

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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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 June 23, 2020, by Ordinance No. ORD-20- 0024, 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 June 16, 2020, by the following vote:

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

21 Noes: Councilmembers: None.

22
23 Noes: Councilmembers: None.

24
25 Recusal(s): Councilmembers: None.

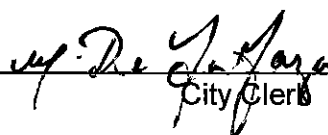
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City Clerk

EXHIBIT A

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

1 and 21.52.271.

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

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

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

11
12 5.77.030 Registration required.

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

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

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

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

28 3. The number of -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 residential development	Number of primary residence STRs allowed per development project
2 to 10	1
11 to 50	10%
51 to 100	12%
101 or more	15%

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

1 has been issued.

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

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

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

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

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

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

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

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

1 5.77.060 Short-term rental operator requirements.

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

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

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

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

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

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

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

3
4 5.77.070 Hosting platform responsibilities.

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

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 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,

1 regardless of who is the STR operator.

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

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

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

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

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

27 J. Any person, hosting platform, or STR operator aggrieved by a
28 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

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

3
4 Section 2. The City Clerk shall certify to the passage of this ordinance by
5 the City Council and cause it to be posted in three (3) conspicuous places in the City of
6 Long Beach, and it shall take effect on the one hundred twenty-first (121st) day after it is
7 approved by the Mayor.

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



11
12 Ayes: Councilmembers: Zendejas, Pearce, Price,
13 Supernaw, Mungo, Andrews,
14 Uranga, Austin, Richardson.

15
16 Noes: Councilmembers: None.

17
18 Absent: Councilmembers: None.

19
20 Recusal(s): Councilmembers: None.

21
22
23
24
25
26 Approved: 6/25/20
27 (Date)

28

City Clerk

Mayor