

ORD-19

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.

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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

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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

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

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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