 (Exhibit #7). Part A affects only the LIP portion of the certified LCP.

For Part B (PD-6 Subarea 4) of the LCP amendment request, the City Planning Commission held a public hearing on July 7, 2005, and the City Council held public hearings on September 13, 2005 and February 7, 2006. The changes to the LIP proposed by Part B of the LCP amendment request are contained in City Council Ordinance No. 05-0033 (Exhibit #5). The changes to the certified Land Use Plan (LUP) proposed by Part B of the LCP amendment request are contained in City Council Resolution No. 06-0007 (Exhibit #3).

On February 21, 2006, after receiving from the City additional materials that were necessary to complete the LCP amendment submittal, the Commission's South Coast District office deemed LCP Amendment Request No. 2-05 officially submitted for Commission review. The City's submittal is consistent with the requirements of the Coastal Act and the regulations which govern such proposals (Sections 30501, 30510, 30514 and 30605 of the Coastal Act, and Sections 13551, 13552 and 13553 of Title 14 of the California Code of Regulations).

FOR ADDITIONAL INFORMATION

Copies of the staff report are available at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact *Charles Posner* or *Pam Emerson* in the South Coast District office at (562) 590-5071.

STANDARD OF REVIEW

The standard of review for the proposed amendments to the LCP Implementing Ordinances (LIP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed LIP amendment conforms with, and is adequate to carry out, the provisions of the certified LUP.

The standard of review for the proposed amendment to the Land Use Plan (LUP), pursuant to Section 30512 and 30514 of the Coastal Act, is that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act.

I. STAFF RECOMMENDATION

Staff recommends adoption of the following motions and resolutions:

A. Certify Part A (Tenant Relocations - LIP Amendment Request) as Submitted

MOTION I: *"I move that the Commission reject Amendment Request No. 2-05A to the City of Long Beach Implementing Ordinances as submitted by the City."*

Staff recommends a **NO** vote. Failure of this motion will result in certification of Part A (the amendment to the LCP Implementing Ordinances) as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify Part A (the LIP Amendment) as Submitted

The Commission hereby certifies Amendment Request No. 2-05A to the LCP Implementing Ordinances for the City of Long Beach as submitted and adopts the findings set forth below on grounds that the Implementing Ordinances conform with and are adequate to carry out the provisions of the certified Land Use Plan, and certification of the Implementing Ordinances will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

B. Approve the LUP Amendment Portion of Part B as Submitted

MOTION II: *"I move that the Commission certify Land Use Plan Amendment No. 2-05B as submitted by the City of Long Beach."*

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the LUP amendment and adoption of the following resolution and findings. The motion to certify passes only upon an affirmative vote of the majority of the appointed Commissioners.

Resolution to Certify the Amendment to the Land Use Plan for Part B as Submitted

The Commission hereby certifies the Land Use Plan Amendment No. 2-05B for the City of Long Beach and adopts the findings set forth below on the grounds that the Land Use Plan amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. Deny the LIP Amendment Portion of Part B as Submitted

MOTION III: *"I move that the Commission reject Amendment Request No. 2-05B to the City of Long Beach Implementing Ordinances as submitted by the City."*

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the amendment to the LCP Implementing Ordinances as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution Rejecting the LIP Amendment Portion of Part B as Submitted

The Commission hereby rejects the Amendment Request No. 2-05B to the LCP Implementing Ordinances for the City of Long Beach, as submitted, and adopts the findings set forth below on grounds that the Implementing Ordinances do not conform with and are not adequate to carry out the provisions of the certified Land Use Plan as certified. Certification of the Implementing Ordinances would not meet the requirements of the California Environmental Quality Act because there area feasible mitigation measures and/or alternatives available which would substantially lessen any significant adverse effects of the Implementation Program on the environment.

D. Certify the LIP Amendment Portion of Part B if Modified

MOTION IV: *"I move that the Commission certify Amendment Request No. 2-05B to the City of Long Beach Implementing Ordinances if it is modified in conformity with the modifications set forth in this staff report or as modified by staff prior to the Commission's vote."*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the amendment to the LCP Implementing Ordinances, if modified as suggested, and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify the LIP Amendment Portion of Part B if Modified

The Commission hereby certifies Amendment Request No. 2-05B to the LCP Implementing Ordinances for the City of Long Beach, if modified as suggested, and adopts the findings set forth below on grounds that the Implementing Ordinances, if modified according to the suggested modification stated in Section II of this report, conform with and are adequate to carry out the provisions of the certified Land Use Plan. Approval of the Implementing Ordinances, if modified according to the suggested modifications stated in Section II of this report, will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

II. SUGGESTED MODIFICATION FOR PART B (PD-6 SUBAREA 4)

Certification of the LIP amendment portion of Part B is subject to the following modification:

Modification to PD-6 Subarea 4 - Section d (Special Design Features)

Add the following requirement to the list of Special Design Features (Subarea 4 Section d) required for Subarea 4 of PD-6:

7. Victory Park Strip. The segment of Victory Park situated between the extended right-of-way of Pacific Avenue and the Ocean Center office building (110 W. Ocean Blvd.) shall be enlarged by at least 4,042 square feet through additional private land dedications. The required additional 4,042 square feet of dedicated public parkland shall be provided beyond the eighty-foot (80') building setback (from the Ocean Boulevard curbline) required pursuant to Section (c)4 (Building Design) of the PD-6 General Development and Use Standards.

III. FINDINGS FOR PART A OF LCP AMENDMENT NO. 2-05 (TENANT RELOCATIONS)

The following findings support the Commission's approval as submitted of Part A of the LCP amendment request. Part A affects only the Implementing Ordinances (LIP) portion of the certified LCP. The Commission hereby finds and declares as follows:

A. Description of Part A of the LCP Amendment Request – Tenant Relocations

City Council Ordinance No. 05-0007 comprises Part A of LCP Amendment Request No. 2-05 (Exhibit #7). Ordinance No. 05-0007 would amend the LIP by adopting into the City zoning ordinance a new chapter (Chapter 21.65: Tenant Relocation and Code Enforcement) that addresses tenant relocations that result from a City code enforcement action. As the ordinance states, the primary purpose of the new chapter is to provide for owner-paid relocation payments and assistance to residential tenants who are displaced because of a City code enforcement action. Ordinance No. 05-0007 also deletes portions of the existing zoning ordinance (Chapter 21.60 Relocation Assistance For, and Meeting Housing Needs Of, Persons of Very Low and Low Income Households) that formerly addressed tenant relocations that result from a City code enforcement action (Exhibit #8). The portions being deleted from Chapter 21.60 would no longer be necessary as the new Chapter 21.65 replaces the provisions of Chapter 21.60 that addressed tenant relocations that result from a City code enforcement action. Chapter 21.60, as amended, will continue to address tenant relocation assistance for very low and low-income persons that results from condominium conversions and demolitions.

B. Analysis of Part A of the LCP Amendment Request – Tenant Relocations

The standard of review for the proposed amendment to the LCP Implementing Ordinances (LIP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed LIP amendment conforms with, and is adequate to carry out, the provisions of the certified LUP.

Part A of the amendment to the LCP Implementing Ordinances (LIP), as set forth by City Council Ordinance No. 05-0007, conforms with, and is adequate to carry out, the provisions of the certified LUP. The LUP sets forth a housing policy that addresses affordable housing in the coastal zone (LCP ps.II-5 through II-14). This LCP housing policy, certified in 1980, is directed towards preserving the existing affordable residential units in the coastal zone, or replacing them on a one-to-one basis if they are eliminated by new development or condominium conversions. This proposed LCP amendment does not conflict with the LCP housing policy or any other LCP policy, as it only addresses tenant relocations that result from a City code enforcement action. Affordable housing in the coastal zone will not be affected by Part A of the LCP amendment request, and no coastal resources will be affected. Zoning Ordinance Chapter 21.60 (part of the certified LIP), as amended, will continue to address tenant relocation assistance for very low and low-income persons that results from condominium conversions and demolitions. Therefore, Part A of the LCP amendment request (affecting only the LIP portion of the certified LCP) conforms with and is adequate to carry out the provisions of the certified LUP.

C. California Environmental Quality Act (CEQA)

Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission's regulatory program require that a proposal not be approved or adopted:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that for the reasons discussed in this report there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed LCP amendment is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

IV. FINDINGS FOR PART B OF LCP AMENDMENT NO. 2-05 (PD-6 SUBAREA 4)

The following findings support the Commission's approval of the LUP amendment portion of Part B of the LCP amendment as submitted, and approval of the LIP portion of Part B of the LCP amendment if modified as indicated in Section II (Suggested Modifications) of this report. The Commission hereby finds and declares as follows:

A. Description of Part B of the LCP Amendment Request – PD-6 Subarea 4

City Council Resolution No. 06-0007 and Ordinance No. 05-0033 comprise Part B of LCP Amendment Request No. 2-05 (Exhibits #3&5). Ordinance No.05-0033 would amend the LIP development standards for Subarea 4 of Downtown Shoreline Planned Development District (PD-6) in order to increase the total number of residential units that can be permitted from 1,000 to 1,500 units (Exhibit #4). Also, in order to avoid any increase in the anticipated traffic impacts resulting from future Subarea 4 development, the City is eliminating a corresponding amount of commercial/office area that can be permitted in the subarea, decreasing the total amount from 2 million to 1.8 million square feet.

City Council Resolution No. 06-0007 would make the following similar change for PD-6 Subarea 4 on Page III-DS-29 the certified LUP:

“Approximately 1,500 ~~1,000~~ dwelling units shall be permitted in the Pike area, with about 2,000 parking spaces.”

Subarea 4 of PD-6, which was formerly referred to as the Pike area (prior to the development of the Pike a Rainbow Harbor commercial development), is near the center of downtown Long Beach (Exhibit #2). Subarea 4 is primarily residential in character and completely built-out, except for the vacant parcel of land situated between the extended right-of-way of Pacific Avenue and the landmark Ocean Center office building (110 W. Ocean Blvd.) that occupies the southwest corner of Pine Avenue and Ocean Boulevard (Exhibit #4). The certified LCP allows high-rise development up to 420 feet in height on the vacant parcel.

Along the south side of Ocean Boulevard, an east-west running sidewalk and public park strip (Victory Park) run through the entire subarea. In order to complete the dedication and improvement of the Victory Park strip, the certified LCP requires that development projects in all subareas along the south side of Ocean Boulevard dedicate land (at least eighty feet from the curbline) for the park (Exhibit #5, p.2).

Subarea 4 of PD-6 is situated immediately inland of the State Tidelands area (PD-6 Subareas 5 and 6). Subareas 5 and 6, immediately south of Subarea 4, provide numerous visitor-serving commercial uses and recreational opportunities for the public (Exhibit #2). The visitor-serving and public recreational opportunities include the Pike commercial development around Rainbow Harbor, the Downtown Marina, the Shoreline Village shopping center, the Aquarium of the Pacific, Shoreline Park and numerous restaurants. No residential uses are allowed in Subareas 5 and 6 because they are on State Tidelands. Therefore, Subareas 5 and 6 are reserved for public recreation and visitor-serving commercial uses.

B. Certify the LUP Amendment Request (Part B – PD-6 Subarea 4) as Submitted

The standard of review for the proposed amendment to the LUP, pursuant to Sections 30512 and 30514 of the Coastal Act, is that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act. As previously described, the proposed LUP amendment, contained in City Council Resolution No. 06-0007, would make the following change for PD-6 Subarea 4 on Page III-DS-29 the certified LUP:

“Approximately 1,500 ~~4,000~~ dwelling units shall be permitted in the Pike area, with about 2,000 parking spaces.”

The proposed change to the LUP is consistent with the policy language of the certified LUP for PD-6 Subarea 4 (See LCP pg. III-DS-27), which states that, “New development in the area shall be primarily residential in character.”

The LUP amendment request also conforms with the following Chapter 3 policies of the Coastal Act.

Public Access and Recreation

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed increase in the cap on the number of residential units in PD-6 Subarea 4 does not alter any public accessways, public parks, view corridors or any other provision of the

certified LCP that restricts the area where new private development can occur. The policies of the certified LCP that protect the Victory Park strip in Subarea 4 that runs along the south side of Ocean Boulevard will not be affected. Therefore, the proposed LUP amendment will not interfere with public access to the shoreline as adequate physical access exists along the existing established public streets and sidewalks in this urban downtown area. The proposed LUP amendment will also have no adverse effect on any of the recreational facilities that exist or are planned throughout the Downtown Shoreline area (e.g., Rainbow Harbor, Rainbow Lagoon Park, the beach, the bike path, the Marina Green, the Downtown Marina and Shoreline Park). Therefore, the proposed LUP amendment conforms with the Chapter 3 policies that protect lower cost visitor and recreational facilities.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking (and public transit) and availability of public access to the coast. The certified LCP also acknowledges that the public transportation system that serves downtown Long Beach (Blue Line light rail and LB Transit buses) plays an important role in the public access system. Many of the older existing residential and buildings in Subarea 4 do not have their own parking reservoir. This is one reason why the LUP states that the subarea will have “about 2,000 parking spaces” even though there may be up to 1,500 residential units. The parking shortage will not be worsened by the LUP amendment as all new development in Subarea 4 will be required to provide adequate parking pursuant to the currently certified LCP standards (Exhibit #5, p.6). Therefore, the proposed LUP amendment will also have no adverse effect the parking supply in the subarea.

Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed LUP amendment does not alter any public accessways, public parks, view corridors or any other LCP restriction that limits where building sites are located. The building height limits are not being changed. Therefore, the proposed LUP amendment will have no adverse effect visual resources.

Land Use

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over

private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

This proposed change would exchange one low-priority land use (200,000 fewer square feet of commercial/office area) for another low-priority land use (500 additional residential units) in Subarea 4 of PD-6. The proposed reduction of 200,000 square feet of commercial/office area that can be permitted in Subarea 4 of PD-6, and the 500-unit increase in permitted residential units, will not adversely affect public recreation and will not displace needed commercial uses. The high-priority land uses, as described in Section 30222 of the Coastal Act, are provided for on the State Tidelands situated between Subarea 4 and the water's edge. Subareas 5 and 6, immediately south of Subarea 4, provide numerous visitor-serving commercial uses and recreational opportunities for the public. These include the Pike commercial development around Rainbow Harbor, the Downtown Marina, the Shoreline Village shopping center, the Aquarium of the Pacific, a hotel and numerous restaurants. No residential uses are allowed in Subareas 5 and 6 because they are on State Tidelands. Therefore, Subareas 5 and 6 are reserved for recreation and visitor-serving commercial uses.

In addition, downtown Long Beach has a surplus of retail space and ample visitor-serving commercial uses like hotels and restaurants. Therefore, the proposed LUP amendment does not conflict with Section 30222 or any other sections of the Coastal Act, and it is entirely consistent with the Downtown Shoreline plan set forth by the currently certified LUP. The Commission finds that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act.

C. Reject the LIP Amendment Request for Part B and Certify it if Modified

The standard of review for the proposed amendment to the LCP Implementing Ordinances (LIP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed LIP amendment conforms with, and is adequate to carry out, the provisions of the certified LUP.

In regards to residential and commercial development in Subarea 4 of PD-6, the certified LUP for PD-6 Subarea 4 (LCP pg. III-DS-18 – Table 1: Downtown Shoreline Policy Plan) lists the permitted uses as:

Subarea 4 Permitted Uses: Victory Park, Residential, Office, Retail, Hotel and ancillary and complimentary uses.

The certified LUP for PD-6 Subarea 4 (See LCP pg. III-DS-27) also states that:

“New development in the area shall be primarily residential in character. A mix of residential and/or commercial uses may be developed along the Ocean Boulevard frontage on top of a parking structure. The top of this structure shall be at the same grade as Ocean Boulevard, and shall be developed with park-like amenities. An eighty-foot wide public park strip shall be maintained along the Ocean Boulevard

frontage (See also, Victory Park Design Guidelines). High-rise residential buildings shall be permitted in this area, south and east of the Blackstone Hotel, and south and east of the General Telephone Company Building (200 W. Ocean Blvd.). High-rise structures and all low-rise buildings shall gain their vehicular access from Seaside Way. Parking for all residential structures shall be contained in the garage described above. The garage access shall be primarily from Seaside Way. Approximately 1,500 ~~4,000~~ dwelling units shall be permitted in the Pike area, with about 2,000 parking spaces."

The above-stated LUP policy requires four things: 1) development shall be primarily residential, 2) an eighty-foot wide public park strip shall be maintained along the Ocean Boulevard frontage, 3) buildings shall gain their vehicular access from Seaside Way, and 4) parking for all residential structures shall be contained in the described parking structure.

First, the proposed 500-unit increase in permitted residential units in Subarea 4 conforms with the LUP requirement that "development shall be primarily residential in character."

Parkland

The LIP amendment must be rejected, however, because it does not carry out the provisions of the certified LUP that protect public parkland and require that an eighty-foot wide public park strip (Victory Park) shall be maintained along the Ocean Boulevard frontage throughout the subarea. A portion of the Victory Park strip in Subarea 4 has been displaced by development, and the LIP needs to be modified in order to require that the displaced parkland be replaced, as called for by the certified LUP.

The certified LUP also requires that all City parks and beaches within the coastal zone be dedicated in perpetuity as public parkland. The following Park Dedication Policy, part of the certified LUP (Page II-16), states:

Permit development [... ...] south of the Chapter 138 Line provided that all parks and beaches within the coastal zone (as defined by the Coastal Act) designated by the LCP and now in public ownership be immediately dedicated in perpetuity as public parkland. Properties in the coastal zone not now developed as parks but which may at some future time become public parklands shall also be dedicated in perpetuity at the time they become public parks. Public beaches and parks subject to this immediate dedication policy are illustrated on the accompanying map. It has been indicated by the State Lands Commission that dedication of public trust lands may not be possible. Therefore, the areas which are subject to the public trust and which are noted in this LCP to be dedicated as public parks in perpetuity shall instead be designated by the City as permanent public parks or beaches. Any change in such designation by the City shall not be effective unless approved by the California Coastal Commission. Those parks not within the Tidelands Trust shall be dedicated in perpetuity.

Victory Park, an east-west running public park strip along Ocean Boulevard, is one of the parks that was dedicated in perpetuity in conformance with the certified Park Dedication Policy. On July 15, 1980, the Long Beach City Council adopted City Council Ordinance No. C-5617

dedicating in perpetuity Victory Park, the City beaches, Bixby Park Annex, Bluff Park, and several other smaller parks as permanent parks.

In 2002, the City Department of Public Works allowed Southern California Edison and the developer of a Subarea 4 property (Camden Development, Inc - 350 W. Ocean Blvd.) to place electric transformers and safety rails within part of Victory Park. The electric transformers and safety rails displace 2,021 square feet of parkland. The City, which has permit authority in Subarea 4 pursuant to the certified Long Beach LCP, did not issue a coastal development permit for the installation of the development in Victory Park.

Commission staff investigated the matter, and the City and the developer cooperated and agreed to replace the displaced parkland on part of another property the developer owns in Subarea 4 of PD-6 (See letter dated September 11, 2003 - Exhibit #9). The other property owned by the developer is the vacant Subarea 4 parcel located at the southeast corner of Ocean Boulevard and Pacific Avenue, between the extended right-of-way of Pacific Avenue and the Ocean Center office building (110 W. Ocean Blvd.). The agreement is to replace the displaced parkland at a 2:1 ratio. The 2:1 ratio is necessary to mitigate the loss of public use between the time the parkland was displaced and the time in the future when it is finally replaced. The 2:1 ratio is also what the certified LUP requires.

The parkland replacement policy set forth in the certified LCP states:

Require that any conversion of parkland be replaced amenity-for-amenity and acre-for-acre at a 2:1 ratio. One acre of replacement land shall be located in the park service area where the land was converted and an additional acre of replacement land shall be located in a park service area needing parkland – as determined by the Recreation Commission. [Program 4.5 of the Open Space & Rec. Element/Zoning Ordinance Section 21.35.205].

Since the development standards for Subarea 4 of PD-6 are the subject of this LCP amendment request, it is the opportune time to incorporate into the certified LCP this agreement and solution for the replacement of the displaced parkland within Subarea 4. Therefore, in order to conform to the provisions of the certified LUP that require that displaced parkland be replaced at a 2:1 ratio, PD-6 (part of the LCP Implementing Ordinances) shall be amended as follows:

Add the following requirement to the list of Special Design Features (Subarea 4 Section d) required for Subarea 4 of PD-6:

7. Victory Park Strip. The segment of Victory Park situated between the extended right-of-way of Pacific Avenue and the Ocean Center office building (110 W. Ocean Blvd.) shall be enlarged by at least 4,042 square feet through additional private land dedications. The required additional 4,042 square feet of dedicated public parkland shall be provided beyond the eighty-foot (80') building setback (from the Ocean Boulevard curblin) required pursuant to Section (c)4 (Building Design) of the PD-6 General Development and Use Standards.

If modified as suggested, the LIP amendment will carry out the requirement of the certified LUP to replace displaced parkland. Section (c)4 (Building Design) of the PD-6 General Development and Use Standards requires that development in Subarea 4 be set back at least eighty feet (80') from the Ocean Boulevard curblineline (as existing on July 1, 1989), or set back the width of the City Park strip, whichever is greater. Therefore, the required additional 4,042 square feet of dedicated public parkland, which is mitigation for park area that was displaced elsewhere in Subarea 4, shall be situated beyond eighty feet (80') of the Ocean Boulevard curblineline so that the dedicated 4.042 square feet is in addition to the normally required setback and park dedication requirement.

Traffic Impacts

The proposed LCP amendment is not expected to result in any further increase in anticipated downtown traffic as the overall cap on development is not being increased. The proposed 500-unit increase in residential units is offset by a 200,000 square foot decrease in the amount of commercial/office area that can be permitted in the subarea. The City's Traffic Division analyzed the proposed change in the development caps and determined that a 200,000 square foot reduction in the amount of commercial/office area that can be permitted in the subarea is sufficient to offset any increase in traffic that may result from the 500 additional residential units. The Commission agrees with the City's determination that the corresponding reduction in the cap on the amount of commercial/office area is sufficient to offset any increase in traffic that may result from the 500 additional residential units.

Also, the certified LUP requires that buildings in Subarea 4 shall gain their vehicular access from Seaside Way and that parking for all residential structures shall be contained in the parking structure described in the Subarea 4 development policy (See LCP pg. III-DS-27). The proposed LCP amendment does not alter these requirements. Therefore, if modified as suggested in Section II of this report, the LIP amendment conforms with, and is adequate to carry out, the provisions of the certified LUP.

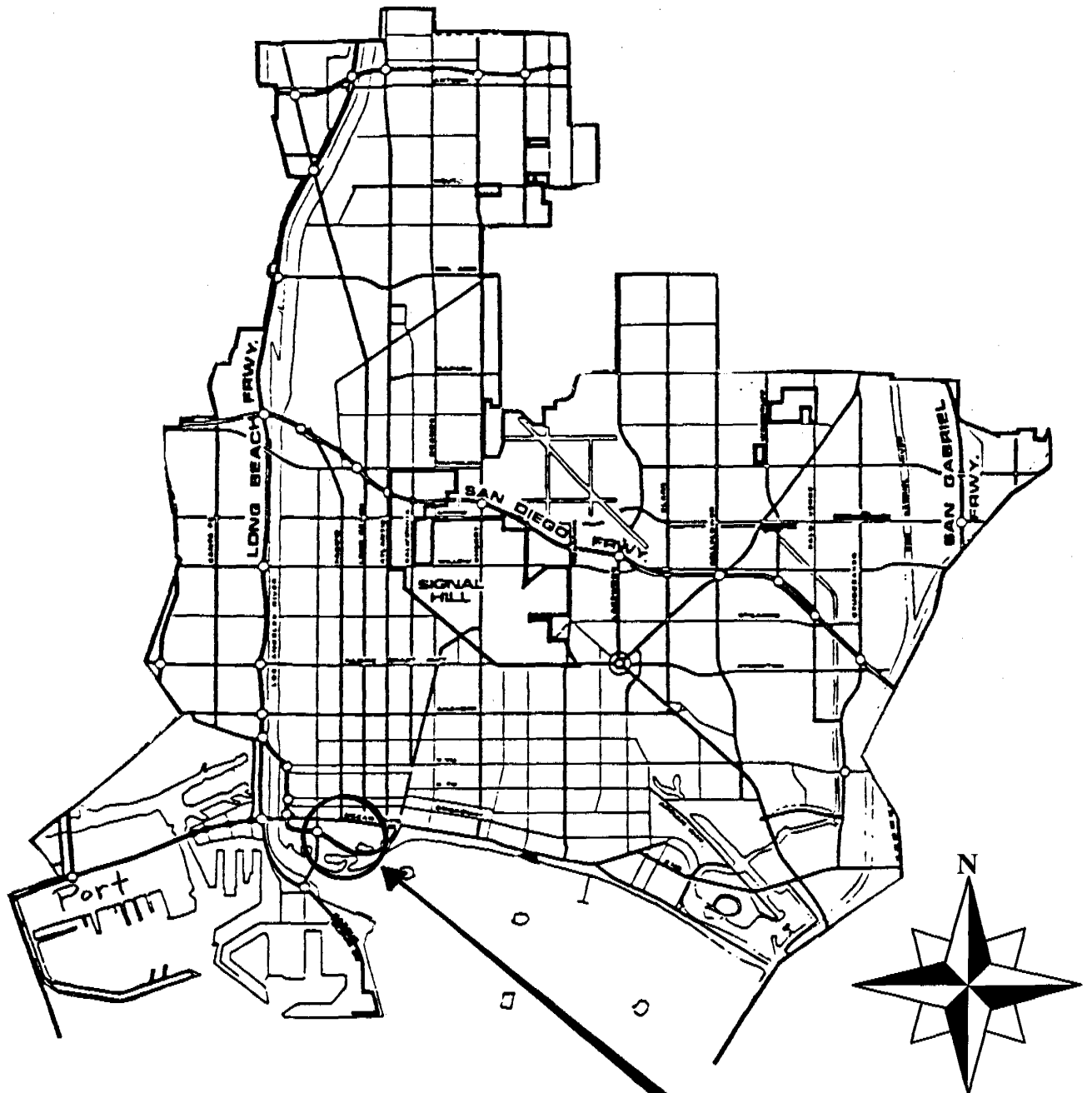
D. California Environmental Quality Act (CEQA)

Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission's regulatory program require that a proposal not be approved or adopted:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that for the reasons discussed in this report there are additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. If the City modifies the LIP amendment as suggested, the Commission finds that the proposed LCP amendment is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

City of Long Beach



PD-6

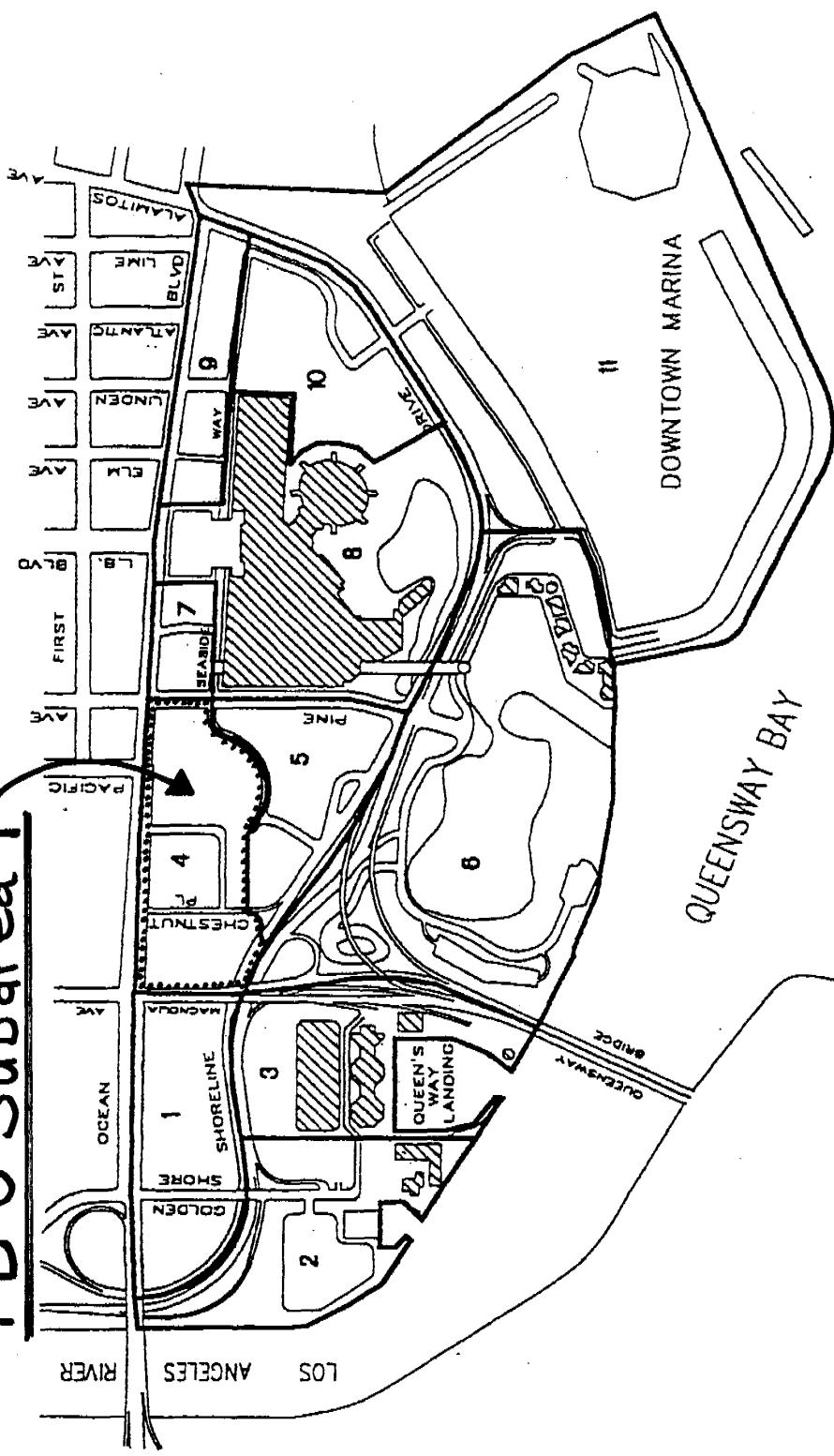
COASTAL COMMISSION
LCP 2-05

EXHIBIT # 1

PAGE 1 OF 1

Part B

PD-6 Subarea 4



ZONING MAP DOWNTOWN SHORELINE SUBAREAS

NOT TO SCALE
COASTAL COMMISSION
LCP 2-05(B)
EXHIBIT # 2
PAGE 1 OF 1

Planned Development Ordinance: PD-6

Part B

RESOLUTION NO. RES-06-0007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ADOPTING, AFTER PUBLIC HEARING, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM RELATING TO SUBAREA 4 OF THE DOWNTOWN SHORELINE PLANNED DEVELOPMENT DISTRICT (PD-6); AND DIRECTING THE DIRECTOR OF PLANNING AND BUILDING TO SUBMIT CERTIFIED COPIES OF THIS RESOLUTION TO THE CALIFORNIA COASTAL COMMISSION FOR APPROVAL AND CERTIFICATION

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

Section 1. The City Council finds, determines and declares:

A. Pursuant to the California Coastal Act of 1976, the City Council approved the Local Coastal Program for the City of Long Beach on February 12, 1980; and

B. The California Coastal Commission certified the Long Beach Local Coastal Program on July 22, 1980; and

C. The California Coastal Act, at Public Resources Code Section 30514, provides a procedure for amending local coastal programs; and

D. Following a duly noticed public hearing on July 7, 2005, the Planning Commission of the City of Long Beach reviewed certain proposed Amendments to the Local Coastal Program, and approved and recommended that the City Council adopt such Amendments to the Local Coastal Program, as described in this Resolution; and

E. On September 13, 2005, after due consideration of appropriate environmental documents, and after a public hearing duly noticed and conducted, the City Council of the City of Long Beach considered and approved a revision to the Local Coastal

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1 Program relating to Subarea 4 of the Downtown Shoreline Planned Development District
2 (PD-6) at Pages III-DS-43, Subarea 4, section (1) to permit, among other things, high
3 density residential construction with as much as one hundred dwelling units per acre, not
4 to exceed one thousand five hundred (1,500) new residential units. However, at the time
5 of said revision and amendment the City inadvertently failed to amend the Local Coastal
6 Program at Pages III-DS-27 to maintain the internal consistency of the Local Coastal
7 Program in regard to the increase in the permitted number of dwelling units in Subarea 4
8 of PD-6.

9 F. That on February 7, 2006, after due consideration of
10 appropriate environmental documents, and after public hearing duly noticed and
11 conducted, the City Council considered and approved a further revision to the Local
12 Coastal Program relating to Subarea 4 of the Downtown Shoreline Planned Development
13 District (PD-6); and

14 G. These Amendments to the Local Coastal Program are intended to be
15 carried out in a manner fully in conformity with the California Coastal Act; and

16 H. These Amendments to the Local Coastal Program shall be effective upon
17 certification and approval by the California Coastal Commission.

18
19 Sec. 2. The City Council hereby further amends the Local Coastal Program
20 at Pages III-DS-27, Subarea 4, section (a), to read as follows:

21 Approximately 1,500 dwelling units shall be permitted in the
22 Pike area, with about 2,000 parking spaces
23

24 Sec. 3. The Director of Planning and Building is hereby directed to submit
25 a certified copy of this resolution, together with appropriate supporting materials, to the
26 California Coastal Commission for certification and approval by the Coastal Commission
27 as an amendment to the City's Local Coastal Program and the implementing ordinances
28 thereof in accordance with the provisions of Public Resources Code Section 30515 and

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1 California Coastal Commission Regulation 13557.

2
3 Sec. 4. This resolution shall take effect immediately upon its adoption by the
4 City Council, and the City Clerk shall certify to the vote adopting this resolution.

5 I hereby certify that the foregoing resolution was adopted by the City Council
6 of the City of Long Beach at its meeting of February 7, 2006, by the
7 following vote:

8 Ayes: Councilmembers: Lowenthal, O'Donnell, Kell,
9 Richardson, Lerch.

10
11
12 Noes: Councilmembers: None.

13
14 Absent: Councilmembers: Baker, Colonna, Reyes Uranga,
15 Gabelich.

16
17 [Signature]
18 City Clerk

19
20
21
22
23 CERTIFIED AS A TRUE AND CORRECT COPY

24 [Signature]
25 CITY CLERK OF THE CITY OF LONG BEACH

26 DATE: FEB 15 2006

27 MJM:kjm 1/31/06 #06-00149
28 L:\APPS\CityLaw\32\WPDOCS\00121P005\00084326.WPD

COASTAL COMMISSION

3
EXHIBIT # 3
PAGE 3 OF 3

Part B

Pre and Post Code Amendment

(Ord. 05-0033: Exhibit #5)

SUBAREA 4

This subarea currently contains a mixture of residential, office and amusement uses. The Sovereign and Blackstone residential buildings and the General Telephone, Sumitomo Bank and Ocean Center buildings are anticipated to remain. The historic use of the remainder of the subarea was as an amusement area, including rides, carnival booths and games. Only remnants of this area still exist, including a gas station, and these are anticipated to be replaced.

- (a) Uses. This subarea shall be a mixed-use development of residential, office, retail, hotel and ancillary, supportive and complimentary uses. High-density residential is permitted with as much as one hundred dwelling units per acre, but not to exceed ~~one thousand~~ **one thousand-five hundred** new residential units. New retail, personal service, office, entertainment uses, taverns and restaurants are allowed up to ~~two million (2,000,000)~~ **one million eight hundred thousand (1,800,000)** square feet of usable floor area. Hotel use up to five hundred (500) rooms shall also be permitted.

COASTAL COMMISSION
LCP 2-05(B)

EXHIBIT # 4

PAGE 1 OF 1

*(See Exhibit # 4 for changes)

Part B

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SUBAREA 4

This subarea currently contains a mixture of residential, office and amusement uses. The Sovereign and Blackstone residential buildings and the General Telephone, Sumitomo Bank and Ocean Center buildings are anticipated to remain. The historic use of the remainder of the subarea was as an amusement area, including rides, carnival booths and games. Only remnants of this area still exist, including a gas station, and these are anticipated to be replaced.

- (a) Uses. This subarea shall be a mixed-use development of residential, office, retail, hotel and ancillary, supportive and complimentary uses. High-density residential is permitted with as much as one hundred dwelling units per acre, but not to exceed one thousand five hundred *
(1,500) new residential units. New retail, personal service, office, entertainment uses, taverns and restaurants are allowed up to one million
eight hundred thousand (1,800,000) square feet of usable floor area. Hotel use up to five hundred (500) rooms shall also be permitted.

A Master Site Plan for the entire subarea, containing detailed architectural and site planning guidelines for all properties under the control of the applying property owners, shall be submitted to and approved by the Planning Commission prior to, or concurrent with approval of, the first building by the applying owner. The Master Site Plan shall identify the location of all pedestrian ways and open spaces, and the placement, use and height of buildings and the project boundaries. This Master Site Plan shall be generally consistent with the Ehrenkrantz Group and Eckstut concept plan of July 1988. Building design details for new construction to be incorporated in this Master Site Plan are indicated in Subsection (c) below. Submittals for individual buildings may be denied if the mixed-use nature of the subarea is not being maintained although the maximum

1 numbers of units and hotel rooms are not intended to indicate a specific
2 mix of uses. Subsequent development on properties in the subarea, but
3 not under the control of the applying owner, shall not affect the approved
4 Site Plan.

5
6 Every effort shall be made to maintain and preserve the Sovereign and
7 Blackstone buildings as affordable housing.
8

9 The Victory Park strip in this subarea shall be a dedicated City park.

10 (b) Access.

- 11 1. Vehicular. Primary vehicular access shall be provided from
12 Seaside Way, Queens Way and Chestnut Place. In addition,
13 limited vehicular access shall be permitted from Ocean Boulevard
14 for pedestrian drop-off purposes only at the approximate locations
15 of north/south streets (Pacific Avenue and Cedar Avenue) provided
16 that existing Cedar Avenue is vacated. All other curb cuts and
17 vehicular access to Ocean Boulevard shall be abandoned when the
18 structure which it serves is removed, the curbs shall be restored to
19 full height, and the park strip constructed across the former
20 accessway. All other streets and alleys in the subarea may be
21 vacated unless these streets and alleys are necessary to provide
22 access to existing buildings that are to remain.
23

24 A traffic demand management program for the entire project shall
25 be submitted prior to building permit approval for the first building.
26 This program shall be implemented for each phase of construction,
27 monitored and revised with each subsequent site plan review.
28 Major emphasis should be directed to employees.

COASTAL COMMISSION

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- 1 Racks for bicycle parking shall be provided in major open spaces.
- 2 2. Pedestrian access. North/south public walkways and/or view
- 3 corridors shall be provided in at least three locations dispersed
- 4 through the subarea, shall have a total combined width of at least
- 5 one hundred twenty feet (120'), and shall be located so as to
- 6 maximize unobstructed pedestrian view, and to provide pedestrian
- 7 access, from Ocean Boulevard to the southern portion of the
- 8 subarea and beyond. These corridors, except Chestnut Place,
- 9 shall be a minimum of twenty-five feet (25') in width, shall contain
- 10 public walkways connecting to the east/west walk and shall
- 11 intersect with the east/west walk in major public activity areas. One
- 12 view corridor, in the vicinity of Cedar Walk, shall be a wide, open
- 13 corridor with a minimum clear width of forty feet (40'), but which
- 14 shall be generally wider and shall be placed to direct views to the
- 15 Queen Mary. Building projections, as permitted in the Zoning
- 16 Regulations, are allowed to intrude into the view corridors above
- 17 twenty-five feet (25') above Ocean Boulevard curb elevation.

18

19 A minimum ten foot (10') sidewalk including parkway shall be

20 provided as a dedicated public right-of-way along Chestnut Place.

21 If Chestnut Place is to be utilized as a view corridor, then any

22 bridging of Chestnut Place must be at least eight feet (8') above

23 Ocean Boulevard sidewalk grade, and shall be of a visually

24 transparent material.

25

26 A public walkway through the site shall be provided by an east/west

27 walk, not less than thirty feet (30') wide, between the two easterly

28 north/south view corridors. An attractive access to Seaside Way

COASTAL COMMISSION

grade shall be provided near the central north/south view corridor.

The easterly walkway, Pacific Walk, shall continue across Seaside Way to Subarea 5. In Subarea 5, Pacific Walk shall be continued by the developer of that subarea across Pine Avenue to create a continuous connection to the Promenade. The maximum elevation of Pacific Walk shall not exceed eight feet (8') above Ocean Boulevard sidewalk grade, and shall reach such grade only through a gradual slope up from Ocean Boulevard to the maximum elevation.

The westerly walkway, Cedar Walk, shall continue across Seaside Way to Subarea 5. In Subarea 5, Cedar Walk shall be continued by the developer of that subarea to connect to the waterfront. The maximum elevation of Cedar Walk shall not exceed five feet (5') above Ocean Boulevard sidewalk grade, and shall reach that grade only through a gradual slope up from Ocean Boulevard to the maximum elevation.

The north/south connections to the east/west walk shall terminate in viewing platforms or connections with the development south of Seaside Way.

(c) Building design.

1. Site locations. Buildings shall be generally located and sized as shown on the adopted Master Site Plan. Every effort should be made to vary the siting and orientation of these buildings to avoid a monotonous alignment of buildings (i.e., walls of building). Low-rise buildings shall be located in the portions of the site nearest

COASTAL COMMISSION

- 1 pedestrian areas where essential to the pedestrian environment.
2 The buildings shall be located so as to maximize benefits of
3 breezeways into the downtown and to offer view corridors for the
4 neighboring inland buildings north of Ocean Boulevard.
- 5 2. Height. Buildings may be high-rise up to four hundred twenty feet
6 (420') above Ocean Boulevard grade east of Chestnut Place, and
7 up to six hundred feet (600') above Ocean Boulevard grade west of
8 Chestnut Place, providing that any high-rise buildings are not so
9 uniform in design or height as to create a monotonous design or
10 overly monumental scale. Buildings fronting on Ocean Boulevard,
11 east of Chestnut Place, shall not exceed one hundred fifty feet
12 (150') in height, and west of Chestnut Place, buildings fronting on
13 Ocean Boulevard shall not exceed two hundred feet (200') in height
14 within thirty feet (30') of the Ocean Boulevard property line. Any
15 tower in excess of three hundred feet (300') shall not have a floor
16 plate greater than eighteen thousand (18,000) square feet above
17 the three hundred foot (300') elevation.
- 18 3. Materials. Reflective glass with reflectivity greater than fifteen
19 percent (15%) is discouraged. If such glass is used, a reflective
20 glare study shall be submitted with the Site Plan Review for that
21 building.
- 22 4. The Master Site Plan shall be designed so as to provide views to
23 the pedestrian areas beyond the Ocean Boulevard frontage to
24 invite and attract pedestrians into the Shoreline area.
- 25 (d) Special design features.
- 26 1. The open areas around buildings shall be developed as gardens,
27 terraces, courtyards, resting, strolling and outdoor dining areas of a
28 variety of shapes, sizes and uses.

COASTAL COMMISSION

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2. All rooftops visible from the Ocean Center Building, Sumitomo Bank Building, Blackstone Hotel or Sovereign Apartments shall be attractively treated.
3. Five (5) major open space areas shall be provided within the site. Such open spaces shall connect to either the east/west walk or to the north/south walks.
4. West of Chestnut Avenue, a parking structure may be exposed above Ocean Boulevard grade if lushly landscaped, and attractively designed and articulated.
5. Victory Park, in front of the GTE building, shall be restored to the extent feasible to a public park at Ocean Boulevard grade.
6. The applicant shall undertake detailed studies of the areas of the project immediately adjacent to the Sovereign, Blackstone, Sumitomo and Ocean Center Buildings with the objective of providing pleasant and interesting views of the project from the lower levels of these structures. These studies shall be submitted as part of the site plan review for appropriate phases of the project.

(e) Parking

1. Number of spaces. It is the policy of this Plan to reduce the use of individual automobiles to access this subarea in order to reach Air Quality Management District goals and to mitigate traffic congestion resulting from this development. However, this Plan also recognizes that inadequate parking can frustrate visitor access and recreational use of coastal resources. Thus, this Plan requires the provision of the demand based standards contained in the General Use and Development Standards, but will allow the Planning Commission to approve reduced standards in the second and later phases of development if the Commission finds such reductions,

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1 based upon demonstrated transportation demand management
2 and/or public transportation ridership, will meet the full needs of the
3 project as built and applied for at the time of the review of each
4 application, and will not adversely affect visitor access or public
5 recreational use of coastal resources.

6
7 New uses shall provide additional parking as required. Open
8 surface parking for General Telephone shall be replaced with a
9 number of enclosed spaces which, combined with the spaces in the
10 GTE garage, will result in a parking ratio not less than the same
11 office use parking ratios that apply to the rest of the project. Such
12 parking shall be located within the subarea.

- 13 2. All parking that is provided in a structure below Victory Park shall
14 be designed in such a manner that the landscaped area above the
15 parking structure shall be approximately level with the Ocean
16 Boulevard sidewalk. Pacific Walk and Cedar Walk shall be
17 accessed across Victory Park without barriers to pedestrian
18 access.

19 (f) On and off-site improvements and maintenance.

- 20 1. All new development in Subarea 4 shall be responsible for a
21 reasonable share of the following street improvements. The City
22 Traffic Engineer shall coordinate these improvements with the
23 phasing of the project.
24 A. Extension of Seaside Way to connect Pine Avenue to
25 Chestnut Place (consistent with prior contractual
26 agreements with the City);
27 B. Installation of a traffic signal at the intersection of Chestnut
28 Place and Seaside Way;

COASTAL COMMISSION

- C. Installation of a traffic signal at the intersection of Golden Shore and Seaside Way;
 - D. Provision of one (1) eastbound lane as an optional left or right turn lane at the intersection of Golden Shore and the Long Beach Freeway off-ramp;
 - E. Installation of traffic signal modification at the intersection of Seaside Way and Pine Avenue;
 - F. Installation of traffic signal modification at the intersection of Shoreline Drive and Pine Avenue;
 - G. Installation of traffic signal at Ocean Boulevard and Cedar Walk.
2. The owners of the new development shall be responsible for the maintenance of the east/west walk and the pathways.

SUBAREA 5

This subarea is currently vacant or in open parking use. It is public tidelands trust property.

(a) Uses.

1. Retail, office, restaurant, entertainment display, educational, and recreational uses not to exceed three hundred twenty-seven thousand (327,000) square feet of usable floor area in an open and inviting pedestrian environment.
2. Hotel uses containing not more than two hundred seventy-five (275) rooms. Restaurant lounge and retail facilities, primarily for hotel tenants, may be located in the hotel.
3. Any office uses must be approved by the Executive Director of the State Lands Commission as coastally related or dependent and related to maritime commerce, marine transport, trade conducted

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RESOLUTION NO. RES-05-0018

Part A

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
PLANNING AND BUILDING TO SUBMIT AMENDMENTS TO
THE ZONING REGULATIONS OF THE CITY OF LONG
BEACH TO THE CALIFORNIA COASTAL COMMISSION AS
A LOCAL COASTAL PROGRAM AMENDMENT

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

WHEREAS, the City Council of the City of Long Beach has recently amended
the Zoning Regulations of the Long Beach Municipal Code as set forth in Ordinance No.
ORD-05-0007; and

WHEREAS, it is the desire of the City Council to submit said amendments
to the California Coastal Commission for its review as implementing ordinances of the Long
Beach Local Coastal Program (LCP); and

WHEREAS, environmental documentation has been prepared, certified,
received and considered as required by law and the Planning Commission and City Council
gave full consideration to all facts and the proposals respecting the amendments at
properly noticed and advertised public hearings; and

WHEREAS, the City Council approved the proposed changes by adopting
the ordinance and the proposed zoning regulations are to be carried out in a manner fully
consistent with the Coastal Act and become effective in the Coastal Zone immediately
upon Coastal Commission certification;

NOW THEREFORE, the City Council of the City of Long Beach resolves as
follows:

Section 1. The amendments to the Zoning Regulations of the City of Long

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1 Beach as adopted by Ordinance No. ORD-05-0007 of the Long Beach City Council on
2 April 19, 2005, a copy of which is attached hereto and incorporated in this
3 resolution as Exhibit "A" are hereby submitted to the California Coastal Commission for its
4 review as to those parts of the ordinance that directly affect land use matters in that portion
5 of the California Coastal Zone within the City of Long Beach.

6
7 Sec. 2. The Director of Planning and Building of the City of Long Beach is
8 hereby directed to submit a certified copy of this resolution, together with appropriate
9 supporting materials, to the California Coastal Commission with a request for its earliest
10 action, as an amendment to the Local Coastal program that will take effect automatically
11 upon Commission approval pursuant to the Public Resources Code or as an amendment
12 that will require formal City Council adoption after Coastal Commission approval.

13
14 Sec. 3. This resolution shall take effect immediately upon its adoption by the
15 City Council, and the City Clerk shall certify the vote adopting this resolution.

16 I certify that this resolution was adopted by the City Council of the City of
17 Long Beach at its meeting of April 12, 2005, by the following vote:

18 Ayes: Councilmembers: Lowenthal, Baker, Colonna, O'Donnell,
19 Kell, Richardson, Reyes Uranga,
20 Gabelich, Lerch.

21
22 Noes: Councilmembers: None.

23
24 Absent: Councilmembers: None.

25
26
27 
City Clerk

28 MJM:KJM 4/6/05 #05-00593
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ORDINANCE NO. ORD-05-0007

Part A

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 21.65; AND BY
AMENDING SECTIONS 21.60.210.C, 21.60.310.A.1,
21.60.310.B.1, 21.60.310.B.3, 21.60.320, 21.60.330 AND
21.60.340, ALL RELATING TO TENANT RELOCATION
AND CODE ENFORCEMENT

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

Section 1. Chapter 21.65 is added to the Long Beach Municipal Code to
read as follows:

Chapter 21.65

TENANT RELOCATION AND CODE ENFORCEMENT

21.65.010 Purpose.

The primary purpose this Chapter is to provide for owner-paid
relocation payments and assistance to residential tenants who are
displaced due to the City of Long Beach's code enforcement activities.

21.65.020 Findings.

This Chapter is enacted in recognition of the following facts and for
the following reasons:

A. Some residential rental units in Long Beach have been found to
have severe code violations that threaten the life and safety of occupants.
In some circumstances, the hazardous living conditions have required that

1 tenants vacate the structure to allow for extensive repairs or demolition.

2 B. These code violations often are caused by negligence, deferred
3 maintenance, or the illegal use of certain structures as dwelling units.
4 These code violations typically constitute a violation of the owner's legal
5 responsibility to the tenants. For example, they may be a breach of the
6 owner's implied warranty of habitability, and could constitute constructive
7 eviction of the tenants from their residence.

8 C. The difficulty of finding affordable replacement housing and the
9 burden of incurring moving-related expenses creates a financial hardship
10 for tenants, particularly those who are low income. Financial hardship
11 arises because the tenants generally need a large sum of money to
12 relocate, often including first month's rent, security deposits, moving and
13 storage expenses, and utility deposits. Low income tenants are generally
14 unable to obtain the sums needed to relocate and, as a result, are at an
15 increased risk of becoming homeless.

16 D. Relocation assistance is necessary to ensure that displaced
17 tenants secure safe, sanitary and decent replacement housing in a timely
18 manner. The level of payments provided for in this Chapter are reflective
19 of actual relocation costs likely to be incurred by displaced households.
20 This is consistent with and in furtherance of the Housing Element of the
21 City's General Plan.

22 E. In the past, affected tenants have turned to local, state and
23 national governmental entities for financial assistance in obtaining
24 replacement housing. However, the resources available to such entities
25 to assist displaced tenants have become increasingly scarce.

26 F. It is fair for property owners who fail to properly maintain
27 residential rental properties, or who create illegal residential units, to bear
28 responsibility for the hardship their actions or inaction create for tenants.

1 Relocation of tenants is a necessary element of code enforcement that
2 should be the responsibility of the property owner, and the City should be
3 reimbursed by the responsible owner for all costs which the City incurs in
4 the code enforcement process.

5 G. Delayed payment of relocation assistance often imposes
6 extreme hardship upon tenants who must obtain the large sums
7 necessary to relocate. Delayed payments may also require the City to
8 expend funds to provide tenants with financial assistance for relocation.
9 Any requirement to pay relocation assistance should contain disincentives
10 for delayed payment in the form of appropriate penalties.

11 H. It is the intent of this Chapter to ensure that adequate relocation
12 assistance is available to tenants who face displacement through no fault
13 of their own. It is also the intent to provide assistance in a manner that is
14 as equitable as possible to the tenant, the property owner, and the public
15 at large. The requirement for owners to pay relocation costs under this
16 chapter will facilitate the correction of code violations and will likewise
17 protect the public health, safety, and general welfare of the residents of
18 the City.

19 I. This Chapter is in the public interest for the reasons stated
20 above. Additionally, it furthers the public interest by helping to remove a
21 potential impediment to code enforcement. The City finds that this
22 Chapter also is fair, in that it imposes reasonable costs and penalties on
23 owners who operate contrary to the Code Enforcement Regulations of the
24 City of Long Beach.

25
26 21.65.030 Definitions.

27 For purposes of this Chapter, certain terms, phrases, words and
28 their derivatives shall be construed as specified in this section.

1 A. "City manager" shall mean the city manager of the city of Long
2 Beach, or his or her designee.

3 B. "Code enforcement activity" shall mean activity initiated by the
4 City to determine the condition of a building or structure and which
5 requires the property owner to make necessary repairs, to vacate the
6 building, to demolish the structure or structures, or to take other action to
7 bring the property into compliance with applicable state or local zoning,
8 building, fire, health or housing standards regulations.

9 C. "Comparable replacement dwelling" shall have the same
10 meaning as that specified in California Government Code section 7260, et
11 seq., or any successor statute thereto.

12 D. "Day" shall mean calendar day.

13 E. "Displacement" shall mean the removal of the tenant household
14 from the property due to the issuance of an Order to Vacate pursuant to
15 Municipal Code Section 18.20.140.

16 F. "Housing Services Bureau" shall mean the Housing Services
17 Bureau of the City of Long Beach.

18 G. "Notice of Intent to Order Building Vacated" shall mean an
19 official notice issued by the City of Long Beach in accordance with
20 Municipal Code Section 18.20.120.

21 H. "Order to vacate" shall mean an official notice issued by the City
22 of Long Beach in accordance with Municipal Code Section 18.20.140.

23 I. "Property owner" shall mean a person, corporation, or any other
24 entity holding fee title to the subject real property.

25 J. "Relocation" shall mean the required vacating of a residential
26 rental unit or room by a tenant or household to further the City's code
27 enforcement activity.

28 K. "Rental unit" shall mean a dwelling space containing a separate

1 bathroom, kitchen, and living area, including a single family dwelling or
2 unit in a multi-family or multi-purpose dwelling; or, it shall mean a unit in a
3 condominium or cooperative housing project, which is hired, rented, or
4 leased to a tenant or household within the meaning of California Civil
5 Code Section 1940.

6 L. "Room" shall mean an unsubdivided portion of the interior of a
7 building including, but not limited to, illegally converted garage spaces,
8 which are used for the purpose of sleeping, and which are occupied by a
9 tenant for at least thirty consecutive days as determined by the Housing
10 Services Bureau.

11 M. "Substandard building" shall include every building or other
12 structure as defined in Section 18.08.200 of the Long Beach Municipal
13 Code. For the purposes of this chapter, substandard building or structure
14 shall mean only those buildings that contain rental units or rooms as
15 defined herein.

16 N. "Tenant household" shall mean one or more individuals who: (1)
17 have a landlord-tenant relationship with the property owner, by renting or
18 leasing a rental unit or room in a substandard building; and, (2) can
19 demonstrate a landlord-tenant relationship by leases, cancelled rent
20 checks, rent receipts, utility bills, phone bills, or any other evidence of
21 renting or leasing the premises as determined by the Housing Services
22 Bureau.

23 O. "Long Beach Municipal Code" shall mean all ordinances, rules,
24 and regulations of the City of Long Beach regulating maintenance,
25 sanitation, ventilation, light, location, use or occupancy of residential
26 buildings.

27 //

28 //

COASTAL COMMISSION

EXHIBIT # 7
PAGE 5 OF 20

1 21.65.040 Eligibility.

2 A tenant household shall be eligible for consideration for relocation
3 assistance under this Chapter when tenants in the household are
4 displaced from their rental units or rooms because of the issuance of a
5 "Notice of Intent to Order Building Vacated" or an "Order to Vacate" in
6 accordance with Municipal Code Section 18.20.120 or 18.20.140, or an
7 order of immediate vacation when the structure or premises has been
8 declared "dangerous" in accordance with Section 18.20.210, or their
9 respective successor sections.

10
11 21.65.050 Order to vacate.

12 As part of the City's code enforcement activity, the Building Official
13 will decide whether repairs or other actions to abate substandard buildings
14 can be reasonably accomplished without relocation of the tenant or
15 household.

16 If relocation is necessary to abate a substandard building or
17 condition, the Building Official shall issue and serve an "Order to Vacate"
18 in accordance with Long Beach Municipal Code sections 18.20.140
19 through 18.20.170.

20
21 21.65.060 Notification of tenants and owners.

22 A. When the Building Official issues a Notice of Substandard
23 Building, Notice of Intent to Order Building Vacated or an Order to Vacate
24 in accordance with Sections 18.20.120 or 18.20.140, the Building Official
25 shall notify the Housing Services Bureau of the issuance of the Orders
26 and the Housing Services Bureau shall inform the tenant households in
27 writing of the procedure to apply for relocation assistance, what the tenant
28 household's rights are, and who to contact with questions regarding

1 relocation assistance. The Housing Services Bureau shall also inform the
2 tenant household that the household may request payment of relocation
3 assistance from the City in accordance with Section 21.65.090, if the
4 Owner fails, neglects, or refuses to make the required relocation
5 payments in accordance with this Chapter. Relocation assistance
6 information shall be provided to tenant households in English, Spanish,
7 Korean and Khmer to insure the information is accessible to limited
8 English proficiency persons.

9 B. The Housing Services Bureau shall also inform the property
10 owner that failure to make required relocation payments within ten days of
11 notice may result in the City making payments on behalf of the owner, and
12 that failure to reimburse the city for all payments made and other costs
13 and penalties incurred shall result in a lien being placed on the owner's
14 property.

15 C. The issuance of an Order to Vacate shall not relieve the
16 property owner of any legal obligations, including any obligation to provide
17 any notice imposed by any provisions of federal, state, or local laws or
18 ordinances.

19 D. At the time a Notice of Substandard Building is issued in
20 accordance with Section 18.20.120, the City shall also notify the property
21 owner of the obligation to pay tenant relocation if required repairs are not
22 made within the time specified in the Notice of Substandard Building.

23
24 21.65.070 Issuance of permits.

25 If an Order to Vacate is issued, the City shall not issue any permits
26 or entitlements to the owner or owner's authorized agent for repairs,
27 rehabilitation or demolition until such time as the owner pays all eligible
28 tenant households relocation assistance required pursuant to this Chapter.

21.65.080 Payment of Relocation Benefits.

A. The relocation benefits required by this Chapter shall be paid by the owner or designated agent to the tenant household in the form of a certified check, cashier's check, or money order, within ten (10) days after the Order to Vacate is issued and served in accordance with Section 18.20.160. Proof of said payment shall be made to the Housing Services Bureau. The tenant household shall not be required by the property owner to vacate the premises until relocation payment is made to the tenant and proof thereof is made to the Housing Services Bureau, unless the Building, Fire or Health Official determines that the building or structure is a dangerous building within the meaning of Section 18.08.050 or other applicable codes. The property owner shall also be responsible for reimbursing the City for any relocation payments the City makes or costs the City incurs under this Chapter.

B. If the Building, Fire or Health Official determines that the unit or room is dangerous and must be vacated in less than ten (10) days, then the Owner shall make required relocation payments to the tenant household in the form of a certified check, cashier's check, or money order, within two (2) business days after the Order to Vacate is issued and served in accordance with Section 18.20.160. Proof of said payment shall be made to the Housing Services Bureau.

C. No relocation benefits pursuant to this Chapter shall be payable to any tenant who has caused or substantially contributed to the condition or conditions giving rise to the order to vacate, as determined by the Department of Planning and Building, nor shall relocation benefits be payable to a tenant if any guest or invitee of the tenant has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the Department of Planning and Building. The Department

1 of Planning and Building shall make the determination whether a tenant,
2 tenant's guest, or invitee, caused or substantially contributed to the condition
3 giving rise to the Order to Vacate. Service of a three (3) day notice, notice to
4 terminate or unlawful detainer complaint shall not in and of itself render a
5 tenant household ineligible for relocation benefits under this Chapter.

6 D. An owner shall not be liable for relocation benefits if the
7 Building Official determines that the building or structure became
8 substandard or dangerous as the result of a fire, flood, earthquake, or
9 other act of God beyond the control of the owner and the owner did not
10 cause or contribute to the condition.

11 E. Delay in payment of relocation assistance by owner.

12 If the owner fails, neglects, or refuses to pay relocation assistance
13 to a displaced tenant, or a tenant subject to displacement, in accordance
14 with this Chapter, the City shall also be entitled to recover from the owner
15 an additional amount equal to the sum of one-half the amount so paid or
16 due, but not to exceed Ten Thousand Dollars (\$10,000.00) cumulative per
17 property, as a penalty for failure to make timely payment to the displaced
18 tenant, plus the City's actual costs, including direct and indirect costs of
19 administering the provisions of assistance to the displaced tenant or
20 tenants.

21
22 21.65.090 Relocation eligibility and assistance by City.

23 A. The City may assist tenants displaced or to be displaced due to
24 code enforcement activity subject to this Chapter by providing information,
25 referral, monitoring, or other advisory assistance. Any tenant household
26 interested in City assistance should contact the Housing Services Bureau
27 for relocation information. Failure by tenant households to contact the
28 Housing Services Bureau shall not relieve property owners from their

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1 responsibility to provide relocation assistance.

2 B. Tenant households shall submit requests for relocation
3 assistance to the Housing Services Bureau in order to establish the
4 existence of a landlord-tenant relationship. The Housing Services Bureau
5 shall make a determination as to whether a tenant household is eligible for
6 relocation assistance within three (3) business days of receipt of a
7 completed request for relocation assistance. If the Building Official has
8 determined that the tenant household must vacate its unit or room in less
9 than ten (10) days, the Housing Services Bureau shall make a
10 determination as to whether the tenant household is eligible for relocation
11 assistance within two (2) business days of receiving a completed request
12 for relocation assistance. Once an eligibility determination has been
13 made, the Housing Services Bureau shall immediately provide written
14 notice in English, Spanish, Korean and Khmer to the tenant household,
15 the owner, and the Building Official regarding the eligibility determination
16 and any relocation assistance owed.

17 C. If the owner fails, neglects or refuses to pay relocation
18 assistance to a displaced tenant or a tenant subject to displacement, the
19 City may advance all or a portion of the required payments to the tenant.
20 If the City advances relocation assistance, or a portion thereof, the City
21 shall be entitled to recover from the owner any amount so paid to a tenant
22 pursuant to this section, and the Housing Services Bureau shall notify the
23 owner of the City's advancement of payment.

24 For the City to consider such payments, the tenant household must
25 make a request to the Housing Services Bureau after the owner fails,
26 neglects or refuses to make such required payments.

27 D. Any amount paid by the City on behalf of the owner and any
28 applicable penalties and actual costs including incidental enforcement

1 costs shall become delinquent thirty (30) days after notice by the City and
2 may also be placed as a lien against the property of the owner by
3 recording the lien in the office of the County Recorder for Los Angeles
4 County. Any delinquent payments will accrue interest at the rate of twelve
5 percent (12%) per year until paid.

6 E. The failure of the owner to pay the amounts to the City set forth
7 in this chapter within the time specified constitutes a debt to the City. To
8 enforce that debt, the City Manager or his or her designee may take any
9 and all appropriate legal action, impose a lien as set forth above, or
10 pursue any other legal remedy to collect such money.

11
12 21.65.100 Immediate vacation.

13 If the Building Official determines that the Building is dangerous
14 and immediate vacation is required, immediate City payment of relocation
15 benefits can be made to tenant households as soon as the tenant
16 household is determined eligible by the Housing Services Bureau. The
17 tenant household must sign a request for relocation assistance from the
18 Housing Services Bureau in order to receive immediate relocation
19 payments. Those payments and other related costs shall be a charge
20 against the property owner, and the owner shall reimburse the city for
21 these relocation costs. Additionally, those costs may be collected, if need
22 be, as outlined above in Section 21.65.090. The payment of relocation
23 assistance by the City shall be solely predicated upon the availability of
24 City funds.

25
26 21.65.110 Amount of relocation payments.

27 Each eligible tenant household shall receive monetary relocation
28 assistance in the amount of three thousand three hundred and sixty-six

1 dollars (\$3,366.00). Each eligible household with a disabled person
2 displaced under this chapter shall also be entitled to reimbursement for
3 structural modifications to the household paid for by the tenant household
4 at the vacated premises up to a maximum value of an additional two
5 thousand five hundred dollars (\$2,500.00). The Housing Services Bureau
6 shall increase both of these amounts on a percentage basis as
7 determined by the change in the Consumer Price Index between January
8 1, 2005 and January 1 of the year in which the application for relocation
9 assistance is filed with the Housing Services Bureau.

10
11 21.65.120 Evictions to avoid payment of relocation assistance.

12 Owners shall not evict tenants to avoid their responsibility to pay
13 relocation assistance to tenants under this Ordinance. Tenants receiving
14 notices to terminate or quit from the property owner or owner's agent
15 within 90 days of a notice of substandard building shall be presumed
16 eligible and entitled to collect relocation assistance pursuant to this
17 Ordinance. However, this presumption may be rebutted upon a showing
18 by the Owner that the tenant has caused or substantially contributed to
19 the condition or conditions giving rise to the order to vacate.

20
21 21.65.130 Move-back option.

22 A displaced tenant household shall have the option of moving back
23 into the rental unit or room from which it was required to move provided
24 that said rental room or unit was a legally permitted rental room or unit at
25 the time of displacement. If this is not possible, the displaced tenant
26 household shall have the option of moving into an equivalent unit or room
27 in the same building, as soon as it is ready for occupancy. If a tenant
28 household wishes to avail itself of this option, it must inform the owner in

1 writing of its current address at all times during the period of
2 displacement.

3 The property owner shall notify a displaced tenant household at
4 least thirty (30) days in advance by first class mail of the availability of the
5 unit or room including monthly rent and date of availability. Said notice
6 shall inform the tenant household that it has ten (10) days to notify
7 property owner of their intent to move back into the property. Within ten
8 (10) days of receipt of notice of availability of the unit or room, a tenant
9 household wishing to move back shall so notify the owner in writing.

10 If a tenant household wishing to move back into the unit or room is
11 required to pay a security deposit, the household must be permitted
12 sufficient time to do so. In no event may that time exceed sixty (60) days.

13
14 21.65.140 Certificate of Occupancy.

15 The City shall not give the owner a Certificate of Occupancy until
16 such time as the owner provides the Housing Services Bureau and
17 Building Official with written proof that he or she has properly notified all
18 displaced tenant households in writing of their right to return to their unit or
19 room, or an equivalent unit or room in the same building if this is not
20 possible, for the same rent they were paying prior to displacement for a
21 minimum of six (6) months.

22 The City shall not issue the owner a certificate of occupancy until
23 such time as the building official has determined that all necessary repairs
24 have been made to the building.

25
26 21.65.150 Appeals.

27 Any property owner or tenant household may contest a decision by
28 the Housing Services Bureau or his or her representative regarding

1 eligibility, relocation payment amounts, or any other determination or
2 claim made under this Chapter. To do so, the party shall file a written
3 request for an appeal with the Director of Community Development within
4 ten (10) days of the decision, determination or claim. The Director or
5 his/her designee shall hold a hearing at his/her earliest opportunity and in
6 no event more than fourteen (14) days after the Director receives notice of
7 the appeal. All notices from the Director shall be sent to both the property
8 owner and all tenant households affected by the appeal. The
9 determination of the Director shall be final.

10
11 21.65.160 Penalty.

12 Any person violating any provision or failing to comply with any of
13 the requirements of this chapter shall be guilty of a misdemeanor or
14 infraction, as determined by the City Prosecutor. In addition to any
15 penalty imposed for a violation of this chapter, any person violating or
16 causing or permitting the violation of this chapter shall reimburse the City
17 for any administrative costs or expenses the City incurs in administering
18 this chapter. Those amounts may include any provisional relocation
19 assistance provided to tenants, such as temporary housing, moving
20 expenses, relocation payments, public health assistance, transportation,
21 storage or other related services.

22 The remedies and penalties provided for in this Section and
23 Chapter shall be in addition to any other available remedies and penalties
24 provided for by the Long Beach Municipal Code or other law.

25
26 21.65.170 Private right of action.

27 Tenant households subject to displacement and/or their legal
28 representatives shall have standing as third party beneficiaries to file an

1 action against the Owner for injunctive relief and/or actual damages
2 pursuant to this Chapter.

3 Nothing herein shall be deemed to interfere with the right of a
4 property owner to file an action against a tenant or nontenant third party
5 for the damage done to the owner's property. Nothing herein is intended
6 to limit the damages recoverable by any party through a private action.
7

8 21.65.180 Application to heirs.

9 The provisions of this Chapter shall apply to all property owners
10 and their heirs, assigns and successors in interest.
11

12 21.65.190 Relationship to other laws.

13 Nothing in this Chapter is intended to prevent displaced
14 households from securing any relocation assistance and/or benefits to
15 which they may be entitled under any other local, state or federal law.
16

17 21.65.200 Penalty fund.

18 Any and all penalties levied and collected by the City pursuant to
19 this Chapter shall be placed in a revolving fund and utilized at the sole
20 discretion of the City to advance relocation assistance to tenants or
21 households displaced as a result of code enforcement activities.
22

23 21.65.210 Severability.

24 If any provision of this chapter is held to be unconstitutional or
25 otherwise invalid by any court of competent jurisdiction, the remaining
26 provisions of this chapter shall not be invalidated.
27 //

28 //

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*(See Exhibit #8 for changes)

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1 * Sec. 2. Section 21.60.210.C of the Long Beach Municipal Code is
2 amended to read as follows:

3 C. Determinations.

4 1. It shall be the responsibility of the housing services
5 bureau to determine if housing units to be demolished or converted to
6 condominiums are affordable to and/or occupied by very low and low
7 income households. In making this determination, the bureau shall
8 average rental/sale levels over a twelve-month occupied period.

9 2. Determinations made by the bureau shall be attached by
10 the applicant to the building demolition permit application or condominium
11 conversion application, and shall become a public record in all
12 proceedings and hearings related to that application. The bureau shall
13 verify the rent value history and insure that there have been no price or
14 other changes made for the purpose of circumventing these regulations.

15
16 * Sec. 3. Section 21.60.310.A.1 of the Long Beach Municipal Code is
17 amended to read as follows:

18 1. Unless otherwise provided in this Chapter 21.60, very
19 low or low income households shall not be displaced from housing due to
20 demolition or condominium conversion as provided in this Chapter unless
21 first given prior written notice of the intended displacement, on a form
22 provided or approved by the housing services bureau, at least eighteen
23 (18) months prior to the intended date of displacement.

24
25 * Sec. 4. Section 21.60.310.B.1 of the Long Beach Municipal Code is
26 amended to read as follows:

27 1. Very low and low income households displaced due to
28 demolition or condominium conversion as provided in this Chapter shall

*(See Exhibit #8 for changes)

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1 be entitled to two thousand five hundred dollars (\$2,500) in relocation
2 costs.

3
4 * Sec. 5. Section 21.60.310.B.3 of the Long Beach Municipal Code is
5 amended to read as follows:

6 3. The Housing Services Bureau of the Department of
7 Community Development shall increase these amounts on a percentage
8 basis as determined by the change in the Consumer Price Index between
9 January 1, 1991 and January 1 of the year in which the application for
10 demolition, or a condominium conversion final tract map, is filed with the
11 City.

12
13 * Sec. 6. Section 21.60.320 of the Long Beach Municipal Code is amended
14 to read as follows:

15 21.60.320 Provision of relocation benefits.

16 Applicants for demolition permits and tract maps for condominium
17 conversion shall be responsible for providing relocation assistance to very
18 low and low income households which are permanently displaced under
19 one of the following circumstances:

20 A. The demolition permit will result in the loss of a unit which is
21 affordable by a very low or low income household, and will result in the
22 permanent displacement of such a household which has been a lawful
23 tenant for at least ninety (90) days prior to the application for demolition.

24 B. The tract map is for the conversion to condominium units of
25 apartment units which are affordable to very low or low income
26 households, and will result in the permanent displacement of such
27 households which were lawful tenants at the time of approval of the
28 tentative tract map, or who rented a unit in such a project after the first

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1 notice of intention to convert was given without being notified of the
2 intended conversion and who continued to rent or lease at the time as
3 specified in the notice given to tenants ten (10) days prior to approval of
4 the final tract map as required by Section 20.32.040.F.

5
6 * Sec. 7. Section 21.60.330 of the Long Beach Municipal Code is amended
7 to read as follows:

8 21.60.330 When benefits inapplicable.

9 Relocation benefits are not required to be paid or given when the
10 applicant provides evidence to the satisfaction of the Housing Services
11 Bureau of the Department of Community Development that the tenant
12 moved voluntarily or that the unit has been continuously vacant for at least
13 six (6) months prior to the application, or that the unit has been occupied
14 by a household which is not very low or low income for at least six (6)
15 months prior to the application, or that the unit has never been occupied
16 prior to the application.

17
18 * Sec. 8. Section 21.60.340 of the Long Beach Municipal Code is amended
19 to read as follows:

20 21.60.340 Payments and distribution of relocation benefits.

21 A. Each applicant shall pay the applicable relocation fees to the
22 Housing Services Bureau of the Department of Community Development
23 or provide proof of waiver or proof that the relocation fee is not applicable,
24 such proof to be acceptable to the housing services bureau, prior to
25 issuance of the demolition permit or final tract map.

26 B. The Housing Services Bureau of the Department of Community
27 Development shall distribute relocation benefits to eligible very low and
28 low income households as follows:

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1 1. To the displaced household, relocation benefits shall be
2 paid to the tenant upon receipt of verification that the tenant has vacated
3 the unit.

4 2. To a licensed household mover or rental company prior
5 to the tenant's vacating the unit and at the request of the tenant, all or a
6 portion of the relocation benefits may be paid upon presentation of an
7 estimate for moving and/or rental of moving equipment.

8 C. In instances where relocation benefits are requested prior to
9 unit vacation, the Housing Services Bureau of the Department of
10 Community Development will ensure that checks are jointly payable to two
11 parties. The two parties to whom the checks shall be payable are as
12 follows:

- 13 1. The household; and
14 2. Either the landlord, moving company, or rental company,
15 as applicable.

16 All remaining funds due the displaced tenant shall be disbursed to
17 the tenant only upon verification of unit vacation.

18 D. In cases where lawful possession is being litigated, the Housing
19 Services Bureau of the Department of Community Development will not
20 release the relocation benefits until and unless the litigation is finally
21 resolved through settlement, adjudication or otherwise.

22 E. In cases where the landlord has prematurely paid the eligible
23 tenant or tenants all or part of the relocation benefit, the landlord shall be
24 exempt from paying the commensurate amount to the Housing Services
25 Bureau of the Department of Community Development, provided that the
26 landlord must first provide documentary evidence that such funds were
27 paid to the tenant, tenants or any authorized agent thereof.

28 //

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1 Sec. 9. The City Clerk shall certify to the passage of this ordinance by the
2 City Council and cause it to be posted in three conspicuous places in the City of Long
3 Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

4 I hereby certify that the foregoing ordinance was adopted by the City Council of
5 the City of Long Beach at its meeting of April 19, 2005, by the
6 following vote:

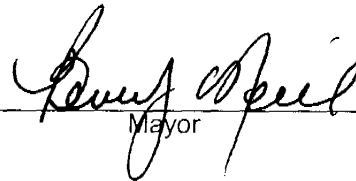
7 Ayes: Councilmembers: Baker, Colonna, O'Donnell, Kell,
8 Richardson, Reyes Uranga, Gabelich,
9 Lerch.

10
11 Noes: Councilmembers: None.


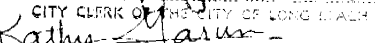
12
13 Absent: Councilmembers: Lowenthal.

14
15
16 
City Clerk

17
18
19 Approved: 4-21-05

20
21
22 
Mayor

23
24 CERTIFIED AS A TRUE AND CORRECT COPY

25 
CITY CLERK OF THE CITY OF LONG BEACH
26 
DATE: DEC 07 2005

27 MJM:kjm 4/6/05; 4/14/05 #05-00593
28 L:\APPS\CityLaw32\WPDOCS\0006\0003\00072671.WPD

COASTAL COMMISSION

Proposed Changes to Code Sections

21.65.200 Penalty fund.

Any and all penalties levied and collected by the City pursuant to this Chapter shall be placed in a revolving fund and utilized at the sole discretion of the City to advance relocation assistance to tenants or households displaced as a result of code enforcement activities.

21.65.210 Severability.

If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.

#####

See pages 16-19 of
Exhibit # 7 (Ord. 05-0007)

Section 21.60.210.C

C. Determinations.

1. It shall be the responsibility of the housing services bureau to determine if housing units to be demolished, ~~remodeled pursuant to code enforcement~~, or converted to condominiums; are affordable to and/or occupied by very low and low income households. In making this determination, the bureau shall average rental/sale levels over a twelve-month occupied period.

2. Determinations made by the bureau shall be attached by the applicant to the building demolition permit application, ~~building permit application~~, or condominium conversion application, and shall become a public record in all proceedings and hearings related to that application. The bureau shall verify the rent value history and insure that there have been no price or other changes made for the purpose of circumventing these regulations.

Section 21.60.310.A.1

1. Unless otherwise provided in this Chapter 21.60, very low or low income households shall not be displaced from housing due to demolition, condominium conversion or ~~rehabilitation for code enforcement~~ as provided in this chapter unless first given prior written notice of the intended displacement, on a form provided or approved by the housing services bureau, at least eighteen **(18)** months prior to the intended date of displacement.

Section 21.60.310.B.1

1. Very low and low income households displaced due to demolition, condominium conversion or ~~rehabilitation for code enforcement~~ as provided in this chapter shall be entitled to two thousand five hundred dollars **(\$2,500)** in relocation costs.

COASTAL COMMISSION
LCP 2-05(A)

EXHIBIT # 8

PAGE 1 OF 4

Pre and Post Code Amendment

Section 21.60.310.B.3

3. The housing services bureau of the department of community development shall increase these amounts on a percentage basis as determined by the change in the Consumer Price Index between January 1, 1991 and January 1 of the year in which the application for demolition, or remodeling permit, or a condominium conversion final tract map, is filed with the city.

Section 21.60.320

Applicants for demolition permits, remodeling building permits pursuant to code enforcement action, and tract maps for condominium conversion, shall be responsible for providing relocation assistance to very low and low income households which are permanently displaced under one of the following circumstances:

A. The demolition permit will result in the loss of a unit which is affordable by a very low or low income household, and will result in the permanent displacement of such a household which has been a lawful tenant for at least ninety (90) days prior to the application for demolition.

~~B. The remodeling building permit is the result of code enforcement action by the city of Long Beach and will permanently displace a very low or low income household which has been a lawful tenant for at least ninety days prior to the application for remodeling.~~

~~CB.~~ The tract map is for the conversion to condominium units of apartment units which are affordable to very low or low income households, and will result in the permanent displacement of such households which were lawful tenants at the time of approval of the tentative tract map, or who rented a unit in such a project after the first notice of intention to convert was given without being notified of the intended conversion and who continued to rent or lease at the time as specified in the notice given to tenants ten days prior to approval of the final tract map as required by Section 20.32.040.F.

Section 21.60.330

Relocation benefits are not required to be paid or given when the applicant provides evidence to the satisfaction of the Housing Services Bureau of the Department of Community Development that the tenant moved voluntarily or that the unit has been continuously vacant for at least six (6) months prior to the application, or that the unit has been occupied by a household which is not very low or low income for at least six (6) months prior to the application, or that the unit has never been occupied prior to the application. under the following circumstances:

A. The displacement is temporary (i.e., less than ninety days) and all of the following apply:

1. The owner provides the tenant with a comparable unit for the displacement period; and

COASTAL COMMISSION

1/13

LCPA Item 1 - 053

EXHIBIT # 8

PAGE 2 OF 4

Pre and Post Code Amendment

2. The replacement unit has the same number of bedrooms as the unit from which the tenant is displaced; and
3. The replacement has cooking/eating facilities and is approved by the housing services bureau of the department of community development as meeting Federal Housing Quality Standards; and
4. The tenant pays no higher rent to the landlord for the displacement period; and
5. The owner moves, stores, and/or protects the tenant's belongings.

B. The director of planning and building determines that the city of Long Beach code enforcement action causing the tenant displacement directly resulted from tenant abuse or tenant action other than reporting code violations to the city of Long Beach.

C. The applicant provides evidence to the satisfaction of the housing services bureau of the department of community development that the tenant moved voluntarily or that the unit has been continuously vacant for at least six months prior to the application, or that the unit has been occupied by a household which is not very low or low income for at least six months prior to the application, or that the unit has never been occupied prior to the application.

Section 21.60.340

A. Each applicant shall pay the applicable relocation fees to the housing services bureau of the department of community development to provide proof of waiver or proof that the relocation fee is not applicable, such proof to be acceptable to the housing services bureau, prior to issuance of the demolition permit, remodeling/building permit, or final tract map.

B. The housing services bureau of the department of community development shall distribute relocation benefits to eligible very low and low income households as follows:

1. To the displaced household, relocation benefits shall be paid to the tenant upon receipt of verification that the tenant has vacated the unit.

2. To a new landlord, prior to the tenant's vacating the unit and at the request of the tenant, all or a portion of the relocation benefit may be paid upon presentation of a signed lease or rental agreement for the household's new residential unit.

3. To a licensed household mover or rental company prior to the tenant's vacating the unit and at the request of the tenant, all or a portion of the relocation benefits may be paid upon presentation of an estimate for moving and/or rental of moving equipment.

C. In instances where relocation benefits are requested prior to unit vacation, the housing services bureau of the department of community development will ensure that

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12/1/13

LCr Amend 12-13A

EXHIBIT # 8
PAGE 3 OF 4

Pre and Post Code Amendment

checks are jointly payable to two parties. The two parties to whom the checks shall be payable are as follows:

1. The household; and
2. Either the landlord, moving company, or rental company as applicable.

All remaining funds due the displaced tenant shall be disbursed to the tenant only upon verification of unit vacation.

D. In cases where lawful possession is being litigated, the housing services bureau of the department of community development will not release the relocation benefits until and unless the litigation is finally resolved through settlement, adjudication or otherwise.

E. In cases where the landlord has prematurely paid the eligible tenant or tenants all or part of the relocation benefit, the landlord shall be exempt from paying the commensurate amount to the housing services bureau of the department of community development, provided that the landlord must first provide documentary evidence that such funds were paid to the tenant, tenants or any authorized agent thereof.

COASTAL COMMISSION

CP Amend. 2-05A

EXHIBIT # 8
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September 11, 2003

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90808-4302

Attn: Deborah Lee and Charles Posner

Re: Camden Development, Inc.
350 West Ocean Boulevard, Long Beach and Victory Park

Dear Coastal Commission:

On July 24, 2003, at a meeting in your offices, Peter Cossavella, Vice President for Development of Camden Development, Inc., responded to concerns raised about the placement of two transformers in front of the apartment complex it is developing at 350 West Ocean Boulevard in Long Beach. Although the transformers were designed to serve the apartment complex, Southern California Edison placed them in an area designated in the City's Local Coastal Program to be public parkland known as Victory Park. Mr. Cossavella acknowledged the Coastal Commission's legitimate concerns and proposed a resolution that would provide the public with even more parkland.

In August Mr. Cossavella accepted a position with another company and is no longer associated with Camden. Under the circumstances, it seems appropriate to memorialize and, on behalf of Camden, to confirm Camden's commitment to provide additional parkland. Camden owns additional property in Subarea 4 of the Downtown Shoreline Planned Development District (PD-6), currently identified in the Local Coastal Program as the site for a hotel. Regardless of what Camden ultimately is entitled to build on the hotel site, Camden agreed, and hereby confirms its agreement, to provide additional public parkland by way of additional setbacks on a two-to-one ratio to replace the area taken by the placement of the two transformers in Victory Park. I reviewed Camden's commitment with Rick Holcomb, the current Director of Development for the project as well as with Robert J. Bussone, Camden's Vice President for Development, and they both stated that Camden's commitment to provide the additional parkland was firm. If you wish to discuss the matter directly with Camden, you may reach Mr. Holcomb at (949) 629-3314.

Yours very truly,



Melvin L. Nutter

MLN/cc

Cc: Camden Development, Inc.

Exhibit #9
