

R-23

January 21, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare an Ordinance amending Title 5, Regulation of Businesses, Trades and Professions of the Long Beach Municipal Code, by adding Chapter 5.77, related to short-term rentals, read the first time and laid over to the next regular meeting of the City Council for final reading;

Adopt a Resolution directing the Director of Development Services to submit the Ordinance amendments to the California Coastal Commission for a finding of conformance with the Certified Local Coastal Program; and,

Adopt Negative Declaration ND 07-19. (Citywide)

DISCUSSION

At its meeting on December 4, 2018, the City Council received and filed a report on short-term rental (STR) properties in Long Beach, and directed the City Attorney to prepare an Ordinance to implement STR regulations, presented as Option 2 (Limited STRs), as modified during the discussion. In its motion, the City Council directed staff to conduct additional research in specific STR policy areas and provide recommendations to the City Council. The additional research and information was provided to the City Council via memorandum on June 14, 2019 (Attachment A). As part of this effort, staff from the Development Services Department and the City Attorney's Office reached out to third-party compliance platforms and other municipalities that have implemented STR regulation. The attached Ordinance incorporates findings based upon the additional information that was collected.

Components of the Limited STRs option that have been revised from their original form are as follows:

- a) Permanent Long Beach residency will not be required to operate a STR.
- b) The number of non-primary STRs in multi-family buildings will be restricted based on a sliding scale.
- c) Large scale events will be allowed on a limited basis via a new STR Occasional Event Permit.

- d) The first violation for advertising a STR without a valid registration will result in a warning, instead of a fine.
- e) A business license will not be required to operate a STR.

On October 21, 2019, the City Council received a report titled Short-Term Rental Program Phased Implementation, which provided updated information on the City Council's direction to carry-out a phased implementation of the STR program (Attachment B).

Key Elements of the Ordinance

An overview of the STR requirements are as follows:

- a) STRs are required to register with the City. A local 24-hour contact is required for all rentals.
- b) STRs are prohibited in deed-restricted affordable housing units and dormitories.
- c) A maximum of two STRs are allowed per operator, or three if one of the STRs is hosted in a primary residence.
- d) Non-primary residence STRs in multi-family developments are limited on a sliding scale from 1 to 15 percent of units, depending on the total number of units in the development.
- e) A maximum of 1 percent of the City's housing stock will be allowed to be used as non-primary STRs.
- f) Existing City Noise Ordinance laws will apply to STRs, including those relating to the prohibition of loud noises.
- g) Quiet hours are from 10:00 p.m. to 7:00 a.m., including the use of outdoor pools and hot tubs.
- h) The City Council will establish, and set by Resolution, all fees and charges.
- i) The City's Transient Occupancy Tax will apply to STRs.
- j) Safety and Liability:
 - i. A map of fire extinguishers and escape routes is required on site.
 - ii. Property liability insurance of greater than \$1,000,000 is required per STR.
 - iii. Occupancy is limited to two people per bedroom, plus two people, with a maximum of ten people total.

- iv. Exterior signage is prohibited.
- k) Property owners of residential property in any census tract within the City may petition to prohibit un-hosted STRs by obtaining the signatures of two-thirds of property owners within their census tract.

Provisions on the maximum number of rented nights are as follows:

- a) By definition, the number of un-hosted guest stays in a primary residence STR is limited to 90 nights per year.
- b) The number of un-hosted guest stays in a non-primary residence STR is not limited.
- c) The number of nights of hosted guest stays is not limited.

Provisions on occasional events are as follows:

- a) Large-scale events exceeding the maximum occupancy limit are prohibited unless a STR occasional event permit has been issued.
- b) Occasional events are limited to six per year, per STR.

The Ordinance establishes the following provisions regarding exclusions, consent, enforcement and penalties:

- a) A City registration number must be included in all advertisements/listings.
- b) Homeowner associations (HOA), or apartment owners, may request inclusion on a STR-prohibited properties list.
- c) A landlord consent form is required if a unit is subject to a rental agreement.
- d) Online platforms have duties and liabilities to comply with City requirements and remit taxes.
- e) An independent consultant will assist with compliance monitoring.
- f) Fines for violations within a 12-month period:
 - i. \$1,000 for each violation.
 - ii. A STR registration is revoked after the third violation.

- iii. A 30-day warning period will be provided prior to issuing fines for advertising a STR without a valid registration number.

Conditional Registration During Petition Period

The 180-day petition period to restrict un-hosted STRs within a geographical census tract will begin on the date that the California Coastal Commission (CCC) approves the Local Coastal Program Amendment. All STR registrations will be approved on a conditional basis until after the 180-day petition period has ended. If a petition to restrict un-hosted STRs is successful, any conditional STR registrations issued within that census tract will expire at the next annual renewal.

Environmental Compliance

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Notice of Intent to Adopt Negative Declaration ND 07-19 was prepared and made available for a 30-day public review and comment period that began on September 16, 2019 and ended on October 15, 2019 (Attachment C). A Resolution directing the Director of Development Services to submit a request to the California Coastal Commission for a finding of conformance has been prepared.

TIMING CONSIDERATIONS

As discussed in the report to the City Council on October 21, 2019, a portion of the funding for STR positions was reallocated to temporarily fund other City programs, effectively delaying the start of the STR program. As a result, a phased implementation of the STR program was developed. Under the phased implementation, the Ordinance would take effect 180 days after it is approved by the City Council, and STR operators would have an additional 180 days after the effective date of the Ordinance to apply for registration to become a lawful STR operator. City Council action is requested on January 21, 2020, to move forward with the phased implementation plan recommended by staff.

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 14, 2019 and by Budget Analysis Officer Julissa José-Murray on October 23, 2019.

FISCAL IMPACT

Adoption of the Ordinance with the phased implementation plan will cost approximately \$197,000 in FY 20, due to the delayed hiring of staff and the compliance consultant. Estimated revenues from registration fees for FY 20 are approximately \$200,000 (based on a registration fee of \$250 per STR unit and an estimated 800 units). Expected revenues and expenses for the STR program in FY 20 were built into the Development Services Department budget and there is no appropriation increase needed. STR program associated expenses and revenues are accounted for separately from any STR-related Transit Occupancy Tax (TOT) revenue. It is currently unknown how this recommended Ordinance will impact TOT revenue from STR revenue. The STR program is within the budgeted scope of staff duties and is consistent with adopted City Council

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priorities. A specific impact on local jobs has not been determined, however, the adoption of the STR Ordinance is anticipated to have a positive impact on local jobs.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

LFT:LAF:KS

ATTACHMENTS: CITY COUNCIL ORDINANCE
CITY COUNCIL RESOLUTION
ATTACHMENT A – TFF MEMO (JUNE 14, 2019)
ATTACHMENT B – TFF MEMO (OCTOBER 21, 2019)
ATTACHMENT C – NEGATIVE DECLARATION 07-19

APPROVED:



THOMAS B. MODICA
ACTING CITY MANAGER

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Lona 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. "Platform agreement" means a signed agreement between a
25 hosting platform and the City, which, among other things, provides that the
26 hosting platform will collect and submit transient occupancy tax to the City
27 on behalf of short-term rental operators.

28 K. "Primary residence" means a person's permanent residence or

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

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

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

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

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

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

1 Q. "Single room occupancy" is as defined in Section 21.15.2667.

2 R. "Special group residence" is as defined in Section 21.15.2810
3 and 21.52.271.

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

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

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

12
13 5.77.030 Registration required.

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

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

23 1. The dwelling unit shall not be 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 and more than two (2) non-primary residence STRs
28 in the City.

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3. The number of non-primary residence STRs in multi-family development projects shall not exceed the number identified in the 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%

4. The total number of non-primary residence STR registrations issued shall not exceed one (1) percent of the City's total number of housing units. The number of total housing units shall be determined based on an annual housing estimate published on the California State Department of Finance website.

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

1 homeowners' or condominium association, allowance to engage in short-
2 term rental activity through this Chapter shall not be inferred to grant any
3 permission that invalidates or supersedes any provisions in those
4 documents.

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

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

16
17 5.77.040 Expiration and renewal.

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

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

28 //

- 1 5.77.050 Short-term rental regulations.
- 2 A. All marketing and advertising of a STR, including any listing on
- 3 a hosting platform, shall clearly list the City-issued STR registration number.
- 4 B. Short-term rental is prohibited in any part of the property not
- 5 approved and permitted for residential use including, but not limited to, a
- 6 vehicle parked on the property, a storage shed, trailer, garage, boat or
- 7 similar watercraft, tree house, or any temporary structure, including, but not
- 8 limited to, a tent.
- 9 C. Un-hosted stays in a primary residence STR shall be limited to
- 10 a maximum of ninety (90) days per year.
- 11 D. Un-hosted stays shall be prohibited in census tracts in the City
- 12 where such stays are prohibited in accordance with Section 5.77.080 or any
- 13 successor Section.
- 14 E. Each STR shall have a notice posted within the unit in a
- 15 location clearly marked and accessible to the guest (e.g., posted on the
- 16 refrigerator, included within a binder with additional information on the unit,
- 17 etc.), containing the following information:
- 18 1. The maximum number of occupants permitted in the
- 19 unit;
- 20 2. Parking capacity, location of parking spaces, and
- 21 parking rules, if any;
- 22 3. Trash and recycling pickup information;
- 23 4. The name of the local contact and a telephone number
- 24 at which that person may be reached on a twenty-four (24) hour basis;
- 25 5. Emergency contact information for summoning police,
- 26 fire, or emergency medical services; and
- 27 6. Evacuation plan for the unit showing emergency exit
- 28 routes, exits, and fire extinguisher locations.

1 F. The maximum number of persons who may occupy the STR at
2 one (1) time shall be limited to two (2) persons per bedroom, plus two (2).
3 This calculation shall be inclusive of children. Lofts that meet California
4 Building Code egress requirements are considered a bedroom for the
5 purposes of this occupancy calculation. In no event may the maximum
6 occupancy exceed ten (10) persons in any STR. Large-scale events (i.e.,
7 exceeding maximum allowed occupancy) such as commercial parties,
8 weddings, fundraisers, and conferences, are prohibited as part of the short-
9 term rental use, unless a STR occasional event permit has been issued.

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

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

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

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

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

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

25 M. It is unlawful for any STR host, operator, occupant, renter,
26 lessee, person present upon, or person having charge or possession of the
27 STR premises, to make or continue to cause to be made or continued any
28 loud, unnecessary or unusual noise which disturbs the peace and quiet of

1 any neighborhood, or which causes discomfort or annoyance to any
2 reasonable person of normal sensitivities residing in the area, or which
3 violates any provision of Chapter 8.80 ("Noise") of this Code.

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

9
10 5.77.060 Short-term rental operator requirements.

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

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

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

25 D. Transient Occupancy Taxes shall be collected on all Short-
26 Term Rentals. If a Hosting Platform does not collect payment for the rental,
27 operators are solely responsible for the collection of all applicable TOT and
28 remittance of the collected tax to the City in accordance with Chapter 3.64

1 (Transient Occupancy Tax). If a Hosting Platform does collect payment for
2 the rentals, then it and the operator shall both have legal responsibility for
3 the collection and remittance of the TOT.

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

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

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

12
13 5.77.070 Hosting platform responsibilities.

14 A. Hosting platforms shall not process or complete any booking
15 transaction for an STR if notified by the City that a valid STR registration
16 number has not been issued by the City to the operator.

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

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

28 D. In the event a hosting platform has entered into a platform

1 agreement, and an operator has assigned the responsibilities for the
2 collection and remittance of transient occupancy tax to the hosting platform,
3 then the hosting platform and the operator shall have the same duties and
4 liabilities, including but not limited to the collection and remittance of
5 transient occupancy tax to the City in compliance with this Chapter and
6 Chapter 3.64 (Transient Occupancy Tax) of this Code.

7 E. The provisions of this Section shall not apply to a hosting
8 platform whenever it complies with any Administrative Guidelines issued by
9 the City and approved by resolution of the City Council that describe how
10 the hosting platform shall satisfy the hosting platform responsibilities in this
11 Section.

12 F. 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 G. Hosting platforms shall remove any listings for STRs from the
17 platform upon notification by the City. The City Manager shall develop, by
18 administrative regulation, processes and procedures for the removal of any
19 listing.

20 H. 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

24 5.77.080 Petition to restrict un-hosted short-term rentals within a
25 geographical census tract.

26 A. The property owners of residential property in any census tract
27 within the City may petition, using a form provided by the Director, to
28 prohibit un-hosted STRs within that census tract.

1 B. The petition must include the signatures and printed names,
2 and addresses of at least two-thirds (2/3) of the property owners of
3 residential real property within the boundaries of the census tract and the
4 petition shall in all cases be submitted to the Director within one hundred
5 and eighty (180) days after the date the California Coastal Commission
6 certifies the adoption of this Chapter as an appropriate implementation
7 ordinance for the City's Local Coastal Program. All petition signatures shall
8 be submitted on a street by street basis inclusive of the street address of
9 each signer, and shall indicate and set forth the positive desire of all those
10 signing the petition to prohibit un-hosted stays within the boundaries of the
11 census tract.

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

15 D. Upon receipt of a petition, the Director shall verify that the
16 petition contains the required number of signatures requesting that un-
17 hosted stays be prohibited within the census tract.

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

21 F. Once approved, a restriction on un-hosted STRs shall remain
22 in effect for a minimum of three (3) years following the effective date of such
23 restriction. After the initial three (3) year restriction period, the restriction
24 shall remain in effect indefinitely unless and until such restriction(s) are
25 prohibited by law; or at least two-thirds (2/3) of the property owners within
26 the restricted census tract file a petition with the City reflecting the positive
27 desire of all those signing the petition to remove the restriction on un-hosted
28 stays.

1 G. The City Clerk or the Department of Development Services
2 shall cause to be posted online a list or map of the current census tracts
3 where un-hosted STRs are prohibited.

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

7

8 5.77.090 Enforcement.

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

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

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

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

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

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

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

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

26 8. Violations of state, county, or City health, building, or
27 fire regulations;

28 9. Conduct or activities that constitute a public nuisance or

1 which otherwise constitute a hazard to public peace, health, or safety.

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

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

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

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

25 F. Any person convicted of violating any provision of this Chapter
26 in a criminal case or found to be in violation of this Chapter in a civil or
27 administrative action brought by the City shall be ordered to reimburse the
28 City its full investigative and enforcement costs, pay back all unpaid TOT if

1 applicable, and remit all illegally obtained rental revenue to the City.

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

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

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

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

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

26
27 5.77.100 Fees.

28 The City Council may establish and set by resolution all fees and

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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.

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 eighty-first (181st) 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: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
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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RESOLUTION NO.

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 _____, 2019, 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.

//
//

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

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 _____, 2019, by Ordinance No. ORD-19-_____, 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 _____, 2019, by the following vote:

18 Ayes: Councilmembers: _____
19 _____
20 _____

21 Noes: Councilmembers: _____
22 _____

23 Absent: Councilmembers: _____
24 _____

25 _____
26 _____
27 _____
28 _____

City Clerk



City of Long Beach
Working Together to Serve

ATTACHMENT A

Memorandum

Date: June 14, 2019

To: Patrick H. West, City Manager *T.H.W.*

From: Linda F. Tatum, Director of Development Services *L.F.T.*

For: Mayor and Members of the City Council

Subject: **Short-Term Rental Ordinance Update**

Following a series of studies and public participation events in March 2017, completed at the City Council's request, staff presented three options for regulating Short-Term Rentals (STRs) to the City Council at its December 4, 2018 meeting. At that time, the City Council directed the City Attorney to prepare an Ordinance to implement the regulation of STRs with specified limitations; and, to enter into voluntary tax collection agreements with hosting platforms for the collection and remittance of transient occupancy tax (TOT).

This memorandum provides additional information and a summary of staff's findings on areas of research requested by the City Council, including staff recommendations, where appropriate. The proposed Ordinance would allow limited STRs with the following conditions:

1. A STR host would be required to register with the City and obtain a unique STR registration identification number valid for one year.
2. A STR host may operate up to two non-primary residence STRs, or three if one STR is a primary residence. A primary residence is defined as residential property where the STR host resides at least 275 nights per year.
3. Non-primary residence STRs in multi-family buildings will be limited based on a sliding scale of the total units within the development.
4. For a hosted stay (where the host is onsite during the rental activity), there will be no limit to the number of nights rented, but an un-hosted guest stay in a primary residence STR will be limited to 90 nights per year.
5. The number of guests will be limited to two guests per bedroom plus another two, for a maximum of ten guests per STR with outdoor quiet hours in effect between 10:00 p.m. and 7:00 a.m.
6. A local 24-hour contact person will have to be available to respond to complaints within one hour.
7. An occasional event permit will be required to host special events in STRs.
8. A citywide cap of one percent of total City housing units will be placed on the number of non-primary STR registrations issued (First come first served).
9. An optional ban on un-hosted STRs may be implemented by a vote of property owners within a geographic area.

STR program costs will be offset by annual STR registration fees. STRs will be subject to TOT per the City's tax on short-term stays less than 30 days. Airbnb is already collecting TOT from STR bookings in Long Beach. In the event of a violation, the STR will be subject to an administrative citation after the first violation, which will be a warning. Subsequent violations will result in a fine of \$1,000 per day. Violations include, but are not limited to, any attempt to rent an unregistered STR, conduct or activities that constitute a public nuisance, or failure of the local contact to respond. The City may rescind a STR registration upon issuance of three violations resulting in fines.

Options to Address House Parties Including Permit Process for Limited Events

To address quality of life concerns caused by frequent large-scale events, sometimes referred to as "party houses," some municipalities have incorporated a permitting process for special or large events in their STR ordinances. This allows for occasional events to occur in STRs, while protecting the residential character of the neighborhood by limiting both the size and number of these events on an annual basis. The City of Long Beach Office of Special Events and Filming currently uses a Special Event Permit (SEP), which applies only to events on public property, and an Occasional Event Permit (OEP), which applies only to commercial properties. By establishing an OEP process for residential use, the City could allow a STR host to host a limited number of events per year for which the proposed ten-guest maximum capacity requirement is waived for a permitted event.

The Cities of Malibu and Palm Springs have adopted STR ordinances that provide for a limited number of special events on STR properties. Malibu allows up to four residential special events per year for each STR unit, and the special event permit allows an event for up to eight hours in duration. Palm Springs does not restrict the number of events, but a separate "Event House Permit" is required for each event. Staff recommends establishing an STR OEP to allow STR hosts/operators to accommodate guests holding special events for up to six 24-hour periods per year. This would allow a limited number of weddings, fundraisers, family reunions, and other similar occasions, while mitigating the effects of such events on the residential character of neighborhoods. Hosts would be required to notify all neighbors within 300 feet of the STR property ten days in advance of the event, and outdoor quiet hours from 10:00 p.m. to 7:00 a.m. would still apply.

Cap on the Number of Non-Primary Residence STRs Allowed in Multi-Family Developments

Placing a cap on the number of non-primary residence STRs in multi-family developments will reduce the impact on the City's housing stock and prevent entire multi-family buildings from becoming de facto hotels. To address building size disparity, particularly for large buildings and residential complexes with multiple buildings, staff proposes a sliding-scale cap on the number of non-primary STRs allowed in multi-family developments, as shown in the table below:

Number of dwelling units per development project	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%

Note: Rounded down to the nearest whole number from 0.49, and up to the nearest whole number from 0.5.

STR registrations for non-primary units in multi-family buildings would be approved on a first-come, first-served basis. No STR registration would be approved if the building's owner or homeowner's association prohibits STR activity.

As directed by the City Council, staff is including a cap of 1 percent of the City's housing stock being allowed as non-primary residence STRs (approximately 1,770 units) as a way to reduce the impact to the housing stock. This citywide cap would be inclusive of multi-family buildings and single-family residences.

Enforcement

At the direction of the City Council, staff reached out to hosting platforms and third-party compliance platforms to better understand the services and tools available to assist the City with enforcement and compliance with STR regulations. Staff has worked with hosting platforms Airbnb and HomeAway, and has been introduced to enforcement tools these platforms offer to assist jurisdictions with enforcement of regulations. These include adding a field on their listings for displaying approved City STR registration identification numbers, a "Neighborhood Tool" available to neighboring properties for submitting complaints directly to Airbnb, and a "Responsible Hosting" page for hosts providing information about Long Beach STR regulations with a link to the City's STR webpage. These platforms indicated it is not their practice to monitor the validity of registration numbers and would therefore not be responsible for removing unregistered hosts or listings for properties whose registration has been revoked by the City.

A ruling filed on March 13, 2019, by the United States Court of Appeals for the Ninth Circuit affirmed the district court's dismissal of a complaint brought by HomeAway.com and Airbnb Inc. against the City of Santa Monica for imposing various obligations on hosting platforms. This ruling upheld the lower court's decision that hosting platforms were required to provide certain information regarding hosts and were obligated to refrain from booking properties not licensed for STR use by the City of Santa Monica. Based on this ruling, staff anticipates increased participation from hosting platforms with both data-sharing and enforcement issues. It is unclear at this time if the issuance of an administrative subpoena would be necessary to obtain data for a specific host.

Staff also communicated with third-party compliance platforms specializing in assisting jurisdictions with enforcement of STR regulations. These platforms are available via service contract and use software created specifically to monitor compliance with STR regulations. Companies staff spoke with include Host Compliance, Veritil MVS, STR Helper, and Harmari STR. Services provided by these platforms include data discovery, online STR registration management, assistance with nuisance management including a staffed 24-hour hotline, and tax remittance management. Many jurisdictions that have regulated STRs use the services of third-party compliance platforms. Staff is recommending the City work with one of these platforms to assist with registration and enforcement issues upon adoption of a STR Ordinance and will conduct a procurement process to determine the most responsive platform.

Program Costs

Proposed costs for the STR program include two FTEs and a contract with a vendor to host registration, collect TOT from non-Airbnb hosts, and assist with a 24-hour hotline. These costs are estimated to be approximately \$350,000. A proposed registration fee of \$250 and an estimated 800 STR registrations would offset this cost by \$200,000, requiring a projected \$150,000 subsidy from the General Fund.

Business License Requirements

A business license will not be required because the proposed STR Ordinance would only allow an operator to host two non-primary residences (or three if also hosting in their primary residence). Currently, the Long Beach Municipal Code only requires a business license for residential rental properties with four or more units. As noted, staff will be able to track and monitor STRs through the registration process required to host any STR unit.

Parking

The STR program is established on the premise that units eligible to register for an STR permit must be legally established with a record of required permits pursuant to City codes and regulations, including compliance with Code-required parking, or be documented as legal nonconforming when they do not provide required Code-required parking. The current STR proposal does not include an additional parking requirement for STR units as it establishes limits on the number of individuals that may occupy these units. These occupancy limitations will generally limit potential parking impacts in a manner that is not currently available to regular owner or rental housing units. It is not legal for the City to establish occupancy limits for residential units.

If special event permits are allowed for STRs without the addition of a parking requirement, it would be similar to a renter or homeowner occasionally hosting a family or social event during which parking may be temporarily impacted in the area of the residence. If there is a concern regarding parking for STR special events, staff can determine a standard for parking to be provided by the host as a condition of the special event permit. Staff recommends that if a standard is established for additional parking for a special event, the applicable standard be applied citywide and not just in the Coastal Zone. Adding a requirement for additional parking in the Coastal Zone, if a similar standard is not applied citywide, is likely to be construed by the California Coastal Commission (CCC) as an impediment to coastal access and could result in rejection of the parking requirement.

Funding for Affordable Housing

A potential negative impact of STRs is the removal of housing units from the long-term market, thereby reducing supply and contributing to increased housing costs. To minimize potential effects on the housing market, the proposed STR Ordinance would limit the following:

1. The number of STRs allowed in the City to 1 percent of the City's housing stock;
2. The number of STRs per host; and,
3. The number of STRs per multi-family development.

The proposed STR Ordinance does not allow deed-restricted affordable housing units to be used as STRs and provides a means for apartment owners and home owner associations to register on a list of STR-prohibited properties.

Staff looked at the ability to fund new affordable housing units by including STRs in an inclusionary housing program. However, past court cases and current legislation limit the application of an inclusionary housing program to the production of new housing units. As a result, such a program cannot be applied to the City's STR Ordinance.

Another alternative to funding affordable housing production is the imposition of a mitigation fee. A nexus study is required to adopt a mitigation or impact fee. The nexus study would evaluate to what degree STRs impact the affordable housing market and monetize that impact. While the most obvious approach to this analysis is to attempt to evaluate the number of housing units removed from the market, another approach was taken in the City of San Diego. This approach evaluated the increased demand for housing by workers, like housekeepers and gardeners, who provide services to the STR industry. San Diego does not currently have STR regulations, so the impact fee has not been used. Staff checked with other California cities and did not find any that had adopted and implemented an impact fee.

Neighborhood Opt-Out Without Unduly Restricting STR Activity in Coastal Zone

During the public outreach phase, many residents, particularly in the Naples Island and Peninsula neighborhoods, which lie within the Coastal Zone, advocated for the ability to prohibit STRs in their neighborhoods by obtaining signatures of two-thirds of the property owners. The CCC considers STRs a high-priority visitor-serving use and considers a total ban of STRs to be a violation of the Coastal Act. However, the CCC has approved STR regulations that put some constraints on STR operations, but do not ban them, such as only allowing STRs in a primary residence as in the City of Pismo Beach, or only allowing hosted stays as in the City of Santa Monica (after initially rejecting Santa Monica's previous total-ban ordinance).

An opt-out by property owners to prohibit STRs, although not common, is not unprecedented. The City of Chicago uses an opt-out option to restrict STRs in selected precincts, in which a legal voter submits a notice of intent form to the City Clerk, who provides the petitioner with the petition form, which must be circulated and returned to the City Clerk within 90 days. Staff is recommending an opt-out petition process for prohibiting un-hosted STRs, which would be administered in the Development Services Department.

To establish a fair, reasonable, and formally established boundary model for both petitioners and City staff to manage, staff considered the size, shape, and static nature of possible boundaries. Potential options included the following:

- The City's list of 82 established Neighborhood Associations published annually by the Neighborhood Resource Center;
- Voting precincts and sub precincts;
- Police reporting districts; and,
- 2010 census tracts.

The population estimates of the City's Neighborhood Associations vary significantly from 76 to more than 19,000 residents and is, therefore, not considered to be a viable option. Precincts and sub-precincts have fluctuating and irregular boundaries that are not conducive to a neighborhood-based opt-out petition. Due to the relative ease of identifying a homeowner's census tract, reasonable consistency in the number of residents, and static nature of the boundaries, staff is recommending use of 2010 census tracts as the basis for the neighborhood opt-out petition boundary.

To allow property owners to prohibit un-hosted STRs, while not unduly restricting the ability for un-hosted STRs in and around the Coastal Zone, the City Council has recommended petitioners obtain two-thirds of the property owners' signatures in favor of the prohibition within the boundary.

To qualify, an opt-out petition would have to be submitted to the City within six months of the proposed STR Ordinance taking effect, and the ban would be effective for three years. At the end of the three years, a new petition would be required to maintain the ban. Once a neighborhood ban takes effect, it could be reversed by a similar two-thirds signed petition of property owners to remove the prohibition after the first year the ban goes into effect.

The process to prohibit un-hosted STRs would begin with the petitioning party requesting the petition form from the City. The City would provide the petition form listing all property addresses within the Census Tract of the petitioning party for collection of signatures. A petition form returned to the City, which includes names and signatures of at least two-thirds of the property owners listed on the petition, would be verified by City staff based on property owner records. A cost-recovery fee for processing the petition(s) would be the responsibility of the petitioning party.

Partnering with Hosts and Platforms to Support Local Businesses

The City's Economic Development Commission created the Ten-Year Blueprint for Economic Development to establish priorities to create a culture of economic opportunity throughout the City. The Economic Inclusion Focus Area of the Blueprint includes objectives and recommendations that can be helpful in supporting local businesses in conjunction with the adoption of the proposed STR Ordinance. The City's Economic Development Department will be assisting staff from the Development Services Department to use the Blueprint to create opportunities to help under-represented entrepreneurs and increase access to economic opportunities in low-income communities as part of the STR registration process. For example, when STR operators register, they could be informed of local businesses providing tourist-related services. The Economic Development Department will also work with Development Services staff and the Long Beach Convention and Visitors Bureau (CVB) to partner together by advertising registered STR listings on the CVB website.

Treatment of Existing and New Accessory Dwelling Units (ADUs) as STRs

In December 2017, the City Council adopted an ADU Ordinance in response to new State regulations to facilitate the construction of new ADUs. New ADUs can help address housing supply and affordability, while preserving neighborhood character. The City's ADU Ordinance prohibits ADUs from being used as STRs and requires owners to execute a covenant to that effect. Since adoption of the ADU Ordinance approximately 81 covenants have been executed. The City anticipates approximately 100 homeowners will seek to construct ADUs on their property annually.

The City Council's December 4, 2018 direction to staff for regulating STRs was to treat ADUs as a "hosted" stay since the property owner would be on premises, reducing the likelihood that a STR guest in the unit would negatively impact the residential character of the neighborhood. The ADU and the primary dwelling unit would be considered one primary residence for the purpose of STR registration. This approach is consistent with the community and host input provided throughout the outreach process, which found the majority of participants were opposed to prohibiting STRs in ADUs or duplexes. While concerns were raised about the impact of using ADUs as STRs on the City's available housing stock, owners of ADUs consistently stated their ADUs would not become part of the long-term rental housing stock because they often use these units for traveling friends and family.

Additionally, the proposed citywide cap of 1 percent of housing stock as STRs further mitigates the detrimental effect on the housing market. Property owners with previously executed ADU covenants would be able to have these covenants rescinded to allow use of their ADUs as STRs.

Next Steps

The City Attorney's Office has been working on a draft STR Ordinance to implement an STR program with the components specified by the City Council. Pending a California Environmental Quality Act (CEQA) determination, the draft STR Ordinance will be presented to the City Council for adoption in fall 2019. It is anticipated an amnesty period of 180 days will be included in the proposed STR Ordinance to allow time for startup and implementation of the STR program, including a grace period for STR operators to apply for registration. Following adoption of the STR Ordinance, Development Services staff will take the following actions:

- Request funding for implementation of the program and propose registration fees to partially offset program costs as part of the FY 20 budget adoption.
- Procure a third-party consulting firm to assist with implementation.
- Recommend minor word changes to Title 21 of the Long Beach Municipal Code for Planning Commission and City Council approval.
- Changes to Title 21 will require Coastal Commission review.
- Return to the City Council one year after implementation of the program to provide data on the number of registrations, number of complaints, resolutions to complaints, and TOT tax collected to assess potential improvements and an annual review thereafter.

If you have questions regarding this matter, please contact Lisa Fall, Manager of Administrative and Financial Services, at (562) 570-6853 or Lisa.Fall@longbeach.gov.

LFT:LAF:KS

CC: CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
TOM MODICA, ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
REBECCA GARNER, ADMINISTRATIVE DEPUTY TO THE CITY MANAGER
LISA FALL, ADMINISTRATIVE AND FINANCIAL SERVICES BUREAU MANAGER
JOHN GROSS, DIRECTOR OF FINANCIAL MANAGEMENT
GRACE YOON, BUDGET MANAGER
SANDY TSANG PALMER, PURCHASING AND BUSINESS SERVICES MANAGER
OSCAR ORCI, DEPUTY DIRECTOR OF DEVELOPMENT SERVICES
KARL WIEGELMAN, CODE ENFORCEMENT BUREAU MANAGER
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE 17-0213, 18-1072)

ATTACHMENT B



City of Long Beach
Working Together to Serve

Memorandum

Date: October 21, 2019

To: Thomas B. Modica, Acting City Manager *T. Modica*

From: Linda F. Tatum, Director of Development Services *L. Tatum*

For: Mayor and Members of the City Council

Subject: **Short-Term Rental Program Phased Implementation**

At its September 3, 2019 meeting, during discussion of the City's FY 20 budget, the City Council requested a delay in the start of the short-term rental (STR) program and a one-time reallocation of a portion of the funding for STR staff positions to temporarily fund other City programs. Development Services Department staff was requested to explore options for moving forward with the program, within the reduced budget.

Staff recommends a phased implementation of the STR program, which, if approved by the City Council, will operate within the reduced budget by doing the following:

- Delay the effective date of the Ordinance by 180 days;
- Delay the hiring of the Administrative Analyst and Consultant appropriated for the STR program by 90 days; and,
- Delay the hiring of the Combination Building Inspector until the initial 180-day STR registration period ends (FY 21).

During the deferred implementation period, staff will recruit and select a candidate for the Administrative Analyst position, with the expectation the position will be filled approximately 90 days prior to the delayed effective date of the Ordinance. An independent compliance consultant will also be selected during this period. A timeline for the phased implementation is attached for your reference (Attachment A).

Once the Ordinance is in effect, the initial STR registration period will begin, allowing the City to begin accepting and reviewing applications, issuing conditional STR registration numbers, and collecting registration fees. During the initial registration period, STR operators will be allowed to rent their units. However, due to the reduced budget amount in FY 20, enforcement of STR regulations will not be possible during the initial registration period. Recruitment of a Combination Building Inspector to focus on enforcement of STR regulations will coincide with the adoption of the FY 21 budget.

The STR Ordinance is currently scheduled to return to the City Council on November 12, 2019.

Short-Term Rental Program Phased Implementation
October 21, 2019
Page 2

If you have questions regarding this matter, please contact Manager of Administrative and Financial Services Lisa Fall at (562) 570-6853 or Lisa.Fall@longbeach.gov.

LAF:HN

ATTACHMENT A -STR PROGRAM PHASED IMPLEMENTATION

CC: CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
REBECCA GARNER, ACTING ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
TERESA CHANDLER, INTERIM DEPUTY CITY MANAGER
ANDREW VIALPANDO, ACTING ADMINISTRATIVE DEPUTY TO THE CITY MANAGER
LISA FALL, MANAGER OF ADMINISTRATIVE AND FINANCIAL SERVICES
JOHN GROSS, DIRECTOR OF FINANCIAL MANAGEMENT
GRACE YOON, BUDGET MANAGER
SANDY TSANG-PALMER, PURCHASING AND BUSINESS SERVICES OFFICER
OSCAR ORCI, DEPUTY DIRECTOR OF DEVELOPMENT SERVICES
KARL WIEGELMAN, CODE ENFORCEMENT BUREAU MANAGER
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE 17-0213, 18-1072)

Projected STR Program Phased Implementation

	October 2019	January 2020	April 2020	July 2020	October 2020
Ordinance					
Ordinance Read and Adopted by Council	█				
Ordinance Takes Effect 180 Days After Adoption			█		
Registration					
STR initial Registration Begins Grace Period (No Enforcement of Regulations)				180 Days	
Initial Registration (Grace Period) Ends and Ongoing Registration Begins					█
Staff					
Interviews and Hiring for AA and Consultant		█			
Consultant and AA Set up Registration Process and Develop Communications Strategy			90 Days		
Interview and Hiring for CBI				█	
Program Fully Staffed					█
Enforcement					
Enforcement Begins 180 Days After Effective Date					█



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 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 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?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact 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?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact 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?

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

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

- Potentially Significant Impact Less Than Significant with Mitigation Incorporation Less Than Significant Impact 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.

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

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

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:

11 Number of dwelling units in residential development	12 Number of non-primary residence STRs allowed per development project
13 2 to 10	1
14 11 to 50	10%
15 51 to 100	12%
16 101 or more	15%

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;

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- 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
- 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.

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.

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 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 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

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.

//

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
P.O. Box 1160
Thermal, CA 92274
Certified Mail - Tracking No. 7018 1830 0000 2094 9707**

**Mr. Joseph Ontiveros
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Certified Mail - Tracking No. 7018 1830 0000 2094 9714**

**Mr. Andrew Salas
Gabrieleno Band of Mission Indians – Kizh Nation
P.O. Box 393
Covina, CA 91723
Certified Mail - Tracking No. 7018 1830 0000 2094 9721**

**Mr. Robert Dorame
Gabrielino Tongva Indians of California Tribal Council
P.O. Box 490
Bellflower, CA 90707
Certified Mail - Tracking No. 7018 1830 0000 2094 9738**

**Ms. Linda Candelaria
Gabrieleno-Tongva Tribe
80839 Camino Santa Juliana
Indio, CA 92203
Certified Mail - Tracking No. 7018 1830 0000 2094 9745**

**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
Certified Mail - Tracking No. 7018 1830 0000 2094 9769**



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@tmdcl.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 black 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.

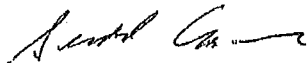
4. There is no provision in the draft ordinance requiring that STR addresses and other permit information is available to the public or to neighboring owners. This information should be made available preferably on line.
5. Section 5.77.050.F limits the number of persons to "...two persons per bedroom..." 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 unhosted 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 ND 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.

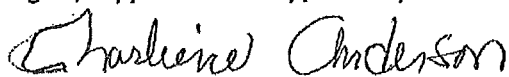
You can only imagine what it would be like to have large groups of people coming and going day and night. In Naples our lots are zoned R-1-s, small lots with no back yard. Therefore much of the action takes place on the decks in front. Most of our outdoor living takes place on our 30' by 15' front decks. 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