

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1 RESOLUTION NO. RES-22-0043
2

3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
5 DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO
6 THE LONG BEACH MUNICIPAL CODE AND THE CITY'S
7 CERTIFIED LOCAL COASTAL PROGRAM TO THE
8 CALIFORNIA COASTAL COMMISSION FOR ITS REVIEW
9 AND APPROVAL
10

11 WHEREAS, on December 15, 2021, the California Coastal Commission
12 approved with modifications the City of Long Beach's proposed Local Coastal Program
13 (LCP) Major Amendment No. LCP-5-LOB-20-0058-3; and

14 WHEREAS, on March 15, 2022, the City Council of the City of Long
15 Beach adopted said modifications by amending certain provisions of Title 5 of the Long
16 Beach Municipal Code relating to Short-Term Rentals (STRs), and amended certain
17 provisions of Title 21 of the City's Zoning Regulations likewise related to STRs; and

18 WHEREAS, it is the desire of the City Council to resubmit the above
19 referenced Title 5 and Title 21 amendment ordinances, which contain the modifications
20 as suggested by the Coastal Commission in its action of December 15, 2021, to the
21 Coastal Commission for further review and certification; and

22 WHEREAS, the City Council gave full consideration to all facts and the
23 proposals respecting the amendments to the Municipal Code and Zoning Regulations at
24 a properly noticed and advertised public hearing;

25 WHEREAS, the amendments are to be carried out in a manner fully
26 consistent with the Coastal Act and become effective in the Coastal Zone immediately
27 upon Coastal Commission certification and approval; and

28 WHEREAS, the City Council hereby finds that the proposed amendments

1 will not adversely affect the character, livability or appropriate development in the City of
2 Long Beach and that the amendments are consistent with the goals, objectives and
3 provisions of the City's General Plan, including its certified LCP, and the California
4 Coastal Act.

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

7 Section 1. The amendment to Title 5 of the Long Beach Municipal Code
8 adopted on March 15, 2022, by Ordinance No. ORD-22-0011, and the
9 amendment to the Long Beach Zoning Regulations Title 21 of the City of Long Beach
10 adopted on March 15, 2022, by Ordinance No. ORD-22-0012, copies
11 of which are attached to and incorporated in this resolution as Exhibit "A" and "B",
12 respectively, are to be submitted to the California Coastal Commission for its earliest
13 review and certification as to that part of the ordinances that directly affect land use
14 matters in that portion of the California Coastal Zone within the City of Long Beach.

15 Section 2. The Director of Development Services of the City of Long
16 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
17 with appropriate supporting materials, to the California Coastal Commission with a
18 request for its earliest action, as an amendment to the LCP that will take effect
19 automatically upon Coastal Commission approval and certification pursuant to the Public
20 Resources Code; or as an amendment that will require formal City Council adoption after
21 final Coastal Commission approval.

22 Section 3. Pursuant to Public Resources Code Section 21080.9, the
23 California Environmental Quality Act (CEQA) does not apply to activities and approvals
24 by the City as necessary for the preparation and adoption of a Local Coastal Program
25 Amendment (LCPA) and therefore, does not apply to this action.

26 Section 4. This resolution shall take effect immediately upon its adoption
27 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

28

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I certify that this resolution was adopted by the City Council of the City of
Long Beach at its meeting of March 8, 2022, by the following vote:

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

Noes: Councilmembers: None.

Absent: Councilmembers: Richardson.

Recusal(s): Councilmembers: None.



City Clerk

EXHIBIT A

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO. ORD-22-0011

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING AND RESTATING
CHAPTER 5.77, RELATED TO SHORT-TERM RENTALS

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

Section 1. Chapter 5.77 of the Long Beach Municipal Code is amended
and restated in its entirety to read as follows:

CHAPTER 5.77
SHORT-TERM RENTALS

5.77.010 Purpose.

The purpose of this Chapter is to establish regulations, standards,
and a registration process governing the renting or leasing of privately
owned visitor serving residential dwelling units on a short-term basis in
order to maintain the long-term rental housing stock in the City; ensure the
collection and payment of Transient Occupancy Taxes ("TOT"); safeguard
the residents of the City of Long Beach by ensuring that short-term rental
activities do not threaten the character of residential neighborhoods; and
ensuring that such short-term rental activities do not become a nuisance, or
threaten the public health, safety or welfare of neighboring properties.

The City of Long Beach acknowledges that all persons within its
jurisdiction are free and equal, and no matter what their sex, race, color,
religion, ancestry, national origin, disability, medical condition, genetic
information, marital status, sexual orientation, citizenship, primary language,

1 or immigration status are entitled to the full and equal accommodations,
2 advantages, facilities, privileges, or services in all business establishments,
3 including short-term rentals.
4

5 5.77.020 Definitions.

6 A. "Booking transaction" means any reservation and/or payment
7 service provided by a person or entity who facilitates a short-term rental
8 transaction between a prospective guest and a short-term rental operator.

9 B. "City" means City of Long Beach.

10 C. "Director" shall mean the Director of Development Services or
11 a person designated by the Director to act in her/his stead.

12 D "Guest" means any person or persons renting a short-term
13 rental for transient occupancy.

14 E. "Host" means the natural person or persons, at least one (1) of
15 whom is an occupier of the property, who is/are the owner of record of the
16 property or operates the property, including a personal or family trust
17 consisting solely of natural persons and the trustees of such trust or a
18 limited liability company and the members of such company, or who is/are
19 an authorized tenant of the property.

20 F. "Hosted stay" means a short-term rental activity whereby the
21 host remains on-site and resides in a habitable dwelling unit or portion
22 thereof throughout the guest's stay (except during daytime and/or work
23 hours).

24 G. "Hosting platform" means a person or entity that participates in
25 the short-term rental business by collecting or receiving a fee, directly or
26 indirectly through an agent or intermediary, for conducting a booking
27 transaction using any medium of facilitation.

28 H. "Local contact person" means the person designated by the

1 operator to respond to and take remedial action regarding STR complaints.

2 I. "Non-primary residence STR" means a short-term rental that is
3 not a primary residence.

4 J. "Platform agreement" means a signed agreement between a
5 hosting platform and the City, which, among other things, provides that the
6 hosting platform will collect and submit transient occupancy tax to the City
7 on behalf of short-term rental operators.

8 K. "Primary residence" means a person's permanent residence or
9 usual place of return for housing as documented by at least two (2) of the
10 following: motor vehicle registration; driver's license; voter registration; tax
11 documents showing the residential unit as the person's residence; or a utility
12 bill. A person may have only one (1) primary residence and must reside
13 there for a minimum of two hundred seventy-five (275) days during the
14 calendar year. For properties with two (2) or more existing legally permitted
15 dwelling units (e.g., a duplex), the term "primary residence" shall refer to the
16 parcel of land and all units on that parcel or within a building in a residential
17 development project.

18 L. "Primary residence STR" means a primary residence being
19 operated as a short-term rental.

20 M. "Prohibited buildings list" means a list identifying the
21 address(es) of all buildings whose owner(s), including any applicable
22 homeowners' association or board of directors, have notified the City,
23 pursuant to City procedures, that short-term rentals are not permitted to
24 operate anywhere in such building, including deed restricted affordable
25 housing units. Prohibited buildings list shall also include a list of census
26 block groups where un-hosted STRs are prohibited per Section 5.77.080. In
27 the Coastal Zone, the provisions of the prohibited buildings list shall apply
28 only to buildings with restrictive covenants or homeowners' associations

1 covenants, conditions, and restrictions (CC&Rs) that are not discriminatory (as
2 defined in Government Code 12955) with explicit restrictions on short-term
3 rentals or their equivalent recorded prior to the Coastal Act (January 1, 1977).
4 Restrictive covenants or CC&Rs proposed subsequent to the effective date of
5 the Coastal Act (January 1, 1977) that restrict short-term rentals in the
6 Coastal Zone shall require a Local Coastal Development Permit (LCDP)
7 under the certified provisions of Division IX of Section 21.25 (Specific
8 Procedures) of the Municipal Code to authorize the restriction for specific
9 buildings. If such a LCDP is approved, the City shall comply with Section
10 5.77.050.O of these regulations.

11 N. "Residential development project" means a multi-family
12 development (four (4) or more units) with more than one (1) building on one
13 (1) or more parcels of land.

14 O. "Short-term rental ("STR")" means a residential dwelling unit,
15 or portion thereof, that is offered or provided to a paying guest(s) by a short-
16 term rental operator for thirty (30) or fewer consecutive nights. The term
17 "short-term rental" shall not include hotels, motels, inns, or bed and
18 breakfast inns.

19 P. "Short-term rental advertisement" means any method of
20 soliciting use of a dwelling unit for short-term rental purposes.

21 Q. "Short-term rental operator" or "operator" means any person
22 who is the owner or tenant of a dwelling unit, or portion thereof, who offers
23 or provides that dwelling unit, or portion thereof, for short-term rental use.

24 R. "Single room occupancy" is as defined in Section 21.15.2667.

25 S. "Special group residence" is as defined in Section 21.15.2810
26 and 21.52.271.

27 T. "Tenant" means a person who has a rental agreement for a
28 dwelling unit in which the rental payments are paid on a monthly or other

1 periodic basis in exchange for occupancy of the dwelling unit.

2 U. "Transient occupancy tax" ("TOT") means local transient
3 occupancy tax as set forth in Chapter 3.64 of the Long Beach Municipal
4 Code.

5 V. "Un-hosted stay" means a short-term rental activity whereby
6 the host, as that term is defined herein, resides off-site during the guest's
7 stay.

8

9 5.77.030 Registration required.

10 A. No person or entity shall advertise, rent, or operate a short-
11 term rental in the City unless a short-term rental (STR) registration has been
12 issued by the City pursuant to this Chapter. An operator of the STR shall
13 register with the City and shall be responsible for all requirements of this
14 Chapter. Application for a STR shall be in a form prescribed by the Director
15 with all information determined by the Director to be necessary to evaluate
16 the eligibility of the operator, consistent with this Chapter.

17 B. Eligibility requirements. The following requirements must be
18 met at the time of submitting a STR registration application:

19 1. The dwelling unit shall not be an accessory dwelling
20 unit (ADU), a junior accessory dwelling unit (JADU), a deed restricted
21 affordable housing unit, in a special group residence, a single room
22 occupancy, or included on the prohibited buildings list.

23 2. The STR operator shall not operate more than one (1)
24 primary residence STR and more than one (1) non-primary residence STR
25 in the City.

26 3. The number of non-primary residence STRs in multi-
27 family development projects shall not exceed the number of dwelling units
28 identified in the Table below:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Number of dwelling units in a residential development project	Number of non-primary residence STRs allowed per residential development project
2 to 10	1
11 to 50	10%
51 to 100	12%
101 or more	15%

4. The total number of non-primary residence STR registrations allocated shall not exceed eight hundred (800) dwelling units, unless otherwise directed by the City Council by ordinance or resolution. In the coastal zone, the maximum number of non-primary dwelling units registered as STRs is three hundred fifty (350). The Citywide cap on STRs shall not be applied to prohibit additional STRs in the coastal zone until the three hundred fifty (350) STR units in the coastal zone are exhausted. The total number of non-primary residence STR registrations allocated shall be reviewed by the City Council on an annual basis.

5. The STR operator shall identify, to the satisfaction of the City, a local contact person who shall be available twenty-four (24) hours per day, seven (7) days a week for: (1) responding within one (1) hour to complaints regarding the condition, operation, or conduct of the STR or its occupants; and (2) taking any remedial action necessary to resolve such complaints.

6. A signed and notarized property owner consent form shall be provided if the STR operator is not the property owner.

7. The dwelling unit or property shall not be the subject of any active or pending code enforcement actions or violations pursuant to the City's Municipal Code.

8. No STR registration for the dwelling unit has been

1 revoked within the last twelve (12) months.

2 9. If the dwelling unit is subject to the rules of a
3 homeowners' or condominium association or non-discriminatory restrictive
4 covenant recorded prior to the Coastal Act (January 1, 1977) that restricts
5 STRs or their equivalent, allowance to engage in short-term rental activity
6 through this Chapter shall not be inferred to grant any permission that
7 invalidates or supersedes any provisions in those documents.

8 10. The operator shall sign an indemnification and hold
9 harmless agreement in a form approved by the City Attorney, agreeing to
10 indemnify, save, protect, hold harmless, and defend the City of Long Beach,
11 the City Council of the City of Long Beach, individually and collectively, and
12 the City of Long Beach representatives, officers, officials, employees,
13 agents, and volunteers from any and all claims, demands, damages, fines,
14 obligations, suits, judgments, penalties, causes of action, losses, liabilities,
15 or costs at any time received, incurred, or accrued as a result of, or arising
16 out of the operator's actions or inaction in the operation, occupancy, use,
17 and/or maintenance of the short-term rental.

18 11. The unit shall be legally permitted as a dwelling unit.

19 12. The STR operator shall state whether the STR has
20 Americans with Disabilities Act (ADA)-accessible features.

21
22 5.77.040 Expiration and renewal.

23 A. A STR registration is valid for one (1) year from the date of
24 issuance. It may not be transferred or assigned and does not run with the
25 land. A STR registration may be renewed annually if the operator: (1) pays
26 the renewal fee; (2) provides information concerning any changes to the
27 previous application for, or renewal of, the STR registration; (3) submits
28 records described in Section 3.64.080 for the last year to demonstrate

1 compliance with this Chapter.

2 B. Failure to submit a renewal application to the City at least
3 thirty (30) days prior to the expiration of the registration shall render the
4 registration and permission to operate an STR null and void.

5
6 5.77.050 Short-term rental regulations.

7 A. All marketing and advertising of a STR, including any listing on
8 a hosting platform, shall clearly list the City-issued STR registration number
9 and expiration date.

10 B. Short-term rental is prohibited in any part of the property not
11 approved and permitted for residential use including, but not limited to, a
12 vehicle parked on the property, a storage shed, trailer, garage, boat or
13 similar watercraft, tree house, or any temporary structure, including, but not
14 limited to, a tent.

15 C. Un-hosted stays in a primary residence STR shall be limited to
16 a maximum of ninety (90) days per year.

17 D. Un-hosted stays shall be prohibited in census block groups in
18 the City where such stays are prohibited in accordance with Section
19 5.77.080 or any successor Section.

20 E. Each STR shall have a notice posted within the unit in a
21 location clearly marked and accessible to the guest (e.g., posted on the
22 refrigerator, included within a binder with additional information on the unit,
23 etc.), containing the following information:

24 1. The maximum number of occupants permitted in the
25 unit;

26 2. Parking capacity, location of parking spaces, and
27 parking rules, if any;

28 3. Trash and recycling pickup information;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. The name of the local contact and a telephone number at which that person may be reached on a twenty-four (24) hour basis;

5. Emergency contact information for summoning police, fire, or emergency medical services; and

6. Evacuation plan for the unit showing emergency exit routes, exits, and fire extinguisher locations.

F. The maximum number of persons who may occupy the STR at one (1) time shall be limited to two (2) persons per bedroom, plus two (2). This calculation shall be inclusive of children. Lofts that meet California Building Code egress requirements are considered a bedroom for the purposes of this occupancy calculation. In no event may the maximum occupancy exceed ten (10) persons in any STR. Large-scale events (i.e., exceeding maximum allowed occupancy) such as commercial parties, weddings, fundraisers, and conferences, are prohibited as part of the short-term rental use, unless a STR occasional event permit has been issued. The maximum number of occasional event permits that can be issued during the annual term of registration per STR is four (4), and any application for an occasional event permit thereafter and within the same registration term shall automatically be deemed null and void by the City.

G. Use of all outdoor pools, spas and hot tubs shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.

H. All activities shall comply with all provisions of the Municipal Code, including, but not limited to Chapter 9.31 (Loud Parties on Private Property) and Chapter 8.60 (Solid Waste, Recycling and Litter Prevention).

I. No sign shall be posted on the exterior of the STR premises to advertise the availability of the STR rental unit to the public.

J. No person shall offer, advertise, book, facilitate, or engage in short-term rental activity in a manner that does not comply with this Chapter.

1 K. Short-term rentals shall comply with all applicable laws and
2 regulations of the City including those pertaining to health, safety, building,
3 and fire protection.

4 L. The STR operator shall pay all applicable fees and charges
5 set by the City Council by resolution as may be necessary to effectuate the
6 purpose of this Chapter.

7 M. It is unlawful for any STR host, operator, occupant, renter,
8 lessee, person present upon, or person having charge or possession of the
9 STR premises, to make or continue to cause to be made or continued any
10 loud, unnecessary or unusual noise which disturbs the peace and quiet of
11 any neighborhood, or which causes discomfort or annoyance to any
12 reasonable person of normal sensitivities residing in the area, or which
13 violates any provision of Chapter 8.80 (“Noise”) of this Code.

14 N. The appearance of the STR premises shall not conflict with
15 the residential character of the neighborhood. All applicable development,
16 design, and landscaping standards, including, but not limited to, those
17 contained in Title 21 of this Code, are expressly made applicable to any
18 premises used for STR purposes.

19 O. In the coastal zone, upon City or Coastal Commission approval
20 of the first Coastal Development Permit that restricts STRs in the coastal zone,
21 which shall include the required findings in Division IX of Section 21.25
22 (Specific Procedures) of the Municipal Code for LCDPs related to short-term
23 rentals, the City shall prepare and submit to the Coastal Commission, within
24 one (1) year of the final action on the LCDP, a report that evaluates the
25 required findings for LCDPs that restrict STRs (Section 21.25.904 of the
26 certified Zoning Code) and the cumulative impacts of such restrictions on
27 coastal resources, including but not limited to public access and recreation.
28 After the first report, new reports shall be submitted to the Commission every

1 five (5) years from the date of the first submittal. If the City or the
2 Commission's Executive Director identifies adverse impacts to coastal
3 resources or inconsistencies with the City's certified LCP resulting from
4 restrictions on STRs in the coastal zone, then the City shall submit within
5 one (1) year a Local Coastal Program Amendment (LCPA) request to the
6 California Coastal Commission that addresses any identified adverse
7 impacts to coastal resources by amending the LCP to mitigate for any adverse
8 impacts identified and modify the certified short-term rental regulations to
9 avoid such impacts in the future.

10
11 5.77.060 Short-term rental operator requirements.

12 A. The operator shall provide information on the maximum
13 allowed number of occupants, parking capacity and location of parking
14 spaces, noise regulations and quiet hours, and trash and recycling disposal
15 requirements to prospective guests, prior to their occupancy of the unit.

16 B. The operator shall provide and maintain working fire
17 extinguishers, smoke detectors, and carbon monoxide detectors, in
18 compliance with life, fire, and safety codes; and information related to
19 emergency exit routes on the property, local contact, and emergency
20 contact information.

21 C. The operator shall maintain and provide proof of liability
22 insurance appropriate to cover the short-term rental use in the aggregate of
23 not less than One Million Dollars (\$1,000,000); or conduct each short-term
24 rental transaction through a platform that provides equal or greater
25 insurance coverage.

26 D. Transient Occupancy Taxes shall be collected on all Short-
27 Term Rentals. If a Hosting Platform does not collect payment for the rental,
28 operators are solely responsible for the collection of all applicable TOT and

1 remittance of the collected tax to the City in accordance with Chapter 3.64
2 (Transient Occupancy Tax). If a Hosting Platform does collect payment for
3 the rentals, then it and the operator shall both have legal responsibility for
4 the collection and remittance of the TOT.

5 E. The operator and property owner shall be jointly responsible
6 for any nuisance violations arising at a property during short-term rental
7 activities.

8 F. The operator shall authorize any hosting platform on which his
9 or her STR(s) is listed to provide to the City the operator listing and other
10 information to demonstrate compliance with all provisions of this Chapter.

11 G. The operator must consent to receive all City notices and fines
12 regarding STR registration by U.S. mail.

13
14 5.77.070 Hosting platform responsibilities.

15 A. Hosting platforms shall not process or complete any booking
16 transaction for any STR if notified by the City that a valid current STR
17 registration number has not been issued by the City to the operator.
18 Hosting platforms are required to list the STR registration number and
19 expiration date. Hosting platforms shall not process or complete any
20 booking transaction for any property located in the City that would exceed
21 the limit of days as set forth in Section 5.77.050.C.

22 B. Within forty-five (45) days of the effective date of this Ordinance,
23 hosting platforms with listings located in the City shall provide to the City
24 contact information for an employee or representative of the hosting platform
25 that will be responsible for responding to requests for information from the
26 City, including requests related to possible violations of this Chapter.

27 C. Subject to applicable laws, a hosting platform with listings
28 located in the City shall provide to the City on a monthly basis, in a format

1 specified by the City, the STR registration number of each listing, the name
2 of the person responsible for each listing, the address of each such listing,
3 and, for each booking that occurs within the reporting period, the number of
4 days booked, and the total price paid for each rental.

5 D. In the event a hosting platform has entered into a platform
6 agreement, and an operator has assigned the responsibilities for the
7 collection and remittance of transient occupancy tax to the hosting platform,
8 then the hosting platform and the operator shall have the same duties and
9 liabilities, including but not limited to the collection and remittance of
10 transient occupancy tax to the City in compliance with this Chapter and
11 Chapter 3.64 (Transient Occupancy Tax) of this Code.

12 E. The provisions of this Section shall be interpreted in
13 accordance with otherwise applicable State and Federal law(s) and will not
14 apply if determined by the City to be in violation of, or preempted by, any
15 such law(s).

16 F. Hosting platforms shall remove any listings for STRs, including
17 those on the City's prohibited buildings list, from the platform upon
18 notification by the City. The City Manager shall develop, by administrative
19 regulation, processes and procedures for the removal of any listing.

20 G. Hosting platforms shall inform all operators who use the
21 platform of the operator's responsibility to collect and remit all applicable
22 local, state, and federal taxes, unless the platform has a platform agreement.

23 H. It is unlawful to be a hosting platform operating in the City
24 unless the responsibilities in this Section are fully complied with.

25
26 5.77.080 Request to Petition to restrict un-hosted short-term rentals
27 within a geographical census block group.

28 A. The property owners of residential property in any census

1 block group within the City may request the City to initiate a petition
2 process, using a form provided by the Director, to prohibit un-hosted STRs
3 within that census block group.

4 1. In the Coastal Zone, the petition process shall follow
5 the procedures below and requires a Coastal Development Permit under the
6 certified provisions of Division IX of Section 21.25 (Specific Procedures) of
7 the Municipal Code to authorize the restriction. Refer to item C, below.

8 B. The petition must include the signatures, printed names, and
9 addresses of a majority of the property owners of residential real property
10 located within the boundaries of the census block group and the petition
11 process shall in all cases be initiated within one hundred and eighty (180)
12 days after the effective date of this Chapter, and a new one hundred and
13 eighty (180) day petition process period shall be established annually
14 thereafter. The petitioning process will be completed by the City via U.S.
15 mail, and the requestor(s) shall be responsible for the cost of initiating and
16 completing the petition process, which cost will be established by the City
17 Council by resolution. All petition signatures shall be collected by the City,
18 and shall include the street address of each signer, and shall indicate and
19 set forth the positive desire of all those signing the petition to prohibit un-
20 hosted stays within the boundaries of the census block group. Each census
21 block group shall be limited to the submission of one (1) request to initiate a
22 petition process during any one hundred eighty (180)-day petition process
23 period, on a first come, first served basis. Any second or subsequent
24 petition request for the same census block group during the annual one
25 hundred eighty (180)-day petition process period shall automatically be
26 deemed null and void by the City without opportunity for an administrative
27 appeal.

28 C. To the extent a petition seeks to prohibit un-hosted STRs

1 within the Coastal Zone boundaries of the City, and the petition process is
2 successful, it shall have no effect on properties within the Coastal Zone
3 boundaries until the California Coastal Commission or City approves a
4 Coastal Development Permit in conformance with the required findings of the
5 Coastal Act. Any petition to restrict un-hosted short-term rentals shall adhere
6 to the certified provisions of Division IX of Section 21.25 (Specific Procedures)
7 of the Municipal Code for procedures for LCDPs related to short-term rentals.
8 A LCDP approving a petition to prohibit un-hosted STRs in a census block
9 group shall remain in effect subject to the expiration time limit established
10 under the approved LCDP.

11 D. For purposes of the petition, each residential property within
12 the census block group shall be represented by one (1) vote and multiple
13 signatures for the same property shall count as one (1) vote.

14 E. Upon receipt of a petition, the Director shall verify that the
15 petition contains the required number of signatures requesting that un-
16 hosted stays be prohibited within the census block group.

17 F. Following approval of an un-hosted restriction by the Director,
18 the City shall provide notice of the restriction to all residential property
19 owners within the boundaries of the affected census block group.

20 G. Once approved, a restriction on un-hosted STRs shall remain
21 in effect for a minimum of three (3) years following the effective date of such
22 restriction. After the initial three (3) year restriction period, the restriction
23 shall remain in effect indefinitely unless and until such restriction(s) are
24 prohibited by law; or a request to initiate a petition to eliminate the restriction
25 is filed with the City and a majority of the property owners within the
26 restricted census block group sign the petition reflecting the positive desire
27 of all those signing the petition to remove the restriction on un-hosted stays.

28 H. The City Clerk or the Department of Development Services

1 shall cause to be posted online a list or map of the current census block
2 groups where un-hosted STRs are prohibited.

3 I. Any fees associated with the filing of the petition, or the
4 removal of a restriction once adopted, shall be established by the City
5 Council by resolution.

6
7 5.77.090 Enforcement.

8 A. It is unlawful to violate the provisions of this Chapter.
9 Violations include, but are not limited to:

10 1. Failure of the local contact to take action to respond to
11 a complaint within one (1) hour after the complaint is received or a contact is
12 attempted and the local contact cannot be reached;

13 2. Failure to notify the City when the local contact
14 information changes;

15 3. Violation of the STR maximum occupancy, noise, or
16 other requirements as set forth in this Chapter;

17 4. Providing false or misleading information on a STR
18 registration application or other documentation required by this Chapter;

19 5. Any attempt to rent an unregistered STR by advertising
20 the property for short-term rental purposes;

21 6. Completing a booking transaction in the City without a
22 valid City-issued registration number;

23 7. Completing a booking transaction where the STR
24 registration has been revoked or suspended by the City;

25 8. Exceeding the maximum number of occasional events
26 permitted in this Chapter;

27 9. Violations of state, county, or City health, building, or
28 fire regulations;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

10. Conduct or activities that constitute a public nuisance or which otherwise constitute a hazard to public peace, health, or safety.

B. Unless otherwise described in this Section, enforcement of this Chapter shall be subject to the processes and procedures in Chapter 1.32 of the Municipal Code.

C. Notwithstanding anything to the contrary in Chapter 1.32, the fine shall be one thousand dollars (\$1,000) for each violation. Each separate day in which a violation exists may be considered a separate violation. However, a thirty (30) day warning period shall be provided prior to issuing fines for advertising a STR without a valid registration number.

D. If three (3) fines have been issued against a STR operator within a twelve (12) month period, the STR registration may be revoked or suspended or additional conditions may be imposed by the Director by providing written notice to the operator setting forth the basis of the intended action and giving the operator an opportunity, within fourteen (14) calendar days, to present responding information to the Director. After the fourteen (14) day period, the Director shall determine whether to revoke the registration, suspend the registration, or impose additional conditions upon the registration and thereafter give written notice of the decision to the operator. If a STR registration is revoked, the STR may not be re-registered with the City for a period of twelve (12) months from the date of revocation, regardless of who is the STR operator.

E. The City hereby finds and declares that repeated violations of this Chapter constitute a public nuisance which may be enjoined under all applicable laws including Code of Civil Procedure Section 731.

F. Any person, hosting platform, or STR operator convicted of violating any provision of this Chapter in a criminal case or found to be in violation of this Chapter in a civil or administrative action brought by the City

1 shall be ordered to reimburse the City its full investigative and enforcement
2 costs, pay back all unpaid TOT if applicable, and remit all illegally obtained
3 rental related revenue to the City.

4 G. If any violation of this Chapter is found to exist, the City may
5 issue an administrative citation to any operator pursuant to Chapter 9.65 of
6 this Code.

7 H. The City may take any other action permitted by law or equity
8 to ensure compliance with this Chapter, including, but not limited to, general
9 code enforcement procedures set forth in Titles 5, 9, 18 and 21 of this Code.

10 I. The City may issue and serve administrative subpoenas as
11 necessary to obtain specific information regarding STR listings located in
12 the City, including, but not limited to, the names of the persons responsible
13 for each such listing, the address of each such listing, the length of stay for
14 each such listing, and the price paid for each stay, to determine whether the
15 STR listings comply with this Chapter. Any subpoena issued pursuant to
16 this Section shall not require the production of information sooner than thirty
17 (30) days from the date of service. A person, hosting platform, or STR
18 operator that has been served with an administrative subpoena may seek
19 judicial review during that thirty (30) day period.

20 J. Any person, hosting platform, or STR operator aggrieved by a
21 decision of the Director with respect to the provisions of this Chapter may
22 appeal the decision to the Board of Examiners Appeals and Condemnation
23 ("BEAC"). The decision of the BEAC shall be final, subject to judicial review
24 pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6.

25 K. The remedies provided in this Section are cumulative and not
26 exclusive, and nothing in this Section shall preclude the use or application of
27 any other remedies, penalties, or procedures established by law.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5.77.100 Fees.

The City Council may establish and set by resolution all fees and charges as may be necessary to effectuate the purpose of this Chapter.

5.77.110 Administration.

A. The City Manager, or designee, shall have the authority to establish administrative rules and regulations consistent with the provisions of this Chapter for interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Chapter.

B. If any provision of this Chapter conflicts with any provision of Title 21 (Zoning), the terms of this Chapter shall control.

5.77.120 Operator registration period.

STR operators shall apply for registration pursuant to this Chapter within one hundred eighty (180) days after the effective date of this Chapter.

5.77.130 Severability clause.

If any provision or clause of this Chapter or the application thereof to any person or circumstances is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other section provisions or clauses or applications, and to this end the provisions, sections and clauses of this ordinance are declared to be severable.

//
//

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1 Section 2. The City Clerk shall certify to the passage of this ordinance by
2 the City Council and cause it to be posted in three (3) conspicuous places in the City of
3 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
4 Mayor.

5 I hereby certify that the foregoing ordinance was adopted by the City
6 Council of the City of Long Beach at its meeting of March 15, 2022, by
7 the following vote:

8
9 Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,
10 Saro, Austin, Richardson.

11
12
13 Noes: Councilmembers: None.

14
15 Absent: Councilmembers: Mungo, Uranga.

16
17 Recusal(s): Councilmembers: None.

18
19
20 
City Clerk

21
22 Approved: 3/16/22 
23 (Date) Mayor

EXHIBIT B

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO. ORD-22-0012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING SECTION 21.15.2487, AND BY AMENDING SUBSECTION 21.25.903.B, AND SUBSECTION 21.25.904.C, RELATING TO SHORT-TERM RENTALS INCORPORATING MODIFICATIONS BY THE COASTAL COMMISSION

WHEREAS, on June 23, 2020, the Long Beach City Council approved Ordinance No. ORD-20-0024 adding Chapter 5.77 to Title 5 of the Municipal Code, related to the regulation of short-term rentals (STRs); and

WHEREAS, on December 15, 2020, the Long Beach City Council approved Ordinance No. ORD-20-0045 amending Chapter 5.77 to Title 5 of the Municipal Code, to allow un-hosted STRs. The Ordinance was submitted as a Local Coastal Program Amendment (LCPA) to the California Coastal Commission (Coastal Commission) on September 4, 2020 for certification, with a supplemental submittal of ORD-20-0045 on December 30, 2020; and

WHEREAS, On December 15, 2021, the Coastal Commission held a public hearing for the LCPA (LCP-5-LOB-20-0058-3). The Coastal Commission recommended certification of the LCPA with four (4) modifications pertaining to the regulation and number of STRs in the coastal zone. In addition, the suggested modifications require text revisions to Title 21 of the Municipal Code, Zoning Regulations, to add a definition of STRs, and required findings for approval of a Local Coastal Development Permit (LCDP) to restrict STRs in the coastal zone; and

WHEREAS, in accordance with the 1976 California Coastal Act, the City of Long Beach has a certified Local Coastal Program which consists of the Land Use Plan

1 and Implementation Plan. The Implementation Plan includes the zoning code, the zoning
2 map, and subdivision code. Therefore, modifications to the Zoning Ordinance, a part of
3 Implementation Plan, must be certified by the California Coastal Commission; and

4 WHEREAS, in order for the Local Coastal Program Amendment to be
5 certified by the California Coastal Commission, the City Council is taking action to accept
6 the modifications by this ordinance;

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

9 Section 1. Section 21.15.2487 of the Long Beach Municipal Code is
10 hereby added to read as follows:

11 21.15.2487 Short-term rental.

12 "Short-term rental" means a residential dwelling unit, or portion thereof,
13 that is offered or provided to a paying guest(s) by a short-term rental operator
14 for thirty (30) or fewer consecutive nights. The term "short-term rental" shall
15 not include hotels, motels, inns, or bed and breakfast inns.

16
17 Section 2. Section 21.25.903.B of the Long Beach Municipal Code is
18 amended to read as follows:

19 B. Coastal Permits Issued by the City. The following categories of
20 projects require coastal permits in accordance with the procedures set forth
21 in this Division:

22 1. Development on the first lot located on, adjacent to, across
23 the street from, or abutting the beach, bay, ocean or tidelands, except minor
24 additions to a single-family residence as specified in Subsection 21.25.903.C
25 (categorical exclusion).

26 2. All development projects which require additional discretionary
27 review (such as a conditional use permit, subdivision map or standards
28 variance).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Traffic improvements which do not qualify for categorical exclusion.

4. Public works projects, excluding traffic improvement projects, with an estimated cost of fifty thousand dollars (\$50,000.00) or more.

5. Any extension of an existing facility into tidelands, environmentally sensitive areas, coastal waterways, public parkland, or within fifty (50) feet of a coastal bluff edge.

6. Any application for the restriction of short-term rentals pursuant to the provisions and procedures outlined in Chapter 5.77 (Short-Term Rentals) in the certified LCP.

Section 3. Section 21.25.904.C of the Long Beach Municipal Code is amended to read as follows:

C. Findings Required. Prior to approving a local coastal development permit, the responsible hearing body must find:

1. The proposed development conforms to the certified local coastal program, including but not limited to all requirements for replacement of low- and moderate-income housing; and

2. The proposed development conforms to the public access and recreation policies of Chapter 3 of the Coastal Act. This second finding applies only to development located seaward of the nearest public highway to the shoreline.

3. For an application for a religious assembly use, if an exception or waiver of LCP requirements is sought under Section 21.52.219.8.G, that the exception or waiver allows the minimum deviation from LCP requirements necessary to comply with RLUIPA, and that the decisionmaker has imposed all conditions necessary to comply with all

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

provisions of the LCP, with the exception of the provision(s) for which implementation would violate RLUIPA.

4. The proposed development is sited, designed and managed to minimize the transport of pollutants by runoff into coastal waters and groundwater, and to minimize increases in runoff volume and velocity from the site which may adversely impact coastal resources or coastal bluff stability. Best Management Practices shall be implemented, as applicable, including but not limited to applicable local, regional, state and federal water quality permits, standards and guidance provided in the LCP, best practices and other measures as may be recommended by the City Engineer.

5. For an application to restrict short-term rentals in accordance with the provisions and procedures outlined in Chapter 5.77 (Short-Term Rentals) of the certified LCP, the project shall conform with the certified local coastal program, including with the provisions relating to coastal access and recreation. The required findings must include a cumulative impacts analysis informed, at least in part, by monitoring data collected on approved projects that restrict STRs and on STRs throughout the coastal zone. The responsible hearing body shall also find:

- i. The proposed restriction would not result in the substantial loss of visitor-serving accommodations (i.e. a reduction in available overnight accommodation rooms, including but not limited to short-term rentals, hotels, and/or motels, within ¼ mile of visitor-serving recreational uses, the beach, bay, ocean, or tidelands).
- ii. The proposed restriction would not result in the loss of lower-cost overnight accommodations. Lower-cost overnight accommodations shall be defined as those charging

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

approximately twenty five percent (25%) less than the statewide average daily room rate or less.

iii. The proposed restriction would not result in the net loss of short-term rentals below four hundred twenty-five (425) short-term rental units (both hosted and un-hosted and/or primary or non-primary) historically occurring in the coastal zone.

iv. The proposed restriction would be necessary to protect the neighborhood stability, housing access, and would be consistent with the neighborhood character established in the Local Coastal Program (LCP).

Section 4. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

//
//

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of March 15, 2022, by the following vote:

Ayes: Councilmembers: Zendjeas, Allen, Price, Supernaw,
Saro, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Mungo, Uranga.

Recusal(s): Councilmembers: None.



City Clerk

Approved: 3/16/22
(Date)



Mayor