

H-13

March 8, 2022

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, find the municipal code amendments consistent with the adopted Negative Declaration (ND 07-19) and find the municipal code amendments statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.9 and Cal. Code Regs. Tit. 14, Section 15265;

Declare Ordinance amending Title 5, Regulation of Businesses, Trades and Professions, of the Long Beach Municipal Code, to implement modifications by the California Coastal Commission (Coastal Commission), read the first time and laid over to the next regular meeting of the City Council for final reading;

Declare Ordinance approving a Zoning Code Amendment amending Title 21, Zoning Regulations, of the Long Beach Municipal Code, to implement modifications by the California Coastal Commission, read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution authorizing the City Manager, or designee, to submit the Local Coastal Program Amendment (LCP-5-LOB-20-0058-3) and associated materials to the California Coastal Commission for its review and certification in compliance with the California Coastal Commission's December 15, 2021 action. (Citywide)

DISCUSSION

In accordance with the 1976 California Coastal Act, the City of Long Beach (City) has a certified Local Coastal Program (LCP), which consists of the Land Use Plan and Implementation Plan (IP). The IP includes the Zoning Code, the Zoning Map, and the Subdivision Code. Chapter 5.77 of Title 5 of the Long Beach Municipal Code (LBMC), establishing the administrative procedures and regulatory framework for short-term rentals (STRs), is not currently a part of IP policies of the City Certified LCP, but would be incorporated into the certified IP with this action.

On June 23, 2020, the City Council approved Ordinance No. ORD-20-0024 adding Chapter 5.77 to Title 5 of the LBMC, related to the regulation of STRs. On December 15, 2020, the City Council approved Ordinance No. ORD-20-0045 amending Chapter 5.77 LBMC to allow un-

hosted STRs. The Ordinance was submitted as a Local Coastal Program Amendment (LCPA) to the Coastal Commission on September 4, 2020 for certification.

On December 15, 2021, the Coastal Commission held a public hearing for the LCPA (LCP-5-LOB-20-0058-3) (Attachment A) and recommended certification of the LCPA with four (4) modifications pertaining to the regulation and number of STRs in the Coastal Zone (Attachment B). The proposed amendments to the Ordinance include the maximum number of STRs allowed in the Coastal Zone, procedures for census block group requests to prohibit STRs, and other procedural modifications to the registration process. The recommended modifications to the LBMC require the City Council approval prior to resubmittal to the Coastal Commission for its approval and certification.

The City Council's discretion in this matter is to either accepting or rejecting the modifications, no further changes are possible at this stage in the Coastal Commission review process without starting anew and submitting an entirely new application. In order for the LCPA to be approved and certified by the Coastal Commission, the City Council must take action to accept the modifications. If adopted, the Ordinance will be forwarded to the Coastal Commission for final approval and certification. The requisite findings to support these actions are included as Attachment C.

More specifically, the proposed modifications made by the Coastal Commission are intended to provide consistency with the LCP and the California Coastal Act (Coastal Act). The following is a summary of the modifications - the entirety of suggested modifications can be found in Attachment B:

- Suggested Modification 1: Allow for up to 350 non-primary residence STRs in the Coastal Zone each year. The citywide cap of 800 non-primary residence STRs shall not be applied to prohibit additional STRs in the coastal zone until the 350 non-primary STRs are exhausted.
- Suggested Modification 2: Limit the ability to prohibit STRs, unless such restrictions were explicitly in place prior to the adoption of the Coastal Act in 1976, or by requiring coastal development permits to be issued for requests to prohibit STRs within buildings and census block groups. This modification serves to clarify the role of the subject regulations if in conflict with restricted covenants, or similar documents, that existed prior to the adoption of the Coastal Act.
- Suggested Modification 3: Avoid cumulative impacts to public access from individual STR restrictions by monitoring and reporting STRs throughout the Coastal Zone and, if adverse impacts are observed, amending the LCP to correct and mitigate for such impacts.
- Suggested Modification 4: Maximize public access for all people by including a commitment to non-discriminatory services and Americans with Disabilities Act (ADA)-accessibility information as part of the registration process.

These changes do not affect the citywide cap of 800 STRs in the STR Ordinance, but include a provision related to the number of STRs in the Coastal Zone. The required modifications do not substantially change the STR program including opt-out provisions. The changes provide better consistency between other restrictions already in place for properties in the Coastal Zone and the provisions of the STR program. The changes are also necessary to comply with State law requirements related to visitor-serving accommodations in the Coastal Zone.

The modifications to Chapter 5.77 are included in Title 5 and the IP of the City (Attachment D). In addition, the modifications require text revisions to Title 21 of the LBMC, 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 (Attachment E).

Public Hearing Notice

In accordance with public hearing notification requirements for a Zoning Ordinance Amendment in LBMC Section 21.21.302.C, notice of this public hearing was published in the Long Beach Press-Telegram on February 22, 2022; written notices were sent to the Coastal Commission and to anyone requesting such notice. Notices were provided to City branch libraries and notice posting was provided at City Hall and at three public locations.

Environmental Review

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9 and California Code of Regulations Section 15265(a)(1), the proposed modifications are statutorily exempt. CEQA does not apply to activities and approvals by the City necessary for the preparation and adoption of an LCPA. The proposed modifications are necessary for certification of the LCPA by the Coastal Commission. No additional action is required for environmental review.

Additionally, in accordance with CEQA and the CEQA Guidelines, a Negative Declaration (ND 07-19) was previously prepared for the STR Ordinance and adopted by the City Council on May 19, 2020 (Attachment F). The current action is procedural in nature and consists only of relatively minor modifications to land use regulations and does not include any direct land use approvals. The proposed adoptions under current consideration fall within the scope of the previously certified Negative Declaration, and no further environmental review is required. The proposed amendments to the Ordinance would not add any mitigation measures or change the environmental setting or circumstances of the previously approved Ordinance (project).

This matter was reviewed by Deputy City Attorney Monica Kilaita and Revenue Management Officer Geraldine Alejo on February 10, 2022.

TIMING CONSIDERATIONS

City Council action is requested on March 8, 2022, to comply with the Coastal Act requirement that the City complete the adoption of the modifications by June 15, 2022.

FISCAL IMPACT

The proposed changes will not significantly impact implementation of the City's current STR program and therefore there is no net fiscal impact associated with this recommendation. Some changes will result in the department issuing permits not previously required prior to Coastal Commission Ordinance review. This recommendation has a minor staffing impact and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

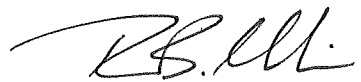
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


OSCAR W. ORCI
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:


THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: CITY COUNCIL ORDINANCES (2)
 CITY COUNCIL RESOLUTION
 ATTACHMENT A – CALIFORNIA COASTAL COMMISSION STAFF REPORT
 ATTACHMENT B – CALIFORNIA COASTAL COMMISSION NOTICE OF APPROVAL
 ATTACHMENT C – FINDINGS
 ATTACHMENT D – UNDERLINE STRIKE-OUT VERSION OF ORDINANCE (TITLE 5)
 ATTACHMENT E – UNDERLINE STRIKE-OUT VERSION OF ORDINANCE (TITLE 21)
 ATTACHMENT F – NEGATIVE DECLARATION ND 07-19

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ORDINANCE NO.

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:

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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.

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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.

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

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

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

7 F. The maximum number of persons who may occupy the STR at
8 one (1) time shall be limited to two (2) persons per bedroom, plus two (2).

9 This calculation shall be inclusive of children. Lofts that meet California
10 Building Code egress requirements are considered a bedroom for the
11 purposes of this occupancy calculation. In no event may the maximum
12 occupancy exceed ten (10) persons in any STR. Large-scale events (i.e.,
13 exceeding maximum allowed occupancy) such as commercial parties,
14 weddings, fundraisers, and conferences, are prohibited as part of the short-
15 term rental use, unless a STR occasional event permit has been issued.

16 The maximum number of occasional event permits that can be issued
17 during the annual term of registration per STR is four (4), and any
18 application for an occasional event permit thereafter and within the same
19 registration term shall automatically be deemed null and void by the City.

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

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

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

27 J. No person shall offer, advertise, book, facilitate, or engage in
28 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.

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

3 B. Unless otherwise described in this Section, enforcement of
4 this Chapter shall be subject to the processes and procedures in Chapter
5 1.32 of the Municipal Code.

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

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

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

26 F. Any person, hosting platform, or STR operator convicted of
27 violating any provision of this Chapter in a criminal case or found to be in
28 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.

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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.

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Section 2. 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.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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ORDINANCE NO.

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).

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

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

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

20 i. The proposed restriction would not result in the
21 substantial loss of visitor-serving accommodations (i.e. a
22 reduction in available overnight accommodation rooms,
23 including but not limited to short-term rentals, hotels, and/or
24 motels, within ¼ mile of visitor-serving recreational uses, the
25 beach, bay, ocean, or tidelands).

26 ii. The proposed restriction would not result in the loss of
27 lower-cost overnight accommodations. Lower-cost overnight
28 accommodations shall be defined as those charging

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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.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

1 RESOLUTION NO.

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 _____, 20__, 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

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

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 _____, 2022, by Ordinance No. ORD-22-_____, and the
9 amendment to the Long Beach Zoning Regulations Title 21 of the City of Long Beach
10 adopted on _____, 2022, by Ordinance No. ORD-22-_____, 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

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

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

ORDINANCE NO.

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,

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

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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:

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

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

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

7 F. The maximum number of persons who may occupy the STR at
8 one (1) time shall be limited to two (2) persons per bedroom, plus two (2).

9 This calculation shall be inclusive of children. Lofts that meet California
10 Building Code egress requirements are considered a bedroom for the
11 purposes of this occupancy calculation. In no event may the maximum
12 occupancy exceed ten (10) persons in any STR. Large-scale events (i.e.,
13 exceeding maximum allowed occupancy) such as commercial parties,
14 weddings, fundraisers, and conferences, are prohibited as part of the short-
15 term rental use, unless a STR occasional event permit has been issued.

16 The maximum number of occasional event permits that can be issued
17 during the annual term of registration per STR is four (4), and any
18 application for an occasional event permit thereafter and within the same
19 registration term shall automatically be deemed null and void by the City.

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

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

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

27 J. No person shall offer, advertise, book, facilitate, or engage in
28 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 10. Conduct or activities that constitute a public nuisance or
2 which otherwise constitute a hazard to public peace, health, or safety.

3 B. Unless otherwise described in this Section, enforcement of
4 this Chapter shall be subject to the processes and procedures in Chapter
5 1.32 of the Municipal Code.

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

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

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

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

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

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

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

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

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

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

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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.

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Section 2. 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.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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

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ORDINANCE NO.

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).

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

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

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

20 i. The proposed restriction would not result in the
21 substantial loss of visitor-serving accommodations (i.e. a
22 reduction in available overnight accommodation rooms,
23 including but not limited to short-term rentals, hotels, and/or
24 motels, within ¼ mile of visitor-serving recreational uses, the
25 beach, bay, ocean, or tidelands).

26 ii. The proposed restriction would not result in the loss of
27 lower-cost overnight accommodations. Lower-cost overnight
28 accommodations shall be defined as those charging

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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.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
 301 E. OCEAN BLVD, SUITE 300
 LONG BEACH, CA 90802-4325
 VOICE (562) 590-5071
 FAX (562) 590-5084

Attachment A

**W13b**

December 2, 2021

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director, South Coast District
 Zach Rehm, District Supervisor
 Dani Ziff, Coastal Program Analyst

SUBJECT: **Amendment Request No. LCP-5-LOB-20-0058-3 (Short-Term Rentals) of the City of Long Beach Certified Local Coastal Program**, for Public Hearing and Commission Action at the December 15, 2021 virtual meeting.

SUMMARY OF LCP AMENDMENT REQUEST NO. LCP-5-LOB-20-0058-3

The City of Long Beach submitted a Local Coastal Program (LCP) amendment request on September 4, 2020 to modify the certified Implementation Plan (IP) to add regulations for short-term rentals (STRs). On September 21, 2020, the file was deemed incomplete. On December 30, 2020, the City responded to the Commission's incomplete notice with the submittal of a new ordinance and resolution. LCP Amendment Request No. LCP-5-LOB-20-0058-3 was filed as complete on January 14, 2021. On March 11, 2021 the Commission extended the deadline for action on the LCPA by one year. The date by which the Commission must take action on this amendment is April 14, 2022.

The subject regulations proposed to be added to the City's certified IP, which are currently contained in Chapter 5.77 of the City's uncertified municipal code and in effect outside of the coastal zone, would allow STRs to be operated where residential uses are permitted subject to several limitations. The regulations define short-term rentals as residential dwelling units, or portions thereof, provided to a paying entity/guest by a STR operator for 30 or fewer consecutive nights. There are four categories of STRs: primary residence STRs, non-primary residence STRs, hosted STRs, and un-hosted STRs. A primary residence STR is a person's permanent residence (lived in by the owner at least 275 days of the year) being operated as a STR either in whole or in part; a non-primary STR is the inverse. A hosted STR is one where an owner, occupier, or tenant of the property is onsite throughout a guest's stay; an un-hosted STR is the inverse. A primary or non-primary STR can offer hosted and/or un-hosted stays.

As proposed, the IP amendment contains restrictions on the operation of STRs. These include, but are not limited to: limiting un-hosted stays in a primary residence STR to a maximum of 90 days per year, capping maximum occupancy of a STR at 10 people unless

a STR occasional event permit is issued, capping the number of occasional events per site to four per year, prohibiting operators from registering more than one primary residence STR and one non-primary residence STR, restricting the number of non-primary residence STRs in multi-family residences to one STR for up to 10 units, 10% of the units for 11-50 units, 12% for 51-100 units, and 15% for over 100 units, and capping the number of non-primary STR registrations at 800 City-wide. There is no cap on the number of primary residence STRs allowed within the City nor on hosted stays in primary or non-primary residence STRs.

The City-adopted regulations also allow for two methods by which building owners can prohibit short-term rentals. First, the City maintains a "Prohibited Buildings List" that includes the addresses of all buildings outside of the coastal zone whose owner(s) have notified the City that STRs are not permitted to operate within their building. As proposed, building owners within the coastal zone could also apply to add properties to this list. Second, any census block group (in the Long Beach coastal zone, areas containing approximately 281 to 1,672 households) may request the City initiate a petition process whereby un-hosted STRs could be prohibited in that area if the names, addresses, and signatures of a majority of the property owners in the census block group are provided to the City. Buildings on this list can include deed-restricted affordable units (which, by definition, cannot be STRs) and would include all buildings within any census block group that is successful in petitioning to ban un-hosted STRs in their neighborhood, as allowed pursuant to Section 5.77.080. In most cases, a property owner wishing to remove a building from the prohibited buildings list would only need to submit a request to the City. However, property owners in a census block group that has successfully prohibited un-hosted STRs that would like to offer un-hosted STRs would need to wait three years before petitioning to remove the restriction for the entire area.

These two methods of limiting STRs, as well as the City-wide cap on non-primary residence STRs raise concerns regarding the impact of the proposed regulations on public access to the coast through restrictions on providing new visitor-serving resources as well as a potential loss of visitor-serving resources and, especially, lower cost overnight accommodations, which are protected by the certified Land Use Plan (the standard of review) and the Coastal Act. Commission and City staff have worked together to address these concerns. As a result, staff suggests four modifications to the City's requested LCP amendment that ensures that appropriate STR stock is maintained, thereby avoiding impacts to public access. The suggested modifications would:

- 1) allow for up to 350 non-primary residence STRs in the coastal zone each year even if the City-wide cap is met;
- 2) limit the ability of building owners to prohibit short-term rentals, unless such restrictions were explicitly in place prior to the Coastal Act, by requiring coastal development permits to be issued for applications that would prohibit STRs on a site (approval contingent on meeting required findings that the project conforms with the LCP and does not, individually or cumulatively, adversely impact public access) and clarify the role of the subject regulations if in conflict with restricted covenants, or similar documents, that existed prior to the Coastal Act;

3) avoid cumulative impacts to public access from individual short-term rental restrictions approved in accordance with the required findings for a CDP by monitoring and reporting on STRs throughout the coastal zone and, if adverse impacts are observed, amending the LCP to correct and mitigate for such impacts; and

4) maximize public access for all people by including a commitment to non-discriminatory services and ADA-accessibility information in the registration process.

Currently, Chapter 5.77 is in effect in all areas of the City outside of the coastal zone. Until the Commission certifies short-term regulations as part of the Long Beach LCP, the City-adopted regulations do not apply to existing active STRs in the coastal zone.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission certify LCP Amendment Request No. LCP-5-LOB-20-0058-3 with suggested modifications necessary to maximize public access to the coast for all people and make the City's IP amendment consistent with the City's certified LUP. The motions and resolutions to carry out the staff recommendation are on **page seven**. The suggested modifications to the LCP amendment request are included under Section III of this staff report.

Therefore, staff recommends that the Commission, after public hearing:

- 1. Deny LCP Amendment Request No. LCP-5-LOB-20-0058-3, as submitted; and**
- 2. Certify, only if modified, LCP Amendment Request No. LCP-5-LOB-20-0058-3.**

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EXHIBITS

- Exhibit 1 – Resolution No. RES-20-0070 & Ordinance No. ORD-20-0024
- Exhibit 2 – Resolution No. RES-20-0156 & Ordinance No. ORD-20-0045 (FINAL)
- Exhibit 3 – Long Beach Short-Term Rental Data (2018)

I. Procedural History

A. Standard of Review

The standard of review for the proposed amendment to the LCP Implementation Plan (IP), is whether the proposed IP amendment is in conformance with, and adequate to carry out, the provisions of the certified LUP.

B. Local Review and Deadline for Commission Action

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The City of Long Beach Planning Commission and the City Council held public hearings on the proposed amendment, as summarized below:

City Council Resolution No. RES-20-0070

The original proposed changes to the City's LCP are contained in City Council Ordinance No. ORD-20-0024 (**Exhibit 1**). The LCP Amendment Request was submitted for Coastal Commission certification by City Council Resolution No. RES-20-0070 (**Exhibit 1**). ORD-20-0024 was heard for the first time on January 21, 2020. Approximately 54 individuals provided verbal testimony at the hearing and four submitted written comments. The City Council did not approve the draft ordinance for the first reading and, instead, directed staff to research answers to several questions and revise the regulations by lowering the number of non-primary STRs allowed City-wide, changing the ratio of property owners in a census block group required to opt out of STR allowances from two-thirds to a majority, and add two hosting platform responsibilities. The revised ordinance was read on May 19, 2020, when, given concerns about public health due to the COVID-19 pandemic, the City Council directed staff to modify the ordinance to temporarily prohibit un-hosted STRs, add sanitary protocols, and return with additional information on Transit occupancy taxes (TOT), the economic impact of COVID-19 on the City's tourism industry, the number of registered STRs since adoption of the ordinance (outside of the coastal zone), and rental housing vacancies. On June 16, 2020, the revised ordinance was read for the first time and laid over to the next meeting (June 23, 2020) for a final reading. Nine comment letters were received, and one member of the public provided verbal testimony. RES-20-0070 was also adopted on this date. On June 23, 2020, the subject ordinance was adopted by the City Council.

On September 4, 2020, the City of Long Beach submitted a request to the Coastal Commission to amend its certified IP. On September 21, 2020, the proposed LCP amendment was found to be incomplete due to confusion surrounding the incorporation of the new municipal code chapter into the LCP and future related changes to the City's certified

zoning code that were described, but not included in the amendment request materials. In addition, the City had stated in its submittal cover letter that the ordinance would be revised in the near future to add regulations for un-hosted STRs, at which time the new ordinance would be submitted to the Commission.

City Council Resolution No. RES-20-0156

As discussed by City Council action on May 19, 2020, the City chose to modify the STR ordinance and LCPA request by adding regulations for un-hosted STRs. Thus, the proposed changes to the City's IP that are before the Commission today are contained in City Council Ordinance No. ORD-20-0045 (**Exhibit 2**). The revised ordinance was submitted for Coastal Commission certification by City Council Resolution No. RES-20-0156 (**Exhibit 2**). The City Council held a public hearing for the revised ordinance on November 17, 2020; sixteen individuals provided public testimony. As directed by the City Council, the revisions included limiting the number of STRs an individual can operate, reducing (again) the maximum number of un-hosted STR registrations allocated city-wide, limiting the number of occasional event permits that can be issued to an operator each year, improving the definitions section, clarifying enforcement details, and restating that the petition process for restricting un-hosted STRs is conducted on a census block group basis. ORD-20-0045 was read and, subsequently, adopted by the City Council on December 8 and 15, 2020, respectively.

On December 30, 2020, the City of Long Beach submitted the revised ordinance, resolution, and supporting materials to the Commission's South Coast District office. On January 14, 2021, the proposed LCP amendment was found to be in proper order and legally adequate to comply with the submittal requirements of the Coastal Act and the California Code of Regulations. Therefore, LCP Amendment Request No. LCP-5-LOB-20-0058-3 has been deemed complete pursuant to the requirements of Section 30510 of the Coastal Act. On March 11, 2021, the Commission extended for one year the deadline for Commission action on this LCP amendment to allow for continued coordination between City and Commission staffs on issues raised by the final City-adopted ordinance. The deadline for Commission action on the proposed amendment request is April 14, 2022.

Additional Information

PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING. As a result of the COVID-19 emergency, California Assembly Bill 361, and the Governor's Executive Orders N-15-21, N-29-20, and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

The Commission's files for LCP Amendment Request No. LCP-5-LOB-20-0058-3 are available for review at the South Coast District office located at 301 East Ocean Boulevard, Suite 300, Long Beach, CA 90802. The staff report can be viewed on the Commission's website: <http://www.coastal.ca.gov/mtgcurr.html>. For additional information, contact Dani Ziff at dani.ziff@coastal.ca.gov.

II. Motions and Resolutions

A. Denial of IP Amendment as Submitted

Motion I:

I move that the Commission **reject** Implementation Plan Amendment No. LCP-5-LOB-20-0058-3 to the City of Long Beach certified LCP as submitted.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan Amendment 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 Deny as Submitted:

The Commission hereby denies certification of Amendment No. LCP-5-LOB-20-0058-3 to the Implementation Plan for the City of Long Beach certified LCP as submitted and adopts the findings set forth below on grounds that the Amendment to the Implementation Plan as submitted does not conform with and is not adequate to carry out the provisions of the certified Land Use Plan, as amended. Certification of the Amendment to the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment to the Implementation Program as submitted.

B. Approval of IP Amendment with Suggested Modifications

Motion II:

I move that the Commission **certify** Implementation Plan Amendment No. LCP-5-LOB-20-0058-3 to the City of Long Beach certified LCP if modified in conformance with the suggested changes recommended by staff.

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Amendment to the Implementation Plan with suggested modifications 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 if Modified:

The Commission hereby certifies Amendment No. LCP-5-LOB-20-0058-3 to the Implementation Plan for the City of Long Beach certified LCP if modified as suggested and adopts the findings set forth below on grounds that the Amendment to the Implementation Plan with the suggested modifications conforms with and is adequate to carry out the provisions of the certified Land Use Plan, as amended. Certification of the Amendment to the Implementation Program if modified as suggested 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 Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. SUGGESTED MODIFICATIONS

For the following suggested modifications:

The City's proposed language is shown in plain text.
The Commission's suggested additions are shown in underline text.
The Commission's suggested deletions are shown in ~~strike-out text~~.

The following suggested modifications, prepared in collaboration with City of Long Beach staff, are necessary to carry out the provisions of the certified LUP:

Suggested Modification 1: Allow for up to 350 non-primary residence STRs in the coastal zone each year.

Registration required, Section 5.77.030.B

...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). If the eight hundred (800) STR unit cap (Citywide) is met and there are less than three hundred fifty (350) STR units in the coastal zone, 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.

Suggested Modification 2: Limit the ability of building owners to prohibit short-term rentals, unless such restrictions were explicitly in place prior to the Coastal Act, by requiring coastal development permits to be issued for the addition of buildings and census block groups to the Prohibited Buildings List and clarify the role of the subject regulations if in conflict with restricted covenants, or similar documents, that existed prior to the Coastal Act.

Definitions, Section 5.77.020.M

"Prohibited buildings list" means a list identifying the address(es) of all buildings whose owner(s), including any applicable homeowners' association or board of directors, have notified the City, pursuant to City procedures, that short-term rentals are not permitted to operate anywhere in such building, including deed restricted affordable housing

units. Prohibited buildings list shall also include a list of census block groups where un-hosted STRs are prohibited per Section 5.77.080. In the Coastal Zone, the provisions of the prohibited buildings list shall apply only to buildings with restrictive covenants or homeowners' associations covenants, conditions, and restrictions (CC&Rs) that are not discriminatory (as defined in Government Code 12955) with explicit restrictions on short-term rentals or their equivalent recorded prior to the Coastal Act (January 1, 1977). Restrictive covenants or CC&Rs proposed subsequent to the effective date of the Coastal Act (January 1, 1977) that restrict short-term rentals in the Coastal Zone shall require a Local Coastal Development Permit (LCDP) under the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code to authorize the restriction for specific buildings. If such a LCDP is approved, the City shall comply with Section 5.77.050.O of these regulations.

Registration required, Section 5.77.030.B

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

Request to Petition to restrict un-hosted short-term rentals within a geographical census block group, Section 5.77.080.A

The property owners of residential property in any census block group within the City may request the City to initiate a petition process, using a form provided by the Director, to prohibit un-hosted STRs within that census block group.

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

Request to Petition to restrict un-hosted short-term rentals within a geographical census block group, Section 5.77.080.C

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

Definitions, Short-Term Rental, Section 21.15.2487

21.15.2487 – Short-Term Rental

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

Local Coastal Development Permits, Permit Required, Section 21.25.903.B

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

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.

Local Coastal Development Permits, Procedures – Coastal Permit, Section 21.25.904.C

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

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 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).

Suggested Modification 3: Avoid cumulative impacts to public access from individual short-term rental restrictions approved in accordance with the required findings listed above by monitoring and reporting on STRs throughout the coastal zone and, if adverse impacts are observed, amending the LCP to correct and mitigate for such impacts.

Short-term rental regulations, Section 5.77.050

O. In the coastal zone, upon City or Coastal Commission approval of the first Coastal Development Permit that restricts STRs in the coastal zone, which shall include the required findings in Division IX of Section 21.25 (Specific Procedures) of the Municipal Code for LCDPs related to short-term rentals, the City shall prepare and submit to the Coastal Commission, within one (1) year of the final action on the LCDP, a report that evaluates the required findings for LCDPs that restrict STRs (Section 21.25.904 of the certified Zoning Code) and the cumulative impacts of such restrictions on coastal resources, including but not limited to public access and recreation. After the first report, new reports shall be submitted to the Commission every five (5) years from the date of the first submittal. If the City or the Commission's Executive Director identifies adverse impacts to coastal resources or inconsistencies with the City's certified LCP resulting from restrictions on STRs in the coastal zone, then the City shall submit within one (1) year a Local Coastal Program Amendment (LCPA) request to the California Coastal Commission that addresses any identified adverse impacts to coastal resources by amending the LCP to mitigate for any adverse impacts identified and modify the certified short-term rental regulations to avoid such impacts in the future.

Suggested Modification 4: Maximize public access for all people by including a commitment to non-discriminatory services and ADA-accessibility information in the registration process.

Purpose, Section 5.77.010

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

Registration required, Section 5.77.030.B

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

IV. FINDINGS

A. Amendment Description

The City of Long Beach is proposing to amend its Implementing Ordinances (IP) to add regulations for short-term rentals by incorporating a new chapter of the City's uncertified municipal code, Chapter 5.77, into the LCP. The purpose of these new regulations, as stated in the first section of Chapter 5.77 (Section 5.77.010), is: "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 ensur[e] that such short-term rental activities do not become a nuisance, or threaten the public health, safety or welfare of neighboring properties." On October 16, 2019, Commission staff provided the City of Long Beach with a comment letter in response to the Negative Declaration published for its STR regulations. The letter suggested that the City clarify if and in what capacity the STR regulations would be incorporated into the certified LCP¹. In the subject LCP amendment request, the City made clear that the new municipal code chapter (5.77) for the regulation of STRs, which currently applies outside the coastal zone, would also apply in the coastal zone upon certification of the regulations by the Commission as part of the City's IP.

As adopted by the City Council, the new chapter describes the purpose of the regulations, includes relevant definitions, lays out the numbers and types of dwelling units that are eligible for registration as a short-term rental and registration requirements, lists the rules for STRs, outlines how a census block group can request the City initiate a petition to prohibit STRs, and includes details regarding enforcement of the provisions. The administrative processes, fees, and severability clause are also included. Essentially, the new regulations now require dwelling units fitting the definition of a "short-term rental," or STR, be registered with the City. Such units must be legal dwelling units on a property, or portion of a property, that is permitted for residential use that are offered or provided to paying guests by a rental operator for 30 days or less. STRs cannot be other overnight accommodations like hotels and bed & breakfasts, accessory dwelling units (ADUs or JADUs), affordable housing units, special group residences, single room occupancies, vehicles, trailers, storage sheds, garages, boats, treehouses, or temporary structures.

The City of Long Beach coastal zone, which is one of the largest in Los Angeles County, includes approximately 6,500 residential properties, around 3,000 of which are multi-family². Several multi-family residential properties in the Downtown Shoreline area contain between 200 and 600 residential dwelling units each, and several other multi-family

¹ The letter also describes concerns relating to one of the City-adopted policies, which allows any census block group to effectively ban STRs in its area through a petition process. This regulation is further described and addressed later in this report.

² This data, retrieved from [LandVision™](#) 9/19/2021, may not be entirely accurate or up-to-date.

properties seaward of Ocean Boulevard contain between 50 and 100 units each. Approximately 3,500 of the residential properties in the coastal zone are single-family residential properties. Hypothetically, most of the 6,500 properties in the coastal zone could offer visitor-serving overnight accommodations by registering with the City to offer a STR. In practice, based on data from STR listing platforms for 2018, there were 522 active STR listings (any STR listing with a booking calendar change or review) and 426 active rental units (rental units with at least one active listing) in the coastal zone (**Exhibit 3**).

Under the proposed regulations, there are four categories of STRs: primary residence STRs, non-primary residence STRs, hosted STRs, and un-hosted STRs. A primary residence STR is a person's permanent residence (lived in by the owner at least 275 days of the year) being operated as a STR either in whole or in part; a non-primary STR is the inverse. A hosted STR is one where an owner, occupier, or tenant of the property is onsite throughout a guest's stay; an un-hosted STR is the inverse. A primary or non-primary STR can offer hosted and/or un-hosted stays.

Using these categories, the City has imposed different limits on the number of registrations that can be offered, the length of time the STR can be rented, and how many guests are allowed. These limitations, as adopted by the City, include: limiting un-hosted stays in a primary residence STR to a maximum of 90 days per year, capping maximum occupancy of a STR at 10 people unless a STR occasional event permit is issued, capping the number of occasional events per site to four per year, prohibiting operators from registering more than one primary residence STR and one non-primary residence STR, restricting the number of non-primary residence STRs in multi-family residences to one STR for up to 10 units, 10% of the units for 11-50 units, 12% for 51-100 units, and 15% for over 100 units, and capping the number of non-primary STR registrations at 800 City-wide. There is no cap on the number of primary residence STRs allowed within the City nor on hosted stays in primary or non-primary STRs.

While STR registrations can, generally, be allocated to most legal dwelling units located where residential uses are permitted subject to the aforementioned limitations, the City-adopted regulations also allow for two methods by which building owners can prohibit short-term rentals. First, the City maintains a "Prohibited Buildings List" that includes the addresses of all buildings outside of the coastal zone whose owner(s) have notified the City that STRs are not permitted to operate within their building. As proposed, building owners within the coastal zone could also apply to add properties to this list. Buildings on this list can include deed-restricted affordable units, which, by definition, cannot be STRs, and would include all buildings within any census block group³ that is successful in petitioning to ban un-hosted STRs in their neighborhood, as allowed pursuant to Section 5.77.080. Through this method, any census block group may request the City initiate a petition process whereby un-hosted STRs could be prohibited in that area with the names, addresses, and signatures of a majority of the property owners in the census block group. In general, once on the list, a property owner wishing to remove a building from the prohibited buildings list would only need to submit a request to the City. However, property

³ The smallest level of geography you can get basic demographic data for (United States Census Bureau, [What are census blocks?](#)). In Long Beach's coastal zone, while the census block groups range in shape and size, it appears that many of the residential groups include about twenty blocks.

owners in a census block group that has successfully prohibited un-hosted STRs that would like to offer un-hosted STRs would need to wait at least three years before petitioning to remove the restriction for the entire area, which would require another majority vote through a similar petition process.

As proposed, STR registrations expire after one year and can be renewed annually if the operator can demonstrate compliance with the requirements of Chapter 5.77. These requirements include: prohibiting outdoor pool use between 10:00pm and 7:00am, complying with other City regulations, including but not limited to safety, noise, solid waste, recycling, and litter prevention policies, avoiding disturbance of the neighborhood by unusual loud noises, and designing and operating a STR to be compatible with the residential character of the neighborhood in which it is located. If the provisions of the City-adopted ordinance are not followed, the City could issue administrative citations, impose fines, and revoke the registration. Any advertisement of the rental unit must include the registration number; advertising signs on the premises are not allowed.

Additionally, there are regulations that apply to hosting platforms (persons or entities that receive a fee for conducting a booking transaction) included in the proposed LCP amendment. The responsibilities of such platforms include ensuring that a booking is not made that is inconsistent with the limitations on length of stay and number of guests, listing the STR registration number, coordinating with City staff if questions arise and when notified by the City that properties are added to the prohibited buildings list or are not in compliance with the requirements, and informing operators of all applicable taxes. Collection and remittance of local TOT is the responsibility of the hosting platform and/or STR operator.

In summary, the subject regulations that are proposed to be added to the City's certified IP would allow hosted and un-hosted STRs where residential uses are permitted subject to the limitations and rules described above. Currently, these regulations apply in all areas of the City outside of the coastal zone. Until the Commission certifies short-term regulations as part of the Long Beach LCP, the City-adopted regulations do not apply to existing active STRs in the coastal zone.

B. Consistency with the Certified Land Use Plan

The standard of review for the proposed amendment to the IP, pursuant to Section 30513 of the Coastal Act, is whether the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The certified LUP contains policies that maximize shoreline access and opportunities for coastal recreation for all people. In order for most Californians—those who do not live in close proximity to the beach—to access the coast, overnight accommodations are a necessity.

Goal 4.10 of the Open Space and Recreation Element states:

Provide access to recreation resources for all individuals in the community.

Area A Policy Plan Summary, Shoreline Access, of the Local Coastal Plan document states:

A principal objective of this plan is to improve public access to the beach...

PD-6, General Development and Use Standard (j), Affordable Overnight Visitor Accommodations, of the Local Coastal Plan document states:

It shall be the goal of the City to develop a program/policy for the Downtown Shoreline area that protects and encourages lower cost overnight visitor accommodations...

Chapter 5, Section I, Policy 1, of the Southeast Area Specific Plan states:

Maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Chapter 6, Lower Cost Overnight Accommodations, Policy 1, of the Southeast Area Specific Plan states:

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

Chapter 6, Lower Cost Overnight Accommodations, Policy 3, of the Southeast Area Specific Plan states:

The City shall encourage a range of accommodation types at various price points to serve all visitors.

There are currently seven locations within the Long Beach coastal zone offering overnight accommodations for visitors: (from west to east) two higher cost hotels within the Port District, one RV resort (lower cost) in the Downtown Shoreline Area, two higher cost hotels in the Downtown Shoreline Area, one lower cost inn near the Belmont Pier, and one moderate cost hotel (historically, lower cost) near the Los Cerritos Wetlands in the Southeast Area of Long Beach.⁴ While there are also several hotels and motels just outside of the coastal zone, mainly concentrated in Downtown Long Beach, the remaining approximately four square miles of coastline is only serviced by two businesses offering overnight accommodations and the City's existing short-term rental stock. Thus, at this time, it is imperative to preserve the amount of STRs that have generally operated within the Long Beach coastal zone, which has been approximated using data collected on STR listings in the coastal zone from 2018 (**Exhibit 3**).

The general goal of the City's short-term rental regulations is to allow for STRs without impacting long-term rental housing stock in the City and creating a nuisance or threatening the public health, safety, or welfare of neighboring properties. The requested limits on the number of guests—two per bedroom plus two, up to 10 individuals—and length of stays—maximum of 30 consecutive days—is consistent with recent Commission actions on STR

⁴ The Commission defines lower-cost accommodations as those charging approximately 25% less than the statewide average daily room rate and higher-cost are those charging approximately 25% more than the statewide average. Values in between are moderate-cost. The 2021 annual statewide average daily room rate is \$141.78; thus, lower-cost accommodations would be less than approximately \$106.34 and higher-cost would be over \$177.23. The City will be using a peak season average daily rate (i.e. Current Month-ADR for July and/or August of each year) to determine what constitutes lower-cost.

LCP amendments, including, but not limited to Ventura County, Santa Cruz County, City of Santa Cruz, and City of Laguna Beach. Further, the City regulations allow for the number of guests to exceed the 10-individual maximum for up to four special events a year, subject to issuance of a STR occasional event permit. In 2018, approximately one percent of the STR stays were in units with five or more bedrooms, which (assuming two individuals per bedroom) would sleep over 10. Thus, the 10-individual limit with allowances for more subject to an occasional event permit that restricts the number of people allowed to stay (not the number of STR units allowed), is not expected to significantly affect public access to the coast or the availability of STRs in the coastal zone.

The subject request also includes a provision that restricts un-hosted stays in a primary residence to a maximum of 90 days per year. This number reflects the definition of a primary residence that requires residents to live onsite 275 days out of the year (i.e. $365 - 275 = 90$). It also corresponds with the length of a summer/winter season when homeowners are more likely to be away from the property and, therefore, offer their home for un-hosted stays. Hosted stays in primary residences are not subject to this cap, nor are stays in non-primary residences. Even with this limit for un-hosted stays in primary residence STRs, up to 45 two-night weekend stays or 30 three-night weekend stays would be feasible. In addition, this regulation is consistent with or more permissive than other certified STR-related LCP amendments, including but not limited to, the City of Trinidad (maximum 59 days per year resident STRs) and the City of Oxnard (maximum 100 days per year for vacation rentals). This specific restriction for un-hosted primary residence STRs is not expected to impact public access to the coast because data indicated that more than half of entire home rentals, which could include primary and non-primary residences, are rented less than 90 days per year.

Other limitations include restrictions on the number of non-primary STRs allowed on multi-family residential sites. The City of Laguna Beach's certified LCP includes findings that STRs can be associated with depletion of the City's supply of multi-family residential units. The City of Long Beach policy geared at protecting long-term (lower cost) rental housing allows for one non-primary STR for up to 10 units, 10% for 11-50 units, 12% for 51-100 units, and 15% for over 100 units. There is no restriction for primary residence STRs. As certified by the Commission, the City of Torrance has a similar policy that limits STRs in multi-family buildings to one unit per every thirty residential units. The City of Eureka's LCP includes a policy that allows up to 75% of the residential units on a site to be STRs. The City's proposed LCP policy strikes a balance between providing visitor-serving overnight accommodations and maintaining long-term housing, which is in short supply state-wide. In addition, allowing some STRs in multi-family structures does not disproportionately restrict the rights of residents in multi-family housing and, as with any STR, can provide additional income to residents.

Regarding operation of STRs, the City-adopted ordinance includes rules regarding compliance with City codes and requirements for information to be given to guests to minimize the impacts of STR operations on the residential character of neighborhoods, environmental resources, including water quality, and parking availability. Except for most of the Downtown Shoreline area of Long Beach and pockets of visitor-serving and commercial uses throughout the coastal zone, the majority of the City's coastal zone, as

described in the certified LCP document, is residential in character with a fairly even mix of single- and multi-family houses. The City's LUP has policies that protect the character of these communities, including but not limited to the following:

PD-6 Locating and Planning New Development, The Pike Area, of the Local Coastal Plan document states:

New development in the area shall be primarily residential in character.

Area B Recreation and Visitor Serving Facilities, Non-Residential, of the Local Coastal Plan document states:

Duplex density and housing character shall prevail in this sub-area.

...

New and rehabilitated commercial developments shall promote community stability and a desirability and shall be in harmony with the character of the surrounding neighborhood.

Area D Locating and Planning New Development, Residential, of the Local Coastal Plan document states:

The fundamental goal of this policy plan is to maintain and enhance the very special character of Belmont Shore. Aside from the existing commercial strip along Second Street and the node at Ocean and Granada, the Shore shall remain entirely residential in character. Preservation of viable neighborhoods, a principal goal of the City's General Plan, shall prevail as a policy of this LCP.

Area E Locating and Planning New Development, The Peninsula, of the Local Coastal Plan document states:

This plan calls for the preservation of the residential character of the peninsula.

Thus, the proposed IP regulations that require compliance with noise, residential use, and other municipal code standards (Sections Section 5.77.050.H, K, and M), impose pool use restrictions (Section 5.77.050.G), and prohibit STRs from conflicting with the residential character of neighborhoods (Section 5.77.050.N) conform with and are adequate to carry out the LUP policies listed above. Similarly, the requirements included in the LCP amendment request for STR compliance with solid waste, recycling, and litter prevention regulations (Section 5.77.050.H) conform with the certified LUP policies protecting water quality and biological resources. These include, but are not limited to:

Introduction, Coastal Resources, of the Local Coastal Plan document states:

A balance between human use and ecological concerns is the principal theme of this Plan.

Goal (g), Preservation of Natural Resources, of the open space policies states:

To preserve areas which serve as natural habitats for fish and wildlife species and which can be used for ecologic, scientific, and educational purposes.

Program 2.3 of the Open Space and Recreation Element states:

Preserve and protect water resources available to the City of Long Beach.

Chapter 5, Section 5.3, Coastal Act Policies, Section 30231, of the Southeast Area Specific Plan states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The procedural sections of Chapter 5.77, including regulations relating to hosting platforms, collection and remittance of local TOT, and code enforcement, are not expected to have impacts on public access or be inconsistent with the LUP policies of the certified LCP. Similarly, the process of registering and renewing registrations for STRs does not seem to be onerous to a point where it would disincentivize homeowners from applying to operate STRs in numbers that would significantly affect the stock of STRs in the coastal zone. Therefore, these portions of the proposed LCP amendment and the other changes described in this subsection of the staff report (Section IV.B) conform with, and are adequate to carry out, the provisions of the certified LUP.

However, some of the proposed changes submitted with the subject LCP amendment request are not consistent with the LUP. As described in more detail in the following section (Section C), the City's proposed regulations could, in theory, allow for the prohibition of STRs in the coastal zone and, thus, be interpreted in a way that is inconsistent with the LUP policies requiring maximization of public access for all people and preservation of lower cost overnight accommodations. Therefore, modifications are suggested to ensure LCP-5-LOB-20-0058-3 conforms with the certified LUP (Section D).

C. Rejection of LCP Amendment as Submitted

For the reasons enumerated below, LCP-5-LOB-20-0058-3 is inadequate to carry out and does not conform with the provisions of the certified LUP, as submitted.

First, the City's STR regulations allow for the establishment of a "prohibited buildings list," which, as defined in Section 5.77.020.M, would allow any property owner to notify the City that STRs are not permitted to operate in their building. Hosting platforms would be required upon notification by the City, under Section 5.77.070.F, to remove any STR listings that are on the prohibited buildings list. Thus, hypothetically, all properties in the coastal zone could appear on the prohibited buildings list, and it is not clear how long buildings remain on the list or what the process would be to remove a building from the list. In addition, if certified as proposed, there would be no mechanism for the City nor the Commission to review or deny additions to the prohibited buildings list if there was evidence that adverse impacts to coastal access are occurring. As of March 15, 2021,

there were 1,591 dwelling units on the coastal zone-specific prohibited buildings list.⁵ There are approximately 22,352 residential units in the coastal zone. Many of the buildings on the coastal zone list, which is not certified as part of the LCP, are located within large multi-family residential buildings and tract housing developments.

Similarly, the subject ordinance includes Section 5.77.080, Request to Petition to restrict un-hosted short-term rentals within a geographical census block group. A census block group is the smallest level of geography you can get basic demographic data for, which varies in shape and size. In the Long Beach coastal zone, there are currently approximately 36 census block groups with 281 to 1,672 households each, 13 of which straddle the coastal zone boundary. While this policy only applies to petitions for bans on un-hosted STRs within a census block group, as adopted by the City and proposed to be added to the LCP, a simple majority of the residents of that group could ban STRs for the whole area. For instance, a successful ban in only one of the larger census block groups could eliminate up to eight percent of the potential stock of un-hosted STRs. Additionally, per Section 5.77.020.M, properties within census block groups that are successful in petitioning bans on un-hosted STRs will be added to the prohibited buildings list, and such successful bans will be in effect for a minimum of three years and, unless the restriction is petitioned for removal or prohibited by law, will be in effect indefinitely. This means that such a ban would be permanent even as ownership changes hands unless an action is taken to remove it.

There are approximately 6,500 residential properties in Long Beach's coastal zone. While there is a housing crisis statewide and the City must balance housing needs with the provision of visitor-serving overnight accommodations, it is also important to note that the City has a limited number of overnight accommodations in the coastal zone. There are only seven commercial institutions on land within the coastal zone in Long Beach that offer overnight accommodations. Of these, five, including but not limited to two in the port district and one RV resort are clustered near downtown Long Beach; the other two are lower-cost and are located near the Belmont Pier and the Los Cerritos Wetlands, respectively. Other hotels, including the SeaPort Marina Hotel (150 lower cost rooms) and Beach Plaza Hotel⁶ (40 lower cost rooms), have been demolished within the last couple of decades. These lost overnight accommodations have not been replaced.

The certified LUP includes policies that seek to maximize public access for all people and protect overnight accommodations, including lower-cost accommodations. These include goals and policies of the certified Open Space and Recreation Element, LCP document, and Southeast Area Specific Plan. The policies, listed above following the first paragraph of subsection B, specifically require the City to provide access to the coast for all individuals in the Long Beach community and protect, encourage, and, where feasible, provide lower cost recreational and visitor-serving facilities, including overnight

⁵ According to City staff, the owners of the properties on this list were allowed to apply to be on the list, but were told that there was no guarantee that the list would be in effect in the coastal zone or that they would be qualified to be on the list once the Coastal Commission takes action.

⁶ In 2007 and 2014, the City and Commission, respectively, approved projects (LCDP No. 0604-08 and CDP No. A-5-LOB-13-0246) that involved the replacement of these units onsite, but the project site has yet to be developed.

accommodations. Data on STRs from 2018 indicates that there were approximately 426 active STR units that year (approximately one-third qualified as lower-cost⁷), which suggests that short-term rentals have provided this protected visitor-serving use. Thus, the inclusion of processes by which all residential property owners within the coastal zone could potentially ban STRs, as proposed by the subject IP amendment request, could conflict with the LUP policies and potentially reduce public access to the coast by limiting the availability of lower cost and other visitor-serving accommodations.

The third issue with the City's proposed IP amendment is that it sets a cap for non-primary registrations—or registrations for dwelling units where the property owner does not spend most of its time (e.g. a vacation home)—for the City as a whole. Meaning, per Section 5.77.030.B.4, no more than 800 non-primary STR units can be allocated registrations City-wide. In 2018 the number of active rental units for an “entire home,” which is considered by the City to be approximately⁸ equivalent to the number of active un-hosted and non-primary STRs, in the coastal zone was approximately 350, or 82% of the active rental units. Outside the coastal zone, there were approximately 530 active “entire home” STRs (**Exhibit 3**). Thus, the active number of un-hosted and non-primary STR units in 2018 is approximately 100 more than the proposed 800-unit cap City-wide. Even considering that these numbers may be a slight overestimate for non-primary STRs (see Footnote 2), approximately one-third of all the active STR units in the entire City are located within the coastal zone.⁹ Thus, with only a limited number of registrations available City-wide on a first-come, first-served basis and with no assurances that the existing STRs in the coastal zone are protected, hypothetically, the existing approximately 530 non-primary STRs outside the coastal zone could register first leaving only 270 registrations available for the approximately 350 non-primary STRs in the coastal zone.

Therefore, in the same way that potential bans on STRs through the proposed prohibited buildings list and census block group petitions for STR restrictions could adversely impact the stock of visitor-serving and lower cost overnight accommodations, the proposed cap on non-primary STRs City-wide does not protect public access, as required by the policies of the certified LUP. Thus, as proposed by the City, Amendment Request No. LCP-5-LOB-20-0058-3 is not adequate to carry out the policies of the City's certified LUP and must be rejected.

D. Approval of LCP Amendment if Modified as Suggested

As submitted, the City's proposed LCP amendment No. LCP-5-LOB-20-0058-3 does not conform with and is not adequate to carry out the policies of the certified LUP. The

⁷ The 2018 STR data for the coastal zone includes room rates. The statewide average daily room rate for July and August 2018 was approximately \$150. Thus, lower-cost units would be those under approximately \$115. 30% of 2018 STR listings cost less than \$100 per night and around 45% cost between \$100 and \$200.

⁸ In theory, non-primary residences would most likely have un-hosted STRs since the owner does not usually live onsite. Although there could be cases where the owner of a non-primary residence would stay at the property during renters' stays. Un-hosted STRs could also be sited in primary residences when the main residents are out of town. Therefore, the following numbers are probably a slight overestimate of the number of non-primary STRs.

⁹ Of 1,328 active rental units in Long Beach in 2018, 426, or approximately one-third, were located in the coastal zone.

following four modifications are necessary to protect public access to the coast and make the City's LCP amendment consistent with the certified City's LUP.

Suggested Modification 1 allows for up to 350 non-primary residence STRs in the coastal zone each year regardless of whether the 800-unit City-wide cap has been met. Given that the proposed 800-unit non-primary residence STR cap is City-wide, in theory, all or most of the 800 could be registered to properties outside of the coastal zone. Registrations are processed on a first come, first served basis. Using the 2018 data for "active entire home rental units" that were rented out for over 90 nights of the year as a proxy for non-primary residence STRs, there were one-third as many in the coastal zone as outside of the coastal zone. Thus, considering there appear to be far more non-primary STRs outside of the coastal zone, the aforementioned scenario could be possible and could significantly limit, for example, the number of vacation homes that could be rented out in the coastal zone.

As described above, the certified LUP includes policies that protect overnight accommodations like short-term rentals in the coastal zone, which provide for facilitated coastal access and recreational opportunities at a range of price points. Therefore, Commission staff suggest a total of 350 registrations for non-primary residence STRs be allowed for non-primary STRs in the coastal zone even if that exceeds the 800-unit registration cap. The recommended allowance of 350 registrations approximates the number of active non-primary residence STRs that the coastal zone has historically supported. The number comes from the percentage of active rental units in the coastal zone that were identified as "entire home" rentals in 2018 (82% of 426). It is also over one-third of the total cap, which protects the proportion of coastal zone non-primary STRs, as described above.

Suggested Modification 1 would change the proposed IP Section 5.77.030.B to allow for 350 registrations for the coastal zone thereby maintaining the pre-pandemic stock of non-primary residence STRs. In addition, if the 800-unit City-wide cap is met before the 350-unit coastal zone cap is met, then the 800-unit cap can be exceeded until 350 non-primary residence STRs in the coastal zone are registered. As suggested to be modified, the proposed amendment to the certified IP would conform with the policies of the certified LUP that protect overnight accommodations in the coastal zone.

Suggested Modification 2 limits the ability of building owners to prohibit short-term rentals, unless such restrictions were explicitly in place prior to the Coastal Act and are not in violation of Government Code section 12955, by requiring coastal development permits for the addition of buildings and census block groups to the Prohibited Buildings List and clarifies the role of the subject regulations if in conflict with restricted covenants, or similar documents, that existed prior to the Coastal Act. As described previously, the certified LUP includes policies that provide public access to the coast by protecting, encouraging, and providing, where feasible, visitor-serving overnight accommodations. STRs provide such accommodations and, as described in subsection C in this staff report, alternative overnight accommodations (i.e. hotels, motels, etc.) are not abundant in the Long Beach coastal zone. The proposed IP amendment includes two processes by which building owners could completely prohibit STRs. First, as proposed, any building owner could apply to prohibit STRs within their building. While this action would generally be within a private

property owner's rights, it is a change in the allowable use of the site that could adversely affect the availability of overnight accommodations, which enhance access to the coast. In addition, some buildings in Long Beach have several hundred units; thus, such prohibitions within a few of those buildings could effectively restrict a large portion of the residential properties in the coastal zone.

Second, a census block group—a small geographic area, which in Long Beach contains between 281 and 1,672 households or, for the purpose of this analysis, residential units—could, with a majority vote, petition to prohibit un-hosted STRs throughout their census block group indefinitely or until a new law or petition invalidates it. Given that there are 36 census block groups that are either located in whole or in part in the coastal zone, the cumulative impacts of multiple census block groups successfully petitioning to prohibit un-hosted STRs could greatly reduce the stock of short-term rentals for a long period of time. This would not be consistent with the LUP policies that protect public access and overnight accommodations. In addition, as proposed, the City's IP text includes a placeholder provision stating that the municipal code sections will not apply in the coastal zone until they are certified by the Commission. If the proposed LCP amendment is certified, this provision will not make sense.

Thus, Suggested Modification 2 eliminates the placeholder language, clarifies that buildings with evidence that STRs (or their equivalent by definition) were prohibited prior to January 1, 1977 can be included in the Prohibited Buildings List, and provides a process whereby building owners and census block groups can prohibit short-term rentals only if they are issued a CDP. In order for the City to approve a CDP for such a prohibition, Suggested Modification 2 includes changes to the certified zoning code (also part of the IP) that list STR prohibitions as a category of development that requires a CDP and lays out required findings for approval. These findings ensure compliance with the certified LUP by requiring the City to find that the proposed restriction is consistent with the LUP, does not result in the substantial loss of visitor-serving accommodations, loss of lower-cost overnight accommodations,¹⁰ or net loss of short-term rentals below the number of short-term rental units historically occurring in the in the coastal zone (approximately 425). As suggested to be modified, the City would need to take into account the cumulative impacts of CDPs approved for such prohibitions, which will be monitored by the City along with general STR use in the coastal zone. In addition, to conform with the community character policies of the LUP (listed in subsection B above), the City would have to find that the application to restrict STRs 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).

Therefore, as suggested to be modified, the proposed amendment to the certified IP would conform with the policies of the certified LUP.

¹⁰ The City will be using a peak season average daily rate (i.e. Current Month-ADR for July and/or August of each year) to determine what constitutes lower-cost, which, as suggested to be modified, is any unit that costs 75% or less of said average daily room rate. See Footnote 4.

Suggested Modification 3 further avoids cumulative impacts to public access from individual short-term rental restrictions approved in accordance with the required findings listed above by requiring monitoring and reporting on STRs throughout the coastal zone and, if adverse impacts are observed, amending the LCP to correct and mitigate for such impacts. As proposed and if only modified per Suggested Modification 2, the City would be allowing prohibitions on a case-by-case basis and even when analyzing the specific impact of one STR prohibition application cumulatively on coastal resources and public access, larger trends overtime may not be identified or addressed. Thus, Commission staff recommend Suggested Modification 3, which requires the City, after approval of the first local CDP to restrict STRs in the coastal zone, to monitor STR activity and provide reports on the cumulative impacts of such restrictions on coastal resources. The first report would be required to be submitted to the Executive Director within one year of the final action on the first CDP authorizing an STR prohibition. After the first report, reports would be required to be submitted every five years.

The purpose of the report would be to identify any cumulative adverse impacts to coastal resources and public access to the coast. Suggested Modification 3 provides a means to adapt the IP to ensure conformity with the LUP by creating a process whereby the City or Executive Director could determine whether a cumulative adverse impact exists based on the City's monitoring reports, and, if an impact or inconsistencies with the LCP are found to exist, then within one year of the determination the City would be required to submit an LCP amendment that addresses any identified issues by amending the LCP to mitigate for any adverse impacts and avoid such impacts in the future. Therefore, if any unforeseen impacts from STR prohibitions are realized, they would be required to be addressed through a subsequent LCP amendment.

Thus, as suggested to be modified, the proposed amendment to the certified IP would conform with the policies of the certified LUP.

Suggested Modification 4 maximizes public access for all people by including a commitment to non-discriminatory services and ADA-accessibility information in the registration process. As proposed, the City does not include language in the IP amendment that would maximize public access for all individuals in the community as required by Goal 4.10 of the Open Space and Recreation Element and Policies and Policies 1 (of Chapter 5) and 3 (of Chapter 6) of the Southeast Area Specific Plan. To ensure these policies are adequately carried out, City and Commission staff have worked together to include the language in Suggested Modification 4 that encourages equal treatment of all people participating in the STR process and provides information to the City and STR platforms about the availability of STR units that offer Americans with Disabilities Act accessible features. Thus, as suggested to be modified, the proposed IP amendment would conform with the public access policies of the certified LUP.

As modified, LCPA LCP-5-LOB-20-0058-3 conforms with and is adequate to carry out the policies of the certified LUP.

E. California Environmental Quality Act

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of

LCPA No. LCP-5-LOB-20-0058-3
Short-term Rentals (City of Long Beach)

preparing environmental review documentation in connection with its activities and approvals necessary for the preparation and adoption of an LCP. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. (14 CCR § 15251(f).) Thus, under Section 21080.5 of CEQA, the Commission's review and analysis of the LCP amendment in this staff report satisfies CEQA environmental review requirements. Nevertheless, the Commission is required, in approving an LCP submittal, to find that the LCP does conform with the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. (14 C.C.R. Sections 13542(a), 13540(f), and 13555(b).) The City of Long Beach LCP Amendment No. LCP-5-LOB-20-0058-3 consists of an amendment to the Implementation Plan (IP) of City's certified LCP.

As outlined in this staff report, the proposed LCP amendment, if modified as suggested, will be consistent with the policies of the LUP. Thus, the Commission finds that the LCP Amendment No. LCP-5-LOB-20-0058-3, if modified as suggested, is in conformity with and adequate to carry out the land use policies of the certified LCP and will not result in significant adverse environmental impacts under the meaning of CEQA and will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code. Furthermore, as modified, there are no other feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the LCP amendment may have on the environment.

CALIFORNIA COASTAL COMMISSION

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W13b

LCP-5-LOB-20-0058-3 (City of Long Beach, Short-Term Rentals)

December 15, 2021

EXHIBITS

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RESOLUTION NO. RES-20-0070

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO
THE LONG BEACH MUNICIPAL CODE TO THE
CALIFORNIA COASTAL COMMISSION FOR APPROVAL

WHEREAS, on June 16, 2020, the City Council of the City of
Long Beach added certain provisions to Title 5 of the Long Beach Municipal Code
relating to short-term rentals; and

WHEREAS, it is the desire of the City Council to submit the above
referenced Municipal Code amendments to the California Coastal Commission for its
review; and

WHEREAS, the City Council gave full consideration to all facts and the
proposals respecting the amendments to the Municipal Code at properly agendized City
Council meetings; and

WHEREAS, the City Council approved the proposed amendments to the
Municipal Code by adopting Chapter 5.77. The proposed amendments are to be carried
out in a manner fully consistent with the Coastal Act and become effective in accordance
with the terms of the ordinance and upon Coastal Commission certification and approval;
and

WHEREAS, the City Council hereby finds that the proposed Municipal Code
amendments will not adversely affect the character, livability or appropriate development
in the City of Long Beach and that the amendments are consistent with the goals,
objectives and provisions of the City's General Plan.

///
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Long Beach, CA 90802

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

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the provisions, sections and clauses of this ordinance are declared to be severable.

Section 2. 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 one hundred twenty-first (121st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of June 23, 2020, by the following vote:

Ayes: Councilmembers: Zendejas, Pearce, Price,
Supernaw, Mungo, Andrews,
Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.

CERTIFIED AS A TRUE AND CORRECT COPY
[Signature]
CITY CLERK OF THE CITY OF LONG BEACH

BY: TA
DATE: 8/27/2020

[Signature]
City Clerk

Approved: 6/25/20
(Date)

[Signature]
Mayor

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ORDINANCE NO. ORD-20-0024

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

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

Section 1. The Long Beach Municipal Code is amended by adding
Chapter 5.77 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.

5.77.020 Definitions.

A. "Booking transaction" means any reservation and/or payment
service provided by a person or entity who facilitates a short-term rental

1 transaction between a prospective guest and a short-term rental operator.

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

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

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

7 E. "Host" means the natural person or persons, at least one of
8 whom is an occupier of the property at the time of, and for the duration of,
9 the short-term rental, who is/are the owner of record of the property or
10 operates the property, and includes a personal or family trust consisting
11 solely of natural persons and the trustees of such trust or a limited liability
12 company and the members of such company.

13 F. "Hosted stay" means a short-term rental activity at a primary
14 residence whereby the host occupies the short-term rental property and
15 remains on-site and resides in a habitable dwelling unit or portion thereof
16 throughout the guest's stay (except during daytime and/or work hours).

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

21 H. "Local contact person" means the person designated by the
22 operator to respond to and take remedial action regarding STR complaints.

23 I. "Platform agreement" means a signed agreement between a
24 hosting platform and the City, which, among other things, provides that the
25 hosting platform will collect and submit transient occupancy tax to the City
26 on behalf of short-term rental operators.

27 J. "Primary residence" means a person's permanent residence or
28 usual place of return for housing as documented by at least two (2) of the

1 following: motor vehicle registration; driver's license; voter registration; tax
2 documents showing the residential unit as the person's residence; or a utility
3 bill. A person may have only one (1) primary residence for the purpose of
4 this Chapter and must reside there for a minimum of two hundred seventy-
5 five (275) days during the calendar year. For properties with two (2) existing
6 legally permitted dwelling units (e.g., a duplex), the term "primary residence"
7 shall refer to the parcel of land and both units on that parcel.

8 K. "Primary residence STR" means a primary residence being
9 operated as a short-term rental.

10 L. "Prohibited buildings list" means a list identifying the
11 address(es) of all buildings whose owner(s), including any applicable
12 homeowners' association or board of directors, have notified the City,
13 pursuant to City procedures, that short-term rentals are not permitted to
14 operate anywhere in such building, including deed restricted affordable
15 housing units.

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

21 N. "Short-term rental advertisement" means any method of
22 soliciting use of a dwelling unit for short-term rental purposes.

23 O. "Short-term rental operator" or "operator" means any person
24 who is the owner or tenant of a dwelling unit, or portion thereof, who offers
25 or provides that dwelling unit, or portion thereof, for hosted short-term rental
26 use.

27 P. "Single room occupancy" is as defined in Section 21.15.2667.

28 Q. "Special group residence" is as defined in Section 21.15.2810

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and 21.52.271.

R. "Tenant" means a person who has a rental agreement for a dwelling unit in which the rental payments are paid on a monthly or other periodic basis in exchange for occupancy of the dwelling unit.

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

T. "Un-hosted stay" means a short-term rental activity whereby the host, as that term is defined herein, resides off-site during the guest's stay.

5.77.030 Registration required.

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

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

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

2. The STR operator shall not operate more than one (1) primary residence STR in the City.

3. The number of -primary residence STRs in multi-family

1 development projects shall not exceed the number of dwelling units
2 identified in the Table below:

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4. The STR operator shall identify, to the satisfaction of the City, a local contact person, who may be the person conducting the hosted stay, 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.

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

6. 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.

7. No STR registration for the dwelling unit has been revoked within the last twelve (12) months.

8. If the dwelling unit is subject to the rules of a homeowners' or condominium association, allowance to engage in hosted short-term rental activity through this Chapter shall not be inferred to grant any permission that invalidates or supersedes any provisions in those documents.

9. The operator shall sign an indemnification and hold harmless agreement in a form approved by the City Attorney, agreeing to

1 indemnify, save, protect, hold harmless, and defend the City of Long Beach,
2 the City Council of the City of Long Beach, individually and collectively, and
3 the City of Long Beach representatives, officers, officials, employees,
4 agents, and volunteers from any and all claims, demands, damages, fines,
5 obligations, suits, judgments, penalties, causes of action, losses, liabilities,
6 or costs at any time received, incurred, or accrued as a result of, or arising
7 out of the operator's actions or inaction in the operation, occupancy, use,
8 and/or maintenance of the short-term rental.

9 10. The unit shall be legally permitted as a dwelling unit.

10
11 5.77.040 Expiration and renewal.

12 A. A STR registration is valid for one (1) year from the date of
13 issuance. It may not be transferred or assigned and does not run with the
14 land. A STR registration may be renewed annually if the operator: (1) pays
15 the renewal fee; (2) provides information concerning any changes to the
16 previous application for, or renewal of, the STR registration; (3) submits
17 records described in Section 3.64.080 for the last year to demonstrate
18 compliance with this Chapter.

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

22
23 5.77.050 Short-term rental regulations.

24 A. All marketing and advertising of a STR, including any listing on
25 a hosting platform, shall clearly list the City-issued STR registration number.

26 B. Short-term rental is prohibited in any part of the property not
27 approved and permitted for residential use including, but not limited to, a
28 vehicle parked on the property, a storage shed, trailer, garage, boat or

1 similar watercraft, tree house, or any temporary structure, including, but not
2 limited to, a tent.

3 C. Un-hosted stays in a STR are prohibited in the City of Long
4 Beach.

5 D. Each STR shall have a notice posted within the unit in a
6 location clearly marked and accessible to the guest (e.g., posted on the
7 refrigerator, included within a binder with additional information on the unit,
8 etc.), containing the following information:

- 9 1. The maximum number of occupants permitted in the
10 unit;
- 11 2. Parking capacity, location of parking spaces, and
12 parking rules, if any;
- 13 3. Trash and recycling pickup information;
- 14 4. The name of the local contact and a telephone number
15 at which that person may be reached on a twenty-four (24) hour basis;
- 16 5. Emergency contact information for summoning police,
17 fire, or emergency medical services; and
- 18 6. Evacuation plan for the unit showing emergency exit
19 routes, exits, and fire extinguisher locations.

20 E. The maximum number of persons, including the host or hosts,
21 who may occupy the STR at one (1) time shall be limited to two (2) persons
22 per bedroom, plus two (2). This calculation shall be inclusive of children.
23 Lofts that meet California Building Code egress requirements are
24 considered a bedroom for the purposes of this occupancy calculation. In no
25 event may the maximum occupancy exceed ten (10) persons in any STR.
26 Large-scale events (i.e., exceeding maximum allowed occupancy) such as
27 commercial parties, weddings, fundraisers, and conferences, are prohibited
28 as part of the short-term rental use, unless a STR occasional event permit

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has been issued.

F. 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.

G. 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).

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

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

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

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

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

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

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5.77.060 Short-term rental operator requirements.

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

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

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

D. Transient Occupancy Taxes shall be collected on all Short-Term Rentals. If a Hosting Platform does not collect payment for the rental, operators are solely responsible for the collection of all applicable TOT and remittance of the collected tax to the City in accordance with Chapter 3.64 (Transient Occupancy Tax). If a Hosting Platform does collect payment for the rentals, then it and the operator shall both have legal responsibility for the collection and remittance of the TOT.

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

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

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

5.77.070 Hosting platform responsibilities.

A. Hosting platforms shall not process or complete any booking transaction for any STR, unless the STR has a valid current STR registration number issued by the City to the operator. Hosting platforms are required to list the STR registration number and expiration date.

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

C. Subject to applicable laws, a hosting platform with listings located in the City shall provide to the City on a monthly basis, in a format specified by the City, the STR registration number of each listing, the name of the person responsible for each listing, the address of each such listing, and, for each booking that occurs within the reporting period, the number of days booked, and the total price paid for each rental.

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

E. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not

1 apply if determined by the City to be in violation of, or preempted by, any
2 such law(s).

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

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

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

12
13 5.77.080 Enforcement.

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

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

19 2. Failure to notify the City when the local contact
20 information changes;

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

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

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

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

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

3 8. Violations of state, county, or City health, building, or
4 fire regulations;

5 9. Conduct or activities that constitute a public nuisance or
6 which otherwise constitute a hazard to public peace, health, or safety;

7 10. Authorizing, permitting, facilitating or otherwise allowing
8 any un-hosted short-term rental occupancy or activity in any dwelling unit in
9 the City.

10 B. Unless otherwise described in this Section, enforcement of
11 this Chapter shall be subject to the processes and procedures in Chapter
12 1.32 of the Municipal Code.

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

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

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

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

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

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

J. Any person, hosting platform, or STR operator aggrieved by a decision of the Director with respect to the provisions of this Chapter may

1 appeal the decision to the Board of Examiners Appeals and Condemnation
2 ("BEAC"). The decision of the BEAC shall be final, subject to judicial review
3 pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6.

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

7
8 5.77.090 Fees.

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

11
12 5.77.100 Administration.

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

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

19
20 5.77.110 Operator registration period.

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

23
24 5.77.120 Severability clause.

25 If any provision or clause of this Chapter or the application thereof to
26 any person or circumstances is held to be unconstitutional or to be
27 otherwise invalid by any court of competent jurisdiction, such invalidity shall
28 not affect other section provisions or clauses or applications, and to this end

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the provisions, sections and clauses of this ordinance are declared to be severable.

Section 2. 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 one hundred twenty-first (121st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of June 23, 2020, by the following vote:

Ayes: Councilmembers: Zendejas, Pearce, Price,
Supernaw, Mungo, Andrews,
Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.



City Clerk



Mayor

Approved: 6/25/20
(Date)

Exhibit 2 - RES-20-0156 & ORD-20-0045 (FINAL)

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RESOLUTION NO. RES-20-0156

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO
THE LONG BEACH MUNICIPAL CODE TO THE
CALIFORNIA COASTAL COMMISSION FOR ITS REVIEW
AND APPROVAL

WHEREAS, on December 8, 2020, the City Council of the City of
Long Beach added certain provisions to Title 5 of the Long Beach Municipal Code
relating to Short-Term Rentals (STRs); and

WHEREAS, it is the desire of the City Council to submit the above
referenced Municipal Code amendments to the California Coastal Commission for its
review; and

WHEREAS, the City Council gave full consideration to all facts and the
proposals respecting the amendments to the Municipal Code at properly agendized City
Council meetings; and

WHEREAS, the City Council approved the proposed amendments to the
Municipal Code by amending and restating Chapter 5.77 relating to STRs. The proposed
amendments are to be carried out in a manner fully consistent with the Coastal Act and
become effective in accordance with the terms of the ordinance and upon Coastal
Commission certification and approval; and

WHEREAS, the City Council hereby finds that the proposed Municipal Code
amendments will not adversely affect the character, livability or appropriate development
in the City of Long Beach and that the amendments are consistent with the goals,
objectives and provisions of the City's General Plan.

//

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

3 Section 1. The amendments to the Long Beach Municipal Code adopted
4 on 11 December 15, 2020 by Ordinance No. ORD-20-0045, a copy of which is
5 attached to and incorporated in this resolution as Exhibit "A", is hereby submitted to the
6 California Coastal Commission for its earliest review as to that part of the ordinance that
7 directly affects land use matters in that portion of the California Coastal Zone within the
8 City of Long Beach.

9 Section 2. The Director of Development Services of the City of Long
10 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
11 with appropriate supporting materials, to the California Coastal Commission with a
12 request for its earliest action, that will take effect in accordance with the ordinance and
13 upon Coastal Commission approval.

14 Section 3. This resolution shall take effect immediately upon its adoption
15 by the 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 December 8, 2020, by the following vote:

18 Ayes: Councilmembers: Pearce, Price, Supernaw, Mungo,

19 Uranga, Austin, Richardson.

20
21 Noes: Councilmembers: Zendejas.

22
23 Absent: Councilmembers: Andrews.

24
25 Recusal(s): Councilmembers: None.

26 CERTIFIED AS A TRUE AND CORRECT COPY

27 My De La Hoya
CITY CLERK OF THE CITY OF LONG BEACH

28 BY: TA

DATE: 12/23/2020

2

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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Long Beach, CA 90802

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ORDINANCE NO. ORD-20-0045

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;
AND DECLARING THAT THIS ORDINANCE SHALL TAKE
EFFECT IMMEDIATELY

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.

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5.77.020 Definitions.

- A. "Booking transaction" means any reservation and/or payment service provided by a person or entity who facilitates a short-term rental transaction between a prospective guest and a short-term rental operator.
- B. "City" means City of Long Beach.
- C. "Director" shall mean the Director of Development Services or a person designated by the Director to act in her/his stead.
- D. "Guest" means any person or persons renting a short-term rental for transient occupancy.
- E. "Host" means the natural person or persons, at least one (1) of whom is an occupier of the property, who is/are the owner of record of the property or operates the property, including a personal or family trust consisting solely of natural persons and the trustees of such trust or a limited liability company and the members of such company, or who is/are an authorized tenant of the property.
- F. "Hosted stay" means a short-term rental activity whereby the host remains on-site and resides in a habitable dwelling unit or portion thereof throughout the guest's stay (except during daytime and/or work hours).
- G. "Hosting platform" means a person or entity that participates in the short-term rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.
- H. "Local contact person" means the person designated by the operator to respond to and take remedial action regarding STR complaints.
- I. "Non-primary residence STR" means a short-term rental that is not a primary residence.
- J. "Platform agreement" means a signed agreement between a

1 hosting platform and the City, which, among other things, provides that the
2 hosting platform will collect and submit transient occupancy tax to the City
3 on behalf of short-term rental operators.

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

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

16 M. "Prohibited buildings list" means a list identifying the
17 address(es) of all buildings whose owner(s), including any applicable
18 homeowners' association or board of directors, have notified the City,
19 pursuant to City procedures, that short-term rentals are not permitted to
20 operate anywhere in such building, including deed restricted affordable
21 housing units. Prohibited buildings list shall also include a list of census
22 block groups where un-hosted STRs are prohibited per Section 5.77.080.

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

26 O. "Short-term rental ("STR")" means a residential dwelling unit,
27 or portion thereof, that is offered or provided to a paying guest(s) by a short-
28 term rental operator for thirty (30) or fewer consecutive nights. The term

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"short-term rental" shall not include hotels, motels, inns, or bed and breakfast inns.

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

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

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

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

T. "Tenant" means a person who has a rental agreement for a dwelling unit in which the rental payments are paid on a monthly or other periodic basis in exchange for occupancy of the dwelling unit.

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

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

5.77.030 Registration required.

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

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

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

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

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

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. 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

1 its occupants; and (2) taking any remedial action necessary to resolve such
2 complaints.

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

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

8 8. No STR registration for the dwelling unit has been
9 revoked within the last twelve (12) months.

10 9. If the dwelling unit is subject to the rules of a
11 homeowners' or condominium association, allowance to engage in short-
12 term rental activity through this Chapter shall not be inferred to grant any
13 permission that invalidates or supersedes any provisions in those
14 documents.

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

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

26
27 5.77.040 Expiration and renewal.

28 A. A STR registration is valid for one (1) year from the date of

1 issuance. It may not be transferred or assigned and does not run with the
2 land. A STR registration may be renewed annually if the operator: (1) pays
3 the renewal fee; (2) provides information concerning any changes to the
4 previous application for, or renewal of, the STR registration; (3) submits
5 records described in Section 3.64.080 for the last year to demonstrate
6 compliance with this Chapter.

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

10 5.77.050 Short-term rental regulations.

11 A. All marketing and advertising of a STR, including any listing on
12 a hosting platform, shall clearly list the City-issued STR registration number
13 and expiration date.
14

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

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

22 D. Un-hosted stays shall be prohibited in census block groups in
23 the City where such stays are prohibited in accordance with Section
24 5.77.080 or any successor Section.

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

- 1 1. The maximum number of occupants permitted in the
- 2 unit;
- 3 2. Parking capacity, location of parking spaces, and
- 4 parking rules, if any;
- 5 3. Trash and recycling pickup information;
- 6 4. The name of the local contact and a telephone number
- 7 at which that person may be reached on a twenty-four (24) hour basis;
- 8 5. Emergency contact information for summoning police,
- 9 fire, or emergency medical services; and
- 10 6. Evacuation plan for the unit showing emergency exit
- 11 routes, exits, and fire extinguisher locations.

12 F. The maximum number of persons who may occupy the STR at

13 one (1) time shall be limited to two (2) persons per bedroom, plus two (2).

14 This calculation shall be inclusive of children. Lofts that meet California

15 Building Code egress requirements are considered a bedroom for the

16 purposes of this occupancy calculation. In no event may the maximum

17 occupancy exceed ten (10) persons in any STR. Large-scale events (i.e.,

18 exceeding maximum allowed occupancy) such as commercial parties,

19 weddings, fundraisers, and conferences, are prohibited as part of the short-

20 term rental use, unless a STR occasional event permit has been issued.

21 The maximum number of occasional event permits that can be issued

22 during the annual term of registration per STR is four (4), and any

23 application for an occasional event permit thereafter and within the same

24 registration term shall automatically be deemed null and void by the City.

25 G. Use of all outdoor pools, spas and hot tubs shall be prohibited

26 between the hours of 10:00 p.m. and 7:00 a.m.

27 H. All activities shall comply with all provisions of the Municipal

28 Code, including, but not limited to Chapter 9.31 (Loud Parties on Private

1 Property) and Chapter 8.60 (Solid Waste, Recycling and Litter Prevention).

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

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

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

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

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

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

24
25 5.77.060 Short-term rental operator requirements.

26 A. The operator shall provide information on the maximum
27 allowed number of occupants, parking capacity and location of parking
28 spaces, noise regulations and quiet hours, and trash and recycling disposal

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requirements to prospective guests, prior to their occupancy of the unit.

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

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

D. Transient Occupancy Taxes shall be collected on all Short-Term Rentals. If a Hosting Platform does not collect payment for the rental, operators are solely responsible for the collection of all applicable TOT and remittance of the collected tax to the City in accordance with Chapter 3.64 (Transient Occupancy Tax). If a Hosting Platform does collect payment for the rentals, then it and the operator shall both have legal responsibility for the collection and remittance of the TOT.

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

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

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

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1 5.77.070 Hosting platform responsibilities.

2 A. Hosting platforms shall not process or complete any booking
3 transaction for any STR if notified by the City that a valid current STR
4 registration number has not been issued by the City to the operator.
5 Hosting platforms are required to list the STR registration number and
6 expiration date. Hosting platforms shall not process or complete any
7 booking transaction for any property located in the City that would exceed
8 the limit of days as set forth in Section 5.77.050.C.

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

14 C. Subject to applicable laws, a hosting platform with listings
15 located in the City shall provide to the City on a monthly basis, in a format
16 specified by the City, the STR registration number of each listing, the name
17 of the person responsible for each listing, the address of each such listing,
18 and, for each booking that occurs within the reporting period, the number of
19 days booked, and the total price paid for each rental.

20 D. In the event a hosting platform has entered into a platform
21 agreement, and an operator has assigned the responsibilities for the
22 collection and remittance of transient occupancy tax to the hosting platform,
23 then the hosting platform and the operator shall have the same duties and
24 liabilities, including but not limited to the collection and remittance of
25 transient occupancy tax to the City in compliance with this Chapter and
26 Chapter 3.64 (Transient Occupancy Tax) of this Code.

27 E. The provisions of this Section shall be interpreted in
28 accordance with otherwise applicable State and Federal law(s) and will not

1 apply if determined by the City to be in violation of, or preempted by, any
2 such law(s).

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

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

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

12
13 5.77.080 Request to Petition to restrict un-hosted short-term rentals
14 within a geographical census block group.

15 A. The property owners of residential property in any census
16 block group within the City may request the City to initiate a petition
17 process, using a form provided by the Director, to prohibit un-hosted STRs
18 within that census block group.

19 B. The petition must include the signatures, printed names, and
20 addresses of a majority of the property owners of residential real property
21 located within the boundaries of the census block group and the petition
22 process shall in all cases be initiated within one hundred and eighty (180)
23 days after the effective date of this Chapter, and a new one hundred and
24 eighty (180) day petition process period shall be established annually
25 thereafter. The petitioning process will be completed by the City via U.S.
26 mail, and the requestor(s) shall be responsible for the cost of initiating and
27 completing the petition process, which cost will be established by the City
28 Council by resolution. All petition signatures shall be collected by the City,

1 and shall include the street address of each signer, and shall indicate and
2 set forth the positive desire of all those signing the petition to prohibit un-
3 hosted stays within the boundaries of the census block group. Each census
4 block group shall be limited to the submission of one (1) request to initiate a
5 petition process during any one hundred eighty (180)-day petition process
6 period, on a first come, first served basis. Any second or subsequent
7 petition request for the same census block group during the annual one
8 hundred eighty (180)-day petition process period shall automatically be
9 deemed null and void by the City without opportunity for an administrative
10 appeal.

11 C. To the extent a petition seeks to prohibit un-hosted STRs
12 within the Coastal Zone boundaries of the City, and the petition process is
13 successful, it shall have no effect on properties within the Coastal Zone
14 boundaries until the California Coastal Commission certifies the adoption of
15 this Chapter as an appropriate implementation ordinance for the City's Local
16 Coastal Program.

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

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

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

26 G. Once approved, a restriction on un-hosted STRs shall remain
27 in effect for a minimum of three (3) years following the effective date of such
28 restriction. After the initial three (3) year restriction period, the restriction

1 shall remain in effect indefinitely unless and until such restriction(s) are
2 prohibited by law; or a request to initiate a petition to eliminate the restriction
3 is filed with the City and a majority of the property owners within the
4 restricted census block group sign the petition reflecting the positive desire
5 of all those signing the petition to remove the restriction on un-hosted stays.

6 H. The City Clerk or the Department of Development Services
7 shall cause to be posted online a list or map of the current census block
8 groups where un-hosted STRs are prohibited.

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

12
13 5.77.090 Enforcement.

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

- 16 1. Failure of the local contact to take action to respond to
17 a complaint within one (1) hour after the complaint is received or a contact is
18 attempted and the local contact cannot be reached;
- 19 2. Failure to notify the City when the local contact
20 information changes;
- 21 3. Violation of the STR maximum occupancy, noise, or
22 other requirements as set forth in this Chapter;
- 23 4. Providing false or misleading information on a STR
24 registration application or other documentation required by this Chapter;
- 25 5. Any attempt to rent an unregistered STR by advertising
26 the property for short-term rental purposes;
- 27 6. Completing a booking transaction in the City without a
28 valid City-issued registration number;

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- 7. Completing a booking transaction where the STR registration has been revoked or suspended by the City;
- 8. Exceeding the maximum number of occasional events permitted in this Chapter;
- 9. Violations of state, county, or City health, building, or fire regulations;
- 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.

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

4 F. Any person, hosting platform, or STR operator convicted of
5 violating any provision of this Chapter in a criminal case or found to be in
6 violation of this Chapter in a civil or administrative action brought by the City
7 shall be ordered to reimburse the City its full investigative and enforcement
8 costs, pay back all unpaid TOT if applicable, and remit all illegally obtained
9 rental related revenue to the City.

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

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

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

26 J. Any person, hosting platform, or STR operator aggrieved by a
27 decision of the Director with respect to the provisions of this Chapter may
28 appeal the decision to the Board of Examiners Appeals and Condemnation

1 ("BEAC"). The decision of the BEAC shall be final, subject to judicial review
2 pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6.

3 K. The remedies provided in this Section are cumulative and not
4 exclusive, and nothing in this Section shall preclude the use or application of
5 any other remedies, penalties, or procedures established by law.
6

7 5.77.100 Fees.

8 The City Council may establish and set by resolution all fees and
9 charges as may be necessary to effectuate the purpose of this Chapter.
10

11 5.77.110 Administration.

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

16 B. If any provision of this Chapter conflicts with any provision of
17 Title 21 (Zoning), the terms of this Chapter shall control.
18

19 5.77.120 Operator registration period.

20 STR operators shall apply for registration pursuant to this Chapter
21 within one hundred eighty (180) days after the effective date of this Chapter.
22

23 5.77.130 Severability clause.

24 If any provision or clause of this Chapter or the application thereof to
25 any person or circumstances is held to be unconstitutional or to be
26 otherwise invalid by any court of competent jurisdiction, such invalidity shall
27 not affect other section provisions or clauses or applications, and to this end
28 //

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1 the provisions, sections and clauses of this ordinance are declared to be
2 severable.

3
4 Section 2. . This ordinance is urgently required to control the spread and
5 mitigate the effects of the Novel Coronavirus (COVID-19) within the City of Long Beach
6 by authorizing un-hosted short-term rentals, which are currently prohibited under Chapter
7 5.77 of the LBMC. Health authorities have stated that un-hosted short term rentals are a
8 safer lodging option that have the lowest exposure to additional people and, due to
9 individuals traveling for the upcoming holidays, it is necessary to authorize additional
10 options of safe places to quarantine. Further, the State's current COVID-19 Health Order
11 requires that STR residences be "unoccupied", which is defined as "a residence or unit
12 that is rented while the operator is not physically present, or has a separate exterior
13 entrance and exit that does not require the use of shared facilities, and is otherwise
14 unoccupied."

15 Section 3. This ordinance is an emergency ordinance duly adopted by
16 the City Council by a vote of five of its members and shall take effect immediately. The
17 City Clerk shall certify to a separate roll call and vote on the question of the emergency of
18 this ordinance and to its passage by the vote of five members of the City Council of the
19 City of Long Beach, and cause the same to be posted in three (3) conspicuous places in
20 the City of Long Beach, and it shall thereupon take effect and shall be operative
21 immediately.

22 Section 4. This ordinance shall also be adopted by the City Council as a
23 regular ordinance, to the end that in the event of any defect or invalidity in connection
24 with the adoption of this ordinance as an emergency ordinance, the same shall,
25 nevertheless, be and become effective on the forty-fifth (45th) day after it is approved by
26 the Mayor. The City Clerk shall certify to the passage of this ordinance by the City
27 Council of the City of Long Beach and shall cause the same to be posted in three (3)
28 conspicuous places in the City of Long Beach.

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I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of December 8, 2020, the ordinance was declared to be an emergency by the following vote:

Ayes:	Councilmembers:	<u>Pearce, Price, Supernaw, Mungo,</u>
		<u>Uranga, Austin, Richardson.</u>

Noes:	Councilmembers:	<u>Zendejas.</u>

Absent:	Councilmembers:	<u>Andrews.</u>

Recusal(s)	Councilmembers:	<u>None.</u>

I further certify that thereafter, at the same meeting, upon a roll call and vote on the adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes:	Councilmembers:	<u>Pearce, Price, Supernaw, Mungo,</u>
		<u>Uranga, Austin, Richardson.</u>

Noes:	Councilmembers:	<u>Zendejas.</u>

Absent:	Councilmembers:	<u>Andrews.</u>

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27
28

Recusal(s) Councilmembers:

None.
None.

I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of December 15, 2020, by the following vote:

Ayes: Councilmembers:

Allen, Price, Supernaw, Mungo,
Saro, Austin, Richardson.

Noes: Councilmembers:

Zendejas, Uranga.

Absent: Councilmembers:

None.

Recusal(s) Councilmembers:

None.

[Signature]
City Clerk

Approved: 12/10/20
(Date)

[Signature]
Mayor

Exhibit 3 - Long Beach Short-Term Rental Data (2018)

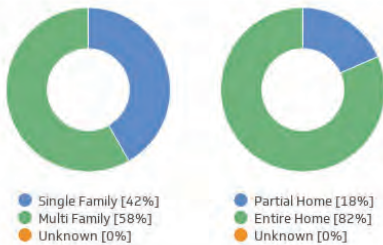


Long Beach Coastal Zone

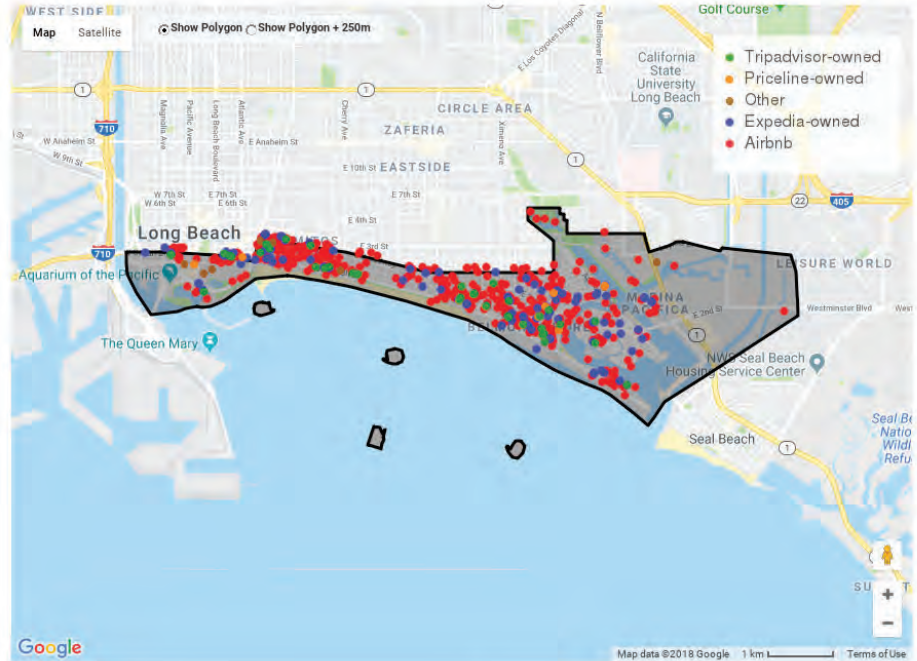
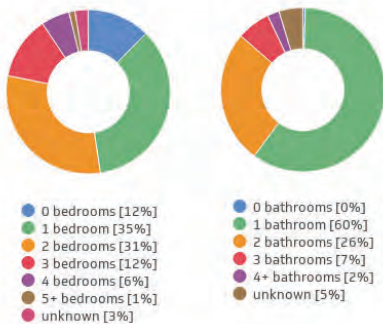
522
Active Listings

426
Active Rental Units

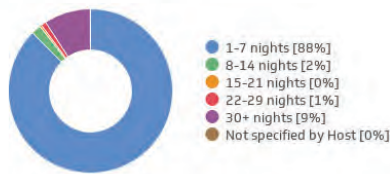
Listing Types



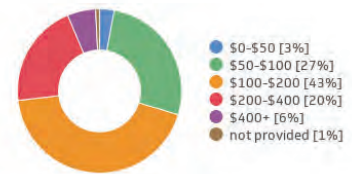
Bedrooms / Bathrooms



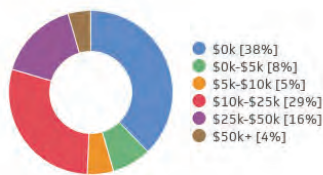
Minimum Nights



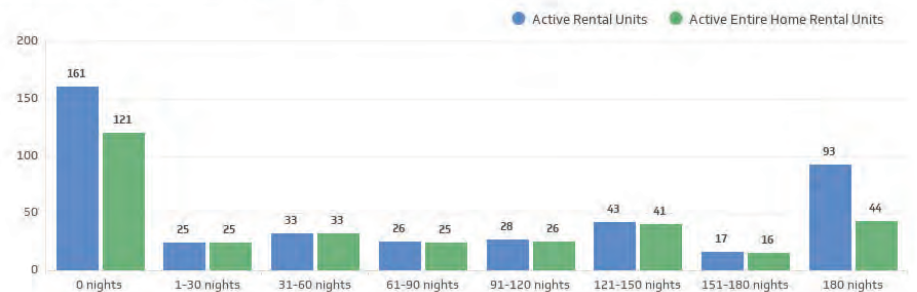
Nightly Rate



Estimated Annual Rental Revenue



Estimated Annual Nights Rented



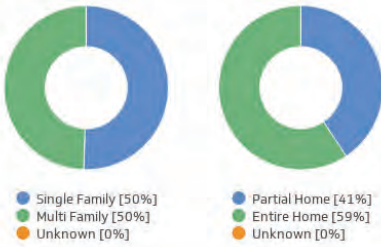


Long Beach Non-Coastal Zone

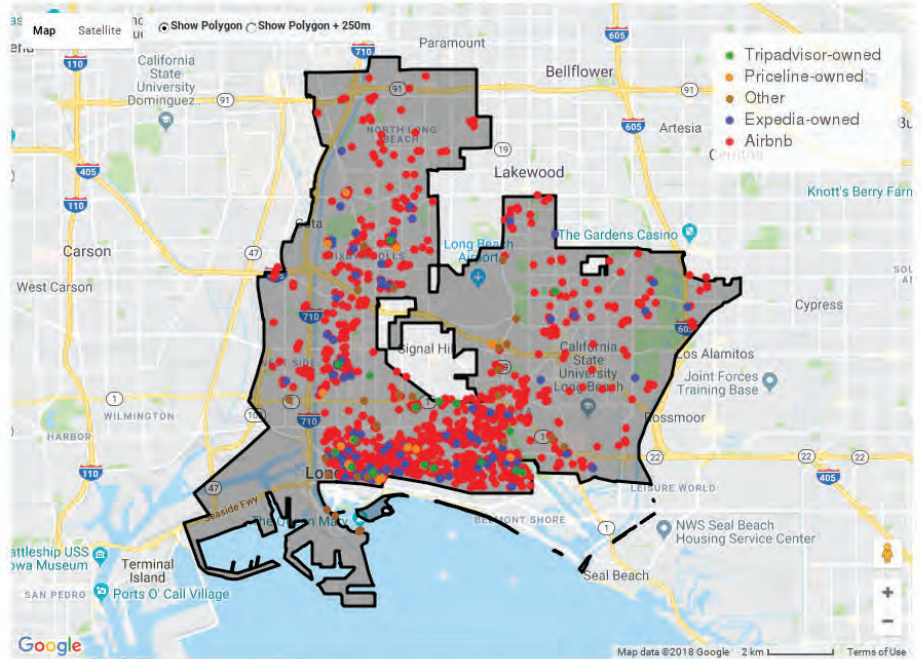
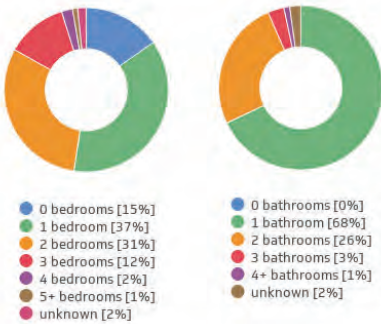
1010
Active Listings

902
Active Rental Units

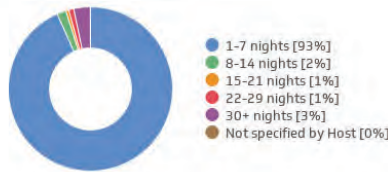
Listing Types



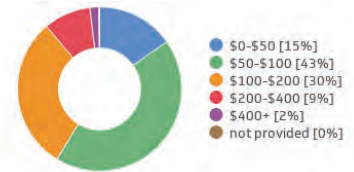
Bedrooms / Bathrooms



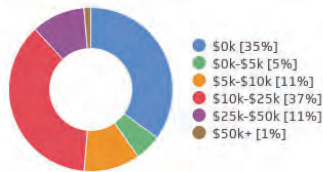
Minimum Nights



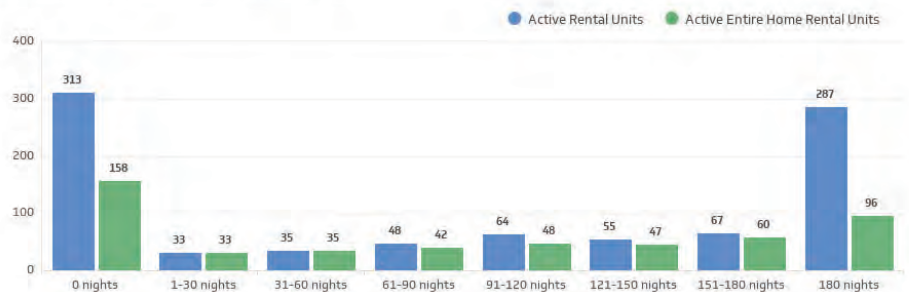
Nightly Rate



Estimated Annual Rental Revenue



Estimated Annual Nights Rented



CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071



W13b

LCP-5-LOB-20-0058-3 (City of Long Beach, Short-Term Rentals)

December 15, 2021

CORRESPONDENCE

From: Greta Hunold <gmhunold@gmail.com>

Sent: Wednesday, December 8, 2021 12:04 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Fiala, Shannon@Coastal <shannon.fiala@coastal.ca.gov>

Subject: Public Comment on December 2021 Agenda Item Wednesday 13b - City of Long Beach LCP Amendment No. LCP-5-LOB-20-0058-3 (Short-Term Rentals).

RE: LCPA No. LCP-5-LOB-20-0058-3

City of Long Beach

Item: W13b

December 15, 2021 Hearing

Greta Hunold

In favor of approval of IP Amendment with Suggested Modifications.

This letter was also sent to staff.

Honorable Commissioners and Staff,

I am a short-term rental host in Long Beach. Using my property as a vacation rental allows me to provide visitors with an authentic experience of the Southern California coast, while helping me save for property taxes and retirement.

Vacation rentals like mine are a huge draw to traveling families who want to explore Long Beach on a budget. These families spend money at local stores and venues, expanding the benefits of Long Beach's tourism economy to areas outside of traditional hotel districts.

The Long Beach ordinance, now a year in operation in non-coastal zones, has successfully demonstrated that short term rentals can operate responsibly, benefiting neighborhoods and residents, with a level of oversight and accountability provided by local government.

Most STR hosts have a little income boost from hosting that let's many afford to stay in neighborhoods they love, which supports neighborhood vitality and stability. Hosts act as ambassadors directing their guests to the best beaches, shops and restaurants Long Beach has to offer. Hosting also boosts tax revenue for cities to help pay for city services.

I support the certification of the Local Coastal Plan amendment request with suggested staff modifications.

I believe that adoption and certification of the staff recommendations supports visitor-serving coastal access for all income groups.

Sincerely,

Greta Hunold
District 6 in Long Beach

From: Ernestine Piskackova <piskackova.em@gmail.com>

Sent: Wednesday, December 8, 2021 4:19 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Subject: Public Comment on December 2021 Agenda Item Wednesday 13b - City of Long Beach LCP Amendment No. LCP-5-LOB-20-0058-3 (Short-Term Rentals).

Dear Commissioners,

Regarding the proposal that HOAs cannot prohibit STRs within their buildings, there are two particularly important features to consider:

1) Condominiums buildings generally do not have security staff or a front desk.

Access is limited to owners and long-term tenants, who are screened and interviewed before they receive a lease.

Allowing access to transient strangers in STRs compromises the security of all residents.

It is an undue burden to ask an HOA community to assume the security risks that STRs involve, especially in coastal Long Beach, where crime against persons and property is high.

2) HOA members share the cost of water, electricity, trash removal, and building upkeep.

One and two bedroom condos generally house 1-3 people, but the proposed rules allow 4-6 people in STRs, which results in a greater use of common resources and more wear and tear on the building.

Prohibiting HOAs from restricting STRs will result in HOA members having to subsidize them, due to their disproportionate use of resources -- again, an unfair burden. Many condo buildings in Long Beach are small (ours has twelve units) so additional shared costs make a large impact.

To broaden the perspective to the community as a whole and the issue of access and diversity, Long Beach has a diverse population and there are many affordable rentals in and around the coastal Alamitos Beach neighborhood. AirBnB, on the other hand, is notorious for discrimination against minorities, and scanning their website one can see that their members skew white and middle class. Properties that become STRs will displace people of color in a diverse neighborhood and contribute to homelessness (thus to crime and a greater need for well-secured buildings).

In the building in which I live, one third of the owners are Black, one third are white, one sixth are Latinx, and one sixth are Asian. Two thirds of the renters are people of color -- to run an STR here, one of them would need to be evicted.

Regarding inclusion: Because of the economic and ethnic diversity of Long Beach residents and a very efficient bus service, the beaches in the summer are heavily used by local people from poorer neighborhoods, who come on the bus with their families to spend a day at the beach. I suggest you visit Long Beach and observe this -- on the 4th of July the buses going down to the beach are standing room only. I would be sorry to see the families of color picnicking on the beach replaced by hip and affluent STR visitors. It would be helpful to look carefully at demographics and actual use of coastal resources before you make changes that may, in fact, undermine diversity.

Please think about the specifics of our community before you force more STRs on our neighborhoods. And please reconsider the fairness of requiring condo residents to compromise their security and pay increased utility and maintenance costs to accommodate STRs.

Thank you for your kind attention.

Yours sincerely,

Ernestine Piskáčková

--

Ernestine McHugh Piskáčková

Professor Emerita of Anthropology and Religion

University of Rochester

<https://www.upenn.edu/pennpress/book/13498.html>

From: Lars Sahanaja <lars.saha@gmail.com>

Sent: Wednesday, December 8, 2021 4:40 PM

To: Fiala, Shannon@Coastal <shannon.fiala@coastal.ca.gov>; SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Subject: Public Comment on December 2021 Agenda Item Wednesday 13b - City of Long Beach LCP Amendment No. LCP-5-LOB-20-0058-3 (Short-Term Rentals)

RE: LCPA No. LCP-5-LOB-20-0058-3

City of Long Beach

Item: W13b

December 15, 2021 Hearing

Indra Lars Sahanaja

In favor of approval of IP Amendment with Suggested Modifications

To the Commissioners and Staff,

Happy Holidays. I am a short-term rental host in Long Beach. Using my property as a vacation rental allows me to provide visitors with an authentic experience of the Southern California coast, while serving as a valuable income stream to help cover my mortgage, costs, and allow me and stay in my home. Vacation rentals like mine are a huge draw to traveling families who want to explore Long Beach on a budget. These families spend money at local stores and venues, expanding the benefits of Long Beach's tourism economy to areas outside of traditional hotel districts. In the wake of COVID, travelers want alternative options for a safe and hosted stay.

The Long Beach ordinance, now a year in operation in non-coastal zones, has successfully demonstrated that short term rentals can operate responsibly, benefiting neighborhoods and residents, with a level of oversight and accountability provided by local government. Most STR hosts have a little income boost from hosting that let's many afford to stay in neighborhoods they love, which supports neighborhood vitality and stability. Hosts act as ambassadors directing their guests to the best beaches, shops and restaurants Long Beach has to offer. Hosting also boosts tax revenue for cities to help pay for city services. I support the certification of the Local Coastal Plan amendment request with suggested staff modifications. I believe that adoption and certification of the staff recommendations supports visitor-serving coastal access for all income groups.

Furthermore, I strongly feel that **Accessory Dwelling Units (ADUs) that are owner-occupied OR constructed before the state law AB 3182 was enacted should be removed from the prohibited buildings list.** California state law AB 3182, which limits ADU vacation rentals also states that if the owner lives in either the main residence or an ADU on the property, then the property does not count as a rental unit and doesn't necessarily need to be subject to the prohibitive use of ADUs for short-term-rental. Yet the current Long Beach ordinance has enacted a ban on ADU vacation rentals across-the-board with the reason simply being to comply with state law. However, the state law even makes allowance for owner-occupied properties and ADUs that predate state law.

Please consider these points in to modifying the ordinance to be best for hosts, guests, and the City of Long Beach. Thank you for you time and consideration.

Sincerely,

Indra Lars Sahanaja

Home Owner and Short-term Rental Host

District 5 in Long Beach - California Heights

From: Kathryn Levassiur <levassiurk@gmail.com>

Sent: Thursday, December 9, 2021 6:20 AM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Subject: Public Comment on December 2021 Agenda Item Wednesday 13b - City of Long Beach LCP Amendment No. LCP-5-LOB-20-0058-3 (Short-Term Rentals).

Dear Chair Padilla and CA Coastal Commissioners,

Support - Public Comment on December 2021 Agenda Item Wednesday 13b - City of Long Beach LCP Amendment No. LCP-5-LOB-20-0058-3 (Short-Term Rentals).

On behalf of our members, we stand in support of short term rental property owners in Long Beach and their rights to apply and qualify for STR permits, provide affordable visitor accommodations, collect and remit TOT and for the sensible modifications that the California Coastal Commission is recommending for the City of Long Beach, with the exception that the CCC and the City of Long Beach recognize accessory dwelling units (ADUs) as permitted dwellings for purposes of STR.

We applaud the recommended additional 350 STR permits in the coastal zone, separate from the 800 permit cap passed by Long Beach City Council and limiting the ability of building owners and majorities of census tracts to remove STRs from their geographic areas.

We thank you for the time and care taken to create and recommend these City of Long Beach STR regulation modifications.

Sincerely,
Kathryn Levassiur
Huntington Beach Short-Term Rental Alliance
Cell: 714.343.7931
Email: info@hbstra.org | Website: <https://www.hbstra.org/>

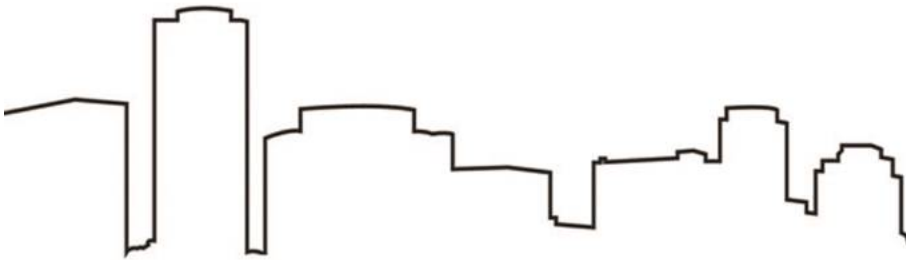


From: Jean Young <visitbeautifulongbeach@gmail.com>

Sent: Thursday, December 9, 2021 12:59 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Fiala, Shannon@Coastal <shannon.fiala@coastal.ca.gov>

Subject: Public Comment on December 2021 Agenda Item Wednesday 13b - City of Long Beach LCP Amendment No. LCP-5-LOB-20-0058-3 (Short-Term Rentals).



We Share Long Beach

RE: LCPA No. LCP-5-LOB-20-0058-3

City of Long Beach

Item: W13b

December 15, 2021 Hearing

Eugenie Young, Long Beach Hosting Club Leader

In favor of approval of IP Amendment with Suggested Modifications.

This letter was also sent to staff.

Honorable Chair Padilla and CA Coastal Commissioners,

I am a 65-year old divorced female who has hosted in Long Beach since 2014. My demographic represents 60% of all US Airbnb hosts. Short term renting my property allows me to save for property taxes and retirement, while providing visitors with a unique, personalized experience of Southern California, including our beautiful coastline and its beaches.

Vacation rentals like mine are a huge draw to traveling families who want to explore Long Beach on a budget. These

families spend money at local stores and venues, expanding the benefits of Long Beach's tourism economy to areas outside of traditional hotel districts.

The Long Beach ordinance, now a year in operation in non-coastal zones, has successfully demonstrated that short term rentals can operate responsibly, benefiting neighborhoods and residents, with a level of oversight and accountability provided by local government. City rules have weeded out the bad actors while protecting the right of homeowners like me to rent out our homes.

Most STR hosts say that hosting helps them afford to stay in neighborhoods they love, which supports neighborhood vitality and stability. Hosts act as ambassadors directing their guests to the best beaches, shops and restaurants Long Beach has to offer. Hosting also boosts tax revenue for cities to help pay for city services.

I support the certification of the Local Coastal Plan amendment request with suggested staff modifications. My only additional recommendation is that Accessory Dwelling Units (ADUs) permitted and constructed before the Long Beach ordinance was enacted be removed from the STR prohibited buildings list.

Sincerely,

Eugenie Young
Leadership Team
Long Beach Hosting Club
Cell/Text 562-857-2427
visitbeautifullongbeach@gmail.com

From: rmcheek@dnxengineers.com <rmcheek@dnxengineers.com>

Sent: Friday, December 10, 2021 11:34 AM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Cc: 'Hamlet Vazquez' <hvazquez@actionlife.com>; 'Rola Karam' <rkaram@westoceanhoa.com>; 'Mike Dunfee' <mdunfee@westoceanhoa.com>; 'Daniel Kenber' <dkenber@westoceanhoa.com>; 'Wendy Sauls' <wsauls@westoceanhoa.com>

Subject: Public Comment on December 2021 Agenda Item Wednesday 13b - City of Long Beach LCP Amendment No. LCP-5-LOB-20-0058-3 (Short-Term Rentals)

Our condominium is our home along with 255 other households. It is not reasonable that we have some control over what kind of residency is allowed in our building. We currently allow owners to rent their unit for 30 days which allows for property rights of owners yet maintains the character of the homes we purchased in a busy city. We in no way restrict the beach and tourist activity in the area. Please do not further restrict our ability to enjoy our safe and friendly environment.

Ron Cheek
President, West Ocean Association

Ronald M. Cheek, PE
400 W Ocean Blvd. Unit 1503
Long Beach, CA 90802
(714)394-4035



December 10, 2021

Steve Padilla, Chair
Coastal Commissioners
55 Market Street, Suite 300
San Francisco, CA 94105

RE: Item 13b: City of Long Beach LCP Amendment No. (LCP-5-LOB-20-0058-3)

Dear Chair Padilla and Honorable Commissioners:

Better Neighbors LA and Unite HERE Local 11 are writing regarding the LCP Amendment Request (No. LCP-5-LOB-20-0058-3) (the “Proposed Amendment”) and recommend the Coastal Commission reject the Proposed Amendment. Our recommendation is that short-term rentals in the Long Beach coastal zone be hosted to ensure that they remain affordable and do not negatively impact coastal housing, residential character, and coastal access. In addition, it is our position that the set-aside of 350 short-term rental permits is unnecessary and will only result in short-term rentals in excess of the current cap of 800 permits.

Better Neighbors LA and Unite HERE Local 11 have engaged with the impacts of short-term rentals on local communities, workers, and the housing market. Better Neighbors LA is a coalition of neighbors, hoss, and housing advocates working to encourage sustainable and fair short-term rentals. Unite HERE Local 11 is a labor union representing more than 32,000 hospitality industry workers including within the City of Long Beach. Unite HERE Local 11 has an extensive history of examining the impact of short-term rentals on coastal zone communities including as recently as October 2020 in Laguna Beach during which they engaged in similar issues to those raised here.

In the course of our work related to short-term rentals, it has become increasingly clear that unhosted, or whole home, short-term rentals do not increase coastal access and instead reduce the supply of low and moderate cost housing that the Coastal Act requires the Commission and cities to protect. The proliferation of unhosted short-term rentals simply creates more luxury options for the wealthiest travelers. In fact, unhosted short-term rental units are often marketed as luxury hotel rooms and have appropriate room rates to match. Moreover, these types of high-end units can also crowd our existing affordable motels and mid-range hotels and the development of future properties, decreasing affordable coastal access.

The purpose of the Proposed Amendment is to ensure “appropriate STR stock is maintained,” and “to preserve the amount of STRs that have generally operated within the Long Beach coastal zone.” The Proposed Amendment, however, conflates robust and meaningful coastal access with the proliferation of short-term rentals.

An overly narrow focus on preserving short-term rentals is inconsistent with the Commission's goal to ensure coastal access for all Californians today, and in the long term. For example, the proliferation of short-term rentals has been closely tied to increasingly housing costs and accelerated gentrification, both of which not only place a burden on the existing coastal communities but serve to, over time, increase local costs of housing and the cost of living generally. As residential areas gentrify so too do the costs of nearby tourist accommodations. The Coastal Commission cannot regulate the prices for which short-term rentals are offered now or in the future and what are affordable accommodations today can easily develop into exclusive luxury accommodations tomorrow.

The City of Long Beach has determined that a cap of 800 permitted short-term rentals would best protect its housing stock while allowing short-term rentals to increase its communities' capacities to accommodate travelers. The Proposed Amendment requires that cap be increased by as much as 43.8% to ensure that 350 unhosted short-term rentals are located within the coastal zone. This "set aside" is unnecessary. First, the Proposed Amendment does not take into consideration the existing 977 overnight accommodations within the coastal zone in existing hotels, motels and an RV park. In addition, the City of Long Beach has 350 registered short-term rentals; leaving another 450 permits available for the existing 350 coastal zone short-term rentals the Proposed Amendment seeks to protect. The proposed set-aside would only serve to force the City of Long Beach to exceed its existing cap. If the Proposed Amendment wishes to ensure that the 350 coastal short-term rentals are licensed, they should instead, require those existing short-term rentals register immediately so they are properly permitted under the existing cap. This would allow the Commission to adopt the substance of the Proposed Amendment without overburdening the City of Long Beach with excessive short-term rentals.

In drafting its Short-Term Rental Ordinance, the City of Long Beach distinguished between hosted and unhosted rentals. Hosted short-term rentals are generally operated by individual operators renting out spare space in their own homes. Unhosted short-term rentals are most often associated with housing that is removed from the housing market and dedicated to hosting tourists alone. The latter, as unsupervised, tend to pose the greatest threat to communities in the form of "party-houses" that disturb neighbors are deleterious to residential areas. To protect coastal communities, and maintain their residential character, the Coastal Commission should require that all short-term rentals must be hosted. This would allow the same number of short-term rentals to operate, but they would be much less likely to drain Long Beach's housing stock, raise rents, and raise the cost of living. Ensuring short-term rentals are all hosted would better serve to ensure that the City of Long Beach is accessible and affordable to all Californians.

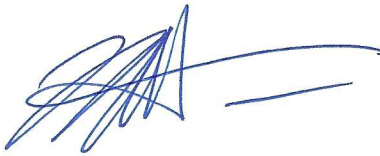
The Proposed Amendment would also require property owners to seek a Coastal Commission permit to opt out of the short-term rental industry, regardless of whether any STRs currently operate, or ever have operated, there previously. This proposal could easily lead to absurd results. For example, the Proposed Amendment would not require property owners to seek a permit to convert an apartment or a single-family home into a tourist accommodation. In contrast, the owner of an apartment building would be required to seek a permit to prohibit short-

term rentals at the property. Even if there never existed any short-term rentals at the property, the owner would be required to seek a permit to register said prohibition with the City of Long Beach. In effect, the property owner would be forced to seek a permit to make no changes at all to the property or how it is used.

The Long Beach Short-Term Rental Ordinance also allows residents within a census track to petition to require short-term rentals within that census track to be hosted. The Proposed Amendment would also require communities to seek a Coastal Commission. However, whether a short-term rental is hosted or not cannot affect coastal access. The census track petitions cannot wholly prohibit short-term rentals and cannot reduce the number of available accommodations. Such petitions could only require short-term rentals be hosted. As discussed above, increasing the number of hosted short-term rentals would serve to protect the character of the coastal zone's residential communities.

By focusing on how short-term rentals operate within and affect their local communities in the long-term, the Coastal Commission can better its regulation to ensure coastal access to more Californians. The Proposed Amendment's focus on increasing only the number of short-term rentals fails to consider the larger picture that the City of Long Beach faces as it shapes its housing and tourist policies.

Respectfully,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Unite HERE Local 11 and Better Neighbors LA



December 10, 2021

Steve Padilla, Chair
Coastal Commissioners
55 Market Street, Suite 300
San Francisco, CA 94105

RE: Item 13b: City of Long Beach LCP Amendment No. (LCP-5-LOB-20-0058-3)

Dear Chair Padilla and Honorable Commissioners:

I am writing on behalf of the LA Alliance for a New Economy (LAANE) in opposition to the LCP Amendment Request (No. LCP-5-LOB-20-0058-3) and recommend the Coastal Commission reject the Proposed Amendment.

Our recommendation is that short-term rentals in the Long Beach coastal zone be hosted to ensure that they remain affordable and do not negatively impact coastal housing, residential character, and coastal access. In addition, it is our position that the set-aside of 350 short-term rental permits is unnecessary and will only result in short-term rentals in excess of the current cap of 800 permits.

LAANE has written several reports on short term rentals and been a part of the process of developing rules regulating them for the past 7 years. Our research shows that short term rentals harm the supply of low and moderate cost housing that the Coastal Act requires the Commission and cities to protect. Indeed, the proliferation of unhosted short-term rentals simply creates more luxury options for the wealthiest travelers. In fact, unhosted short-term rental units are often marketed as luxury hotel rooms and have appropriate room rates to match. Moreover, these types of high-end units can also crowd our existing affordable motels and mid-range hotels and the development of future properties, decreasing affordable coastal access.

The City of Long Beach has determined that a cap of 800 permitted short-term rentals would best protect its housing stock while allowing short-term rentals to increase its communities' capacities to accommodate travelers. The Proposed Amendment requires that cap be increased by as much as 43.8% to ensure that 350 unhosted short-term rentals are located within the coastal zone. This "set aside" is unnecessary. First, the Proposed Amendment does not take into consideration the existing 977 overnight accommodations within the coastal zone in existing hotels, motels and an RV park. In addition, the City of Long Beach has 350 registered short-term rentals; leaving another 450 permits available for the existing 350 coastal zone short-

term rentals the Proposed Amendment seeks to protect. The proposed set-aside would only serve to force the City of Long Beach to exceed its existing cap. If the Proposed Amendment wishes to ensure that the 350 coastal short-term rentals are licensed, they should instead, require those existing short-term rentals register immediately so they are properly permitted under the existing cap. This would allow the Commission to adopt the substance of the Proposed Amendment without overburdening the City of Long Beach with excessive short-term rentals.

In drafting its Short-Term Rental Ordinance, the City of Long Beach distinguished between hosted and unhosted rentals. Hosted short-term rentals are generally operated by individual operators renting out spare space in their own homes. Unhosted short-term rentals are most often associated with housing that is removed from the housing market and dedicated to hosting tourists alone. The latter, as unsupervised, tend to pose the greatest threat to communities in the form of “party-houses” that disturb neighbors and are deleterious to residential areas. To protect coastal communities, and maintain their residential character, the Coastal Commission should require that all short-term rentals must be hosted. This would allow the same number of short-term rentals to operate, but they would be much less likely to drain Long Beach’s housing stock, raise rents, and raise the cost of living. Ensuring short-term rentals are all hosted would better serve to ensure that the City of Long Beach is accessible and affordable to all Californians.

The Proposed Amendment would also require property owners to seek a Coastal Commission permit to opt out of the short-term rental industry, regardless of whether any STRs currently operate, or ever have operated, there previously. This proposal could easily lead to absurd results. For example, the Proposed Amendment would not require property owners to seek a permit to convert an apartment or a single-family home into a tourist accommodation. In contrast, the owner of an apartment building would be required to seek a permit to prohibit short-term rentals at the property. Even if there never existed any short-term rentals at the property, the owner would be required to seek a permit to register said prohibition with the City of Long Beach. In effect, the property owner would be forced to seek a permit to make no changes at all to the property or how it is used.

By focusing on how short-term rentals operate within and affect their local communities in the long-term, the Coastal Commission can better its regulation to ensure coastal access to more Californians. The Proposed Amendment’s focus on increasing only the number of short-term rentals fails to consider the larger picture that the City of Long Beach faces as it shapes its housing and tourist policies.

Respectfully,

James Elmendorf

Policy Director

From: Daniel Fincher <daniel.fincher@gmail.com>
Sent: Friday, December 10, 2021 3:53 PM
To: SouthCoast@Coastal
Subject: Public Comment on December 2021 Agenda Item Wednesday 13b - City of Long Beach LCP Amendment No. LCP-5-LOB-20-0058-3 (Short-Term Rentals).

I have lived in Bluff Park for 15 years, our community is close and proud of our neighborhood. We are diverse, welcoming, kind and hospitable. I live in a historically maintained craftsman from 1905. The current situation with un hosted STRs is threatening our neighborhood.

I have an un-hosted STR next to me and it has made me distraught. Every week a new batch of people arrive and I live in fear and angst of what they will be like. It's a party house, literally, and one set of tenants actually arrived in a party bus. They are loud and disrespectful most of the time. They have littered my front yard with alcohol cups. They constantly have parties all the way up to 3am, weekdays and weeknights. I have two young children who are constantly woken up.

I've spoken to the owner and sent limitless texts at 1am, 2am, 3am complaining about the noise and disruption. We have called the police numerous times. With the revolving door of new groups each week, does that mean we text, call and complain forever?

The guidelines proposed by the coastal commission fall short of the necessary language. These STRs are receiving \$500+ per night, I don't see how this poses concerns of access. These aren't people looking for coastal access, they are party goers with no oversight. The owners have nothing other than financial gain in their interest and are left with no responsibility or oversight.

There should be a simple complaint process that can quickly resolve back STR owner practices, the number of STRs should be kept low.

Daniel Fincher

CALIFORNIA COASTAL COMMISSION

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W13b

LCP-5-LOB-20-0058-3 (City of Long Beach, Short-Term Rentals)

December 15, 2021

EX PARTE

EXPARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner Donne Brownsey

1) Name or description of project: December 2021 Agenda Item W 13 b: LCP-5-LOB-20-0058-3 (S/T Rentals)

2) Date and time of receipt of communication:
Dec 10, 2021, 10am- 10:30am

3) Location of communication
On Zoom

4) Identity of person(s) initiating communication:
Danielle Wilson, UNITE HERE, Local 11

5) Identity of person(s) on whose behalf communication was made:
Wilson & Melanie Luthern w/ Schwartz, Steinsaper, Dohrmann & Sommers LLP

6) Identity of persons(s) receiving communication:
Donne Brownsey

7) Identity of all person(s) present during the communication:
Brownsey, Wilson and Luthern

Complete, comprehensive description of communication content:

The purpose of the meeting was to review the issues associated with the Long Beach Implementation Plan amendments to their S/T Rental regulations. The union worked hard on the amendment and objects to the number of rentals in the coastal zone recommended by the Coastal Commission staff. They also object to the availability of rentals in non-owner occupied homes and view them as boxing out affordable housing options in these areas. We discussed the housing crisis and the challenges re: affordable housing in the coastal zone.

Date November 23, 2021



Signature of Commissioner Donne Brownsey

CALIFORNIA COASTAL COMMISSION

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W13b

ADDENDUM

December 13, 2021

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W13b, LCP Amendment No. LCP-5-LOB-20-0058-3 (City of Long Beach, Short-Term Rentals) for the Commission Meeting of Wednesday, December 15, 2021.**

I. PUBLIC CORRESPONDENCE

The Commission received nine letters in response to staff's recommendation on the subject Local Coastal Program (LCP) amendment before the public comment deadline on Friday, December 10, 2021 at 5pm. These comments are summarized and addressed in this addendum. Additional public comments received after the deadline have been and will continue to be added to the file for this item and are available upon request.

Three individuals and the Huntington Beach Short-Term Rental Alliance submitted comments in support of the staff recommendation to certify the amendment to the certified Implementation Plan (IP) with suggested modifications. These parties agree that the staff recommendation and short-term rentals (STRs) provide visitor-serving coastal access and unique coastal experiences to visitors of all income levels, as well as income for local businesses and hosts that, in some cases enables them to afford to continue living in their homes. The Huntington Beach Short-Term Rental Alliance also stated its support for "the recommended additional 350 STR permits in the coastal zone, separate from the 800 permit cap." As a point of clarification that is described in more detail below, Commission staff's suggested modification that is referenced would serve to maintain the historic number of approximately 350 non-primary STRs in the coastal zone by allowing the City to issue up to 350 STR registrations for units in non-primary residences in the coastal zone. This suggested modification was developed in close consultation with City staff, and the City staff has indicated that the 350 registrations within the coastal zone are intended to be a portion of the City's proposed total 800-unit city-wide cap (which includes areas both within and outside the coastal zone), which is met on a first come first served basis.

In addition, while the letters in support of the staff recommendation acknowledge that the City's ordinance has been successful in regulating STRs outside of the coastal zone, three of the comments also suggest that the ordinance should be modified to allow STRs in Accessory Dwelling Units (ADUs). Currently, the proposed IP amendment includes in its STR registration eligibility requirements a statement that ADUs, junior ADUs, deed restricted affordable housing units, units in special group residences, and single room occupancies are not eligible to offer STRs. This restriction, as proposed by the City, protects more affordable housing and special group residences (e.g. halfway houses, housing for persons with disabilities, and senior citizen housing) within the coastal zone. Commission staff does not believe that the protection of these housing types would significantly affect the availability of STRs in the coastal zone and considers this provision in the proposed amendment to be consistent with the City's certified Land Use Plan (LUP).

The Commission also received letters from two individuals, Better Neighbors LA and Unite Here, and LA Alliance for a New Economy in opposition to the staff recommendation. Commission staff also met with representatives of Unite Here and Better Neighbors LA on December 10, 2021. In general, the issues raised by those in opposition to the staff recommendation center around the potential adverse impacts of STRs, especially un-hosted STRs, on the availability and affordability of housing, neighborhood character, and coastal access. Concerns were also raised regarding the suggested modifications that would add a cap for non-primary short-term rentals in the coastal zone and require coastal development permits (CDPs) be processed for applications to prohibit STRs. The organizations in opposition to the staff recommendation also suggest that the Commission should modify the City's proposed IP amendment to only allow for hosted short-term rentals in the coastal zone (i.e. prohibit all un-hosted STRs). Each of these issues is addressed in more detail in the following paragraphs.

More specifically, those in opposition to the staff recommendation raised several issues relating to the preservation of the character of residential communities in Long Beach, which, as stated in the staff report dated December 3, 2021, is protected by the certified LUP. First, one of the issues identified in the correspondence received is that un-hosted STRs have adversely affected residential areas by causing noise and pollution in neighborhoods, which are not being adequately addressed. Specifically, one of the commenters describes the lack of regulation of an un-hosted STR at their neighbor's property that has been affecting their family's quality of life and requests there be a process to address complaints. Second, many of the letters of opposition discussed the role of STRs and, most directly, un-hosted STRs in adversely affecting racial and economic diversity of Long Beach by displacing and limiting coastal access for low-income communities and communities of color, reducing the supply of lower cost housing, facilitating gentrification, and overcrowding more affordable motels and hotels. Third, a member of the public suggests that having short-term rentals in existing residential neighborhoods is affecting the friendliness and safety of residential areas currently felt by residents. Each of these issues is discussed in the following subsections:

- 1) Regarding noise and environmental impacts, the City's proposed IP amendment includes regulations that require hosts to provide trash and recycling information to guests, limit the hours of pool use, prohibit individuals at the STR site from causing

unnecessary or unusual noise that would annoy a reasonable person of normal sensitivity, and require all activities to comply with all Municipal Code requirements, including those relating to loud parties and litter prevention. If those requirements are not met, an STR registration can be revoked. In addition, the IP amendment does not allow STR registrations to be issued to hosts with active or pending code enforcement actions or violations or those where a registration has been revoked due to such actions or violations. Therefore, as proposed, the IP amendment addresses these concerns and minimizes potential impacts on water quality from STR stays consistent with the certified LUP.

- 2) In response to comments received about impacts STRs may be having on Long Beach's housing stock and social character, Commission staff recognize that the State is in a housing crisis and understand the importance of balancing visitor-serving overnight accommodations, especially lower cost accommodations (protected and encouraged by of the Coastal Act, including Sections 30213 and 30222, and the City's certified LUP), with residential development, especially affordable housing, in the coastal zone to maximize public access for all people. Some of the letters received, including those submitted by organizations like Unite Here, suggest that STRs, especially un-hosted STRs, are associated with gentrification, higher housing costs, displacement of lower-income residents, over-crowding of motels and lower-cost hotels, and prioritization of coastal accessibility for more affluent visitors over existing residents. While this may be true in some cases, Commission staff believes that the City's proposed IP amendment, as suggested to be modified, strikes a reasonable balance between visitor-serving accommodations and existing residential development, and the commenters' suggestion to increase affordability and decrease impacts on housing by only allowing hosted STRs would not significantly address these issues.

For example, based on the City's 2018 data, approximately one-third of all active STRs in the Long Beach coastal zone qualified as low-cost overnight accommodations. Thus, protection of historic numbers of STRs offered annually in the coastal zone, as suggested in the staff recommendation, should also protect the historic number of affordable STRs. Given that this data also indicates that over 80% of active STRs are "entire home" STRs (approximately equivalent to un-hosted or non-primary residence STRs), then such STRs in Long Beach have also provided lower-cost overnight accommodations. Therefore, a blanket prohibition of all un-hosted STRs, which serve the vast majority of STR guests in the Long Beach coastal zone, would not necessarily result in more affordable overnight accommodations or an alleviation of potential overcrowding of other lower-cost overnight accommodations.

Regarding impacts of STRs on affordable housing, gentrification, and social diversity, as described above, the proposed amendment does not allow for deed restricted affordable residential units or other more affordable housing options like ADUs and single room occupancies to be registered as STRs. In addition, there are limits on the proportion of units within a multi-family residence allowed to be registered as non-primary STRs (one unit in buildings with up to 10 units, one to five for buildings with 11-50 units, 6 to 12 for buildings with 51-100 units, and 15% of the units for buildings with over 100 units). These restrictions, as well as the City's registration process, should prevent the

development of “mini-hotels” within multi-family buildings in residential zones, which is a concern raised by Unite Here. Furthermore, the proposed LCP amendment, as suggested to be modified, does not require or even encourage more STRs to be developed, it merely creates a process for the regulation of STRs that already exist and provides for the maintenance of existing numbers of visitor-serving overnight accommodations in the coastal zone. Thus, significant impacts on the residential character (including income and racial diversity) of parts of the Long Beach coastal zone are not anticipated as a result of the subject IP amendment.

- 3) The comment received that identified STRs as a safety concern and a source of diminished friendliness within residential communities also suggests that the proposed IP amendment forces STRs on communities. However, the proposed amendment, as described above, does not require STRs in the coastal zone; it provides a new regulated process by which owners of some permitted residential units (not affordable or other units listed previously) can apply to offer STRs. Additionally, the proposed regulations include safety requirements and residential character protections that must be met in order for a STR registration to be issued, and, as described above, if the regulations are not being complied with, there is a process for revocation of STR registrations.

Regarding Commission Staff’s suggested modification to the proposed IP amendment to require CDPs for the prohibition of STRs on a site, the issues raised by the public include: a) not allowing Homeowners’ Associations (HOAs) to prohibit STRs is a security risk and an unfair financial burden for homeowners within HOAs that share utility costs, b) applications to prohibit STRs on sites where STRs have not historically been offered should not require a CDP, and c) the petition process proposed by the City would allow census block groups to only allow hosted STRs and would not reduce the number of overnight accommodations. Each of these concerns are addressed below:

- a) The proposed amendment and suggested modifications do not prevent HOAs from prohibiting STRs, they only require an application for such a prohibition to be evaluated based on its consistency with the City’s certified LUP, including the policies that protect public access to the coast. Thus, if a HOA applies for a CDP to prohibit STRs in its buildings and the City makes all of the required findings listed in the suggested modification, including that the HOA’s proposal is consistent with the LUP and would not adversely affect coastal access individually or cumulatively, then the prohibition could be approved, and those buildings could be added to the Prohibited Buildings List if so desired.
- b) The organizations opposed to the staff recommendation assert that CDPs should not be required to prohibit short-term rentals where they were not offered previously. However, the Commission’s guidance for local governments’ regulation of STRs states that the regulation of short-term/vacation rentals represents a change in the intensity of use and of access to the shoreline, and thus constitutes development. In addition, the suggested modifications that identify the need for a CDP for proposed STR prohibitions only apply to building owners that are seeking to add a STR-eligible property to the City’s Prohibited Buildings List, which, as proposed, would remain on that list indefinitely or until the property owner (or a future property owner) applies to remove the residential

unit from the list. If an individual simply does not want to offer STRs, they need not apply for a CDP. Also, one comment letter stated that the Commission does not require CDPs for the conversion of residential uses to visitor-serving accommodations. However, the subject LCP amendment is required because the proposed regulation of STRs does constitute development that could affect access to the coast.

- c) Additionally, the letter received from Better Neighbors LA and Unite Here Local 11 states that by petitioning to prohibit un-hosted STRs, a census block group is petitioning to only allow hosted STRs, and that a successful petition cannot, therefore, reduce the number of accommodations offered in those areas. While they are correct that hosted STRs would still be allowed even if a petition to prohibit un-hosted STRs was successful, the assertion that no STRs would be lost assumes that every operator of existing un-hosted STRs would register to provide hosted STRs. In addition, the City's data on STRs from 2018 suggests that approximately 80% of the active STR units in the coastal zone were un-hosted. Therefore, the assertion that census block group petitions to prohibit un-hosted STRs would not affect the number of overnight accommodations offered in that area is unsubstantiated.

Finally, Unite Here, Better Neighbors LA, and LA Alliance for a New Economy oppose the Commission's suggested modification that creates a 350-unit cap for non-primary residence STRs in the coastal zone because they believe it effectively raises the city-wide cap from 800 registrations to 1150 registrations and requires 350 un-hosted STR registrations in the coastal zone. The organizations contend that this "set aside" is unnecessary and would result in a substantial increase in the number of un-hosted short-term rentals in the City. The organizations suggest that the City's 800-unit cap better protects housing than the proposed suggested modification and that the Commission should instead require that the applicants for un-hosted STRs in the coastal zone register immediately.

First of all, as a point of clarification, the 800-unit cap applies to non-primary residence STRs, not un-hosted STRs. While non-primary residence STRs can be un-hosted, most are, however, the two are not mutually exclusive. For example, a STR operator could both live in and rent out a portion of their non-primary residence during the summer months making that STR a hosted non-primary STR.

Additionally, to summarize the City's proposed restriction on non-primary STRs, the IP amendment includes an 800-unit cap on the total number of registrations that could be issued for non-primary residence STRs city-wide. The registrations would be issued on a first come, first served basis each year until the cap is reached. Based on the City's 2018 STR data, there were approximately 350 "entire home" STRs (about equivalent to the number of non-primary residence STRs) within the coastal zone, which was approximately 80% of all active STRs that year. As proposed, the STR regulations are not adequate to maintain the opportunity for hosts to offer non-primary STRs within the coastal zone at historic levels (i.e. while highly unlikely, theoretically, the first 600 operators that qualify for a non-primary STR registration could have units outside of the coastal zone leaving only 200 registrations for inside the coastal zone, which would reduce the total number of non-primary STRs in the coastal zone from 350 to 150). To address this, a suggested modification is required to ensure that 350 of the 800 registrations could be issued to

properties within the coastal zone thereby protecting existing visitor-serving accommodations as required by the certified LUP. The modification does not, however, require 350 registrations for non-primary residence STRs to be issued in the coastal zone each year.

As suggested to be modified, the City can still ensure that the 800-unit city-wide cap is not exceeded by limiting the number of non-primary STR registrations outside of the coastal zone to 450. However, the Commission does not have the authority to require the City to do so because it cannot regulate the registrations outside the coastal zone. Therefore, if the City is concerned with maintaining the historic stock of non-primary residence STRs outside of the coastal zone (approximately 530 units), the modification suggested by Commission staff does not and cannot restrict the City's ability to issue that number of registrations outside of the coastal zone. Thus, the modification is crafted to allow the City to issue up to 350 registrations within the coastal zone regardless of the number of registrations issued outside of the coastal zone. The organizations' stated concern that there will be 1150 un-hosted STR registration applications city-wide or that the City will issue that many registrations is unlikely, especially considering there were only approximately 880 non-primary or un-hosted STRs in all of Long Beach in 2018. The City also has the ability to recommend that non-primary residence STR applicants in the coastal zone submit applications early, as recommended by Unite Here and Better Neighbors LA.

In summary, the proposed IP amendment, as suggested to be modified, does not require or even encourage more STRs to be developed in the coastal zone. Instead, it creates a process for the regulation of STRs that already exist that requires the protection the character of residential neighborhoods in the coastal zone, minimizes pollution of coastal areas where STRs are offered, and provides for the maintenance of existing numbers of visitor-serving overnight accommodations in the coastal zone. Thus, as suggested to be modified, the City of Long Beach IP amendment to add STR regulations in the coastal zone is consistent with and adequate to carry out the coastal resource protection policies of the certified LUP.

CALIFORNIA COASTAL COMMISSION

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December 20, 2021

Christopher Koontz, Planning Bureau Manager
Long Beach Development Services

411 West Ocean Boulevard – 3rd Floor
Long Beach, CA 90802

**Re: Long Beach Local Coastal Program Amendment No. LCP-5-LOB-20-0058-3
(Short-Term Rentals)**

Dear Christopher Koontz,

You are hereby notified that the California Coastal Commission, at its December 15, 2021 virtual meeting, approved with modifications Local Coastal Program (LCP) Major Amendment No. LCP-5-LOB-20-0058-3. LCP Amendment No. LCP-5-LOB-20-0058-3 amends the Implementing Ordinances of the certified LCP to add regulations for short-term rentals in the coastal zone.

The Commission approved the LCP amendment with the attached suggested modifications. Therefore, LCP Amendment No. LCP-5-LOB-20-0058-3 will not be effective for implementation in the City's coastal zone until: 1) the Long Beach City Council adopts the Commission's suggested modifications, 2) the City Council forwards the adopted suggested modifications to the Commission by resolution, 3) the Executive Director certifies that the City has complied with the Commission's December 15, 2021 action, and 4) the Commission concurs with the Executive Director's determination that the action by the City Council adopting the suggested modifications is legally adequate. The Coastal Act requires that the City's adoption of the suggested modifications and submittal of the City's final action be completed within six months of the Commission's December 15, 2021 action. Therefore, the deadline for submittal of the City Council's adoption in this case is **June 15, 2022**.

Thank you for your cooperation and we look forward to working with you and your staff in the future. If you have any questions, please contact me at dani.ziff@coastal.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dani Ziff'.

Dani Ziff
Coastal Program Analyst

Suggested Modifications for LCP Amendment No. LCP-5-LOB-20-0058-3

For the following suggested modifications:

The City's proposed language is shown in plain text.
The Commission's suggested additions are shown in underline text.
The Commission's suggested deletions are shown in ~~strike out text~~.

The following suggested modifications are necessary to carry out the Chapter 3 policies of the Coastal Act and the provisions of the certified LUP:

Suggested Modification 1: Allow for up to 350 non-primary residence STRs in the coastal zone each year.

Registration required, Section 5.77.030.B

...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.

Suggested Modification 2: Limit the ability of building owners to prohibit short-term rentals, unless such restrictions were explicitly in place prior to the Coastal Act, by requiring coastal development permits to be issued for the addition of buildings and census block groups to the Prohibited Buildings List and clarify the role of the subject regulations if in conflict with restricted covenants, or similar documents, that existed prior to the Coastal Act.

Definitions, Section 5.77.020.M

"Prohibited buildings list" means a list identifying the address(es) of all buildings whose owner(s), including any applicable homeowners' association or board of directors, have notified the City, pursuant to City procedures, that short-term rentals are not permitted to operate anywhere in such building, including deed restricted affordable housing units. Prohibited buildings list shall also include a list of census block groups where un-hosted STRs are prohibited per Section 5.77.080. In the Coastal Zone, the provisions of the prohibited buildings list shall apply only to buildings with restrictive covenants or homeowners' associations covenants, conditions, and restrictions (CC&Rs) that are not discriminatory (as defined in Government Code 12955) with explicit restrictions on short-term rentals or their equivalent recorded prior to the Coastal Act (January 1, 1977). Restrictive covenants or CC&Rs proposed subsequent to the effective date of the Coastal Act (January 1, 1977) that restrict short-term rentals in the Coastal Zone shall require a Local Coastal Development Permit (LCDP) under the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code to authorize the

restriction for specific buildings. If such a LCDP is approved, the City shall comply with Section 5.77.050.O of these regulations.

Registration required, Section 5.77.030.B

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

Request to Petition to restrict un-hosted short-term rentals within a geographical census block group, Section 5.77.080.A

The property owners of residential property in any census block group within the City may request the City to initiate a petition process, using a form provided by the Director, to prohibit un-hosted STRs within that census block group.

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

Request to Petition to restrict un-hosted short-term rentals within a geographical census block group, Section 5.77.080.C

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

Definitions, Short-Term Rental, Section 21.15.2487

21.15.2487 – Short-Term Rental

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

Local Coastal Development Permits, Permit Required, Section 21.25.903.B

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

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.

Local Coastal Development Permits, Procedures – Coastal Permit, Section 21.25.904.C

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

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 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).

Suggested Modification 3: Avoid cumulative impacts to public access from individual short-term rental restrictions approved in accordance with the required findings listed above by monitoring and reporting on STRs throughout the coastal zone and, if adverse impacts are observed, amending the LCP to correct and mitigate for such impacts.

Short-term rental regulations, Section 5.77.050

O. In the coastal zone, upon City or Coastal Commission approval of the first Coastal Development Permit that restricts STRs in the coastal zone, which shall include the required findings in Division IX of Section 21.25 (Specific Procedures) of the Municipal Code for LCDPs related to short-term rentals, the City shall prepare and submit to the Coastal Commission, within one (1) year of the final action on the LCDP, a report that evaluates the required findings for LCDPs that restrict STRs (Section 21.25.904 of the certified Zoning Code) and the cumulative impacts of such restrictions on coastal resources, including but not limited to public access and recreation. After the first report, new reports shall be submitted to the Commission every five (5) years from the date of the first submittal. If the City or the Commission's Executive Director identifies adverse impacts to coastal resources or inconsistencies with the City's certified LCP resulting from restrictions on STRs in the coastal zone, then the City shall submit within one (1) year a Local Coastal Program Amendment (LCPA) request to the California Coastal Commission that addresses any identified adverse impacts to coastal resources by amending the LCP to mitigate for any adverse impacts identified and modify the certified short-term rental regulations to avoid such impacts in the future.

Suggested Modification 4: Maximize public access for all people by including a commitment to non-discriminatory services and ADA-accessibility information in the registration process.

Purpose, Section 5.77.010

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

Registration required, Section 5.77.030.B

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

FINDINGS

Short-Term Rental Ordinance Zoning Code Amendment (ZCA)

The Long Beach Municipal Code (LBMC) does not require specific findings for the adoption of a Zoning Code Amendment. The proposed Amendment, however, is consistent with applicable elements of the City's General Plan, including the Local Coastal Program (LCP), and will not adversely affect the character, livability or appropriate development of the City; and is in conformity with public necessity, convenience, general welfare, and good planning practice. The City of Long Beach makes these findings in support of its adoption of the proposed zoning code text amendments required to administer the Short-Term Rental (STR) Ordinance (Chapter 5.77 of the LBMC).

On December 15, 2021, the California Coastal Commission held a public hearing considering a Local Coastal Program Amendment (LCPA) to certify Chapter 5.77 of the LBMC for the regulation of STRs. The California Coastal Commission adopted the LCPA with suggested modifications to Title 5 and introduced new changes to the Zoning Regulations (Title 21) to ensure the administration of the ordinance is consistent with the Coastal Act. The suggested modifications are required to be adopted by City Council in order to certify the LCPA.

The Zoning Code Amendment is consistent with objectives, principles, and standards of the General Plan. The Zoning Code Amendment (ZCA) would not conflict with the City's General Plan, Zoning Code, or any other applicable land use plans and policies. The purpose of the proposed ZCA is to 1) introduce a definition of STRs into the Zoning Code (Title 21) and 2) establish procedures and findings for regulation of STRs in the coastal zone through the Local Coastal Development Permit (LCDP) process (Division IX of Section 21.25 of the LBMC).

The regulation of STRs was introduced into the LBMC with City Council adoption of Chapter 5.77, which is part of Title 5 - Regulation of Businesses, Trades and Professions, of the LBMC. Pursuant to Section 5.77.010, the purpose of Chapter 5.77 is as follows:

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.

(Section 5.77.010 of the LBMC)

The STR ordinance includes four categories of STRs: primary residence STRs, non-primary residence STRs, hosted STRs, and un-hosted STRs. The ordinance includes regulations related to the overall number of STRs, length of STR operation, and ability to restrict STRs. The overall purpose of the STR ordinance is to establish a process

governing the renting or leasing of privately owned residential dwelling units as STRs in order to maintain the long-term rental housing stock in the City.

The ZCA is limited to the introduction of a zoning code definition and a procedure for establishing limitations on STRs in the coastal zone. The ZCA is consistent with goals, policies, and strategies in the Land Use Element (LUE) and Housing Element (HE) of the General Plan by regulating the number of housing units Citywide that are used as STRs, to ensure access to long-term housing. Furthermore, the ZCA includes findings and procedures to avoid cumulative impacts to public access to the coast as a result of STR restrictions in the coastal zone. Therefore, the ZCA, as required by the Coastal Commission, would be consistent with the Coastal Act and the LCP.

Overall, the ZCA does not introduce uses or development that are materially different from those otherwise permitted in the respective General Plan Designations/PlaceTypes or zoning districts. The STR ordinance and ZCA would allow for the use of residential development for STR activities. The ZCA would not change allowable density, intensity, or height on individual development sites, overall total development levels and numbers of housing units are not anticipated to exceed those contemplated Citywide under the 2019 LUE or in the LCP.

This proposed STR ordinance and associated ZCA supports planning and zoning best practices, builds upon existing studies, and provides another strategy to provide visitor-serving accommodations while maintaining the long-term rental housing stock in the City. The ZCA also builds upon policy recommendations adopted by City Council to address a balance of preserving the long-term housing stock 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 proposed Zoning Code Amendment will not adversely affect the character, livability or appropriate development of the City, and is in conformity with public necessity convenience, general welfare, and good planning practice. The proposed ZCA project involves amendments to the City's Municipal Code, Title 5 and Title 21 to bring the STR ordinance into conformance with the Coastal Act. The STR ordinance includes procedures and regulatory requirements to ensure such short-term rental activities do not become a nuisance, or threaten the public health, safety or welfare of neighboring properties.

The proposed Zoning Code Amendment is consistent and compliant with the California Environmental Quality Act (CEQA). No adverse environmental impacts are expected as a result of the proposed action. The project involves legislative changes; no development project is contemplated at this time. In accordance with California Environmental Quality Act (CEQA), CEQA and the CEQA Guidelines, a Negative Declaration (ND 07-19) was previously prepared for the Short-Term Rental Ordinance and adopted by the City Council on May 19, 2020. The current action, which is procedural in nature and consists only of relatively minor modifications to land use regulations, and does not include any direct land use approvals, falls within the scope of the previously certified Negative Declaration, and no further environmental review is required.

In accordance with the CEQA Guidelines for Implementation of the Public Resources Code Section 21080.9 and CEQA Section 15265(a)(1) the proposed modifications are statutorily exempt. CEQA does not apply to activities and approvals by the City necessary

for the preparation and adoption of an LCPA. The proposed modifications are necessary for certification of the LCPA by the Coastal Commission. No additional action is required for Environmental Review.

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

(ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

5.77.020 Definitions.

- A. "Booking transaction" means any reservation and/or payment service provided by a person or entity who facilitates a short-term rental transaction between a prospective guest and a short-term rental operator.
- B. "City" means City of Long Beach.
- C. "Director" shall mean the Director of Development Services or a person designated by the Director to act in her/his stead.
- D. "Guest" means any person or persons renting a short-term rental for transient occupancy.
- E. "Host" means the natural person or persons, at least one (1) of whom is an occupier of the property, who is/are the owner of record of the property or operates the property, including a personal or family trust consisting solely of natural persons and the trustees of such trust or a limited liability company and the members of such company, or who is/are an authorized tenant of the property.
- F. "Hosted stay" means a short-term rental activity whereby the host remains on-site and resides in a habitable dwelling unit or portion thereof throughout the guest's stay (except during daytime and/or work hours).
- G. "Hosting platform" means a person or entity that participates in the short-term rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.
- H. "Local contact person" means the person designated by the operator to respond to and take remedial action regarding STR complaints.
- I. "Non-primary residence STR" means a short-term rental that is not a primary residence.
- J. "Platform agreement" means a signed agreement between a hosting platform and the City, which, among other things, provides that the hosting platform will collect and submit transient occupancy tax to the City on behalf of short-term rental operators.

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- K. "Primary residence" means a person's permanent residence or usual place of return for housing as documented by at least two (2) of the following: motor vehicle registration; driver's license; voter registration; tax documents showing the residential unit as the person's residence; or a utility bill. A person may have only one (1) primary residence and must reside there for a minimum of two hundred seventy-five (275) days during the calendar year. For properties with two (2) or more existing legally permitted dwelling units (e.g., a duplex), the term "primary residence" shall refer to the parcel of land and all units on that parcel or within a building in a residential development project.
- L. "Primary residence STR" means a primary residence being operated as a short-term rental.
- M. "Prohibited buildings list" means a list identifying the address(es) of all buildings whose owner(s), including any applicable homeowners' association or board of directors, have notified the City, pursuant to City procedures, that short-term rentals are not permitted to operate anywhere in such building, including deed restricted affordable housing units. Prohibited buildings list shall also include a list of census block groups where un-hosted STRs are prohibited per Section 5.77.080. In the Coastal Zone, the provisions of the Prohibited buildings list shall apply only to buildings with restrictive covenants or homeowners' associations covenants, conditions, and restrictions (CC&Rs) that are not discriminatory (as defined in Government Code 12955) with explicit restrictions on short-term rentals or their equivalent recorded prior to the Coastal Act (January 1, 1977). Restrictive covenants or CC&Rs proposed subsequent to the effective date of the Coastal Act (January 1, 1977) that restrict short-term rentals in the Coastal Zone shall require a Local Coastal Development Permit (LCDP) under the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code to authorize the restriction for specific buildings. If such a LCDP is approved, the City shall comply with Section 5.77.050.O of these regulations.
- N. "Residential development project" means a multi-family development (four (4) or more units) with more than one (1) building on one (1) or more parcels of land.
- O. "Short-term rental ("STR")" means a residential dwelling unit, or portion thereof, that is offered or provided to a paying guest(s) by a short-term rental operator for thirty (30) or fewer consecutive nights. The term "short-term rental" shall not include hotels, motels, inns, or bed and breakfast inns.
- P. "Short-term rental advertisement" means any method of soliciting use of a dwelling unit for short-term rental purposes.
- Q. "Short-term rental operator" or "operator" means any person who is the owner or tenant of a dwelling unit, or portion thereof, who offers or provides that dwelling unit, or portion thereof, for short-term rental use.
- R. "Single room occupancy" is as defined in Section 21.15.2667.
- S. "Special group residence" is as defined in Sections 21.15.2810 and 21.52.271.
- T. "Tenant" means a person who has a rental agreement for a dwelling unit in which the rental payments are paid on a monthly or other periodic basis in exchange for occupancy of the dwelling unit.
- U. "Transient occupancy tax" ("TOT") means local transient occupancy tax as set forth in Chapter 3.64 of the Long Beach Municipal Code.
- V. "Un-hosted stay" means a short-term rental activity whereby the host, as that term is defined herein, resides off-site during the guest's stay.

(ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

5.77.030 Registration required.

- A. No person or entity shall advertise, rent, or operate a short-term rental in the City unless a short-term rental (STR) registration has been issued by the City pursuant to this Chapter. An operator of the STR shall register

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with the City and shall be responsible for all requirements of this Chapter. Application for a STR shall be in a form prescribed by the Director with all information determined by the Director to be necessary to evaluate the eligibility of the operator, consistent with this Chapter.

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

1. The dwelling unit shall not be an accessory dwelling unit (ADU), a junior accessory dwelling unit (JADU), a deed restricted affordable housing unit, in a special group residence, a single room occupancy, or included on the prohibited buildings list.
2. The STR operator shall not operate more than one (1) primary residence STR and more than one (1) non-primary residence STR in the City.
3. The number of non-primary residence STRs in multi-family development projects shall not exceed the number of dwelling units identified in the Table below:

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 revoked within the last twelve (12) months.
9. If the dwelling unit is subject to the rules of a homeowners' or condominium association or non-discriminatory restrictive covenant recorded prior to the Coastal Act (January 1, 1977) that restricts STRs or their equivalent, allowance to engage in short-term rental activity through this Chapter shall not be inferred to grant any permission that invalidates or supersedes any provisions in those documents.

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10. The operator shall sign an indemnification and hold harmless agreement in a form approved by the City Attorney, agreeing to indemnify, save, protect, hold harmless, and defend the City of Long Beach, the City Council of the City of Long Beach, individually and collectively, and the City of Long Beach representatives, officers, officials, employees, agents, and volunteers from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising out of the operator's actions or inaction in the operation, occupancy, use, and/or maintenance of the short-term rental.
 11. The unit shall be legally permitted as a dwelling unit.
 12. The STR operator shall state whether the STR has Americans with Disabilities Act (ADA)-accessible features.

(ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

5.77.040 Expiration and renewal.

- A. A STR registration is valid for one (1) year from the date of issuance. It may not be transferred or assigned and does not run with the land. A STR registration may be renewed annually if the operator: (1) pays the renewal fee; (2) provides information concerning any changes to the previous application for, or renewal of, the STR registration; (3) submits records described in Section 3.64.080 for the last year to demonstrate compliance with this Chapter.
- B. Failure to submit a renewal application to the City at least thirty (30) days prior to the expiration of the registration shall render the registration and permission to operate an STR null and void.

(ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

5.77.050 Short-term rental regulations.

- A. All marketing and advertising of a STR, including any listing on a hosting platform, shall clearly list the City-issued STR registration number and expiration date.
- B. Short-term rental is prohibited in any part of the property not approved and permitted for residential use including, but not limited to, a vehicle parked on the property, a storage shed, trailer, garage, boat or similar watercraft, tree house, or any temporary structure, including, but not limited to, a tent.
- C. Un-hosted stays in a primary residence STR shall be limited to a maximum of ninety (90) days per year.
- D. Un-hosted stays shall be prohibited in census block groups in the City where such stays are prohibited in accordance with Section 5.77.080 or any successor Section.
- E. Each STR shall have a notice posted within the unit in a location clearly marked and accessible to the guest (e.g., posted on the refrigerator, included within a binder with additional information on the unit, etc.), containing the following information:
 1. The maximum number of occupants permitted in the unit;
 2. Parking capacity, location of parking spaces, and parking rules, if any;
 3. Trash and recycling pickup information;
 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

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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.
- K. Short-term rentals shall comply with all applicable laws and regulations of the City including those pertaining to health, safety, building, and fire protection.
- L. The STR operator shall pay all applicable fees and charges set by the City Council by resolution as may be necessary to effectuate the purpose of this Chapter.
- M. It is unlawful for any STR host, operator, occupant, renter, lessee, person present upon, or person having charge or possession of the STR premises, to make or continue to cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivities residing in the area, or which violates any provision of Chapter 8.80 ("Noise") of this Code.
- N. The appearance of the STR premises shall not conflict with the residential character of the neighborhood. All applicable development, design, and landscaping standards, including, but not limited to, those contained in Title 21 of this Code, are expressly made applicable to any premises used for STR purposes.
- O. In the coastal zone, upon City or Coastal Commission approval of the first Coastal Development Permit that restricts STRs in the coastal zone, which shall include the required findings in Division IX of Section 21.25 (Specific Procedures) of the Municipal Code for LCDPs related to short-term rentals, the City shall prepare and submit to the Coastal Commission, within one (1) year of the final action on the LCDP, a report that evaluates the required findings for LCDPs that restrict STRs (Section 21.25.904 of the certified Zoning Code) and the cumulative impacts of such restrictions on coastal resources, including but not limited to public access and recreation. After the first report, new reports shall be submitted to the Commission every five (5) years from the date of the first submittal. If the City or the Commission's Executive Director identifies adverse impacts to coastal resources or inconsistencies with the City's certified LCP resulting from restrictions on STRs in the coastal zone, then the City shall submit within one (1) year a Local Coastal Program Amendment (LCPA) request to the California Coastal Commission that addresses any identified adverse impacts to coastal resources by amending the LCP to mitigate for any adverse impacts identified and modify the certified short-term rental regulations to avoid such impacts in the future.

(ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

5.77.060 Short-term rental operator requirements.

- A. The operator shall provide information on the maximum allowed number of occupants, parking capacity and location of parking spaces, noise regulations and quiet hours, and trash and recycling disposal requirements to prospective guests, prior to their occupancy of the unit.
- B. The operator shall provide and maintain working fire extinguishers, smoke detectors, and carbon monoxide detectors, in compliance with life, fire, and safety codes; and information related to emergency exit routes on the property, local contact, and emergency contact information.
- C. The operator shall maintain and provide proof of liability insurance appropriate to cover the short-term rental use in the aggregate of not less than One Million Dollars (\$1,000,000.00); or conduct each short-term rental transaction through a platform that provides equal or greater insurance coverage.
- D. Transient Occupancy Taxes shall be collected on all Short-Term Rentals. If a Hosting Platform does not collect payment for the rental, operators are solely responsible for the collection of all applicable TOT and remittance of the collected tax to the City in accordance with Chapter 3.64 (Transient Occupancy Tax). If a Hosting Platform does collect payment for the rentals, then it and the operator shall both have legal responsibility for the collection and remittance of the TOT.
- E. The operator and property owner shall be jointly responsible for any nuisance violations arising at a property during short-term rental activities.
- F. The operator shall authorize any hosting platform on which his or her STR(s) is listed to provide to the City the operator listing and other information to demonstrate compliance with all provisions of this Chapter.
- G. The operator must consent to receive all City notices and fines regarding STR registration by U.S.

mail. (ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

5.77.070 Hosting platform responsibilities.

- A. Hosting platforms shall not process or complete any booking transaction for any STR if notified by the City that a valid current STR registration number has not been issued by the City to the operator. Hosting platforms are required to list the STR registration number and expiration date. Hosting platforms shall not process or complete any booking transaction for any property located in the City that would exceed the limit of days as set forth in Section 5.77.050.C.
- B. Within forty-five (45) days of the effective date of this Ordinance, hosting platforms with listings located in the City shall provide to the City contact information for an employee or representative of the hosting platform that will be responsible for responding to requests for information from the City, including requests related to possible violations of this Chapter.
- C. Subject to applicable laws, a hosting platform with listings located in the City shall provide to the City on a monthly basis, in a format specified by the City, the STR registration number of each listing, the name of the person responsible for each listing, the address of each such listing, and, for each booking that occurs within the reporting period, the number of days booked, and the total price paid for each rental.
- D. In the event a hosting platform has entered into a platform agreement, and an operator has assigned the responsibilities for the collection and remittance of transient occupancy tax to the hosting platform, then the hosting platform and the operator shall have the same duties and liabilities, including but not limited to the collection and remittance of transient occupancy tax to the City in compliance with this Chapter and Chapter 3.64 (Transient Occupancy Tax) of this Code.

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- E. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, any such law(s).
 - F. Hosting platforms shall remove any listings for STRs, including those on the City's prohibited buildings list, from the platform upon notification by the City. The City Manager shall develop, by administrative regulation, processes and procedures for the removal of any listing.
 - G. Hosting platforms shall inform all operators who use the platform of the operator's responsibility to collect and remit all applicable local, state, and federal taxes, unless the platform has a platform agreement.
 - H. It is unlawful to be a hosting platform operating in the City unless the responsibilities in this Section are fully complied with.

(ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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

- A. The property owners of residential property in any census block group within the City may request the City to initiate a petition process, using a form provided by the Director, to prohibit un-hosted STRs within that census block group.
 - 1. In the Coastal Zone, the petition process shall follow the procedures below and requires a Coastal Development Permit under the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code to authorize the restriction. Refer to item C, below.
- B. The petition must include the signatures, printed names, and addresses of a majority of the property owners of residential real property located within the boundaries of the census block group and the petition process shall in all cases be initiated within one hundred and eighty (180) days after the effective date of this Chapter, and a new one hundred and eighty (180) day petition process period shall be established annually thereafter. The petitioning process will be completed by the City via U.S. mail, and the requestor(s) shall be responsible for the cost of initiating and completing the petition process, which cost will be established by the City Council by resolution. All petition signatures shall be collected by the City, and shall include the street address of each signer, and shall indicate and set forth the positive desire of all those signing the petition to prohibit un-hosted stays within the boundaries of the census block group. Each census block group shall be limited to the submission of one (1) request to initiate a petition process during any one hundred eighty (180)-day petition process period, on a first come, first served basis. Any second or subsequent petition request for the same census block group during the annual one hundred eighty (180)- day petition process period shall automatically be deemed null and void by the City without opportunity for an administrative appeal.
- C. To the extent a petition seeks to prohibit un-hosted STRs within the Coastal Zone boundaries of the City, and the petition process is successful, it shall have no effect on properties within the Coastal Zone boundaries until the California Coastal Commission ~~certifies the adoption of this Chapter as an appropriate implementation ordinance for the City's Local Coastal Program or City approves a Coastal Development Permit in conformance with the required findings of the Coastal Act. Any petition to restrict un-hosted short-term rentals shall adhere to the certified provisions of Division IX of Section 21.25 (Specific Procedures) of the Municipal Code for procedures for LCDPs related to short-term rentals. A LCDP approving a petition to prohibit un-hosted STRs in a census block group shall remain in effect subject to the expiration time limit established under the approved LCDP.~~
- D. For purposes of the petition, each residential property within the census block group shall be represented by one (1) vote and multiple signatures for the same property shall count as one (1) vote.

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- E. Upon receipt of a petition, the Director shall verify that the petition contains the required number of signatures requesting that un-hosted stays be prohibited within the census block group.
 - F. Following approval of an un-hosted restriction by the Director, the City shall provide notice of the restriction to all residential property owners within the boundaries of the affected census block group.
 - G. Once approved, a restriction on un-hosted STRs shall remain in effect for a minimum of three (3) years following the effective date of such restriction. After the initial three (3) year restriction period, the restriction shall remain in effect indefinitely unless and until such restriction(s) are prohibited by law; or a request to initiate a petition to eliminate the restriction is filed with the City and a majority of the property owners within the restricted census block group sign the petition reflecting the positive desire of all those signing the petition to remove the restriction on un-hosted stays.
 - H. The City Clerk or the Department of Development Services shall cause to be posted online a list or map of the current census block groups where un-hosted STRs are prohibited.
 - I. Any fees associated with the filing of the petition, or the removal of a restriction once adopted, shall be established by the City Council by resolution.

(ORD-20-0045(Emerg.) § 1, 2020)

Editor's note(s)—With the inclusion of new provisions set out above in § 5.77.080 adopted by ORD-20-0045(Emerg.), all subsequent existing §§ 5.77.080—5.77.120 have been renumbered as §§ 5.77.090—5.77.130, accordingly.

5.77.090 Enforcement.

- A. It is unlawful to violate the provisions of this Chapter. Violations include, but are not limited to:
 - 1. Failure of the local contact to take action to respond to a complaint within one (1) hour after the complaint is received or a contact is attempted and the local contact cannot be reached;
 - 2. Failure to notify the City when the local contact information changes;
 - 3. Violation of the STR maximum occupancy, noise, or other requirements as set forth in this Chapter;
 - 4. Providing false or misleading information on a STR registration application or other documentation required by this Chapter;
 - 5. Any attempt to rent an unregistered STR by advertising the property for short-term rental purposes;
 - 6. Completing a booking transaction in the City without a valid City-issued registration number;
 - 7. Completing a booking transaction where the STR registration has been revoked or suspended by the City;
 - 8. Exceeding the maximum number of occasional events permitted in this Chapter;
 - 9. Violations of state, county, or City health, building, or fire regulations;
 - 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 (\$1,000.00) 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 shall be ordered to reimburse the City its full investigative and enforcement costs, pay back all unpaid TOT if applicable, and remit all illegally obtained rental related revenue to the City.
- G. If any violation of this Chapter is found to exist, the City may issue an administrative citation to any operator pursuant to Chapter 9.65 of this Code.
- H. The City may take any other action permitted by law or equity to ensure compliance with this Chapter, including, but not limited to, general code enforcement procedures set forth in Titles 5, 9, 18 and 21 of this Code.
- I. The City may issue and serve administrative subpoenas as necessary to obtain specific information regarding STR listings located in the City, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price paid for each stay, to determine whether the STR listings comply with this Chapter. Any subpoena issued pursuant to this Section shall not require the production of information sooner than thirty (30) days from the date of service. A person, hosting platform, or STR operator that has been served with an administrative subpoena may seek judicial review during that thirty (30) day period.
- J. Any person, hosting platform, or STR operator aggrieved by a decision of the Director with respect to the provisions of this Chapter may appeal the decision to the Board of Examiners Appeals and Condemnation ("BEAC"). The decision of the BEAC shall be final, subject to judicial review pursuant to Code of Civil Procedure Sections 1094.5 and 1094.6.
- K. The remedies provided in this Section are cumulative and not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties, or procedures established by law.

(ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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.

(ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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.

(ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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.

(ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

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.

(ORD-20-0045(Emerg.) § 1, 2020; ORD-20-0024 § 1, 2020)

Title 21 - ZONING
CHAPTER 21.15 DEFINITIONS AND CHAPTER 21.25 SPECIFIC PROCEDURES

CHAPTER 21.15 DEFINITIONS¹

21.15.2487 – Short-Term Rental.

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

CHAPTER 21.25 SPECIFIC PROCEDURES

DIVISION IX. LOCAL COASTAL DEVELOPMENT PERMITS

21.25.903 Permit required.

All development in the coastal zone shall be required to obtain either a coastal permit pursuant to Section 21.25.904 or a coastal permit categorical exclusion pursuant to Section 21.25.906. Such approval must be issued prior to the start of development and shall be required in addition to any other permits or approvals required by the City.

- A. Coastal Permit Issued by the Coastal Commission. Developments on tidelands and submerged lands require a permit issued by the California Coastal Commission in accordance with the procedure as specified by the California Coastal Commission.
- B. Coastal Permits Issued by the City. The following categories of projects require coastal permits in accordance with the procedures set forth in this Division:
 1. Development on the first lot located on, adjacent to, across the street from, or abutting the beach, bay, ocean or tidelands, except minor additions to a single-family residence as specified in Subsection 21.25.903.C (categorical exclusion).
 2. All development projects which require additional discretionary review (such as a conditional use permit, subdivision map or standards variance).
 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.

¹Note(s)—Figures 15-1 through 15-7 referred to in this Chapter are located at the end of the Chapter.

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- C. Exemptions. The following categories of projects are exempt from the coastal permit requirement. However, a coastal permit categorical exclusion (CPCE) shall be obtained pursuant to the procedures indicated in Section 21.25.906.
1. Minor additions on existing single-family residences for the first lot located on, adjacent to, across the street from, or abutting the beach, bay ocean or tidelands. Such additions must be less than ten percent (10%) of the existing floor area and shall not create an additional story or loft.
 2. All projects (excluding the above) which are consistent with the Zoning Regulations, Local Coastal Program, applicable water quality standards, best management practices and pollution controls, and which do not require any discretionary review (e.g., conditional use permit, subdivision map).
 3. Traffic improvements which do not:
 - a. Alter roadway or intersection capacity by more than ten percent (10%) (except stop signs and stoplights); or
 - b. Decrease parking (except by establishing a red curb next to a corner); or
 - c. Impair access to the coast.
 4. Public works projects (excluding traffic improvements) with an estimated cost of forty-nine thousand nine hundred ninety-nine dollars (\$49,999.00) or less.

(ORD-20-0025 § 1, 2020; ORD-19-0008 § 1, 2019; ORD-17-0031 § 17, 2017; Ord. C-6533 § 1 (part), 1988)

21.25.904 Procedures—Coastal permit.

This Section outlines the procedures for issuing coastal permits. Coastal permits may be considered concurrently with or subsequent to any other procedures required by this Title or the City's subdivision regulations.

A. **Jurisdiction.**

1. **Planning Commission.** The Planning Commission shall consider all local coastal development permits for developments requiring a tract map, a parcel map, conditional use permit or planned development permit.
 2. **Coastal Commission.** The Coastal Commission shall consider all coastal permits for projects located below the mean high tide.
 3. **Zoning Administrator.** The Zoning Administrator shall consider all other local coastal development permits.
- B. **Hearing Required.** A public hearing shall be required prior to the approval of a local coastal development permit with the exception of local coastal development permits for the creation or expansion of an accessory dwelling unit in conformance with the requirements of Section 21.51.276 (Accessory dwelling units) and consistent with Government Code Section 65852.2.
- 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.

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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 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 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).
- D. **Date of Final Local Action.** The date of final local action is:
1. The date when the appeal period on all local actions has expired without local appeal;
 2. The date of action on the local appeal(s); or
 3. The date the City is notified by the applicant that the application is approved by operation of law pursuant to Sections 65950 through 65957.1 of the Government Code.
- E. **Notice of Final Action.** Within seven (7) calendar days of the date of the final local action on a local coastal development permit, a notice shall be sent to the Coastal Commission and to any persons who specifically request such notice by submitting a self-addressed, stamped envelope. The notice shall include the written findings of fact required to approve the local coastal development permit and the conditions imposed on the approval, if the permit is approved. Any notice of final local action shall include the procedures for appeal of the action to the Coastal Commission and an indication as to whether the development is in an appealable area.

F. **Appeals to Coastal Commission.** All actions on local coastal development permits located seaward of the appealable area boundary, as determined under Section 21.25.908, may be appealed by an aggrieved person to the Coastal Commission according to the procedures of the Coastal Commission, provided that:

1. All local appeals of City actions provided for by this Title have been exhausted and no fee was charged the appellant for the appeal; and
2. The Coastal Commission has not appealed the local action.

G. **Effective Date.** A local coastal development permit shall be effective as follows:

1. **Outside Appealable Area.** On date of final local action;
2. **Within Appealable Area.** At the conclusion of the twenty-first day after final local action, unless:
 - a. **Appeal.** If a permit is appealed, it shall become effective after action on the appeal by the Coastal Commission.
 - b. **Failure to Give Notice.** If notice to the Coastal Commission is not mailed by the City within seven (7) days after final local action, then the permit shall become effective at the conclusion of the fourteenth day after a complete notice is mailed but no sooner than at the conclusion of the twenty-first day after final local action.
 - c. **Inadequate Filing.** If the Coastal Commission notifies the City and the applicant that notice was not received or distributed in a timely manner or that the notice was not complete or does not adequately describe the development, then the permit becomes effective at the conclusion of the fourteenth day after receipt of such a notice from the Coastal Commission or on the date specified by the Coastal Commission.

(ORD-20-0025 § 2, 2020; ORD-19-0008 § 2, 2019; Ord. C-6533 § 1 (part), 1988)



City of Long Beach Short-Term Rentals Ordinance

NEGATIVE DECLARATION

ND 07-19

Prepared by:

City of Long Beach
Department of Development Services
Planning Bureau

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INITIAL STUDY

Project Title:

City of Long Beach Short-Term Rentals Ordinance

Lead agency name and address:

City of Long Beach
411 W. Ocean Boulevard, 3rd Floor
Long Beach, CA 90802

Contact person and phone number:

Anita Juhola-Garcia, Planner
(562) 570-6469

Project Location:

City of Long Beach, County of Los Angeles, California.

Project Sponsor's name and contact information:

City of Long Beach, Long Beach Development Services
c/o Christopher Koontz
411 W. Ocean Boulevard, 3rd Floor
Long Beach, CA 90802
(562) 570-6288

General Plan:

The proposed Short-Term Rentals Ordinance would cover all General Plan Land Use Districts that apply to any zoning district, Specific Plan (SP) or Planned Development (PD) District with residential uses.

Zoning:

The proposed Short-Term Rentals Ordinance applies to all zoning districts with residential uses, including all Planned Development (PD) Districts and Specific Plan (SP) Districts.

Project Description:

The proposed project will 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"); and provide safeguards to the residents of the City of Long Beach that such short-term rental activities do not become a nuisance, or threaten the public health, safety or welfare of neighboring properties.

This Initial Study/Negative Declaration ("IS/ND") evaluates the potential environmental impacts of the proposed revisions to the City's regulations for transient residential use.

Certain aspects of the proposed amendments do not require environmental analysis under CEQA. For example:

- CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies unless those charges would be used to fund capital projects (CEQA Guidelines Sec. 15273). Therefore, establishment of City administrative fees associated with issuance of permits or licenses for the short-term rental of existing housing units do not require CEQA review.
- Pursuant to CEQA Guidelines Sec. 15309, inspections to check for performance of an operation, or quality, health, or safety of a project are exempt from CEQA.
- City actions to enforce or revoke a license or other entitlement for use or enforcement by a law, general rule, standard, or objective, administered or adopted by the regulatory agency are exempt from CEQA review pursuant to Guidelines Sec. 15321.
- Pursuant to CEQA Guidelines Sec. 15378, “Project means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. However, “Project” does not include “*Organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment.*” Therefore, regulations that represent administrative activities are not subject to CEQA review.
- In evaluating potential economic or social effects of the proposed regulations, this IS/ND reflects CEQA Guidelines Sec. 15382, which states:

“Significant effect on the environment” means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Economic or social changes (e.g., effects on property values or neighborhood social interactions) are not considered to be significant environmental impacts under CEQA unless those changes contribute to a significant physical impact.

The following sections of Title 21 (Zoning Code) shall be amended for the Short-Term Rental Ordinance (STRO):

Add the following underlined definition or reference:

- 21.15.2487 – Short-Term Rental.

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

- 21.15.060 Accessory use. “Short-term rentals” are not considered accessory uses.
- 21.51.235. – Home Occupations.

Add “short-term rentals” to the list of prohibited home occupation uses

- 21.51.276 – Accessory dwelling units.

E. Other Provisions.

1. Owner Occupants, Sales, Rentals, and Covenants. The following requirements shall apply to all accessory dwelling units:

d. The accessory dwelling unit or the primary dwelling may be rented. All rentals shall be for terms of longer than thirty (30) days unless a Short-Term Rental permit is obtained subject to Title 5.

Remove the following underlined definition or reference to:

- 21.15.1580 - Lodginghouse.

“Lodginghouse” means a house with three (3) or more guestrooms where lodging is provided for compensation and where meals are not served.

- 21.51.270 – Room Rental.

The conditions listed below shall apply to all room rentals. Any room rental use not conforming to these conditions shall be considered a boardinghouse, lodging house, hotel or motel, as applicable, and shall be subject to the requirements for that use.

A. The owner of the dwelling unit must live in the unit.

B. The rented room shall not contain more than three (3) plumbing facilities nor a kitchen. Such room shall not contain laundry facilities, a water heater or a wetbar-type sink.

C. The rented room shall not contain an independent exterior entrance.

- D. The rented room may not be detached from the principal dwelling unit.
- E. Not more than two (2) rooms shall be rented in a single dwelling unit.

- 21.52.271 – Special Group Residence (board and care, convalescent home, half-way house, boardinghouse/lodginghouse, communal housing and the like).

Remove the term "lodginghouse" from Special Group Residence.

Surrounding land uses and settings:

The City of Long Beach is adjacent to the following municipalities: City of Los Angeles (Wilmington, Port of Los Angeles), Carson, Compton, Paramount, Bellflower, Lakewood, Hawaiian Gardens, Cypress, Los Alamitos and Seal Beach. It is also adjacent to the unincorporated communities of Rancho Dominguez and Rossmoor. In addition, the City of Signal Hill is completely surrounded by the City of Long Beach.

Public agencies whose approval is required:

Long Beach Planning Commission (recommend City Council approve the changes to Title 21 Zoning Ordinance and submit a Local Coastal Program Amendment to revise the Long Beach Municipal Code)

Long Beach City Council (adopt Negative Declaration 07-19, approve the Short-Term Rentals Ordinance, and adopt the Short-Term Rental Zoning Code Amendments)

California Coastal Commission

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact,” as indicated by the checklist on the following pages:

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture / Forestry Resources	<input type="checkbox"/> Hazards and Hazardous Materials	<input type="checkbox"/> Recreation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology / Water Quality	<input type="checkbox"/> Transportation
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities / Service Systems
<input type="checkbox"/> Energy	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Geology / Soils	<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

(Original Signature on File)
Anita Juhola-Garcia
Planner

9/12/19
Date

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are supported adequately by the information sources a lead agency cites in the parenthesis following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration; Less Than Significant With Mitigation Incorporation” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration (per Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effect were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures

which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested for, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS

a. Would the project have a substantial adverse effect on a scenic vista?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The proposed Short-Term Rental Ordinance (STRO) would not result in significant adverse effects to any scenic vistas or public view of scenic vistas. (The City of Long Beach General Plan Scenic Routes Element, 1975). The City topography is relatively flat, with scenic vistas of the ocean to the south and Palos Verdes to the west. In addition, distant views of San Gabriel and San Bernardino Mountains to the north as well as the Santa Ana Mountains to the east are occasionally available to the public on days of clear visibility primarily during the winter months.

The STRO involves amendments to Title 5 Regulation of Businesses, Trades and Professions, and Title 21 Zoning of the Long Beach Municipal Code. Implementation of the STRO will utilize existing residential units with a framework of operational standards. This proposed project would not result in any negative impacts to the City's visual environment. Therefore, no further analysis of the environmental issue is necessary.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

There are no state scenic highways located within the City. No scenic resources, trees, rock outcroppings or historic buildings would be damaged as a result of STRO implementation. There would therefore be no impact to any natural scenic resource and no further analysis is required.

c. In nonurbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The STRO applies to existing residential properties within the City of Long Beach, which is an urbanized area, and is surrounded by other urbanized areas. As discussed in I.a. and I.b., the proposed project is not anticipated to degrade the existing visual character or quality of public views and is not in conflict with applicable zoning to other regulations governing scenic views and is not in conflict with applicable zoning or other regulations governing scenic quality.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The proposed implementation of the STRO will establish regulations, standards, and a registration process governing the renting or leasing of privately owned residential dwelling units on a short-term basis. The Long Beach Municipal Code Title 21 includes development standards that prevent and reduce light and glare. Since STRO implementation would not directly or indirectly create any adverse light or glare impacts, no further analysis is required.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

For Sections II. a., b., c., d. and e. - There are no agricultural zones within the City of Long Beach, which is a fully urbanized community that has been built upon for over half a century (California Department of Conservation, Farmland Mapping and Monitoring Program 2016). The Project would have no effect upon agricultural resources within the City of Long Beach or any other neighboring city or county.

III. AIR QUALITY

The South Coast Air Basin is subject to some of the worst air pollution in the nation, attributable to its topography, climate, meteorological conditions, large population base, and dispersed urban land use patterns.

Air quality conditions are affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric forces such as wind speed, wind direction, and air temperature gradients, along with local and regional topography, determine how air pollutant emissions affect air quality.

The South Coast Air Basin has a limited capability to disperse air contaminants because of its low wind speeds and persistent temperature inversions. In the Long Beach area, predominantly daily winds consist of morning onshore airflow from the southwest at a mean speed of 7.3 miles per hour and afternoon and evening offshore airflow from the northwest at 0.2 to 4.7 miles per hour with little variability between seasons. Summer wind speeds average slightly higher than winter wind speeds. The prevailing winds carry air contaminants northward and then eastward over Whittier, Covina, Pomona and Riverside.

The majority of pollutants found in the Los Angeles County atmosphere originate from automobile exhausts as unburned hydrocarbons, carbon monoxide, oxides of nitrogen and other materials. Of the five major pollutant types (carbon monoxide, nitrogen oxides, reactive organic gases, sulfur oxides, and particulates), only sulfur oxide emissions are produced mostly by sources other than automobile exhaust.

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Southern California Association of Governments (SCAG) has determined that if a project is consistent with growth forecasts for the subregion in which it is located, it is consistent with the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP), and regional emissions are mitigated by the control strategies specified in the AQMP. Since the STRO does not propose any new development or growth inducing projects that would conflict with the SCAG growth forecasts, it would be consistent with the AQMP and therefore no additional analysis is required.

b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section III. a. above for discussion.

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The CEQA Air Quality Handbook defines sensitive receptors as children, athletes, elderly and sick individuals that are more susceptible to the effects of air pollution than the population at large. Facilities that serve various types of sensitive receptors, including schools, hospitals, and senior care centers, are located throughout the City. The implementation of the STRO would not have any significant adverse effects on sensitive receptors. Please see Section III. a. above for further discussion.

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Potential sources of odors during construction included use of architectural coatings and solvents, and diesel-powered construction equipment. SCAQMD Rule 1113 limits the amount of volatile organic compounds (VOCs) from architectural coatings and solvents, which lowers odorous emissions.

The STRO would not allow or involve land uses that could directly or indirectly result in any significant adverse odors or intensification of odors beyond those typically associated with construction activities. No further environmental analysis is necessary.

IV. BIOLOGICAL RESOURCES

a. Would the project have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Wildlife habitats within the City are generally limited to parks, nature preserves, and water body areas. The STRO would not promote activities that would remove or impact any existing or planned wildlife habitats. No further environmental analysis is required.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Implementation of the STRO would occur in established urbanized areas and would not promote or involve alteration of any protected wetland areas. No further environmental analysis is required.

c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Implementation of the STRO would occur in established urbanized areas and would not promote or involve alteration of any protected wetland areas. No further environmental analysis is required.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Implementation of the STRO would occur in established urbanized areas and would not promote or involve alteration of any protected wetland areas. No further environmental analysis is required.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Implementation of the STRO would be consistent with the General Plan and in conformity with all local policies and regulations. It would not alter or eliminate any existing or future policy or ordinance protecting biological resources. No further environmental analysis is required.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The STRO would not have any adverse effects on any existing or future habitat conservation plans. Please see Sections IV. a. through e. above for further discussion.

V. CULTURAL RESOURCES

a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section §15064.5?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The City of Long Beach is an urbanized community and nearly all properties within the City (with the exception of areas such as park lands) have been previously disturbed and/or developed. The STRO relates to occupancy regulations of existing structures, it would not promote, encourage or enable projects or activities that could remove, degrade or in any way adversely impact local historic resources. No further environmental analysis is required.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section §15064.5?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The implementation of STRO would not result in new development, but rather establish regulations, standards, and a registration process governing the renting or leasing of privately owned residential dwelling units on a short-term basis.

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The STRO does not propose any development that would involve extensive excavation that could result in the disturbance of any designated cemetery or other burial ground or place of interment.

VI. ENERGY

a. Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The implementation of the STRO would not result in wasteful, inefficient, or unnecessary consumption of energy resources, but rather establish regulation, standards, and a registration process governing the renting or leasing of privately owned residential dwelling units on a short-term basis. The implementation would not significantly increase consumption of energy resources.

b. Would the project conflict with or obstruct a state or local plan for renewable energy efficiency?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The implementation of the STRO would not directly result in new development, but rather establish regulation, standards, and a registration process governing the renting or leasing of privately owned residential dwelling units on a short-term basis. The City of Long Beach is in the process of developing a Climate Action and Adaptation Plan (CAAP). This plan would provide framework for updating policies, programs, practices, and incentives for residents and businesses to reduce emissions and will include various energy efficiency measures. The STRO would not conflict with any state or local plan for renewable energy.

VII. GEOLOGY AND SOILS

a. Would the project directly or indirectly cause potential adverse effects, including the risk of loss, injury, or death involving:

- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The City of Long Beach is located in a seismically active region of Southern California. An active fault line, Newport-Inglewood, extends 47 miles from Culver City southeast through Long Beach and other coastal communities. This fault zone runs in a northwest to southeast angle across the southern half of the City. Development would comply with applicable California Building Standards Code (Title 24) which requires various measures of all construction to account for hazards from seismic shaking. No further environmental analysis is necessary.

ii) Strong seismic ground shaking?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Newport-Inglewood fault zone could create substantial ground shaking if a seismic event occurred along that fault. Similarly, a strong seismic event on any other fault system in Southern California has the potential to create considerable levels of ground shaking throughout the City. However, numerous variables determine the level of damage to a specific location. Given these variables, it is not possible to determine the level of damage that may occur during a seismic event. All land uses must conform to all applicable State and local building codes relative to seismic safety. Please see Section VII. a. i) above for further discussion.

iii) Seismic-related ground failure, including liquefaction?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Per Plate 7 of the Seismic Safety Element, most of the City is located in areas of either minimal or low liquefaction potential. The only exceptions are in the southeastern portion of the City, where there is significant liquefaction potential, and the western portion (most of the area west of Pacific Avenue and south of the 405 freeway), where there is either moderate or significant liquefaction potential. Please see Section VII.a. i) for further discussion.

iv) Landslides?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Per the Seismic Safety Element, the City is relatively flat and characterized by slopes that are not high (less than 50 feet) or steep (generally sloping flatter than 1-1/2:1, horizontal to vertical). The State Seismic Hazard Zone Map of the Long Beach Quadrangle indicates that the lack of steep terrain (except for a few slopes on Signal Hill and Reservoir Hill) results in only about 0.1 percent of the City lying within the earthquake-induced landslide zone for this quadrangle. Therefore, no impact would be expected and no further environmental analysis is required. Please see Section VII. a. i) above for further discussion.

b. Would the project result in substantial soil erosion or the loss of topsoil?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The project will establish regulations and standards for the short-term rental of existing residential units and not authorize new development. No further environmental analysis is necessary.

c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VII. b. above for discussion.

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VII. b. for discussion.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The entire City is served by an existing sewer system and therefore has no need for septic tanks or any other alternative wastewater disposal systems. No further environmental analysis is required.

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The project will establish regulations and standards for the short-term rental of existing residential units and does not propose any excavation or construction and, as such, is not expected to adversely impact any paleontological resources or geologic features.

VIII. GREENHOUSE GAS EMISSIONS

a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

California is a substantial contributor of global greenhouse gases (GHGs), emitting over 400 million tons of carbon dioxide per year. Climate studies indicate that California is likely to see an increase of three to four degrees Fahrenheit over the next century. Methane is also an important GHG that potentially contributes to global change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission.

The STRO would not result in direct or indirect GHG impacts, but would rather establish regulations and standards for the short-term rental of existing residential units.

b. Would the project conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section VIII. a. above for discussion. The proposed project would not permit any land use operations that would conflict with an plans, policies or regulations related to the reduction of greenhouse gas emissions. No further environmental analysis is needed.

IX. HAZARDS AND HAZARDOUS MATERIALS

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The implementation of the STRO would provide regulations for the short-term rental of existing residential units that may use household cleaners and fertilizer, but would not involve the routine transport, use, or disposal of hazardous materials. No further environmental analysis is required.

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident

conditions involving the release of hazardous materials into the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section IX. a. for discussion.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section IX. a. for discussion.

d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section IX. a. for discussion.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The Long Beach Airport is located within the City, just north of the 405 freeway between Cherry Avenue and Lakewood Boulevard. The STRO would not alter air traffic patterns or encourage future projects that could conflict with established Federal Aviation Administration (FAA) flight protections zones. All future development in the vicinity of the Long Beach Airport would be in compliance will

all applicable local and FAA requirements. Please see Section IX. a. for further discussion.

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The STRO would not encourage or otherwise set forth any policies or recommendations that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No further environmental analysis is required

g. Would the project expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The City is highly-urbanized community and there are no properties located adjacent to wild lands and there is no risk of exposing people or structures to a significant risk of loss, injury or death involving wild land fires. No further environmental analysis is required.

X. HYDROLOGY AND WATER QUALITY

The Federal Emergency Management Agency (FEMA) has produced a series of Flood Insurance Rate Maps (FIRMs) designating potential flood zones (based on the projected inundation limits as well as the 100-year flood as delineated by the U.S. Army Corps of Engineers).

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The STRO would provide regulations for the short-term rental of existing residential units and would not authorize additional development. The City's existing development regulations codified in the Long Beach Municipal Code adequately address potential effects related to hydrology and water quality. Therefore, no further analysis is required.

b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section X. a. for discussion. The City is a highly urbanized community with the water system infrastructure fully in place to accommodate future development consistent with the General Plan.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) result in a substantial erosion or siltation on- or off-site;

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The proposed STRO does not encourage or enable any alterations to existing drainage patterns or the course of streams or rivers. Please see Section X. for discussion.

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections X. a. and c for discussion.

iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial sources of polluted runoff; or

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections X. a. and c. for discussion.

iv) impede or redirect flood flows?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Sections X. a. and c. for discussion.

d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

According to Plate 11 of the Seismic Safety Element, most of Long Beach is not within a zone susceptible to tsunami run up or seiche and strong currents. Potential tsunami hazards would be limited to properties and public improvements near the coastline, while harbor and channel areas would be susceptible to seiche and strong currents. The proposed project does not include new development, so it will not result in any increased risk of inundation to any properties.

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The STRO would not directly or indirectly conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan – See Section X. a. for discussion.

XI. LAND USE AND PLANNING

a. Would the project physically divide an established community?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The proposed project will establish regulations, standards, and registration process governing the renting or leasing of privately owned visitor serving residential dwelling units on a short-term basis. The proposed project would not directly or indirectly divide any established community as a result of these changes. No further environmental analysis is required.

b. Cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section XI. a. for discussion. The proposed project would not conflict with the City's General Plan, Local Coastal Program, or any other applicable land use plans and policies. Because the proposed project would not result in a change in land use or authorize new development that is not already permitted by existing regulations; it would not conflict with the goals and policies of the City's General Plan.

The following STRO provisions are intended to support the compatibility of short-term rentals with adjacent properties and maintain neighborhood character.

- The owner or operator shall ensure that the short-term rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental.
- The STRO shall not supersede or interfere with a dwelling unit subject to a homeowners' or condominium association restrictions regarding short-term rental.
- Property owners of residential property in any census tract within the City may petition to prohibit un-hosted STRs (where host resides off-site) within that census tract.

- The maximum number of persons who may occupy the short-term rental (STR) shall be limited to two (2) persons per bedroom, plus two (2). This calculation includes children. The maximum occupancy shall not exceed ten (10) persons in any STR.
- Large-scale events such as commercial parties, weddings, etc. are prohibited unless a STR occasional event permit has been issued.
- 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 responding within one (1) hour to complaints regarding the conditions, operation, or conduct of the STR or its occupants, and take any remedial action necessary to resolve such complaints.
- A short-term rental shall not change the outside residential character of the neighborhood including all applicable development, design and landscaping standards. No exterior signage relating to the STR allowed.
- Guests of the short-term rental shall comply with the City of Long Beach Municipal Chapter 8.80 Noise Regulations, including quiet hours between 10 P.M. and 7 A.M. In addition, the use of outside pools, spas, hot tubs are prohibited between the hours of 10 P.M. and 7 A.M.
- The operator shall post the following information in a prominent location within the short-term rental:
 - 1) The maximum number of occupants permitted in the unit.
 - 2) Parking capacity, location of parking spaces, and parking rules, if any;
 - 3) Trash and recycling pickup information;
 - 4) The name of the local contact and a telephone number at which that person may be reached on a twenty-four (24) basis;
 - 5) Emergency contact information for summoning police, fire, emergency medical services; and
 - 6) Evacuation plan for the unit showing emergency exit routes, exits, and fire extinguisher locations.

These provisions of the proposed STRO would substantially reduce potential impacts to a level that is less than significant and mitigation measures are required.

XII. MINERAL RESOURCES

Historically, the primary mineral resources within the City of Long Beach have been oil and natural gas. However, oil and gas extraction operations have diminished over the last century as the resources have become depleted. Today, extraction operations continue but on a reduced scale compared to past levels.

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The STRO does not propose any alteration of local mineral resource land uses and there are no mineral resource activities that would be altered or displaced by implementation. No further discussion is required.

b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XII. a. for discussion.

XIII. NOISE

Noise is defined as unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence.

Some land uses are considered more sensitive to ambient noise levels than other uses due to the amount of noise exposure and the types of activities involved. Residences, motels, hotels, schools, libraries, churches, nursing homes, auditoriums, parks and outdoor recreation areas are more sensitive to noise than are commercial and industrial land uses.

a. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The STRO would not authorize new development or change existing regulations regarding construction or mechanical equipment noise. The City’s Noise Ordinance (Long Beach Municipal Code Section 8.80) addresses issues of construction and land use operation. However, potential noise impacts could occur if occupants were to engage in activities or behavior that is disruptive to adjacent residents, such as playing loud music outdoors. It is not possible to quantify or predict in any meaningful way the differences between long-term tenants and short-term tenants with regard to human-generated noise. However, in order to address this concern, the proposed regulations include the following provisions intended to minimize such noise impacts:

- Limit on the maximum number of persons who may occupy the STR;
- Prohibit large-scale events as part of the short-term rental use, unless a STR occasional event permit has been issued;
- All activities must comply with the Municipal Code, including, but not limited to Chapter 9.31 (Loud Parties on Private Property) and Chapter 8.80.190 (Noise Disturbances – Prohibited). It is unlawful for any STR host, operator, occupant, renter, lessee, person present upon to make any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood;
- A local contact person who shall be available twenty-four (24) hours per day, seven (7) days a week for responding within one (1) hour to complaints regarding the conditions, operation, or conduct of the STR or its occupants, and take any remedial action necessary to resolve such complaints.

b. Would the project result in generation of excessive ground borne vibration or ground borne noise levels?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section XIII. a. for discussion.

c. For a project located within the vicinity of a private airstrip or airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

See Section XIII. a. for discussion.

XIV. POPULATION AND HOUSING

The City of Long Beach is the second largest city in Los Angeles County. At the time of the 2000 Census, Long Beach had a population of 461,522, which was a 7.5 percent increase from the 1990 Census. The 2010 Census reported a total City population of 462,257.

a. Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The proposed STRO would not authorize new development or induce substantial population growth. No further analysis required.

b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The proposed STRO will not displace substantial numbers of existing people or housing units. The STRO will allow primary residence short-term rentals where the owner resides at the same property as the short-term rental (STR,) but place limitations on the number of non-primary short-term residences in the City. The total number of non-primary residence STR registrations allowed will be limited to not exceed one (1) percent of the City's total number of housing units. In 2018,

the total number of housing units in the City of Long Beach was approximately 177,378. Based on that estimate, the non-primary STR registrations would be limited to approximately 1,774.

XV. PUBLIC SERVICES

Fire protection would be provided by the Long Beach Fire Department. The Department has 23 stations in the City. The Department is divided into bureaus of Fire Prevention, Fire Suppression, the Bureau of Instruction, and the Bureau of Technical Services. The Fire Department is accountable for medical, paramedic, and other first aid rescue calls from the community.

Police protection would be provided by the Long Beach Police Department. The Department is divided into bureaus of Administration, Investigation, and Patrol. The City is divided into four Patrol Divisions: East, West, North and South.

The City of Long Beach is served by the Long Beach Unified School District, which also serves the City of Signal Hill, Catalina Island and a large portion of the City of Lakewood. The District has been operating at or over capacity during the past decade.

Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire protection?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The STRO establishes regulations, standards, and registration process governing the renting or leasing of privately-owned residential dwelling units on a short-term basis. It is not intended to directly or indirectly induce population growth that could result in increased demand for fire protection services or fire protection facilities. No further environmental analysis is required.

b. Police protection?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Similar to Section XV. a. above, the STRO would not significantly increase demands for police protection service, nor require provision of new police facilities. The STRO includes operating standards with an enforcement process if violations occur, including but not limited to fines, suspensions, additional conditions, and ultimately revocation of STR registrations for short-term rentals that constitute a public nuisance.

c. Schools?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Similar to Section XV. a. above, the STRO would not significantly increase demands for public school services or facilities.

d. Parks?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Similar to Section XV. a. above, the STRO would not significantly increase demands for park services, or facilities by the City.

e. Other public facilities?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

No other impacts have been identified that would required the provision of new or physically altered governmental facilities.

XVI. RECREATION

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The STRO establishes regulations, standards, and registration process governing the renting or leasing of privately-owned residential dwelling units on a short-term basis. It is not intended to directly or indirectly induce population growth that could result in increased demand for recreational facilities. No further environmental analysis is required.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XVI. a. above for discussion. No further environmental analysis is required.

XVII. TRANSPORTATION

a. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The STRO establishes regulations, standards, and a registration process governing the renting or leasing of privately-owned residential dwelling units on a short-term basis. It is not intended to directly or indirectly induce population growth that could result in increased number of vehicle trip, volume to capacity ratios, or traffic congestion. No further environmental analysis is required.

b. Would the project conflict with or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XVII. a. for discussion. Since the STRO would not encourage or plan for significant traffic growth, there would be no significant impact on levels of service.

c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XVII. a. for discussion. Since the STRO would not encourage or plan for significant traffic growth, there would be no significant increase of hazards due to geometric design features or incompatible uses.

d. Would the project result in inadequate emergency access?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XVII. a. for discussion. The STRO would not encourage or plan for significant traffic growth or transportation network modifications that would have the potential to result in deficient or inadequate emergency access routes. No further environmental analysis is required.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, that is:

- a. Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historic resources as defined in Public Resources Code Section 5020.1(k), or**

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section V. (Cultural Resources) above. STRO implementation would not result in any specific construction activities involving extensive excavation, and therefore would not be anticipated to significantly affect or destroy any Native American tribal cultural resources. No further environmental analysis is required.

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

Please see Section XVIII. a. above. The City has no substantial evidence of any significant resource impacted by the STRO. No further environmental analysis is required at this time.

XIX. UTILITIES AND SERVICE SYSTEMS

a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

- | | | | |
|---|--|--|------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less Than Significant with Mitigation Incorporation | <input checked="" type="checkbox"/> Less Than Significant Impact | <input type="checkbox"/> No Impact |
|---|--|--|------------------------------------|

c. Would the project result in a determination by the waste water treatment provider, which serves or may serve the project that has adequate capacity to serve the project's projected demand in addition to the providers existing commitments?

- | | | | |
|---|--|--|------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less Than Significant with Mitigation Incorporation | <input checked="" type="checkbox"/> Less Than Significant Impact | <input type="checkbox"/> No Impact |
|---|--|--|------------------------------------|

d. Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

- | | | | |
|---|--|--|------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less Than Significant with Mitigation Incorporation | <input checked="" type="checkbox"/> Less Than Significant Impact | <input type="checkbox"/> No Impact |
|---|--|--|------------------------------------|

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

- | | | | |
|---|--|--|------------------------------------|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less Than Significant with Mitigation Incorporation | <input checked="" type="checkbox"/> Less Than Significant Impact | <input type="checkbox"/> No Impact |
|---|--|--|------------------------------------|

For Sections XIX. a. through e., the STRO requirements would not be expected to place an undue burden on any utility or service system. The City of Long Beach is an urbanized setting with all utilities and services fully in place. Future demands for utilities and service systems have been anticipated in the General Plan goals, policies, and programs for future growth. The City's Urban Water Management Plan (UWMP) anticipates a level of population growth in excess of the General Plan, therefore the buildout of the General Plan, including any future development projects, will result in water demand equal or less than that already anticipated in the UWMP. No further environmental analysis is necessary.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones:

a. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

b. Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

c. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

d. Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

For Sections XX. a. through d., The City of Long Beach has not been identified as a Very High Fire Hazard Severity Zone Project by CAL Fire¹, nor is the City in or near a State Responsibility Area². The project will establish regulations,

¹ http://fire.ca.gov/fire_prevention_wildland_zones_maps_citylist

² http://www.fire.ca.gov/firepreventionfee/srviewer_launch

standards, and registration process governing the renting or leasing of privately owned residential dwelling units on a short-term basis, and would not be expected to impair emergency plans, exacerbate wildfire risks and expose project occupants to pollutant concentrations from a wildfire or uncontrolled spread of a wildfire place. The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Finally, as discussed in Section VII. iv., the City is relatively flat and characterized by slopes that are not high (less than 50 feet) or steep (generally sloping flatter than 1-1/2:1, horizontal to vertical). The project would not be expected to expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes. No further environmental analysis is necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

As determined in Section IV. Biological Resources and Section V. Cultural Resources, the project would have no significant adverse impacts on biological or cultural resources. The proposed project would not degrade the quality of the environment, impact any natural habitats, effect any fish or wildlife populations, threaten any plant or animal communities, alter the number or restrict the range of any rare or endangered plants or animals, or eliminate any examples of the major periods of California history or prehistory.

b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The project would not contribute to any cumulative growth effects beyond what is anticipated for the City’s future in the General Plan.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact No Impact

The project would not directly or indirectly cause any substantial adverse effects on human beings. For this reason, the City has concluded that this project can be implemented without causing significant adverse environmental effects and determined that the Negative Declaration is the appropriate type of CEQA documentation.

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

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING 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 is added to the Long Beach Municipal Code 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.

5.77.020 Definitions.

A. “Booking transaction” means any reservation and/or payment
service provided by a person or entity who facilitates a short-term rental

1 transaction between a prospective guest and a short-term rental operator.

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

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

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

7 E. "Host" means the natural person or persons, at least one of
8 whom is an occupier of the property, who is/are the owner of record of the
9 property or operates the property, and includes a personal or family trust
10 consisting solely of natural persons and the trustees of such trust or a
11 limited liability company and the members of such company.

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

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

20 H. "Local contact person" means the person designated by the
21 operator to respond to and take remedial action regarding STR complaints.

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

24 J. "Permanent resident" means a natural person, eighteen (18)
25 years old or older, who occupies a dwelling unit in the Long Beach city limits
26 as his or her primary residence or for at least sixty (60) consecutive days
27 with intent to establish that unit as his or her primary residence. A
28 permanent resident may not be a corporation, limited liability company,

1 partnership, or other business or commercial entity. A permanent resident
2 may be an owner or a tenant.

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

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

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

19 N. "Prohibited buildings list" means a list identifying the
20 address(es) of all buildings whose owner(s), including any applicable
21 homeowners' association or board of directors, have notified the City,
22 pursuant to City procedures, that short-term rentals are not permitted to
23 operate anywhere in such building, including deed restricted affordable
24 housing units. Prohibited buildings list shall also include a list of census
25 tracts where un-hosted STRs are prohibited per Section 5.77.080.

26 O. "Short-term rental ("STR")" means a residential dwelling unit,
27 or portion thereof, that is offered or provided to a paying guest(s) by a short-
28 term rental operator for thirty (30) or fewer consecutive nights. The term

1 “short-term rental” shall not include hotels, motels, inns, or bed and
2 breakfast inns.

3 P. “Short-term rental advertisement” means any method of
4 soliciting use of a dwelling unit for short-term rental purposes.

5 Q. “Short-term rental operator” or “operator” means any person
6 who is the owner or tenant of a dwelling unit, or portion thereof, who offers
7 or provides that dwelling unit, or portion thereof, for short-term rental use.

8 R. “Single room occupancy” is as defined in Section 21.15.2667.

9 S. “Special group residence” is as defined in Section 21.15.2810
10 and 21.52.271.

11 T. “Tenant” means a person who has a rental agreement for a
12 dwelling unit in which the rental payments are paid on a monthly or other
13 periodic basis in exchange for occupancy of the dwelling unit.

14 U. “Transient occupancy tax” (“TOT”) means local transient tax
15 as set forth in Chapter 3.64 of the Long Beach Municipal Code.

16 V. “Un-hosted stay” means a short-term rental activity whereby
17 the host, as that term is defined herein, resides off-site during the guest's
18 stay.

19
20 5.77.030 Registration required.

21 A. No person or entity shall advertise, rent, or operate a short-
22 term rental unless a short-term rental (STR) registration has been issued by
23 the City pursuant to this Chapter. An operator of the STR shall register with
24 the City and shall be responsible for all requirements of this Chapter.
25 Application for a STR shall be in a form prescribed by the Director with all
26 information determined by the Director to be necessary to evaluate the
27 eligibility of the operator, consistent with this Chapter.

28 B. Eligibility requirements. The following requirements must be

1 met at the time of submitting a STR registration application:

2 1. The dwelling unit shall not be a deed restricted
3 affordable housing unit, in a special group residence, a single room
4 occupancy, or included on the prohibited buildings list.

5 2. The STR operator shall not operate more than one (1)
6 primary residence STR and more than two (2) non-primary residence STRs
7 in the City.

8 3. The number of non-primary residence STRs in multi-
9 family development projects shall not exceed the number identified in the

10 Table below:

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

11
12
13
14
15
16
17 4. The total number of non-primary residence STR
18 registrations issued shall not exceed one (1) percent of the City's total
19 number of housing units. The number of total housing units shall be
20 determined based on an annual housing estimate published on the
21 California State Department of Finance website.

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

28 6. A signed and notarized property owner consent form

1 shall be provided if the STR operator is not the property owner.

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

5 8. No STR registration for the dwelling unit has been
6 revoked within the last twelve (12) months.

7 9. If the dwelling unit is subject to the rules of a
8 homeowners' or condominium association, allowance to engage in short-
9 term rental activity through this Chapter shall not be inferred to grant any
10 permission that invalidates or supersedes any provisions in those
11 documents.

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

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

23
24 5.77.040 Expiration and renewal.

25 A. A STR registration is valid for one (1) year from the date of
26 issuance. It may not be transferred or assigned and does not run with the
27 land. A STR registration may be renewed annually if the operator: (1) pays
28 the renewal fee; (2) provides information concerning any changes to the

1 previous application for, or renewal of, the STR registration; (3) submits
2 records described in Section 3.64.080 for the last year to demonstrate
3 compliance with this Chapter.

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

7
8 5.77.050 Short-term rental regulations.

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

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

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

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

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

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

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

- 1 3. Trash and recycling pickup information;
- 2 4. The name of the local contact and a telephone number
- 3 at which that person may be reached on a twenty-four (24) hour basis;
- 4 5. Emergency contact information for summoning police,
- 5 fire, or emergency medical services; and
- 6 6. Evacuation plan for the unit showing emergency exit
- 7 routes, exits, and fire extinguisher locations.

8 F. The maximum number of persons who may occupy the STR at
9 one (1) time shall be limited to two (2) persons per bedroom, plus two (2).

10 This calculation shall be inclusive of children. Lofts that meet California
11 Building Code egress requirements are considered a bedroom for the
12 purposes of this occupancy calculation. In no event may the maximum
13 occupancy exceed ten (10) persons in any STR. Large-scale events (i.e.,
14 exceeding maximum allowed occupancy) such as commercial parties,
15 weddings, fundraisers, and conferences, are prohibited as part of the short-
16 term rental use, unless a STR occasional event permit has been issued.

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

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

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

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

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

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

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

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

16
17 5.77.060 Short-term rental operator requirements.

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

22 B. The operator shall provide and maintain working fire
23 extinguishers, smoke detectors, and carbon monoxide detectors, in
24 compliance with life, fire, and safety codes; and information related to
25 emergency exit routes on the property, local contact, and emergency
26 contact information.

27 C. The operator shall maintain and provide proof of liability
28 insurance appropriate to cover the short-term rental use in the aggregate of

1 not less than One Million Dollars (\$1,000,000); or conduct each short-term
2 rental transaction through a platform that provides equal or greater
3 insurance coverage.

4 D. Transient Occupancy Taxes shall be collected on all Short-
5 Term Rentals. If a Hosting Platform does not collect payment for the rental,
6 operators are solely responsible for the collection of all applicable TOT and
7 remittance of the collected tax to the City in accordance with Chapter 3.64
8 (Transient Occupancy Tax). If a Hosting Platform does collect payment for
9 the rentals, then it and the operator shall both have legal responsibility for
10 the collection and remittance of the TOT.

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

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

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

19
20 5.77.070 Hosting platform responsibilities.

21 A. Hosting platforms shall not process or complete any booking
22 transaction for any STR unless a valid STR registration number has been
23 issued by the City to an operator.

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

1 C. Subject to applicable laws, a hosting platform with listings
2 located in the City shall provide to the City on a monthly basis, in a format
3 specified by the City, the STR registration number of each listing, the name
4 of the person responsible for each listing, the address of each such listing,
5 and, for each booking that occurs within the reporting period, the number of
6 days booked, and the total price paid for each rental.

7 D. In the event a hosting platform has entered into a platform
8 agreement, and an operator has assigned the responsibilities for the
9 collection and remittance of transient occupancy tax to the hosting platform,
10 then the hosting platform and the operator shall have the same duties and
11 liabilities, including but not limited to the collection and remittance of
12 transient occupancy tax to the City in compliance with this Chapter and
13 Chapter 3.64 (Transient Occupancy Tax) of this Code. The provisions of
14 this Section shall not apply to a hosting platform whenever it complies with
15 any Administrative Guidelines issued by the City and approved by resolution
16 of the City Council that describe how the hosting platform shall satisfy the
17 hosting platform responsibilities in this Section.

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

22 F. Hosting platforms shall remove any listings for STRs from the
23 platform upon notification by the City. The City Manager shall develop, by
24 administrative regulation, processes and procedures for the removal of any
25 listing.

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

1 5.77.080 Petition to restrict un-hosted short-term rentals within a
2 geographical census tract.

3 A. The property owners of residential property in any census tract
4 within the City may petition, using a form provided by the Director, to
5 prohibit un-hosted STRs within that census tract.

6 B. The petition must include the signatures and printed names,
7 and addresses of at least two-thirds (2/3) of the property owners of
8 residential real property within the boundaries of the census tract and the
9 petition shall in all cases be submitted to the Director within one hundred
10 and eighty (180) days after the date the California Coastal Commission
11 certifies the adoption of this Chapter as an appropriate implementation
12 ordinance for the City's Local Coastal Program. All petition signatures shall
13 be submitted on a street by street basis inclusive of the street address of
14 each signer, and shall indicate and set forth the positive desire of all those
15 signing the petition to prohibit un-hosted stays within the boundaries of the
16 census tract.

17 C. For purposes of the petition, each residential property within
18 the census tract shall be represented by one (1) vote and multiple
19 signatures for the same property shall count as one (1) vote.

20 D. Upon receipt of a petition, the Director shall verify that the
21 petition contains the required number of signatures requesting that un-
22 hosted stays be prohibited within the census tract.

23 E. Following approval of an un-hosted restriction by the Director,
24 the City shall provide notice of the restriction to all residential property
25 owners within the boundaries of the affected census tract.

26 F. A restriction on un-hosted STRs shall be in effect for three (3)
27 years following the effective date of such a restriction. If the property
28 owners within the restricted census tract desire to extend the term of the

1 restriction beyond the initial period, a new petition shall be filed with the City
2 following the procedures set forth in this Section.

3 G. Repeal.

4 At any time during the three (3) year restricted period, an un-hosted
5 STR restriction may be removed by the same petition process utilized to
6 establish the restriction.

7 H. The City Clerk or the Department of Development Services
8 shall cause to be posted online a list or map of the current census tracts
9 where un-hosted STRs are prohibited.

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

13
14 5.77.090 Enforcement.

15 A. It is unlawful to violate the provisions of this Chapter.

16 Violations include, but are not limited to:

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

20 2. Failure to notify the City when the local contact
21 information changes;

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

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

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

28 6. Completing a booking transaction in the City without a

1 valid City-issued registration number;

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

4 8. Violations of state, county, or City health, building, or
5 fire regulations;

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

8 B. Unless otherwise described in this Section, enforcement of
9 this Chapter shall be subject to the processes and procedures in Chapter
10 1.32 of the Municipal Code.

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

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

28 E. The City hereby finds and declares that repeated violations of

1 this Chapter constitute a public nuisance which may be enjoined under all
2 applicable laws including Code of Civil Procedure Section 731.

3 F. Any person convicted of violating any provision of this Chapter
4 in a criminal case or found to be in violation of this Chapter in a civil or
5 administrative action brought by the City shall be ordered to reimburse the
6 City its full investigative and enforcement costs, pay back all unpaid TOT if
7 applicable, and remit all illegally obtained rental revenue to the City.

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

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

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

24 J. Any person aggrieved by a decision of the Director with
25 respect to the provisions of this Chapter may appeal the decision to the
26 Board of Examiners Appeals and Condemnation ("BEAC"). The decision of
27 the BEAC shall be final, subject to judicial review pursuant to Code of Civil
28 Procedure Sections 1094.5 and 1094.6.

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

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 _____ 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.

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Section 2. 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.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20___, by the following vote:

Ayes: Councilmembers:

DRAFT

Noes: Councilmembers:

Absent: Councilmembers:

City Clerk

Approved: _____
(Date)

Mayor

Appendix B

Assembly Bill (AB) 52

Distribution List and Responses Received

AB 52 Distribution List: Short-Term Rental Ordinance (Application No. 1905-22)

**Anthony Morales, Chairperson
Gabrielino Tongva San Gabriel Band of Mission Indians
P.O. Box 693
San Gabriel, CA 91778
Certified Mail – Tracking No. 7018 1830 0000 2094 9691**

**Michael Mirelez
Torres Martinez Desert Cahuilla Indians
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Thermal, CA 92274
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**Mr. Joseph Ontiveros
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**Mr. Andrew Salas
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**Mr. Robert Dorame
Gabrieleno Tongva Indians of California Tribal Council
P.O. Box 490
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**Ms. Linda Candelaria
Gabrieleno-Tongva Tribe
80839 Camino Santa Juliana
Indio, CA 92203
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**Ms. Sandonne Goad
Gabrieleno/Tongva Nation
106 ½ Judge John Aiso Street, #231
Los Angeles, CA 90012
Certified Mail - Tracking No. 7018 1830 0000 2094 9752**

**Mr. Charles Alvarez
Gabrieleno-Tongva Tribe
23454 Vanowen Street
West Hills, CA 91307
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TORRES MARTINEZ DESERT CAHUILLA INDIANS

P.O. Box 1160
Thermal, CA 92274
(760) 397-0300 – FAX (760) 397-8146



June 3, 2019

Attn: Anita Juhola

Re: AB 52 Consultation for the Short-Term Rentals Project.

The Torres – Martinez Desert Cahuilla appreciates your response to our AB52 notification request. And in light of said information concerning your agencies location, the Tribe wishes to defer all future project notifications to Tribes that are closer to your area.

Respectfully,

Michael Mirelez
Cultural Resource Coordinator
Torres-Martinez Desert Cahuilla Indians
Office: 760-397-0300 Ext: 1213
Cell: 760-399-0022
Email: mmirelez@tmdci.org

Appendix C

Response to Comments on Draft IS-ND

(ND 07-10, SCH #2019099049)

The Draft IS-ND was circulated for a 30-day public review period that began on September 16, 2019 and ended on October 15, 2019. As of October 16, 2019, five comment letters on the Draft IS-ND were received and are listed in the table below.

Letter Number	Commenter
1	Miya Edmonson, IGR/CEQA Branch Chief, California Department of Transportation
2	Gerald Anderson
3	Charlene Anderson
4	Charlene Anderson
5	Dani Ziff, Coastal Program Analyst, California Coastal Commission

The comment letters received as of October 16, 2019 and responses follow. Any comment letter received after October 16, 2019 will be addressed with the Final IS-ND.

Letter 1

Commenter: Miya Edmonson, IGR/CEQA Branch Chief, California Department of Transportation (CalTrans)

Date: September 19, 2019

The commenter, CalTrans, does not expect the project approval to result in a direct adverse impact to the existing State transportation facilities. No response necessary.

DEPARTMENT OF TRANSPORTATION

DISTRICT 7 – Office of Regional Planning
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-0475
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

September 19, 2019

Ms. Anita Juhola-Garcia
City of Long Beach
411 W. Ocean Boulevard, 3rd floor
Long Beach, CA 90802

RE: City of Long Beach Short-Term Rental
Ordinance Project – Negative Declaration
(ND)
SCH # 2019099049
GTS # 07-LA-2019-02830

Dear Ms. Anita Juhola-Garcia:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced ND. The proposed project will 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"); and provide safeguards to the residents of the City of Long Beach 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 is the Lead Agency under the California Environmental Quality Act (CEQA).

From reviewing the ND, Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities.

If you have any questions about these comments, please contact Emily Gibson, the project coordinator, at Emily.Gibson@dot.ca.gov, and refer to GTS # 07-LA-2019-02830.

Sincerely,

A handwritten signature in blue ink, appearing to read "Miya Edmonson".

MIYA EDMONSON
IGR/CEQA Branch Chief
cc: Scott Morgan, State Clearinghouse

Letter 2

Commenter: Gerald Anderson

Date: Received October 14, 2019

The commenter states that short-term rentals are a similar land use as hotels and inns, conflict with the intent of the City's residential land use districts and are counter to the preservation of neighborhood character.

Land use and planning is discussed in Section XI of the Draft IS/ND. The proposed project will establish regulations, standards and a registration process governing the renting or leasing of privately owned residential dwelling units on a short-term basis. The project would not conflict with the City's General Plan, Local Coastal Program or any other applicable land use plans and policies. The project will not result in a change in land use or authorize new development that is not already permitted by existing regulations. Provisions related to the operation of the Short-Term Rental Ordinance are intended to support the compatibility of short-term rentals with adjacent properties and maintain neighborhood character.

The following provisions are intended to support the compatibility of short-term rentals with adjacent properties and maintain neighborhood character.

- The owner or operator shall ensure that the short-term rental is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental.
- The short-term rental shall not supersede or interfere with a dwelling unit subject to a homeowners' or condominium association restrictions regarding short-term rental.
- Property owners of residential property in any census tract within the City may petition to prohibit un-hosted short-term rentals (where host resides off-site) within that census tract.
- The maximum number of persons who may occupy the short-term rental shall be limited to two (2) persons per bedroom, plus two (2). This calculation includes children. The maximum occupancy shall not exceed ten (10) persons.
- Large-scale events such as commercial parties, weddings, etc. are prohibited unless a occasional event permit has been issued.
- The short-term rental 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 responding within one (1) hour to complaints regarding the conditions, operation, or conduct of the short-term rental or its occupants, and take any remedial action necessary to resolve such complaints.

- A short-term rental shall not change the outside residential character of the neighborhood including all applicable development, design and landscaping standards. No exterior signage relating to the short-term rental shall be allowed.
- Guests of the short-term rental shall comply with the City of Long Beach Municipal Chapter 8.80 Noise Regulations, including quiet hours between 10 P.M. and 7 AM. In addition, the use of outside pools, spas, hot tubs are prohibited between the hours of 10 P.M. and 7 A.M.
- The operator shall post the following information in a prominent location within the short-term rental:
 - 1) The maximum number of occupants permitted in the unit.
 - 2) Parking capacity, location of parking spaces, and parking rules, if any;
 - 3) Trash and recycling pickup information;
 - 4) The name of the local contact and a telephone number at which that person may be reached on a twenty-four (24) basis;
 - 5) Emergency contact information for summoning police, fire, emergency medical services; and
 - 6) Evacuation plan for the unit showing emergency exit routes, exits, and fire extinguisher locations.

These provisions of the proposed project would substantially reduce potential impacts to a level that is less than significant and mitigation measures are not required. No further environmental review is warranted.

The commenter suggests modifications to the proposed Short-term Rental Ordinance, including, not allowing non-primary residences as short-term rentals, revising the petition process to restrict un-hosted short-term rentals, requiring short-term rental locations and permit information available to the public, clarifying the number of persons allowed per bedroom and reducing the maximum number of occupants. City decision makers will consider all comments regarding the provisions of the proposed Short-Term Rentals Ordinance.

Anita Juhola-Garcia
City of Long Beach Development Services Department
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802

Subject: Negative Declaration for the City of Long Beach Short-Term Rentals Ordinance Project

Dear Ms. Juhola-Garcia:

The following are my comments on the subject Negative Declaration:

Section XI.b. **The project does conflict with the City's land use plan and requires mitigation.** The City bans hotels and Inns from neighborhoods zoned residential and with good reason. An actively rented STR differs little from an inn or hotel operation. At best with STRs there is the constant coming and going of up to 10 vacationing groups of strangers that changes every few days, parking issues, decreased sense of resident security and increased traffic. At worst there is the potential of increased crime, decreased safety of residents, loud parties, belligerent vacationers and other disruptive and abusive activities. In the case of an un-hosted STR, it is worse than an inn or hotel since the STR has no on-site supervision or management.

The City's land use plan committed to the policy of preserving the character of established neighborhoods. STRs definitely do change the character of the neighborhoods they are in. The following measures are needed to further mitigate the adverse effects of STRs:

1. Non-primary residence STRs should not be allowed in residential zonings. Section 5.77.030.B.2 of the draft ordinance allows an owner to have up to two Non-primary residence STRs in the city without any limit on the number of rental days in a year. These are in effect year round hotel/inn operations with no on-site supervision and have the detrimental effects mentioned above. It also removes housing units from the already tight supply in the city. Because of their adverse effects several other jurisdictions in the County including Santa Monica and Los Angeles have banned the use of non-primary homes as un-hosted STRs. The City of Los Angeles recently banned non-primary home STRs and Santa Monica does not allow any un-hosted STRs. Long Beach's ordinance should ban non-primary home STRs. The character of neighborhoods would be even better preserved if all un-hosted STRs were banned.
2. Section 5.77.080 of the draft ordinance provides for the "Petition to restrict un-hosted short term rentals within a geographical census tract". This provides a process for owners to alleviate the effects of un-hosted STRs but places unnecessary burdens on the petitioners. It requires that the restriction be renewed with a new petition every three years. Circulating a petition for an entire census tract is a burdensome task that should not have to be repeated if conditions and/or attitudes have not changed. If they have changed the section also provides for owners in restricted tracts to petition out of the restriction. The three-year renewal requirement should be eliminated from the ordinance.
3. Section 5.77.080.B requires that the petition be signed by "...at least two thirds (2/3) of the property owners of residential real property within the boundaries of the census tract...". This would include single family unit owners as well as apartment building owners who have control of the use of their rental units and the owners of condominiums who are governed by the rules

of their home owner associations. Apartment building owners and condominium associations can control STRs in their buildings as permitted in the draft ordinance. Also, apartment building owners and condo owners are difficult to contact for petition signatures. Apartment owners are normally offsite and condominium buildings are normally locked. For these reasons the petition stipulation should allow for the exclusion of these buildings and provide the option to include only the single family zoned portions of the census tract. There may be other reasons to allow the petition process to apply to areas less than an entire census tract and the ordinance should allow for reasonable options. Also this section states that the petition "...shall be submitted on a street by street basis..". This provision makes the gathering of signatures very difficult at neighborhood functions such as concerts, breakfasts, meetings, etc. This provision should be made more workable for petition gatherers.

4. There is no provision in the draft ordinance requiring that STR addresses and other permit information is available to the public or to neighboring owners. This information should be made available preferably on line.
5. Section 5.77.050.F limits the number of persons to "...two persons per bedroom..." should be clarified to say "...two persons per legally permitted bedroom..." or some such wording that clarifies that the number of bedrooms is as per assessor records or comparable City records. Also the total number of 10 vacationers is very high compared to the average household and should be reduced. The number of people per bedroom and the maximum should be inclusive of the host.

Also at issue is the effect of an STR on neighboring property values. Although apparently not an issue addressed under CEQA it is important to the effected neighbors and the character of the neighborhood. For most people their home is their most expensive purchase and the quality of the neighborhood is of utmost importance. While there may be other factors making a property difficult to sell at market an STR next door is a primary factor. One house in our neighborhood next door to an actively rented un-hosted STR was on the market several months with several price reductions before the owner finally removed it from the market.

STRs benefit a few property owners at the expense of their neighbors and at the risk of damaging the character of entire neighborhoods. To be most effective in preserving neighborhoods STRs should be banned completely. Short of this there must be very strong effective controls on STR activity to minimize their adverse effects.

Thank you for this opportunity to comment.

Sincerely yours,



Gerald Anderson
7 Rivo Alto Canal
Long Beach, CA 90803

Letter 3**Commenter:** Charliene Anderson**Date:** October 13, 2019

The commenter makes statements regarding the proposed provisions of the draft Short-Term Rentals Ordinance. City decision makers will consider all comments regarding the provisions of the proposed Short-Term Rentals Ordinance. The commenter asks for clarification of an administrative citation and Title 21 Zoning. An administrative citation is a civil fine for a violation of a City code section. Title 21 Zoning is found in the City of Long Beach Municipal Code. The commenter states that short-term rentals affect property values. Economic or social changes are not considered to be significant environmental impacts under CEQA unless those changes contribute to a significant physical impact. Subsequent environmental review is not warranted.

October 13, 2019

Anita Juhola-Garcia
City of Long Beach Development Services Department
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802

Subject: Negative Declaration for the City of Long Beach Short-Term Rentals Ordinance Project

Dear Ms. Juhola-Garcia:

The following are my comments and questions on the subject Negative Declaration and Draft Ordinance:

Draft Ordinance chapter 5.77.020.F (page 2) allows the host to leave the property during daytime and /or workhours. This makes the rental un-hosted. This provision should be deleted.

5.77.020.V (page 4), un-hosted stay is wide open for typical vacationer activities and behaviors. Un-hosted rentals should be prohibited.

5.77.030.B.5 (page 5), It is not clear when a complaint becomes a violation.

5.77.060.E (page 10), When a nuisance violation is reported, when is the \$1000 fine imposed?

5.77.090.D. (page 14), This process is so cumbersome that it appears as though a license may never be revoked.

5.77.050.E (page 8), Large scale event permits should not be allowed in STRs.


5.77.090.G (page 15) What is an administrative citation?

5.77.110.B (page 16) Where can I find Title 21 Zoning chapter?

5.77.030.B.10 (page 6), I wonder if the City who wrote the law can legally indemnify themselves from harm caused by a rental property owner or operator.

STRs definitely decrease values of the neighboring properties with up to 10 vacationing strangers coming and going constantly. Families live very differently from STR vacationers. They operate much like mini motels scattered throughout the neighborhood and they certainly do change the character which is contrary the City's Land Use Plan.

I appreciate the opportunity to comment.


Charlene Anderson
7 Rivo Alto Canal
Long Beach, CA 90803

Letter 4

Commenter: Charliene Anderson

Date: October 14, 2019

The commenter states that the occupants of short-term rentals cause noise and other disturbances. Noise is discussed in Section XIII of the Draft IS/ND. The Short-Term Rentals Ordinance would not authorize new development or change existing regulations regarding construction or mechanical equipment noise. The City's Noise Ordinance (Long Beach Municipal Code Section 8.80) addresses issues of construction and land use operation. However, potential noise impacts could occur if occupants were to engage in activities or behavior that is disruptive to adjacent residents, such as playing loud music outdoors. It is not possible to quantify or predict in any meaningful way the differences between long-term tenants and short-term tenants with regard to human-generated noise. However, in order to address this concern, the proposed regulations include the following provisions intended to minimize such noise impacts:

- Limit on the maximum number of persons who may occupy the short-term rental;
- Prohibit large-scale events as part of the short-term rental use, unless a short-term rental occasional event permit has been issued;
- All activities must comply with the Municipal Code, including, but not limited to Chapter 9.31 (Loud Parties on Private Property) and Chapter 8.80.190 (Noise Disturbances – Prohibited). It is unlawful for any short-term rental host, operator, occupant, renter, lessee, person present upon to make any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood;
- A local contact person who shall be available twenty-four (24) hours per day, seven (7) days a week for responding within one (1) hour to complaints regarding the conditions, operation, or conduct of the STR or its occupants, and take any remedial action necessary to resolve such complaints.

Subsequent environmental review is not warranted. City decision makers will consider all comments regarding the provisions of the proposed Short-Term Rentals Ordinance.

October 14, 2019

Anita Juhola-Garcia
City of Long Beach Development Services Department
411 W. Ocean Blvd., 3rd Floor
Long Beach, CA 90802

Subject: Negative Declaration for the City of Long Beach Short-Term Rentals Ordinance Project

Dear Ms. Juhola-Garcia:

The following are comments and on Negative Declaration MD 07-19 City of Long Beach Short-Term Rental Ordinance Section XI.a and b:

As owners who have lived and experienced the deleterious effects of un-hosted whole house STRs we can personally document many examples of noise and other rude disruptive behaviors which disturb and distress the owners living as a family in a house nearby. They are truly incompatible with adjacent houses.

Vacationers have paid good money expect to enjoy the property as VACATIONERS. You can write all the nice rules you want but when the owner is not there many inappropriate and rude behaviors occur.

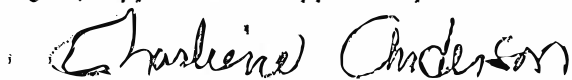
You can only imagine what it would be like to have large groups of people coming and going day and night. In Naples our lots are zoned R-1-s, small lots with no back yard. Therefore much of the action takes place on the decks in front. Most of our outdoor living takes place on our 30' by 15' front decks. In addition to that our side yards are 3' for each house. Many of our kitchens, dining and living rooms face each other so that if our windows and doors are open you may as well be in the same house with each other for sound. Our bedrooms in the front of the second story look down on the front yard decks.

So, you can see how "significantly incompatible" a motel like business would be to adjacent residential properties.

Long-term tenants and owners live completely different from short-term renters who come and go potentially every other day. There is no way to regulate or mitigate the deleterious effects of these rentals. You may not be able to quantify with precision the differences (between STRs and permanent residents) in human generated noise but it doesn't take much imagination to realize the serious impact these have on adjacent properties.

Un-hosted STRs are totally incompatible with the City's General Plan, Local Coastal Plan and other applicable plans and policies. They would divide a community because they pit neighbor against neighbor.

Again, I appreciate the opportunity to comment.



Charlene Anderson
7 Rivo Alto Canal
Long Beach, CA 90803

Letter 5

Commenter: Dani Ziff, Coastal Program Analyst, California Coastal Commission

Date: October 16, 2019

The commenter, California Coastal Commission staff, states that the draft ordinance does not include specific changes to the City's Zoning Ordinance, which is included the City's certified Local Coastal Program (LCP). The commenter's statement that the proposed Short-Term Rentals Ordinance would not be legally enforceable in the coastal zone until the Local Coastal Program is amended is duly noted. As this is a draft ordinance and not yet adopted, the City recognizes that modifications are possible by the City's decision makers. Upon ordinance adoption, the City will pursue zoning code changes that will require a Local Coastal Program Amendment.

The commenter references that the opportunity to petition to restrict un-hosted short-term rentals has not been historically supported by the Coastal Commission. The Commission views vacation rental bans to be inconsistent with the Coastal Act. Section 5.77.080 of the draft ordinance does not reference all types of short-term rentals, but references only un-hosted short-term rentals. The Long Beach petition to restrict would only apply to un-hosted short-term rentals; hosted short-term rentals would still be allowed. It should be noted that the California Coastal Commission approved the City of Carpinteria's short-term rentals regulations in December 2016. In Carpinteria, short-term rentals (un-hosted) are limited only to an overlay zone, even though the entire city of Carpinteria is in the Coastal Zone. Not only does the overlay zone limit where un-hosted rentals can occur, but it also places a limit on the number of un-hosted rentals by subarea within the overlay zone. Long Beach's opportunity to petition to restrict is similar to Carpinteria's regulations in that un-hosted STRs may be banned in some areas of the Coastal Zone (i.e., outside the overlay zone in Carpinteria, and in census tracts with 2/3 vote in Long Beach). However, the Long Beach regulations would be less restrictive by allowing hosted STRs and no specific limit on un-hosted rentals in the Coastal Zone.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E Ocean Blvd, Suite 300
Long Beach, CA 90802
(562) 590-5071



October 16, 2019

City of Long Beach, Development Services Department
Attn: Christopher Koontz, Planning Bureau Manager
411 W. Ocean Boulevard, 3rd floor
Long Beach, CA 90802

**RE: Long Beach Short Term Rental Ordinance
Coastal Commission Staff Comments on Negative Declaration**

Christopher Koontz:

Thank you for the notice of completion and transmittal of the City of Long Beach's (City's) Negative Declaration (ND) for the City's Short Term Rental (STR) Ordinance. Coastal Commission staff would like to offer the following comments on the draft ordinance:

On December 6, 2016, the Commission published a resource for local governments on short-term/vacation rentals in the California Coastal Zone, which can be found on the Commission's website. Per the Commission's guidance, short term/vacation rental regulation in the coastal zone should occur within the context of certified Long Beach Local Coastal Program (LCP) and/or be authorized pursuant to a coastal development permit. In this case, the ND references changes to the City's zoning code and states that a LCP amendment would be needed to certify the zoning code changes. The draft ordinance, however, does not include the specific changes to the City's zoning code. It appears that the regulations for STRs are planned to be included in the proposed Chapter 5.77, which would apply City-wide. It is unclear whether the City is intending to add the STR regulations to the LCP through the same Council action, or through a subsequent ordinance specific to the LCP and coastal zone. As currently written, without specific language in the zoning code and a certified LCP amendment, the Commission would not view the proposed draft ordinance as legally enforceable in the coastal zone. We strongly encourage you to pursue STR regulation through the City's LCP.

The Commission has not historically supported vacation rental bans because such prohibitions have been found to unduly limit public recreational access opportunities, which is inconsistent with the Coastal Act. While the City's draft ordinance does not ban vacation rentals throughout the City, and appears to strike a balance between preserving neighborhood character and allowing for access to the coast and other City resources, Commission staff are concerned that Section 5.77.080 of the draft STR ordinance (*Petition to restrict un-hosted short-term rentals within a geographical census tract*) would allow census tracts to effectively ban un-hosted STRs after Commission approval of the related zoning code changes with the signatures of two-thirds of the census tract property owners. Such bans in the coastal zone must be subject to review by the Coastal Commission through LCP amendments or through coastal development permits. Again, this assumes that the proposed STR regulations will be incorporated into the LCP and would, thus, be recognized by the Coastal Commission. The provision to allow residents of a census tract to petition to ban un-hosted short term rentals on an ongoing basis may be pursued in areas of the city outside the coastal zone, but in order for the STR ordinance to be effectively certified in the coastal zone

City of Long Beach Short Term Rental Ordinance
Coastal Commission Staff Comments
Page 2 of 2

through the LCP, the Commission must be presented with all proposed regulations and provisions before it takes action.

Please note that the comments provided herein are preliminary in nature. More specific comments may be appropriate as the project develops. Coastal Commission staff requests notification of any future activity associated with this project or related projects. Please feel free to contact me at (562) 590-5071 with any questions.

Sincerely,



Dani Ziff
Coastal Program Analyst

cc: Zach Rehm, California Coastal Commission
Steve Hudson, California Coastal Commission
Alexis Oropeza, City of Long Beach
Maryanne Cronin, City of Long Beach
Patricia Diefenderfer, City of Long Beach