



Legislation Text

File #: 22-0250, **Version:** 1

Adopt resolution authorizing 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)

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.

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.

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.

Approve recommendation.

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OSCAR W. ORCI
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
CITY MANAGER