

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Long Beach, CA 90802  
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December 20, 2021

Christopher Koontz, Planning Bureau Manager  
Long Beach Development Services

411 West Ocean Boulevard – 3<sup>rd</sup> Floor  
Long Beach, CA 90802

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

Dear Christopher Koontz,

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

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

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

Sincerely,

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

Dani Ziff  
Coastal Program Analyst

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

For the following suggested modifications:

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

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

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

*Registration required, Section 5.77.030.B*

...4. The total number of non-primary residence STR registrations allocated shall not exceed eight hundred (800) dwelling units, unless otherwise directed by the City Council by ordinance or resolution. In the coastal zone, the maximum number of non-primary dwelling units registered as STRs is three hundred fifty (350). The Citywide cap on STRs shall not be applied to prohibit additional STRs in the coastal zone until the three hundred fifty (350) STR units in the coastal zone are exhausted. The total number of non-primary residence STR registrations allocated shall be reviewed by the City Council on an annual basis.

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

*Definitions, Section 5.77.020.M*

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

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

*Registration required, Section 5.77.030.B*

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

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

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

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

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

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

*Definitions, Short-Term Rental, Section 21.15.2487*

21.15.2487 – Short-Term Rental

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

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

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

6. Any application for the restriction of short-term rentals pursuant to the provisions and procedures outlined in Chapter 5.77 (Short-Term Rentals) in the certified LCP.

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

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

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

- i. The proposed restriction would not result in the substantial loss of visitor-serving accommodations (i.e. a reduction in available overnight accommodation rooms, including but not limited to short-term rentals, hotels, and/or motels, within ¼ mile of visitor-serving recreational uses, the beach, bay, ocean, or tidelands).
- ii. The proposed restriction would not result in the loss of lower-cost overnight accommodations. Lower-cost overnight accommodations shall be defined as those charging approximately twenty five percent (25%) less than the statewide average daily room rate or less.
- iii. The proposed restriction would not result in the net loss of short-term rentals below four hundred twenty-five (425) short-term rental units (both hosted and un-hosted and/or primary or non-primary) historically occurring in the coastal zone.
- iv. The proposed restriction would be necessary to protect the neighborhood stability, housing access, and would be consistent with the neighborhood character established in the Local Coastal Program (LCP).

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

*Short-term rental regulations, Section 5.77.050*

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

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

*Purpose, Section 5.77.010*

The purpose of this Chapter is to establish regulations, standards, and a registration process governing the renting or leasing of privately owned visitor serving residential dwelling units on a short-term basis in order to maintain the long-term rental housing stock in the City; ensure the collection and payment of Transient Occupancy Taxes ("TOT"); safeguard the residents of the City of Long Beach by ensuring that short-term rental activities do not threaten the character of residential neighborhoods; and ensuring that such short-term rental activities do not become a nuisance, or threaten the public health, safety or welfare of neighboring properties.

The City of Long Beach acknowledges that all persons within its jurisdiction are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments, including short-term rentals.

*Registration required, Section 5.77.030.B*

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