

CITY OF LOS ALAMITOS
Council Chamber
3191 Katella Avenue, Los Alamitos CA 90720

PLANNING COMMISSION/SUBDIVISION COMMITTEE
AGENDA
REGULAR MEETING

Wednesday, March 22, 2023 – 7:00 PM

SAFETY ALERT – NOTICE REGARDING COVID-19

If you wish to attend the Planning Commission meeting in person, the Council Chamber located at 3191 Katella Ave., Los Alamitos, California 90720, will have seating for this meeting and the public shall have the right to observe and offer public comment at this location. The City of Los Alamitos continues to follow the Centers for Disease Control and Prevention (CDC) guidelines and these provisions are subject change with short notice.

While you may attend this meeting in person, given the health risks associated with COVID-19, please be advised that you may submit comments on any agenda item or on any item not on the agenda by email to planningcommission@cityoflosalamitos.org with the subject line "PUBLIC COMMENT". Comments received by 4:00 p.m. will be compiled, provided to the Planning Commission, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Please consider carefully before attending this meeting in person and do not attend this meeting in person if you have had direct contact with someone who has tested positive for Coronavirus (COVID-19), or you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted after distribution of the agenda packet are available for public inspection on the City's website at www.cityoflosalamitos.org.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the Development Services Department at (562) 431-3538, extension 301, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Chair Loe
Vice Chair Cuilty
Commissioner Andrade
Commissioner DeBolt

Commissioner Grose
Commissioner Sofelkanik
Commissioner Zellmer

3. PLEDGE OF ALLEGIANCE

4. ORAL COMMUNICATIONS

At this time, any individual in the audience may address the Planning Commission and speak on any item within the subject matter jurisdiction of the Commission. Please state if you wish to speak on an item on the Agenda. **Remarks are to be limited to not more than five minutes.**

5. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Planning Commissioner requests separate action on a specific item.

A. Approve the Minutes for the Special Meetings of December 14, 2022 and January 11, 2023, and the Regular Meeting of January 25, 2023.

6. PUBLIC HEARING

A. Conditional Use Permit (CUP) 23-01 Health/Fitness Facilities – Large

Consideration of a Conditional Use Permit for the use of Health/Fitness Facilities – Large (Martial Arts) in a unit in the Planned Light Industrial (P-L-I) Zoning District at 4260 Cerritos Avenue (Applicant: Laura Gutierrez), APN 241-251-04.

Recommendation:

1. Open the Public Hearing; and,

2. Take testimony; and,

3. Adopt Resolution No. 23-xx, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, Approving CONDITIONAL USE PERMIT (CUP) 23-01 TO ALLOW A HEALTH/FITNESS FACILITY – LARGE IN A 4,200 SQUARE FOOT UNIT IN THE PLANNED LIGHT INDUSTRIAL (P-L-I) ZONING DISTRICT AT 4260 CERRITOS AVENUE (APPLICANT: LAURA GUTIERREZ), APN 241-251-04.”

7. DISCUSSION

A. Zoning Ordinance Amendment (ZOA 23-02) Short-Term Rentals

A discussion concerning the possibility of permitting Short-Term Rentals in residential zones. Zoning Ordinance Amendment (ZOA 23-02)

Recommendation:

A Planning Commission discussion concerning the revision of the Los Alamitos Municipal Code to permit Short-Term Rentals through a Zoning Ordinance Amendment (ZOA 23-02).

8. STAFF REPORT

9. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

10. COMMISSIONER REPORTS

11. ADJOURNMENT

APPEAL PROCEDURES

Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at the Development Services Department, within ten (10) business days after the Planning Commission decision. The appeal must include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement, accompanied by an appeal fee of \$1,101.00 (resident)/ \$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.60 and Fee Resolution No. 2022-11.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 72 hours prior to the meeting.

Michelle Müller
Management Analyst
Date:

MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING OF THE CITY OF LOS ALAMITOS

SPECIAL MEETING – January 11, 2023

1. **CALL TO ORDER**

The Planning Commission/Subdivision Committee met in Special Session at 6:06 p.m., Wednesday, January 11, 2022 in video conference, Chair DeBolt presiding. As a result of the State of Emergency in California due to the threat of COVID-19 and pursuant to Governor Newsom Executive Order N-25-20 issued on March 12, 2020, all members of the Planning Commission attended telephonically.

2. **ROLL CALL**

Present: Commissioners:

Chair DeBolt
Culty, Grose, and Sofelkanik

Absent:

Loe, Andrade, and Zellmer

Staff:

Ron Noda, Development Services Director
Michael Daudt, City Attorney
Maria Veronica Enciso, Department Secretary

3. **PLEDGE OF ALLEGIANCE**

Chair DeBolt led the Pledge of Allegiance.

4. **ORAL COMMUNICATIONS**

Chair DeBolt opened the meeting for Oral Communications for items not on the agenda.

There being no speakers, Chair DeBolt closed the Oral Communications.

5. **CONSENT CALENDAR**

All Consent Calendar items may be acted upon by one motion unless a Planning Commissioner requests separate action on a specific item.

Motion/Second: DeBolt/Culty

Carried 4/0 (Loe, Andrade, and Zellmer absent): The Planning Commission approved the following Consent Calendar item:

A. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings

For the Planning Commission to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the Planning Commission to make specific findings at least every thirty (30) days.

Recommendation:

Make the following findings by a majority vote of the Planning Commission:

1. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;
2. The Planning Commission has reconsidered the circumstances of the state of emergency; and
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

ROLL CALL

Chair DeBolt	Aye
Vice Chair Loe	(absent)
Commissioner Andrade	(absent)
Commissioner Cuijty	Aye
Commissioner Grose	Aye
Commissioner Sofelkanik	Aye
Commissioner Zellmer	(absent)

6. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Director Noda reminded the Planning Commission of the next regular meeting that will be held on January 25, 2023.

Chair DeBolt asked and received verification by City staff of what will be on the agenda.

Commissioner Sofelkanik asked and received clarification from City Attorney Daudt about in-person commission meetings and should a commissioner attend virtually at another location.

7. COMMISSIONER REPORTS

Chair DeBolt complemented the new tress along the boulevard.

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 6:10 p.m. to January 25, 2023 at 7:00 p.m.

ATTEST:

Art DeBolt, Chair

Ron Noda, Development Services Director

MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING OF THE CITY OF LOS ALAMITOS

SPECIAL MEETING – December 14, 2022

1. **CALL TO ORDER**

The Planning Commission/Subdivision Committee met in Special Session at 7:02 p.m., Wednesday, December 14, 2022, Chair DeBolt presiding.

2. **ROLL CALL**

Present: Commissioners: Chair DeBolt
Loe, Cuijly, Grose, Sofelkanik, Zellmer

Absent: Andrade

Staff: Ron Noda, Development Services Director
Kathya M. Firlik, Deputy City Attorney
Tom Oliver, Associate Planner
Maria Veronica Enciso, Department Secretary

3. **PLEDGE OF ALLEGIANCE**

Chair DeBolt led the Pledge of Allegiance.

4. **ORAL COMMUNICATIONS**

Chair DeBolt opened the meeting for Oral Communications for items not on the agenda.

Resident Tom asked about affordable housing, how much of it is low income, and the expansion of the redevelopment (4665 Lampson Avenue site).

Resident Robert Smith mentioned the traffic that occurs on Farquhar Avenue.

Seal Beach Resident Derek Boyer discussed the water shortage, increase in taxes, fire, police, utilities, and schools and how the new development (4665 Lampson Avenue site) would effect these issues. He does not support the development.

Seal Beach Resident John Laisy spoke on behalf of AYSO regarding the 4665 Lampson Drive site. He discussed his parking concern as the use of Arbor Park and requested for parking analysis and impact the use of Arbor Park.

Seal Beach Resident Nancy Wiest discussed her concern of access to their homes in the neighborhood and traffic problems on Lampson Avenue.

Unidentified speaker shared the misunderstanding that members of the public can ask questions and get answers.

Unidentified speaker asked if the zoning of the land (4655 Lampson Avenue) will be rezoned at tonight's meeting. Chair DeBolt confirmed that it is on the agenda.

Deputy City Attorney clarified the process during Oral Communication.

Seal Beach resident Mary Aboseif asked about the developers plans if the land won't be rezoned. She mentioned her kids being a part of AYSO and the use of Arbor Park. She also discussed traffic issues, high density, the LAUSD. She shared that she is not in favor of the residential community being built (at 4665 Lampson Avenue).

Seal Beach resident Jean Orland stated to vote to not zone for housing. She mentioned the sea level rise study in the EIR, agreement between City of Los Alamitos and City of Seal Beach (pay for permit parking), and parking on the development.

Resident Chris Arfwedson discussed safety and air pollution concern should the development (4665 Lampson Avenue) proceed.

Seal Beach resident Enea Ostrich provided and discussed the Seal Beach traffic collision report (2017-2022) along Lampson Avenue. She shared her opposition of the project development (4665 Lampson Avenue).

Seal Beach resident Marty Sprung opposed to the project and the zoning (4665 Lampson Avenue). If it does get approved, that it be done right the first time.

5. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Planning Commissioner requests separate action on a specific item.

Motion/Second: Cuijty/Grose

Carried 6/0 (Andrade absent): The Planning Commission approved the following Consent Calendar item:

A. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings

For the Planning Commission to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the Planning Commission to make specific findings at least every thirty (30) days.

Recommendation:

Make the following findings by a majority vote of the Planning Commission:

1. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;
2. The Planning Commission has reconsidered the circumstances of the state of emergency; and
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

6. Public Hearing

A. General Plan Amendment (GPA) 21-01 Housing Element 2021-2029

The Planning Commission will consider a new resolution of recommendation the City Council for adoption of a Negative Declaration pursuant to the California Environmental Quality Act and approval of a draft comprehensive update of the City's Housing Element for the reporting period of 2021-2029.

Development Services Director Noda quickly summarized the staff report.

Chair DeBolt asked if there is a timeline for the submittal. Staff confirmed the timeline. He then asked to share the neighboring cities RHNA numbers.

Commissioner Zellmer asked regarding the RHNA numbers for the City. Development Services Director Noda verified the information given of the mandated numbers.

Commissioner Grose asked to reiterate the cycle.

Chair DeBolt opened public comment.

Seal Beach resident Carrie discussed the rezoning of the proposed Lamps project and the City not having enough resources and safety for the officers and residents.

Seal Beach resident Jean Orland discussed how other Cities have opposed the RHNA numbers.

Seal Beach resident Bobby mentioned that he is a CSUF professor and discussed how Les Johnson used to work for the City and is now the developer, that this is unethical. He then discussed the impact of the project (46 Lampson Avenue) if it were to be a residential development.

Helen mentioned how the public is left in the dark as they have questions and concerned that the City doesn't share the same concern as the residents.

Seal Beach resident Dan Brandt shared that he used to work for the City for

years (Police Officer). He discussed the fatalities on Lampson Avenue and shared his concern for his family and parking issues.

Seal Beach resident Peter asked the Planning Commission to reconsider the scope and size of the project.

Garden Grove resident Ruth Schulze asked to not have the development changed to residential.

Resident of Cypress asked about a toll road that will be placed at the 405 Freeway and if the City has approval from the JFTB. She shared her vote no on this item.

Seal Beach resident Jeff Smith discussed traffic, parking, and recreation. He also discussed how the development affects his family and emergency response.

Chair DeBolt reiterated that this agenda item is about the housing element and not the zoning.

Seal Beach resident Kevin Schwartz asked about an air quality assessment and the inadequate parking in the area.

Seal Beach resident Mary Aboseif spoke again and asked about the RH numbers being planned on new development. Development Services Director Noda quickly clarified. They then discussed the zoning remaining the same.

Seal Beach resident Michael Gotto shared that he is against the development of the Lampson project (4665 Lampson Avenue) and shared his concern of quality and to reconsider the rezoning.

Chair DeBolt reminded the public that this agenda item is not project specific.

Unidentified speaker discussed the effects of low income housing and to reconsider the

Erick S. discussed a zoning issue and low income housing.

Chair DeBolt closed public comment.

Commissioner Grose wanted to confirm that this item was not about the proper and rezoning.

Chair DeBolt asked and received the definition and numbers of low income housing by the Development Services Director.

Motion/Second: Grose/Sofelkanik

Carried 6/0 (Andrade absent): Adopt Resolution No. 2022-13, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RESCINDING PLANNING COMMISSION RESOLUTION NO. 2022-07 AND RECOMMENDING THAT THE CITY

COUNCIL ADOPT A NEGATIVE DECLARATION, AND APPROVE GENERAL PLAN AMENDMENT 21-01, UPDATING THE LOS ALAMITOS HOUSING ELEMENT (2021-2029).”

The Planning Commission took a recess at 8:17 p.m.

The Planning Commission reconvened at 8:22 p.m.

**B. General Plan Amendment (GPA) 22-02
Zoning Ordinance Amendment (ZOA) 22-03**

The consideration of a draft ordinance to permit the creation of a new R-4 Zoning District in the City and rezoning certain properties to allow higher density, and modify the Town Center Mix Use (TCMU) Zoning to allow higher density through a General Plan Amendment (GPA) 22-02, and a Zoning Ordinance Amendment (ZOA 22-03).

Associate Planner Oliver summarized the staff report.

Vice Chair Loe asked about the range amount for density instead of a maximum amount. Associate Planner Oliver clarified the use of the range amount.

Commissioner Culty asked and received clarification from Associate Planner Oliver about the difference between R3 and R4 zone.

Chair DeBolt mentioned that the Lampson site (4665 Lampson Avenue) would be R3 instead of R4. He then discussed the development standards.

Commissioner Culty asked and received clarification from Association Planner Oliver about affordable housing the parking requirements based on the development standards.

Chair DeBolt shared that the agenda item is not project specific.

Commissioner Culty asked and received clarification from staff about R4 zone and being mixed use.

Vice Chair Loe and Associate Planner Oliver discussed the live work and the different zones being administrative use.

Chair DeBolt opened Public Hearing.

Seal Beach resident Tom Borcich asked why the Lampson site (4665 Lampson Avenue) would be a R3 and not a lesser density. He then stated to reconsider the density.

Cypress resident mentioned to encourage the Planning Commission to vote no on the item.

Seal Beach resident Patty Senecal spoke about cumulative impacts being

assessed and the high amount of traffic on Lampson Avenue and Los Alamitos Boulevard.

Seal Beach resident Dan Brandt spoke again regarding the Lampson project (4665 Lampson Avenue) being a new development in comparison to the other locations being rezoned as already built out.

Development Services Director Noda mentioned that members of the audience that have questions reach out to either him or Associate Planner Oliver.

Audience member asked about why zoning can't be changed to R2 instead of R3

Seal Beach resident Bobby P. spoke again and asked about the purchasing of the property and having plans laid out before the property was rezoned.

Seal Beach resident Derek Boyer spoke again and asked about the percentage of land and being built out.

Audience member commented on the property

Seal Beach Resident Carrie spoke again and discussed the commercial property purchasing and how unethical it is to have the Lampson site at a location that will be a problem for another city.

Rossmoor resident Helen spoke again and suggested to put the decision on hold.

Chair DeBolt closed public hearing.

Commissioner Zellmer asked how each identified areas were picked to be R3 or R4. Development Services Director Noda clarified the process of rezoning properties.

Commissioner Zellmer asked about the Lampson site and rezoning.

Chair DeBolt confirmed that the vote on this item is not project specific.

Chair DeBolt mentioned about ramification if the City didn't have a completed housing element and Development Services Director Noda informed the Planning Commission about state funding and the state could withhold funding and a fine to the City.

Commissioner Cuijty mentioned that the City fought for the redistricting for the city council election and spend a lot of legal fees on this.

Commissioner Grose asked when this process began, and staff confirmed the timeframe.

Chair DeBolt discussed the noticing process and Development Services Director Noda confirmed the noticing that takes place.

Commissioner Zellmer asked if a developer comes in to provide a project be change the zoning. City staff explained the process on rezoning.

Chair DeBolt mentioned that the Planning Commission is setting the framework for and assigning a specific zone in order to facilitate and implement the RHNA numbers.

Chair DeBolt and Deputy City Attorney Firlik reiterated that public comments are closed.

Motion/Second: Sofelkanik/Grose

Carried 6/0 (Andrade absent): Adopt Resolution No. 2022-14, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL to ADOPT RESOLUTION 2023-01 AMENDING GENERAL PLAN Land Use Element AND ORDINANCE 2023-01 AMENDING CHAPTERS 17.04, 17.08, AND 17.12 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING GENERAL PLAN HOUSING ELEMENT (2021-2029) POLICY ACTIONS 4.4 & 4.5 REQUIREMENTS (CITY INITIATED).

7. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Director Noda greeted the Planning Commission a happy holidays and New Year.

8. COMMISSIONER REPORTS

Commissioner Grose greeted the Commission and staff a happy holidays and New Year.

Chair DeBolt shared that he was happy to see the new trees along the boulevard.

Commissioner Zellmer shared that he has opened a new office in the City.

Commissioner Grose mentioned Cypress has mounds of little mountains in the medians and asked for the City to not do that.

9. ADJOURNMENT

The Planning Commission adjourned the meeting at 9:23 p.m.

ATTEST:

Art DeBolt, Chair

Ron Noda, Development Services Director

MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – January 25, 2023

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:01 p.m., Wednesday, January 25, 2023 in the Council Chamber located at 3191 Katella Ave., Los Alamitos, CA 90720, Vice Chair Loe presiding.

2. ROLL CALL

Present: Commissioners:

Vice Chair Loe
Cuijly, Grose, and Sofelkanik

Absent:

DeBolt, Andrade, and Zellmer

Staff:

Ron Noda, Development Services Director
Michael Daudt, City Attorney
Tom Oliver, Associate Planner
Maria Veronica Enciso, Department Secretary

3. PLEDGE OF ALLEGIANCE

Vice Chair Loe led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

Resident Leslie Whitley talked about short-term rentals and would like to agendize this topic to allow short-term rentals. She described a computer program and all the measures it employs to keep the unit running properly, and as well, the program checks proper noise levels.

Commissioner Sofelkanik thanked resident Leslie Whitley for her presentation and asked what kind of software would be used for managing the short-term rental. Leslie Whitley did not provide the specific software but shared she can provide it.

5. PLANNING COMMISSION REORGANIZATION

This report provides relevant information for the Planning Commission's annual reorganization, by the election of the Chair and Vice Chair.

Development Services Director Noda briefly explained the reorganization process.

Department Secretary Enciso called for nominations for the position of Chair.

Commissioner Grose nominated Commissioner Loe.

Department Secretary Enciso asked if there were any further nominations and there were not.

Department Secretary Enciso proceeded with voting for Commissioner Loe for the Office of Chair.

Commissioner DeBolt	Absent
Commission Loe	Aye
Commissioner Andrade	Absent
Commissioner Culty	Aye
Commissioner Grose	Aye
Commissioner Sofelkanik	Aye
Commissioner Zellmer	Absent

Carried 4/0 (Andrade, DeBolt, and Zellmer absent): The Planning Commission appointed Commissioner Loe as Chair.

Chair Loe asked if there were any nominations for the position of Vice Chair.

Commissioner Grose nominated Commissioner Culty for the Office of Vice Chair.

Department Secretary Enciso conducted the vote for Commissioner Culty for the Office of Vice Chair.

Chair Loe	Aye
Commissioner DeBolt	Absent
Commissioner Andrade	Absent
Commissioner Culty	Aye
Commissioner Grose	Aye
Commissioner Sofelkanik	Aye
Commissioner Zellmer	Absent

Carried 4/0 (Andrade, DeBolt, and Zellmer absent): The Planning Commission appointed Commissioner Culty as Vice Chair.

6. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Planning Commissioner requests separate action on a specific item.

Motion/Second: Culty/Grose

Carried 4/0 (Andrade, DeBolt, and Zellmer absent): The Planning Commission approved the following Consent Calendar items:

A. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings

For the Planning Commission to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the Planning Commission to make specific findings at least every thirty (30) days.

Recommendation:

Make the following findings by a majority vote of the Planning Commission:

1. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;
2. The Planning Commission has reconsidered the circumstances of the state of emergency; and
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

B. Approve the Minutes for the Special Meeting of November 30, 2022

7. PUBLIC HEARING

**A. Site Development Permit (SDP) 22-03
Adding a Residential Unit to a Multi-Family Property**

Associate Planner Oliver summarized the staff report.

Chair Loe opened the Public Hearing.

Applicant Oscar Sanchez discussed the project.

Commissioner Sofelkanik asked what the height of the building will be and the applicant confirmed the height.

Motion/Second: Grose/Sofelkanik

Carried 4/0 (Andrade, DeBolt, and Zellmer absent): Adopt PC Resolution No. 2023-01, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE Development Permit (SDP) 22-03 TO PERMIT a 1,016 square foot Two-story residential unit on a parcel with an existing 929 Square foot residence AT 4321 Howard Avenue in the Multiple-Family Residential ZONE (R-3), APN 222-131-29 (APPLICANT: Oscar Sanchez – Ideal Designs)."

**B. ZOA 23-01
State Mandated Update to Accessory Dwelling Unit (ADU) Regulations**

City Attorney Daudt summarized the staff report.

Chair Loe asked if the state mentions anything about ADU's being used as a short term rental. City Attorney Daudt clarified that the state provides discretion that the ADU's not be used as a short-term rental.

Commissioner Sofelkanik asked about the maximum height. City Attorney Daudt posed a hypothetical scenario with the maximum height.

Vice Chair Cuiilty asked about transit frequency. City Attorney shared information about the frequency.

Vice Chair Cuiilty then asked how often the buses run now. Associate Planner Oliver shared the current frequency along Katella Avenue and Los Alamitos Boulevard.

City Attorney Daudt shared additional information regarding the regulations pertaining to transit frequency.

Motion/Second: Grose/Cuiilty

Carried 4/0 (Andrade, DeBolt, and Zellmer absent): Adopt Resolution No. 2023-02 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, recommending the City Council adopt ordinance No. 2023-02 amending and restating section 17.28.020 of the Los Alamitos Municipal Code concerning the regulation of accessory dwelling units (ZOA 23-01)".

8. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Director Noda shared that the Housing Element item for the City Council was pulled from the agenda, and will be presented at the February meeting.

9. COMMISSIONER REPORTS

The Planning Commission asked staff how to agendize the short term rental and received clarification from City Attorney Daudt.

The Planning Commission then asked Associate Planner Oliver's input on short term rental. Associate Planner Oliver shared that it gets discussed about three times a week.

Commissioner Sofelkanik shared that he would like to discuss and agendize the short term rental item.

Commissioner Grose asked about the progress on the medical building construction. Associate Planner Oliver shared that it would be six months. He also shared that the Chevron project is almost done.

Commissioner Sofelkanik followed up regarding the maximum height to ADU's and received clarification from City Attorney Daudt and Associate Planner Oliver.

The Planning Commission discussed the need to have the Findings required by AB 361.

10. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:35 p.m. to February 22, 2023.

ATTEST:

Gary Loe, Chair

Ron Noda, Development Services Director

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: March 22, 2023

ITEM NUMBER: 6A

To: Chair Loe & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner

Subject: Conditional Use Permit (CUP) 23-01 Health/Fitness Facilities – Large

SUMMARY

Consideration of a Conditional Use Permit for the use of Health/Fitness Facilities – Large (Martial Arts) in a unit in the Planned Light Industrial (P-L-I) Zoning District at 4260 Cerritos Avenue (Applicant: Laura Gutierrez), APN 241-251-04.

RECOMMENDATION

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adopt Resolution No. 2023-03, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, Approving CONDITIONAL USE PERMIT (CUP) 23-01 TO ALLOW A HEALTH/FITNESS FACILITY – LARGE IN A 4,200 SQUARE FOOT UNIT IN THE PLANNED LIGHT INDUSTRIAL (P-L-I) ZONING DISTRICT AT 4260 CERRITOS AVENUE (APPLICANT: LAURA GUTIERREZ), APN 241-251-04.”

BACKGROUND

Applicant Laura Gutierrez, Conde Koma Brazilian Jiu Jitsu

Location 4260 Cerritos Avenue, Los Alamitos CA 90720

Environmental Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301, the proposed project is exempt from CEQA under the Class 1 categorical exemption since the proposed project involves no expansion of the building footprint beyond the existing area. Furthermore, all necessary public services and facilities are already available to the proposed project site, and approval of the proposed project would not result in significant adverse effects relating to traffic, noise, air quality, or water quality.

Approval Criteria Los Alamitos Municipal Code (LAMC), Section 17.10.020, Table 2-04 (Allowed Uses and Permit Requirements for Planned Light Industrial Zone) requires Planning Commission approval of a Conditional Use Permit to allow a “Health/Fitness Facilities—Large” in a unit in the Planned Light Industrial (P-L-I) zoning district.

Noticing The Public Hearing Notice for this meeting was mailed out on March 8, 2023, to property owners and commercial tenants within 500 feet of the subject parcel. Additionally, the Public Hearing Notice was published in the Event News Enterprise on March 8, 2023.

Prior Actions None in this unit.



The Applicant, Laura Gutierrez, has submitted an application for a Conditional Use Permit (CUP 23-01) asking that the City permit a large martial arts training business to move into a 4,200 square foot unit at 4260 Cerritos Avenue in the Planned Light Industrial (P-L-I) Zoning District. This is the unit where Coast Party Rentals was previously located. The business is Conde Koma Brazilian Jiu Jitsu, which would like to move across town from the Town Square Shopping Center. The Applicant says the classes generally have 15-20 students. They have up to four teachers for children's classes and two teachers for adult classes. The proposed use is a "large facility" because the unit is over the 2,500 square foot threshold for a small facility.

This Conditional Use Permit application must be reviewed by the Planning Commission in accordance with Los Alamitos Municipal Code Chapter 17.32 (Conditional Use Permits). This is done through a public hearing and the Commissioners must make findings of support for the proposed project if they approve the permit. Staff has reviewed the application for consistency with the City's Municipal Code, as well as assessed potential impacts, and believes the findings to approve the proposed CUP application can be made.

DISCUSSION

The parcel and building for this request are in the Planned Light Industrial (P-L-I) zoning district. The CUP application presented tonight considers whether a "health/fitness facility – large," is an appropriate use at 4260 Cerritos Avenue. A CUP is approved or denied by the Planning Commission in accordance with the findings found in LAMC Chapter 17.32 (Conditional Use Permits).

Here is how the applicant describes the business:

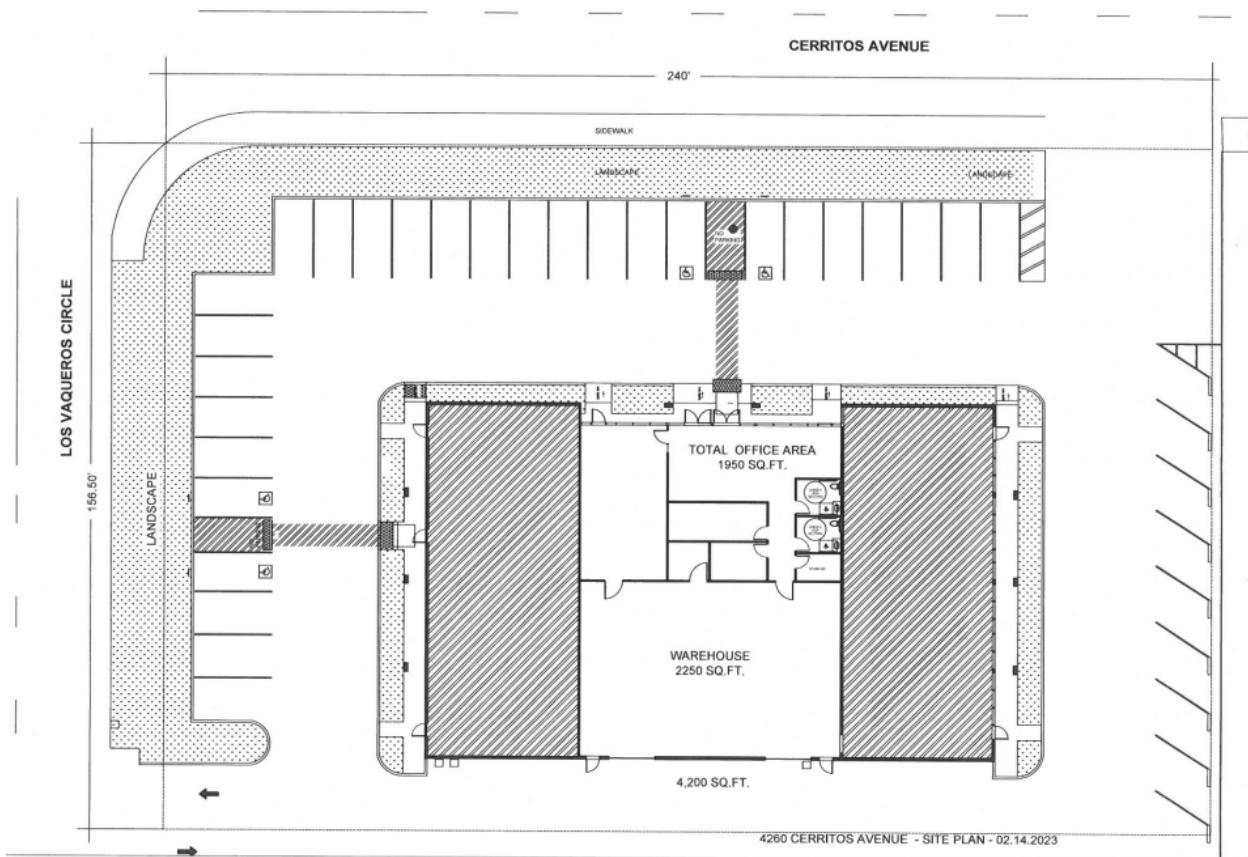
Conde Koma plans to "operate a center where one can learn and practice the art of Brazilian Jiu-Jitsu while making a commitment to learn and improve physique, flexibility, strength, self-esteem, and discipline." The "primary audience includes law enforcement,

families including mothers and children, and busy working professionals. It is important to note that there is no striking, kicking, or yelling in Brazilian Jiu-Jitsu. The martial art focuses on ground control techniques and self-defense.”

Location



The proposed unit, denoted by the arrow in the above picture, is at 4260 Cerritos Avenue. The properties to the north of this parcel are residential homes in the City of Cypress. To the east and south are industrial buildings in the Planned Light Industrial Zone. The property to the west is a church in the new Multi-Family Residential-36 (R-4) Zoning district.



The proposed floor plan is above and attached to this report. The hours of operation for the current business are generally 9:00 a.m. to 8:00 p.m., which Staff feels is satisfactory.

Parking

The “Health/Fitness Facilities – Large” use requires one parking space per 200 square feet of the unit. At 4,200 square feet, the business would require 21 parking spaces. The rest of the building has a 2,714 square foot warehouse which requires one space per 1,000 square feet and two offices, at 2,727 square feet, which require one space per 250 square feet. The entire parking lot has 36 spaces and 35 spaces are required for the mixture of uses.

Findings

In order to approve a CUP, the Planning Commission must hold a public hearing and make findings of support for the proposed project. These findings include:

A. The proposed use is consistent with the General Plan and any applicable specific plan;

Staff response: The proposed use is a light industrial property in the Limited Industrial General Plan designation. While not mentioned as a goal of the General Plan, the use is compatible with the low impact types of businesses in this building. “Health/Fitness Facilities – Large” are now permitted with a Conditional Use Permit in industrial zones, so the expectation of industrial owners in this tough industrial market at present is that gyms are a good use of open industrial spaces.

B. The proposed use is permitted within the applicable zone and complies with all other applicable provisions of this Zoning Code and the Municipal Code;

Staff response: Los Alamitos Municipal Code (LAMC), Section 17.10.020, Table 2-04 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones) requires Planning Commission approval of a Conditional Use Permit to allow a “Health/Fitness Facilities—Large” use in the Planned Light Industrial (P-L-I) zoning district. A Conditional Use Permit (CUP) does not automatically denote that the use is appropriate for all locations. A CUP asks that the use be carefully considered for its fit in any particular location. Certain conditions of approval have been added to the resolution to alleviate safety concerns in this location.

C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;

Staff response: This proposed location is in the Planned-Light-Industrial zone. The area and building were not designed with a martial arts school in mind, which could include the instruction of children. Certain conditions of approval have been added to the resolution to alleviate safety concerns in this location.

D. The site is physically suitable in terms of:

1. Its design, location, shape, size, and operating characteristics of the proposed use to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood;

Staff response: The building on this parcel was constructed years ago, and all of the previously mentioned characteristics were designed to meet the development standards that were current at the time for a Planned Light Industrial type of building. These types of buildings, with their large open spaces inside, are desirable to those who manage these types of businesses. The proposed martial arts training will be contained entirely within the walls of the existing commercial space. Parking is adequate to accommodate the proposed use. If this use were to be approved, any Interior tenant improvements would be required to be reviewed by the City’s Building Department and the Orange County Fire Authority for compliance with building and safety standards for the structure.

2. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access;

Staff response: The unit proposed for this business in this industrial building was originally built to meet the codes of the time it was constructed. All access, as well as emergency access were designed to meet that year’s current access standards for a commercial center, and have been upgraded from time to time through the years. Therefore, the streets are adequate for public and emergency vehicle access.

3. Public protection services (e.g., fire protection, police protection, etc.); and

Staff response: This unit in the Planned Light Industrial Zone has historically been served

by public protection services without interruption. For safety measures, the police department has added conditions 10 through 12 in the Resolution.

4. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).

Staff response: This unit in the Planned Light Industrial Zone has historically been served by adequate utility services without interruption.

E. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

Staff response: This is a location with the other tenants in this same building existing as offices and a warehouse. This use would be compatible with those uses and not adversely affect public convenience, health, interest, safety, or general welfare.

FISCAL IMPACT

None.

Attachment: 1. CUP 23-01 - Site Plan
 2. Resolution - Large Health-fitness facility

CERRITOS AVENUE

240'

SIDEWALK

SIDEWALK

LANDSCAPE

LANDSCAPE

LOS VAQUEROS CIRCLE

156.50'

LANDSCAPE

TOTAL OFFICE AREA
1950 SQ.FT.

WAREHOUSE
2250 SQ.FT.

4,200 SQ.FT.

4260 CERRITOS AVENUE - SITE PLAN - 02.14.2023

PC RESOLUTION 2023-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 23-01 TO ALLOW A HEALTH/FITNESS FACILITY – LARGE IN A 4,200 SQUARE FOOT UNIT IN THE PLANNED LIGHT INDUSTRIAL (P-L-I) ZONING DISTRICT AT 4260 CERRITOS AVENUE (APPLICANT: LAURA GUTIERREZ), APN 241-251-04.

WHEREAS, on February 16, 2023, the Applicant submitted a complete application for a Conditional Use Permit (CUP 22-04) requesting City approval of a Health/Fitness Facility - Large (martial arts) use for an industrial building at 4260 Cerritos Avenue in the Planned Light Industrial (P-L-I) zoning district; and,

WHEREAS, the application constitutes a request under Section 17.32.030 (Conditional Use Permits - Application Requirements) of the Los Alamitos Municipal Code (LAMC); and,

WHEREAS, the Planning Commission considered said application at a duly noticed Public Hearing on March 22, 2023; and,

WHEREAS, at this Public Hearing, the Applicant, Applicant's representatives, and members of the public were provided the opportunity to present written and oral testimony.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission finds that the above recitals are true and correct.

SECTION 2. Conditional Use Permit 23-01, requesting approval of a Health/Fitness Facility - Large (martial arts) use at an industrial building at 4260 Cerritos Avenue in the Planned Light Industrial (P-L-I) zoning district, is hereby approved based upon the following findings as required by LAMC Section 17.32.070:

- A. The proposed use is consistent with the General Plan and any applicable specific plan; The proposed use is a light industrial property in the Limited Industrial General Plan designation. While not mentioned as a goal of the General Plan, the use is compatible with the low impact types of businesses in this building. "Health/Fitness Facilities – Large" are now permitted with a Conditional Use Permit in industrial zones, so the expectation of industrial owners in this tough industrial market at present is that gyms are a good use of open industrial spaces.
- B. The proposed use is permitted within the applicable zone and complies with all other applicable provisions of this Zoning Code and the Municipal Code;

Los Alamitos Municipal Code (LAMC), Section 17.10.020, Table 2-04 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones) requires Planning Commission approval of a Conditional Use Permit to allow a “Health/Fitness Facilities—Large” use in the Planned Light Industrial (P-L-I) zoning district. A Conditional Use Permit (CUP) does not automatically denote that the use is appropriate for all locations. A CUP asks that the use be carefully considered for its fit in any particular location. Certain conditions of approval have been added to the resolution to alleviate safety concerns in this location.

C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity; This proposed location is in the Planned-Light-Industrial zone. The area and building were not designed with a martial arts school in mind which can include the instruction of children. Certain conditions of approval have been added to the resolution to alleviate safety concerns in this location.

D. The site is physically suitable in terms of:

1. Its design, location, shape, size, and operating characteristics of the proposed use to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood; The building on this parcel was constructed years ago, and all of the previously mentioned characteristics were designed to meet the development standards that were current at the time for a Planned Light Industrial type of building. These types of buildings, with their large open spaces inside are desirable to those who manage these types of businesses. The proposed martial arts training will be contained entirely within the walls of the existing commercial space. Parking is adequate to accommodate the proposed use. If this use were to be approved, any Interior tenant improvements would be required to be reviewed by the City’s Building Department and the Orange County Fire Authority for compliance with building and safety standards for the structure.
2. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access; The unit proposed for this business in this industrial building was originally built to meet the codes of the time it was constructed. All access, as well as emergency access were designed to meet that year’s current access standards, and have been upgraded from time to time through the years, therefore, the streets are adequate for public and emergency vehicle access.
3. Public protection services (e.g., fire protection, police protection, etc.); This unit in the Planned Light Industrial Zone has historically been served by public protection services without interruption.

4. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.); This unit in the Planned Light Industrial Zone has historically been served by adequate utility services without interruption.
- E. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located; This is a location with the other tenants in this same building existing as offices and a warehouse. This use would be compatible with those uses and not adversely affect the public convenience, health, interest, safety, or general welfare

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves Conditional Use Permit (CUP) 23-01 subject to the following conditions:

Planning

1. Approval of this application is to allow a Health/Fitness Facility - Large (martial arts) use for an industrial building at 4260 Cerritos Avenue in the Planned Light Industrial (P-L-I) zoning district, with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 23-01 noted thereon, and on file in the Development Services Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed regarding the location or alteration of this use, a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.
2. Failure to satisfy and/or comply with the conditions herein may result in revocation of this approval by the Planning Commission and/or City Council.
3. The Applicant and the Applicant's successors in interest, if any, shall be fully responsible for knowing and complying with all conditions of approval.
4. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other

exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including Planning processing fees, building permit fees and park development fees, are not included under this noticing requirement.

Pursuant to Government Code Section 66020(d)(1), the Applicant is hereby notified that fees, dedications, reservations and other exactions imposed upon the development, which are subject to notification, are as follows:

Fees:	N/A
Dedications:	N/A
Reservations:	N/A
Other Exactions:	N/A

5. The Applicant has ninety (90) days from the date of adoption of this Resolution to protest the impositions described above. The Applicant is also notified of the 180-day period from the date of this notice during which time any suit to protest impositions must be filed, and that timely filing of a protest within the 90-day period is a prerequisite.
6. The Applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the Applicant of any such claim, action or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
7. The property owner/Applicant shall file an Acknowledgment of Conditions of Approval with the Development Services Department. The property owner/Applicant shall be required to record the Acknowledgment of these conditions of approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Development Services Department prior to issuance of any permits.
8. Applicant shall comply with applicable City, County, and/or State regulations.
9. Any signs shall comply with the provisions under Chapter 17.26 of the Los Alamitos Municipal Code or the Planned Sign Program that pertains to the

subject property and shall be subject to the approval of the Development Services Director.

10. In the event the City receives public nuisance complaints in connection with the use authorized by this CUP, the Development Services Director shall investigate such complaints in accordance with the public nuisance regulations of the Los Alamitos Municipal Code and, if nuisance conditions are found to exist, the Development Services Director may bring this CUP back to the Planning Commission to consider imposing additional conditions, amending or revising conditions, or revoking this CUP.
11. The hours of operation for this business are limited to the daytime hours between 8:00 a.m. to 10:00 p.m.

Building Department

12. Applicant shall provide full tenant improvement plans that comply with the latest City of Los Alamitos-adopted California Building Code to the Building and Safety Department before beginning any construction.

Orange County Fire Authority

13. Plan Submittal: The Applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Sprinkler Plans (service code 420-440), only if building has an existing sprinkler system in need of TI work.

SECTION 3. The decision of the Planning Commission is subject to a ten-day appeal period as specified in Chapter 17.60 of the Los Alamitos Municipal Code, after which such decision becomes final.

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same and shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 22nd day of March 2023.

Chair Gary Loe

ATTEST:

Ron Noda, Secretary

APPROVED AS TO FORM:

Michael Daudt, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

I, Ron Noda, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 22nd day of March 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ron Noda, Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: March 22, 2023

ITEM NUMBER: 7A

To: Chair Loe & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner

Subject: Zoning Ordinance Amendment (ZOA 23-02) Short-Term Rentals

SUMMARY

A discussion concerning the possibility of permitting Short-Term Rentals in residential zones. Zoning Ordinance Amendment (ZOA 23-02)

RECOMMENDATION

A Planning Commission discussion concerning the revision of the Los Alamitos Municipal Code to permit Short-Term Rentals through a Zoning Ordinance Amendment (ZOA 23-02).

BACKGROUND

Applicant: City Initiated

Location: Citywide

Environmental: No determination required for current discussion.

Approval Criteria: If changes to the code are recommended by the Planning Commission, they shall provide direction to draft a resolution to forward a written recommendation to the Council whether to approve, or approve in modified form, an amendment based on the findings contained in Section 17.58.060 (Findings and Decision) of the Los Alamitos Municipal Code (LAMC). The recommendations of the Planning Commission on a proposed amendment shall be adopted by a majority of the total voting members of the Planning Commission (LAMC § 17.58.040).

Noticing: If the Planning Commission requests to explore changing code provisions concerning this subject, a Notice of Public Hearing will be posted at City Hall. It will also be published in the News Enterprise through a 1/8th page notice.

During public comments at the January 25, 2023 Planning Commission, a resident spoke concerning the permitting of residential units as Short Term Rentals in the City of Los Alamitos. The resident requested that the Planning Commissioners consider lifting the unpermitted status of hotels and motels in residential neighborhoods so that the resident may be able to rent out their Single Family Residence to short-term travelers while the resident is on long-term extended stays away from their home. This resident also mentioned the existence of computer

software program(s) that can greatly improve the supervision of the rental unit. The resident contacted Staff to let them know it is called “Minut” software.

The matter will be discussed tonight as a result of the Planning Commission having submitted a minute item during its January Commission meeting requesting Staff to agendaize this subject. Below are Los Alamitos Municipal Code (LAMC) sections that pertain to this subject:

“17.74.120 L Definitions Lodging. An establishment providing overnight accommodation for transient patrons for payment for periods of fewer than 30 consecutive calendar days.

Hotel and Motel. An establishment with guest rooms or suites, with or without kitchen facilities, rented to the general public for overnight lodging for transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, personal services, retail services, or recreational facilities available to guests or to the general public. This use classification includes short-term residential rental, which is a dwelling unit that is shared, in whole or in part, for transient occupancy for periods of up to 30 consecutive days as a way of generating rental income. This use classification does not include boarding or rooming houses (see “Boarding Houses”) or bed and breakfasts (see “Bed and Breakfast Inns”), or hostels (see “Hostels”) which are separately defined and regulated.”

In **LAMC 17.08.020 Allowed Uses and Permit Requirements for Residential Zones, Table 2**, Hotels and Motels do not appear in the Residential Uses table, therefore they are unpermitted. Land uses not listed in Table 2-02 or not found to be substantially similar to the land uses, as determined by the Director, are prohibited.

DISCUSSION

Staff often receive two to three phone calls per week asking if Short-Term Rentals are permitted in the City of Los Alamitos. Currently, they are not permitted in residential zones within the City. The subject of Short-Term Rentals was last considered by the City Council during the Zoning Code update in 2017. The definition of Hotels and Motels in the Zoning Code was made more evident during that period, so that Short-Term Rentals would be shown as similar to Hotels and Motels and therefore, not permitted in Residential Zones.

Staff have researched five Southern California cities that contain codes which allow for the permitting of Short-Term Rentals. There are, however, many cities that do not allow these rental units. These cities include Garden Grove, Westminster, Irvine, Tustin, and Costa Mesa. For those cities that do allow these units, special short-term rental permit applications are required to be completed by the property owner and include associated fees. Once a rental is in operation, individual TOT (transient occupancy tax) submission requirements are also required for most cities that permit these types of rentals.

Staff has attached Short-Term Rental code requirements from various cities to this report. Below are some interesting provisions extracted from those cities:

- Newport Beach – Municipal Code Subsection 5.95.005: The Purpose and Findings section of the Short Term Rental code is a good resource to see what the impacts are for this type of business.

- Long Beach – Municipal Code Subsection 5.77.050: All marketing and advertising of a STR, including any listing on a hosting platform, shall clearly list the City-issued STR registration number and expiration date.
- Huntington Beach – 5.120.070.C: A maximum of three (3) fines in a 12 month period means that a permit may be revoked, and the property cannot be re-permitted for 12 months.
- Fullerton – 15.55.020. F.8: Separation Requirements for Whole -House Rentals. No more than one Short-term Rental Permit for Whole -House Rental shall be allowed within three-hundred feet of another Short-term Rental Permit.
- Dana Point – 9(a)(13) The maximum overnight occupancy of the STR shall be limited to two (2) persons per bedroom plus two (2) additional persons within the STR. The Community Development Director may, when unusual size, interior layout, parking, or other physical characteristics are shown, approve a greater maximum number of overnight occupants as part of an STR Permit application or renewal.

Recommendation

Staff recommends that Planning Commissioners discuss the permitting of Short-Term Rentals. If Commissioners would like to permit these units, they can provide direction to draft a Resolution of recommendation to the City Council with a draft Ordinance for Short-Term Rentals. If directed, this Resolution and draft Ordinance will be brought back at an upcoming Planning Commission meeting for consideration.

FISCAL IMPACT

None.

- | | |
|-------------|---|
| Attachment: | <ol style="list-style-type: none"> 1. Dana Point - Short Term Rental Codes 2. Fullerton - Short Term Rental Codes 3. Huntington Beach - Short Term Rental Codes 4. Long Beach - Short Term Rental Codes 5. Newport Beach - Short Term Rental Codes |
|-------------|---|

Dana Point Short-Term Rental Program

Coastal Development Permit A-5-DPT-22-0038

1. Introduction

The following sets forth the rules and regulations for the City of Dana Point's Short-Term Rental Program (the "STR Program"), the purpose of which is to require the owner or owners of a residential Dwelling that operates as a Short-Term Rental ("STR"), as defined herein, to apply for and secure a permit authorizing such use in the manner provided for by this STR Program to safeguard the peace, safety and general welfare of the residents of Dana Point, their guests, and out of town visitors, by eliminating excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking, and the accumulation of refuse which are directly related to STRs. There are currently existing STR Permits in the City. These existing STR Permits are subject to the provisions of this STR Program on a moving forward basis, including the provisions hereof related to renewals; but, they are "grandfathered" in the sense they continue to remain valid and the holders of such STR Permits do not need to submit a new initial application.

2. Definitions

The following definitions shall apply to the STR Program:

- (a) "Accessory Dwelling Unit" shall mean an attached or a detached residential Dwelling that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An Accessory Dwelling Unit also includes the following: (A) An efficiency unit, and (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code."
- (b) "Agent" shall mean the representative, if any, designated by the owner in accordance with Section 5.38.040 of the Municipal Code.
- (c) "City Manager" shall mean the City Manager of the City of Dana Point or designee.
- (d) "Community Development Director" shall mean the Community Development

Director of the City of Dana Point or designee.

- (e) "Dwelling Unit" or "Dwelling" shall have the same meaning as set forth in Section 9.75.050 of the Municipal Code.
- (f) "Home Stay Short-Term Rental" shall mean an STR at a Dwelling (as defined in the Municipal Code) at which the Property Owner rents a portion of the Dwelling Unit for use as an STR while continuing to live in the Dwelling Unit during the period of the rental.
- (g) "Junior Accessory Dwelling Unit" shall mean a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A Junior Accessory Dwelling Unit may include separate sanitation facilities or share sanitation facilities with the existing structure."
- (h) "Mixed-Use Parcel" shall mean a parcel upon which the City's zoning permits commercial and residential uses to exist at the same time (i.e., commercial on first floor and residential on upper floors). By way of example only, as of the effective date of the STR Program, parcels located in the following zoning districts in the City would meet the definition of Mixed-Use Parcel: C/R; R/C-18; P/R; TC-MU.
- (i) "Mixed-Use Parcel STR Permit" shall mean a Permit for either a Non-Primary STR or a Multi-Family Home Stay STR issued for an STR located in a Dwelling on a Mixed-Use Parcel.
- (j) "Multi-Family Home Stay Short-Term Rental" shall mean an STR at a parcel upon which a multi-family Dwelling (i.e., a duplex, tri-plex, etc.) lawfully exists, and at which all the following conditions also exist: (i) the Property Owner owns two or more Dwellings on the parcel, and (ii) the Property Owner resides in one of the Dwellings on the parcel and such Dwelling unit is the Property Owner's Primary Residence, and (iii) one of the Dwellings owned by the Property Owner is used for STR purposes.
- (k) "Non-Primary Short-Term Rental" shall mean a Dwelling used for Short-Term Rental purposes other than a Home Stay, Multi-Family Home Stay or Primary Residence Short-Term Rental.
- (l) "Permittee" shall mean the holder of an STR Permit.
- (m) "Primary Residence" shall mean a Dwelling which a Permittee uses as his or her domicile and permanent principal home for legal purposes.

- (n) "Primary Residence Short-Term Rental" shall mean an STR at a Dwelling which is the Property Owner's Primary Residence, as evidenced per the provisions hereof, which is being rented for STR purposes when the Property Owner is traveling or living elsewhere.
- (o) "Property Owner" shall mean a person who holds a recorded interest in a parcel upon which a Dwelling exists which is used for, or proposed to be used for an STR. In the case of a trust, both the trustees and any person or entity holding a beneficial interest of more than 5% in the trust are deemed to be the Property Owner. In the case of a business entity, any person having an ownership interest of more than 5% in the entity shall be deemed to be a Property Owner.
- (p) "Short-Term Rental" or "STR" shall the rental of any structure or any portion of any structure for occupancy, dwelling, lodging or sleeping purposes for at least two (2) consecutive nights, but no more than thirty (30), consecutive calendar days in duration in a zoning district where residential uses are allowed, including, but not limited to, detached single-family dwellings, condominiums, duplexes, triplexes, townhomes and multiple-family dwellings.
- (q) "STR Permit" means a permit issued to the Property Owner to authorize use of a Dwelling for STR purposes pursuant to the STR Program.

3. STR Permit Limitations:

- (a) A total maximum of 115 STR Permits may be issued for Non-Primary, Multi-Family Home Stay, and Mixed-Use Non-Primary STRs in the City, with this limitation only applicable to such STRs at Dwellings located inside the Coastal Zone. Any STR Permits issued as of the effective date of this STR Program for Non-Primary, Multi-Family Home Stay, and Mixed-Use Non-Primary STRs shall continue to be valid, and shall count towards this numerical cap.
- (b) There shall be no limit on the number of STR Permits that may be issued for Home Stay or Primary Residence STRs in the City's Coastal Zone. Any STR Permits issued as of the effective date of this STR Program for STRs that meet the definition of a Home Stay or Primary Residence STR shall continue to be valid.
- (c) Two goals of this STR Program are (1) to encourage Home Stay and Primary STRs because there is less potential for nuisance issues in situations where the STR Permit is issued for a parcel which is the Property Owner's Primary Residence and (2) to encourage STRs on Mixed-Use Parcels, rather than parcels zoned for single family Dwellings so as to avoid impacts on surrounding

residents at such parcels. Towards this end, the following provisions shall apply:

- i. Adjustments to cap when new Home Stay or Primary Residence STR Permits are issued:
 - A. Each time after the effective date of this STR Program that a new STR Permit is issued in the Coastal Zone for a Home Stay or Primary Residence STR Permit, the cap for Non-Primary, Multi-Family Home Stay, and Mixed-Use Non-Primary STR Permits noted in Section (3)(a) shall be reduced by one (1).
 - B. This reduction to the numerical cap shall have no impact on or application to an existing Non-Primary, Multi-Family Home Stay, and Mixed-Use Non-Primary STR Permits, including when such STR Permits are considered for annual renewal. Rather, it shall only apply to either: (1) reduce the number of Non-Primary, Multi-Family Home Stay, and Mixed-Use Non-Primary STR Permits available to be issued in the event less than the total number of applicable, permissible STR Permits have been issued, or (2) limit the availability of Non-Primary, Multi-Family Home Stay, and Mixed-Use Non-Primary STR Permits that would otherwise be available to Property Owners on the STR Permit waitlist.
- ii. Encouragement of new Mixed-Use Parcel STR Permits:
 - A. No more than twenty percent (20%) of the number of residential units in each of the City's certified Mixed-Use Districts shall be converted to STRs.
 - B. Mixed-Use Parcel STR Permits shall be required to pay the STR Permit fee established by the City Council in an amount calculated as follows (Total STR Permit Fee x 0.75).
 - C. Mixed-Use Non-Primary STR Permit applications shall be given priority when selected from the City's STR Permit waitlist, so long as STR Permits are available and the cap for this category is not exceeded.
- (d) When a parcel upon which a Dwelling exists for which an STR Permit has been issued is sold, the STR Permit shall expire upon the date the title to such parcel transfers, and the STR Permit shall not transfer to the new Property Owner. Should the new Property Owner desire to use any Dwelling on the parcel as an STR, such new Property Owner must apply for and receive an STR Permit.
- (e) Notwithstanding the foregoing, if a parcel upon which a Dwelling exists for which an STR Permit has been issued changes ownership through an inheritance, or as a result of a family transfer that results in no new property tax assessment of

the parcel, the STR Permit may be transferred provided the new Property Owner(s) is/are family members of the prior Property Owner. In such circumstance, the new Property Owner may apply for an STR Permit transfer. The STR Permit transfer shall be subject to such requirements as may be imposed by the Community Development Director to confirm the new Property Owner(s) is(are) a family member(s) of the prior Property Owner(s). Prior to the first use of any Dwelling on a parcel as an STR after a change of ownership as a result of an inheritance, an STR Permit transfer shall have been approved by the City. The Community Development Director shall determine if a familial relationship exists, and shall base that decision on the totality of the facts of any given circumstance in a manner that carries out the intent of this provision consistent with applicable laws.

- (f) Upon reaching the maximum number of Non-Primary, Multi-Family Home Stay, and Mixed-Use Non-Primary STR Permits, the City will establish a waitlist for the issuance of Non-Primary, Multi-Family Home Stay, and Mixed-Use Parcel STR Permits when they become available.
- (g) Upon the effective date of the STR Program, STR Permits shall be limited to one STR Permit per Property Owner without regard to the category of STR to which such STR Permit applies (i.e., whether for a Home Stay, Non-Primary, Multi-Family Home Stay, Mixed-Use Parcel, or Primary Residence STR.) Any STR Permits issued prior to the effective date of the STR Program which conflict with this provision shall be deemed to be "grandfathered" and will remain valid, subject to all other provisions hereof until such time as the pre-existing STR Permit(s) expire(s) or is (are) revoked.
- (h) An STR Permit shall not be issued for a Dwelling located in a multi-family structure if issuance of such Permit would result in the creation of a "hotel", as defined by the Dana Point Zoning Code (i.e., six (6) or more guest rooms or suites located in a structure or group of structures). Additionally, properties with five (5) or fewer residential units that are located in a structure or group of structures may only convert a maximum of one (1) unit into an STR, and properties with six (6) or more residential units that are located in a structure or group of structures may only convert a maximum of twenty percent (20%) of the total number of residential units into STRs.
- (i) Every three years of the STR Program, the Community Development Director will review the Program to determine if a change to the maximum number of STR Permits should be considered. Any change to the maximum number of STR Permits shall be subject to an amendment to the Coastal Development Permit.

4. Permit Holders/Agents

- (a) STR Permits shall be issued only to the Property Owner of the parcel upon which a Dwelling exists that is proposed to be used as an STR. The Property Owner shall be responsible for compliance with the provisions of this STR Program, and any STR Permit.
- (b) A Property Owner may retain an Agent or a representative to comply with the requirements of this STR Program, including, without limitation, the filing of an application for an STR Permit, the management of the STR, and the compliance with the conditions to the STR Permit. The Property Owner shall sign and notarize an agreement satisfactory to the Community Development Director demonstrating the creation of an Agent relationship. The failure of an Agent to comply with this STR Program or any STR Permit condition shall be deemed non-compliance by both the Property Owner and Agent, and both shall be subject to any adverse action by the City related to a violation, including imposition of fines and STR Permit revocation.

5. Permit Required

No person shall rent, offer to rent, or advertise for rent a Dwelling for use as an STR without a valid STR Permit approved and issued by the City of Dana Point for the Dwelling.

6. Application for Permit

The Property Owner of the parcel upon which a Dwelling exists that is proposed to be used as an STR shall submit an application for an STR Permit to the Community Development Director. The application for an STR Permit shall be upon forms provided by the City and shall contain the following information:

- (a) The name, address, email, and telephone number of the Property Owner, and all persons or entities that are Property Owners, of the parcel upon which a Dwelling exists that is proposed for use as an STR and for which the STR Permit is requested.
- (b) The name, address, email, and telephone number of the Property Owner's Agent, if any.
- (c) The address of the Dwelling proposed to be used as an STR.

- (d) Evidence of a valid transient occupancy tax registration certificate issued by the City in connection with the proposed STR.
- (e) Proof of general liability insurance in the amount of one million dollars (\$1,000,000.00) combined single limit and an executed agreement to indemnify, defend, and save the City and California Coastal Commission harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the issuance of the STR Permit or the use of the Dwelling to which the STR Permit applies as an STR.
- (f) In connection with an application for a Primary Residence, or Home Stay STR the Property Owner shall provide evidence that the Dwelling proposed to be used as an STR is the Property Owner's Primary Residence which shall at a minimum include evidence that the Property Owner has filed for and received a homeowner's exemption for the Dwelling as part of its most recent property tax assessment and a secondary form of evidence designating the Dwelling as the Property Owner's domicile such as an income tax return, car registration, Driver's License or similar official record satisfactory to the Community Development Director.
- (g) In connection with an application for a Multi-Family Home Stay STR, the Property Owner shall provide evidence that one of the Dwellings on the parcel where the proposed STR is located is the Property Owner's Primary Residence which shall at a minimum include evidence that the Property Owner has filed for and received a homeowner's exemption for the Dwelling as part of its most recent property tax assessment and a secondary form of evidence designating the Dwelling as the Property Owner's domicile such as an income tax return, car registration, Driver's License or similar official record satisfactory to the Community Development Director.
- (h) Acknowledgment that the Property Owner (and Agent if applicable) received a copy of, reviewed and understands the regulations pertaining to the operation of an STR within the city.
- (i) The STR to which the Permit applies shall not be prohibited by any legal Homeowners Association Conditions, Covenants, and Restrictions ("CC&Rs") or any other legal community standards/guidelines applicable to the parcel where the Dwelling to be used as an STR is located.
- (j) Such other information as the Community Development Director deems reasonably necessary to administer this STR Program.
- (k) Permits shall only be issued to the Property Owner of the parcel upon which a Dwelling exists that is proposed to be used as an STR. If multiple Property

Owners exist, one such owner may be designated as the Agent, subject to the provisions hereof related to Agents.

- (l) Only one (1) STR Permit, for one Dwelling, shall be issued to any person or entity that meets the definition of a Property Owner hereunder; and, when an STR permit is issued for a Dwelling, it is deemed to be issued to all Property Owners of such Dwelling.
- (m) A fee for issuance of an STR Permit shall be established by the City Council.

7. Application for Waitlist

A Property Owner desiring to be added to the City's waitlist for Non-Primary, Multi-Family Home Stay, and Mixed-Use Non-Primary STR Permits shall submit a waitlist application. Once received, the Property Owner will be added to the City's STR Permit waitlist.

- (a) Property Owners on the STR Permit waitlist must provide an application annually to verify continued eligibility to preserve their position on the STR Permit waitlist.
- (b) A Property Owner's position on the STR Permit waitlist is not transferable.
- (c) The application for the STR Permit waitlist shall be upon forms provided by the City and shall contain the following information:
 - (1) The name, address, email, and telephone number of the Property Owner of the parcel upon which a Dwelling exists that is proposed for use as an STR and for which the STR Permit is requested.
 - (2) The address of the Dwelling proposed to be used as an STR.
 - (3) Additional information as the Community Development Director deems reasonably necessary to administer this STR Program.
- (d) The STR Permit waitlist fee shall be the same as the STR Permit fee. Upon selection and STR Permit issuance, the STR Permit waitlist fee paid will be applied toward the first year's STR Permit fee.
- (e) Upon selection from the STR Permit waitlist, the Property Owner shall have 14 days to submit a complete STR Permit application to the City.

8. Renewal of Permit

All Property Owner's holding STR Permits shall apply for and renew their STR Permit annually on March 1st or an alternative date as determined by the Community Development Director. STR Permit renewals shall include any changes to the information or requirements set forth in these regulations, as well as proof of current general liability insurance as required in Section 6(e) of this Program.

In the case of renewal of STR Permits issued for Primary Residence and Home Stay STRs, the Property Owner shall provide evidence that the Dwelling proposed to be used as an STR continues to be the Property Owner's Primary Residence which shall at a minimum include evidence that the Property Owner has filed for and continues to receive a homeowner's exemption for the Dwelling as part of its most recent property tax assessment and a secondary form of evidence designating the Dwelling as the Property Owners domicile such as an income tax return, car registration, Driver's License or similar official record satisfactory to the Community Development Director.

In the case of renewal of STR Permits issued for Multi-Family Home Stay STRs, the Property Owner shall provide evidence that one of the Dwellings on the parcel where the proposed STR is located continues to be the Property Owner's Primary Residence which shall at a minimum include evidence that the Property Owner has filed for and received a homeowner's exemption for the Dwelling as part of its most recent property tax assessment and a secondary form of evidence designating the Dwelling as the Property Owner's domicile such as an income tax return, car registration, Driver's License or similar official record satisfactory to the Community Development Director.

Any STR Permit that is inactive during a permit year (meaning no rentals occurred during the year) will not be renewed. The inactivity requirement can be waived if the Dwelling to which the STR Permit renewal applies is under renovation, as evidenced by validly issued, unexpired building permits, or for good cause as determined by the Community Development Director. Any STR Permit inactive for two permit years shall not be renewed.

9. Conditions of Permit Issuance and Renewal

- (a) STR Permits and renewals issued pursuant to this STR Program are subject to the following standard conditions:
 - (1) All STR Permits shall comply with the terms of this STR Program and the provisions of this STR Program are deemed to be included in all STR

Permits by the Community Development Director.

- (2) The Property Owner (or Agent if applicable) shall ensure that the STR complies with all applicable codes regarding fire, building and safety, and all other relevant laws and ordinances.
- (3) The Property Owner (or Agent if applicable) shall provide proof that STR to which the Permit applies is not legally prohibited by any legal Homeowners Association Conditions, Covenants, and Restrictions ("CC&Rs") or any other legal community standards/guidelines applicable to the parcel where the Dwelling to be used as an STR is located.
- (4) Concurrent with the issuance of the STR Permit and annually upon its renewal, City Staff shall provide notice of the proposed action on the STR Permit to all property owners and tenants abutting the parcel, or in the case of an STR in a multi-family Dwelling the owners and tenants of all other Dwelling Units on the parcel and/or in the same structure, upon which the Dwelling proposed to operate as an STR is located. The notice shall also provide the contact information for the Property Owner (and Agent if applicable) and their twenty-four (24) hour emergency contact phone number. The notification package shall also identify the City's twenty-four (24) hour STR hotline phone number, Code Enforcement phone number, and Orange County Sheriff's Department phone number. The notice shall not afford the abutting owners/tenants any protest, appeal, or other related rights; rather, its intent is to provide the abutting property owners/tenants with an annual reminder as to the contact information for the various individuals and entities responsible for enforcement in the event that an issue arises with the operation of the STR.
- (5) The Dwelling for which an STR Permit is requested must pass an initial inspection by the City prior to STR Permit issuance. The City may conduct additional inspections as deemed necessary or prudent at any reasonable time, including prior to subsequent renewals.
- (6) The Property Owner shall provide a twenty-four (24) hour emergency contact that will be available to respond to issues at the STR.
- (7) The STR must have and maintain a minimum of two (2) off-street parking spaces.
- (8) The STR must have a visible house number easily seen from the street, day or night.

- (9) All advertising for the STR shall include the City issued STR Permit number in the subject line and in the description of the STR. In addition, all photographs, maps, and diagrams of the STR that are used for advertising purposes shall impose the City-issued STR Permit number in the lower right-hand corner in a font, style, size, and color to be reasonably legible, with any dispute as to the meaning of this provision subject to interpretation by the Community Development Director.
- (10) The primary overnight and daytime renter, who shall also be residing as a guest in the STR during any STR rental period must be an adult twenty-five (25) years of age or older. This adult must provide a telephone number to the Property Owner (or Agent if applicable) and shall be accessible to the Property Owner by telephone at all times.
- (11) Prior to occupancy, the Property Owner (or Agent if applicable) shall obtain the name, address, and driver's license number or a copy of the passport of the primary adult occupant of the STR. The Property Owner (or Agent if applicable) shall require that same adult to sign a formal acknowledgment that he or she is legally responsible for compliance by all occupants and guests of the STR with the provisions of this STR Program, as well as a copy of the City's Good Neighbor Acknowledgment. An unsigned copy of the City's Good Neighbor Acknowledgment shall be posted in a conspicuous location within the STR, along with a copy of the City's STR regulations. This information shall be readily available upon request of any police officer or employee of the City authorized to enforce this STR Program or State law.
- (12) The Property Owner (or Agent if applicable) shall rent the STR for a minimum stay of two
(2) consecutive nights.
- (13) The maximum overnight occupancy of the STR shall be limited to two (2) persons per bedroom plus two (2) additional persons within the STR. The Community Development Director may, when unusual size, interior layout, parking, or other physical characteristics are shown, approve a greater maximum number of overnight occupants as part of an STR Permit application or renewal. The maximum daytime occupancy shall be limited to two and a half (2.5) times the overnight occupancy and not exceed twenty (20) persons; however, the Community Development Director may, when unusual size, or other physical characteristics, approve a greater maximum number of daytime occupants as part of an STR Permit

application or renewal.

- (14) The maximum number of vehicles allowed at the STR shall be limited to one (1) vehicle per one (1) bedroom unit or two (2) vehicles maximum with two (2) or more bedrooms within the STR. The Community Development Director may, when unusual size, parking, or other physical characteristics are shown, approve a greater maximum number of vehicles as part of an STR Permit application or renewal. The Property Owner must ensure a sufficient number of parking spaces are accessible to tenants to accommodate the maximum number of vehicles allowed.
- (15) No on-site exterior signs are to be posted on a parcel advertising an STR at the location.
- (16) Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the responsible trash hauler and between the hours of 5:00 p.m. the day before and 8:00 a.m. the day after the scheduled trash collection days, as provided in Chapter 6.10 of the Dana Point Municipal Code. In the event the Property Owner fails to comply with this provision, he/she shall be required to sign up for walk-up trash service provided by the City's waste disposal franchisee and provide proof to the City of the same. The Property Owner shall provide sufficient trash collection containers and services to meet the demand of the occupants of the STR.
- (17) Each lease or rental agreement for an STR shall include the following terms, notifications, and disclosures, which shall also be posted in a conspicuous location inside the STR:
 - (A) The maximum number of occupants that are permitted and notification that failure to conform to the maximum occupancy is a violation of this STR Program.
 - (B) The number of parking spaces provided and, if not adjacent to the STR, the location of assigned parking and the maximum number of vehicles that are permitted.
 - (C) The trash pick-up day(s) and applicable rules and regulations pertaining to leaving or storing trash on the exterior of buildings on the parcel.
 - (D) Notification that the occupant may be cited or fined by the City and/or immediately evicted by the Property Owner (or Agent as applicable) for violating any and all applicable laws.

- (E) The name of the Property Owner or Agent, and a telephone number at which that party may be reached at all times and 9-1-1 Emergency information.
 - (F) Summary of applicable Homeowners Association Conditions, Covenants, and Restrictions (CC&Rs) and bylaws, including pool location and hours.
 - (G) The terms, notifications, and disclosures must be posted during the registration process.
- (18) The Property Owner shall ensure that the occupants of the STR do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of the Municipal Code or any State Law pertaining to noise, disorderly conduct, overcrowding, alcohol consumption, or the use of drugs. Property Owners are expected to take any measures necessary to abate disturbances, including, but not limited to, directing the tenant, calling for law enforcement services or City code enforcement officers, evicting the tenant, or any other action necessary to immediately abate the disturbance.
- (19) The Property Owner or Agent as applicable shall, upon notification that occupants or tenants of an STR have created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of the Municipal Code or State Law pertaining to, but not limited to, noise, disorderly conduct, and/or overcrowding, take action to abate the issue within thirty (30) minutes of the Property Owner or Agent being notified of a complaint and prevent a recurrence of such conduct by those occupants or guests. In some instances, the Property Owner or Agent may be required to arrive on site within thirty (30) minutes of a received complaint to address the issue and ensure there is not a re-occurrence.
- (20) No outside noise from the STR shall be heard during quiet hours of 10:00 p.m. to 7:00 a.m.
- (21) The Property Owner or Agent as applicable shall include ADA information, if available, in all advertisements for the STR (e.g., stairs, signage, ingress/egress, parking, storage, utilities, showers and lavatories, air conditioning, etc.).
- (22) Advertisements, and information provided in the STR itself, shall disclose whether bicycles or other means of transport (scooters, skateboards, carpooling, rideshare, etc.) are available.

- (b) The Community Development Director may have the authority at any time to impose additional standard conditions, applicable to all STRs, as necessary to achieve the objectives of this STR Program, except that any changes to the Program or changes in implementation of the STR regulations shall be submitted for review by the California Coastal Commission's Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Commission's Executive Director determines that an amendment is necessary, no changes shall be made effective until a permit amendment is approved by the Commission and issued by its Executive Director.
- (c) The Community Development Director shall have the authority to impose additional conditions on any STR Permit in the event of any violation of the conditions to the STR Permit or the provisions of this STR Program subject to compliance with the procedures specified in Section 12 of this Program.
- (d) The Property Owner or Agent as applicable shall maintain a valid transient occupancy tax registration certificate issued by the City for the STR, and shall collect and remit transient occupancy tax as required by Chapter 3.25 of the Municipal Code.

10. Short-Term Rental Operator Regulations

The following are additional regulations and clarifications applicable to all Property Owners or Agents if applicable for the operation of STRs. These regulations may be updated periodically by the Community Development Director for clarification of situations that may develop based on the implementation of the STR Program and regulations within the City.

- (a) No person shall rent, offer to rent, or advertise for rent a Dwelling for use as an STR if such Dwelling is an Accessory Dwelling Unit, Junior Accessory Dwelling Unit, created as part of Single-Family Residential Duplex (as defined by Zoning Code Section 9.72), or designated as an affordable housing unit, and no STR Permit shall be issued for any such Dwelling.
- (b) No person shall rent, offer to rent, or advertise for rent a Dwelling for use as an STR unless such Dwelling is in a zoning district where residential uses are allowed, including, but not limited to, detached single-family dwellings, condominiums, duplexes, triplexes, townhomes, and multiple-family dwellings, and no STR Permit shall be issued for a Dwelling that does not meet this criteria.
- (c) Home Stay STR and Multi-Family Home Stay STR shall be subject to the

following:

- (1) Notwithstanding any other provision of this STR Program to the contrary, the Property Owner of a Home Stay STR or Multi-Family Home Stay STR shall be present at the parcel upon which the STR is located during the rental period between the hours of 10:00 p.m. to 7:00 a.m.
 - (2) A maximum of one Home Stay STR Permit may be issued for any parcel upon which multiple Dwellings exist.
 - (3) In no instance shall a Home Stay STR Permittee allow the use of an on-site camper, RV, or tent by renters as part of the STR use on a parcel.
- (d) Primary Residence STR shall be subject to the following:
- (1) A Property Owner to whom an STR Permit for a Primary Residence STR is issued shall be limited to renting the Dwelling to which the STR Permit applies for a maximum of 60 days per 12-month period, (with the date starting on the date the STR Permit is issued) unless further restricted by legal CC&R regulations. Compliance will be monitored by the transient occupancy tax annual submittal, and such other means as deemed necessary and appropriate by the Community Development Director.

11. Violations and Penalties

- (a) Violations are described in Conditions of Permit Issuance and Renewal. The following conduct shall constitute a violation for which the penalties specified in subsection (b) below may be imposed, or for which the STR Permit may be revoked:
- (1) The Property Owner and/or Agent has failed to comply with the standard conditions specified in Conditions of Permit Issuance and Renewal Section (a);
 - (2) The Property Owner and/or Agent has failed to comply with conditions imposed by the Community Development Director pursuant to the provisions of Conditions of Permit Issuance and Renewal Section (b) or (c);
 - (3) The Property Owner and/or Agent has willfully violated the provisions of this Program;

- (4) The Property Owner and/or Agent has failed to comply and pay any fines imposed pursuant to subsection (b) within thirty (30) days of the date of notification; or
 - (5) The Property Owner and/or Agent has failed to comply and pay the transient occupancy tax or submit a report as required by Chapter 3.25 of the Municipal Code within the required time limit.
- (b) Penalties. The penalties for violations imposed per subsection (a) above, or the Municipal Code, shall be the responsibility of the Property Owner, and/or the Agent if applicable, and are issued per day per violation as follows:
 - (1) For the first violation, the penalty shall be the maximum monetary amount allowed per State law;
 - (2) For a second violation, the penalty shall be the maximum monetary amount allowed per State law;
 - (3) For a third violation, the penalty shall result in the immediate revocation of the STR Permit. In the event the STR Permit has been revoked, the Property Owner shall thereafter be ineligible to receive an STR Permit for any category of STR to be operated on the same parcel upon which the STR for which the Permit was revoked existed.

12. Procedure for Imposition of Penalties/Revocation

Penalties, including notice of violation, shall be imposed, and STR Permits shall be revoked only in the manner provided in this Section.

The Community Development Director shall conduct an investigation whenever he or she has reason to believe that a Property Owner (or Agent as applicable) has committed a violation described in the above Section. Should the investigation reveal substantial evidence to support a finding that a violation occurred, the Community Development Director shall issue written notice of intention to impose a penalty and/or revoke the STR Permit.

The written notice shall be served on the Property Owner, and the Agent if applicable, and shall specify the facts which, in the opinion of the Community Development Director, constitute substantial evidence to establish grounds for imposition of the penalties and/or revocation, and specify that the penalties will be imposed and/or the STR Permit will be revoked within thirty (30) days from the date the notice is given unless the Property Owner, or Agent if applicable, files with the City Clerk before the penalties or revocation becomes effective, a request for hearing before the City

Manager.

ORDINANCE NO. 3290

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AMENDMENTS TO THE FULLERTON MUNICIPAL CODE TITLES 4 AND 15 TO REGULATE SHORT-TERM RENTAL USES CITYWIDE

LRP-2020-0008
APPLICANT: CITY OF FULLERTON

RECITALS:

WHEREAS pursuant to Fullerton Municipal Code (FMC) Section 15.72.020B the City Council of the City of Fullerton adopted a Resolution of Intention on December 15, 2015 authorizing a Zoning Ordinance amendment to develop regulations pertaining to short-term rentals.

WHEREAS the Planning Commission of the City of Fullerton has held a duly noticed public hearing, as required by law, for amendments to Title 15 of the Fullerton Municipal Code to develop regulations pertaining short-term rentals.

WHEREAS the recent growth in short-term rentals through online hosting platforms have been known to be associated with negative impacts, particularly in single-family residential neighborhoods.

WHEREAS while the City currently has regulations for boarding houses, bed and breakfast inns and hotels, short-term rentals are not a clearly defined use in the Municipal Code and the City currently does not prohibit people from renting out rooms in their homes, even in single-family zoning districts.

WHEREAS some cities are addressing complaints on a case-by-case basis, the City would like to take a proactive approach and develop regulations which protect the residential character of neighborhoods while still allowing for a limited number of short-term rentals.

WHEREAS the proposed code amendments will address the use of privately owned residential dwellings as short-term rentals by developing a regulatory framework, providing a mechanism for collection of transient occupancy taxes, and creating an enforcement and revocation process.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ORDAINS AS FOLLOWS:

1. In all respects as set forth in the Recitals.
2. The City Council finds as follows:

Finding: That the proposed Zoning Ordinance Amendment is consistent with the objectives of the Zoning Ordinance and General Plan.

Fact: The amendment is authorized by FMC Chapter 15.72. The City Council adopted a Resolution of Intention in 2015 to update the Municipal Code to regulate this use.

Fact: The amendment supports the following Fullerton Plan policies:

Goal 12, Policy 12.5 - Support programs and regulations pertaining to proactive code enforcement methods which reinforce the proper maintenance of properties, buildings and landscapes and adherence to applicable regulations.

Goal 1, Policy 1.8 – Support projects, programs, policies and regulations to evaluate and consider short- and long-term impacts of significant planning efforts or developments on nearby neighborhoods

Finding: That the proposed Zoning Ordinance promotes the public health, safety and welfare of the community.

Fact: The proposed amendments will allow a viable alternative lodging option for visitors and guests to the Fullerton Community while protecting the properties and neighborhoods in which they are located through regulatory standards.

Fact: The proposed amendments include a process and procedure for the revocation of a Short-term Rental Permit in cases where the operator fails to adhere to the regulations adopted and is operating a short-term rental in a manner that does not promote the health, safety or general welfare of the community.

THEREFORE, the City Council of the City of Fullerton does hereby APPROVE LRP-2020-0008 to modify Fullerton Municipal Code Titles 4 and 15 as follows:

SECTION 1: Title 15 of Fullerton Municipal Code (FMC) is hereby amended as follows:

Chapter 15.04, INTERPRETATION AND DEFINITIONS:

In Section 15.04.040, a new definition for short-term rental shall be added as follows:

Short-term Rental Unit – Shall mean a permanent dwelling or part of a permanent dwelling unit (single or multi-family) where lodging is provided for compensation for fewer than thirty consecutive days and can therefore be subject to applicable city land use regulations, permit/licensing requirements, fees and taxes.

In Section 15.17.020.A, the permitted uses table shall be amended to add Short-term Rentals as a permitted use in residential zones in alphabetical order as follows:

	Additional Requirements	R-1/ R-1P	R-2/ R-2P	R-G	R-3R	R-3/ R-3P	R-4	R-5	R-MH
OTHER USES									
Short-term Rental	15.55.020.F	X	X ¹	X ¹	X ¹	X ¹	X ¹	X ¹	
Notes: X: denotes that the use is permitted. ¹ Up to 10 percent of the units within a multi-family development, or a minimum of 1, whichever is greater may be utilized as a short-term rental subject to compliance with Section 15.55.020.F. A Conditional Use Permit (CUP) shall be required for multi-family developments requesting more than 10 percent of units to be used as short-term rentals.									

In Section 15.55.020 a new subsection (F) will be created which outlines applicability, regulations, application and review process, operational requirements, advertising and revocation for short-term rentals as follows:

15.55.020.F. Short-term Rentals.

1. Purpose

- a. The purpose of this section is to address the use of privately-owned residential dwellings as short-term rentals in order to develop a regulatory framework, provide a mechanism for collection of transient occupancy taxes (TOT) and create an enforcement and revocation process.

2. Definitions

- a. For purposes of this Section, the words and phrases below shall have the following meaning:
 - i. **AUTHORIZED REPRESENTATIVE**, shall mean any person, firm or agency specifically authorized to represent and act on behalf of a property owner and to act as an operator, manager and contact person of a short-term rental.
 - ii. **DIRECTOR**, shall mean the Community and Economic Development Director.
 - iii. **LOCAL CONTACT PERSON**, shall mean either the property owner or authorized representative who shall be identified on the short-term rental permit application and shall be available by phone at all times when the short-term rental unit is occupied to address nuisances and/or complaints.
 - iv. **GOOD NEIGHBOR GUIDELINES**, shall mean a document provided by the City to each applicant that summarizes the general rules of conduct, consideration and respect, including all provisions of the Fullerton Municipal Code and other applicable laws, rules or regulations pertaining to the use and occupancy of short-term rentals.
 - v. **SHORT-TERM RENTAL PERMIT**, shall mean a permit issued by the Community and Economic Development Department that allows the use of a privately owned residential dwelling as a short-term rental unit pursuant to the provisions of this Chapter. Any applicant who has been issued a Short-term Rental Permit must also obtain a transient occupancy certificate and Business Registration required by Chapter 4 of the Fullerton Municipal Code.
 - vi. **WHOLE-HOUSE RENTAL**, shall mean the use of a dwelling unit for the purpose of short-term rental where the property owner does not reside within the dwelling unit while it is utilized as a short-term rental.

3. Short-term Rental Permit and Renewal Required

- a. The owner or the owner's authorized representative is required to obtain a Short-term Rental Permit, Business Registration and have received instruction on completing the Transient Occupancy Tax application prior to renting or advertising the availability of a short-term rental unit.
- b. An issued Short-Term Rental Permit shall be valid for three years from the date issued unless revoked by the Community and Economic Development Director pursuant to this Chapter.

- c. A fee shall be charged for the review, issuance and renewal of the Short-term Rental Permit as established by City Council, but not to exceed the reasonable cost of providing the service.
 - d. A minimum of 30 days prior to the date of expiration of the Short-term Rental Permit, the applicant shall apply for renewal on a form provided by the City. The owner or owner's authorized agent shall update the information contained in the original permit application required per this Section, if any information has changed. The owner or owner's authorized agent shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications or that any information that has been updated is accurate and complete.
 - e. Upon renewal of a property's Short-term Rental Permit, the owner or owner's authorized agent shall be required to provide notice to adjacent properties which includes the Local Contact Person information. Adjacent properties shall include all properties which share a property line with the subject property and the property(ies) directly across a street or alley from the subject property.
 - f. An application for permit renewal received after the expiration of the current permit shall be treated as an application for a new permit as set forth in this Section.
 - g. Any changes in the contact information for the Local Contact Person shall be provided to the adjacent properties and to the City within 72 hours of the change or before the property is next rented, whichever is sooner.
4. Maximum number of Whole-House Rentals permitted issued. To preserve single-family homes for use as long-term rentals (more than 30 days) or for home ownership, the City Council, by Resolution, shall establish a maximum number of Whole-House Short-term Rental Permits which may be issued in the City.
5. Short-term Rental Permit – Application
- a. The owner or the owner's authorized representative must submit the following information on a Short-term Rental Permit application form provided by the Community and Economic Development Department:
 - i. Contact information of the owner or authorized agent of the short-term rental unit for which the permit is to be issued.
 - ii. Contact information of a local contact person if not the owner or authorized agent.
 - iii. A site plan of the property and floor plan of the dwelling to be used for short-term rental which indicates the number and location of bedrooms in the short-term vacation rental unit.
 - iv. Indicate whether the short-term rental will be for whole-home rental, as that term is defined, or rental of bedrooms with the owner residing on the property.
 - v. Payment of the application and processing fee established by City Council.
 - vi. Evidence of a valid Business Registration issued by the City for the separate business of operating a short-term rental.
 - vii. Written approval from the Property Owner and Homeowner's Association or Property Manager as applicable, authorizing the dwelling unit or portion of the dwelling unit to be used as a short-term rental.

- viii. Such other information as the Community and Economic Development Director deems reasonably necessary to administer this Section.
 - b. The Property Owner must complete the Transient Occupancy Tax application form in accordance with Title 4 of the Fullerton Municipal Code.
- 6. Procedure for review of application
 - a. A decision to approve or deny an application for a Short-term Rental Permit shall be made by the Director of Community and Economic Development or their designee.
 - b. Upon receipt of a completed application, the Community and Economic Development Director or their designee will mail notice of an applicant's request to properties which share a common property line with the subject property. The Director will consider any written comments received within ten calendar days of the mail of the notice, in their decision on the application.
 - c. If the Director determines that an applicant has satisfied the application requirements, and that the short-term rental complies with the provisions of this Chapter, the Director shall provide written notice to the applicant that the Short-term Rental Permit is approved or conditionally approved, subject to compliance with the conditions identified by the Director in the notice.
 - d. If the Director determines that a public hearing is warranted in order gather supplemental evidence to determine whether an applicant will adequately mitigate potential adverse impacts to the public health, safety, or welfare due to substantial concerns raised by neighbors, the Director shall notice a public hearing of the Planning Commission in accordance with Chapter with 15.76. The Planning Commission is authorized to deny, approve or conditionally approve the permit in accordance with the criteria set forth in this section. The Planning Commission's decision shall be final.
 - e. The applicant may appeal any Short-term Rental Permit denied by the Community and Economic Development Director to the Planning Commission pursuant to the provisions FMC 15.76.170.
 - f. Upon final approval of this ordinance by the City Council, the Community and Economic Director, or their designee, shall prepare written procedures to govern the initial application submittal period, process and prioritization of applications regarding the issuance of Short-Term Rental Permits.
- 7. Non-transferability. Short-term Rental Permits are not transferable to other properties or to future property owners or authorized agents of the subject property. If the residence is sold to a new owner, the permit is void and the new owner will need to apply for a new Short-term Rental Permit in their own name.
- 8. Separation Requirements for Whole-House Rentals
 - a. No more than one Short-term Rental Permit for Whole-House Rental shall be allowed within three-hundred feet of another Short-term Rental Permit for Whole-House Rental.
 - i. The 300-foot shall be measured as a lineal distance from the nearest property line to property line for houses located on the same street.
 - ii. For corner lots, 300-foot measurement shall be measured as a lineal distance on both streets that the parcel has frontage on.

- iii. For any other non-regular street configurations, the Community and Economic Development Director shall determine the 300-foot measurement based on the intent of this separation provision.
 - iv. The Community and Economic Development Director may consider a whole-house rental within 300-feet of another whole-house rental (Director Determination) based on a determination that the reduced separation between whole-house rentals does not have the potential to negatively impact the surrounding neighborhood.
- b. For Short-term Rental Permits that are not Whole-House Rental, there is no separation required.
 - c. Residential units within a multi-family residential development utilized for short-term rental shall not be subject to the whole-house rental separation requirements contained in this subsection.

9. Operational Requirements

- a. The owner or owner's authorized agent 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 the subject short-term rental unit.
- b. While a short-term rental is occupied, a Local Contact Person shall be available for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the short-term rental unit or their guests.
- c. The owner or the owner's authorized agent shall, upon notification by the City of Fullerton that any occupant or guest of the short-term rental unit has committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental take appropriate action to immediately abate the disturbance as determined by the Community and Economic Development Director or applicable department.
- d. Failure to respond to notifications from the City of Fullerton regarding violations of the Municipal Code or any state law shall be grounds for revocation of the Short-term Rental Permit as well as any applicable legal or Code Enforcement actions pursuant to Title 6 of the Fullerton Municipal Code.

10. Good Neighbor Guidelines

- a. Short term rental owners or authorized agents shall be responsible for informing their renters of the Good Neighbor Guidelines. These Guidelines shall include, at a minimum:
 - i. Renter and/or guests of the short-term rental unit shall maintain the property free of debris, on-site and in the immediate vicinity.
 - ii. Trash cans shall be maintained in a clean and sanitary manner and shall not be placed on the street prior to 24-hours before pick up day and shall be promptly removed from the street following service.
 - iii. Quiet times shall be from 10:00 p.m. to 7:00 a.m. pursuant to the noise standards referenced in FMC Chapter 15.90.
 - iv. The renters and/or guests of the short-term rental shall not create unreasonable noise or disturbances, engage in disorderly conduct or violate provisions of this Code or any State law pertaining to noise or disorderly conduct.

- v. Parking for renters, guests and/or property owners shall be provided on-site within a legal garage, carport or driveway to the extent possible.
11. Non-Residential Uses Not Permitted. Weddings, auctions, commercial filming, unless permitted pursuant to Chapter 3.80 of the FMC, commercial functions, or other similar events that are inconsistent with the residential character of the neighborhood as determined by the City Manager are prohibited within a short-term rental.
12. Advertising. There shall be no visible on-site advertising of a short-term rental on the subject property.
13. Short Term Rental Permit – Modification / Revocation
- a. The Director of Community and Economic Development is authorized to revoke or modify the conditions attached to the Short-term Rental Permit if at any time they determine that:
 - i. The applicant has provided materially false or misleading information in the application.
 - ii. The applicant is in violation of the Municipal Code or any state law.
 - b. The applicant shall be provided with written notice of such modification or revocation. The applicant may file an appeal to Planning Commission with the City Clerk within (10) ten calendar days of the date of mailing of the notice of modification/revocation. If no appeal is filed, the modification/revocation shall become effective upon expiration of the period for filing appeals.
14. Short Term Rental Permit – Enforcement
- a. Any host who violates any provision of this Chapter, any person other than a hosting platform who facilitates or attempts to facilitate a violation of this Chapter, or a hosting platform that violates its obligations under this Section, shall be subject to administrative fines and administrative penalties pursuant to Chapters 6.01 of this Code.
 - b. The City may issue and serve administrative subpoenas as necessary to obtain specific information regarding short-term rental listings located in the City, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay, to determine whether the short-term rental listings comply with this Chapter. Any subpoena issued pursuant to this section shall not require the production of information sooner than 30 days from the date of service. A person that has been served with an administrative subpoena may seek judicial review during that 30 day period.
 - c. The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the use or application of any other remedies, penalties or procedures established by law.

SECTION 2: Title 4 of Fullerton Municipal Code (FMC) is hereby amended as follows:

In Section 4.06, subsection (B) shall be added to include short-term vacation rentals as follows:

4.06.025 Residential rental units.

- A. Notwithstanding any other provisions of this title, every person or entity conducting, managing or carrying on the business of renting four or more residential housing units shall pay an annual registration tax of twenty-five dollars plus five dollars for each additional residential housing unit. (Ord. 2766 Section 2, 1991).
- B. **Notwithstanding any other provisions of this title, every person or entity conducting, managing or carrying on the business of renting a permanent dwelling or part of a permanent dwelling unit for the purposes of short-term rental as that term is defined in 4.92.020 shall pay an annual registration tax of twenty-five dollars.**

In Section 4.92, a new definition for Short-term Rental Unit shall be added as well as amendments to other pertinent definitions already contained with Title 4 as follows:

4.92.020 Definitions.

OPERATOR. The term "operator" means the person who is proprietor of the hotel **or short-term rental**, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

SHORT TERM RENTAL UNIT. The Term "Short-Term Rental Unit" means a permanent dwelling or part of a permanent dwelling unit (single or multi-family) where lodging is provided for compensation for fewer than thirty consecutive days and can therefore be subject to applicable city land use regulations, permit/licensing requirements, fees and taxes.

4.92.030 Tax imposed.

For the privilege of occupancy in any hotel **or short-term rental**, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel **or short-term rental** at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel **or short-term rental**. If for any reason the tax is not paid to the operator of the hotel **or short-term rental**, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.

4.92.060 Registration.

Within thirty days after commencing business each operator of any hotel **or short-term rental** renting occupancy to transients shall register said **use** with the Tax Administrator and obtain from him a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

- A. The name of the operator;
- B. The address of the hotel **or short-term rental**;
- C. The date upon which the certificate was issued;

D. The words: "This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the Tax Administrator for the purpose of collecting from transients the transient occupancy tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel **or short-term vacation rental** without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit."

SECTION 3: CEQA

The City Council finds that, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the proposed ordinance is exempt from environmental review as there is no possibility that it would have a significant effect on the environment.

SECTION 4: SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

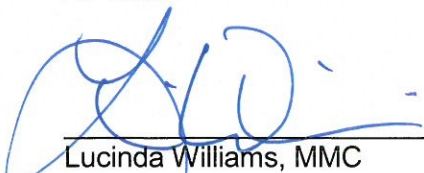
SECTION 5: The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law. This Ordinance shall become effective thirty days from and after its passage.

ADOPTED BY THE FULLERTON CITY COUNCIL ON NOVEMBER 2, 2020.



Jennifer Fitzgerald
Mayor

ATTEST:



Lucinda Williams, MMC
City Clerk

November 19, 2020

Date

City of Fullerton
ORDINANCE CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF FULLERTON)

ORDINANCE NO. 3290

I, Lucinda Williams, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certifies that the whole number of the members of the City Council of the City of Fullerton is five and that the City Council introduced by title only and waived further reading of the above and foregoing Ordinance No. 3290 at the October 20, 2020 City Council regular meeting and was adopted at the November 2, 2020 City Council regular meeting by the following vote:

COUNCIL MEMBER AYES: Fitzgerald, Flory, Silva, Zahra

COUNCIL MEMBER NOES: Whitaker

COUNCIL MEMBER ABSTAINED: None

COUNCIL MEMBER ABSENT: None



Lucinda Williams, MMC
City Clerk

ORDINANCE NO. 4224

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH MUNICIPAL CODE BY ADDING
CHAPTER 5.120, REGULATING SHORT-TERM RENTALS

The City Council of the City of Huntington Beach ordains as follows:

Section 1. The Huntington Beach Municipal Code is amended by adding Chapter 5.120 to read as follows:

CHAPTER 5.120
SHORT-TERM RENTALS

5.120.010 Purpose.

The purpose of this Chapter is to establish regulations, standards, and a permitting 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 Huntington 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. This Chapter will establish two Zones in the City where Short-Term Rentals are permitted. Zone 1 will consist of all areas of the City excluding Sunset Beach. Zone 2 will consist of Sunset Beach. In Zone 1 and Zone 2, Short-Term Rentals are permitted in owner occupied residential dwelling units as set forth herein. In Zone 2 Short-Term Rentals are permitted for existing owner "un occupied" residential dwelling units who obtain a permit within six (6) months of the effective date of the resolution establishing the permit fee(s). After six (6) months, no new permits for owner un occupied residential dwelling units will be issued.

5.120.020 Definitions.

A. "Booking Transaction" means any reservation and/or payment service provided by a person or entity who facilitates a Short-Term Rental transaction between a prospective guest and a Short-Term Rental Host or Operator.

B. "City" means City of Huntington Beach.

C. "Director" means the Director of Community Development or a designee.

D. "Guest" means any person or persons renting a Short-Term Rental as a transient occupant.

E. "Host" means a property owner who is an occupier of the property at the time of, and for the duration of, the Short-Term Rental.

F. "Hosted Stay" means a Short-Term Rental at a Primary Residence whereby the Host occupies the Short-Term Rental property and remains on-site and resides in a habitable

dwelling unit or portion thereof throughout the Guest's stay (except during daytime and/or work hours).

G. "Hosting Platform" means a person or entity that participates in the Short-Term Rental business in exchange for a fee or other compensation, directly or indirectly through an agent or intermediary, by conducting a Booking Transaction for a Hosted or Un Hosted Short-Term Rental using any medium of facilitation.

H. "Local Contact Person" means the Operator or Host or person designated thereof to respond to and take remedial action regarding Short-Term Rental issues or complaints.

I. "Platform Agreement" means a signed agreement between a Hosting Platform and the City, which, among other things, provides that the Hosting Platform will collect and submit Transient Occupancy Tax and any Improvement District Assessment established pursuant to California Streets and Highways Code sections 36500 and 36600 to the City on behalf of Short-Term Rental Hosts or Operators.

J. "Primary Residence" means a person's permanent residence or usual place of return for housing as documented by at least two (2) of the following: driver's license; voter registration; tax documents showing the residential unit as the person's residence; or a utility bill.

K. "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.

L. "Short-Term Rental ("STR")" means a residential dwelling unit, or portion thereof, that is offered or provided to a paying Guest(s) by a Short-Term Rental Host or Operator for thirty (30) or fewer consecutive nights. The term "Short-Term Rental" shall not include hotels, motels, inns, or bed and breakfast inns.

M. "Short-Term Rental Advertisement" means any method of soliciting use of a dwelling unit for Short-Term Rental purposes.

N. "Short-Term Rental Operator" or "Operator" means property owner of a dwelling unit in Sunset Beach, or portion thereof, who offers or provides that dwelling unit, or portion thereof, for an Un Hosted Short-Term Rental.

O. "Short-Term Rental Permit" or "Permit" means a Permit, with a Permit number, issued by the City to allow Hosted or Un Hosted Short-Term Rentals.

P. "Short-Term Rental Tenant" means a person who has entered into a Short-Term rental agreement for a dwelling unit in exchange for Short-Term occupancy of the dwelling unit.

Q. "Transient Occupancy Tax" ("TOT") means local Transient Occupancy Tax as set forth in Chapter 3.28 of the Huntington Beach Municipal Code.

R. "Un Hosted Short-Term Rental" means a Short-Term Rental in Sunset Beach, where there is no Host and the Operator resides off-site during the Guest's stay.

S. "Zone 1" means the City of Huntington Beach excluding the property located within the Sunset Beach Specific Plan.

T. "Zone 2" means property located within the Sunset Beach Specific Plan.

5.120.030 Permit Required.

A. No person or entity shall advertise, rent, or operate a Short-Term Rental (STR) in the City unless a Permit has been issued by the City pursuant to this Chapter. An Operator or Host of the STR shall apply with the City to obtain a Permit and shall be responsible for complying with all requirements of this Chapter. Application for a STR Permit shall be in a form prescribed by the Director and include all information determined by the Director to be necessary to evaluate the eligibility of the Host or Operator, consistent with this Chapter.

B. An application for a STR Permit shall be accompanied by a fee established by resolution of the City Council, provided, however, the fee shall be no greater than necessary to defer the cost incurred by the City in administering the provisions of this Chapter.

C. STR Hosts or Operators shall apply for STR Permit pursuant to this Chapter. Existing unpermitted STR Hosts or Operators shall apply for a STR Permit within six months after the effective date of resolution adopting the STR Permit fee. The Host or Operator shall provide proof of property ownership and shall be the person that signs the application.

D. A STR Permit is valid for one (1) year from the date of issuance. The STR Permit is personal and may not be transferred or assigned and does not run with the land. A STR Permit may be renewed annually if STR Operator or Host: (1) pays the renewal fee; (2) provides information concerning any changes to the previous application for, or renewal of, the STR Permit; (3) submits records to demonstrate compliance with this Chapter as required by the Director. Failure to submit a renewal application to the City at least thirty (30) days prior to the expiration of the STR Permit shall render the STR Permit and permission to operate an STR null and void.

E. STR Permits issued pursuant to this Chapter are subject to the following standard STR permit conditions:

1. The Host or Operator shall, by written agreement with the Tenant, limit overnight occupancy of the STR to a specific number of occupants, with the number of occupants not to exceed that permitted by the provisions of this Section.

2. The Host or Operator shall insure that the occupants and/or guests of the STR do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions any Federal, State, or Local (including the Huntington Beach Municipal Code) law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs.

3. The Host or Operator shall, upon notification that occupants and/or guests of his or her STR have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of any Law, including those pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, promptly prevent a recurrence of such conduct by those occupants or guests.

4. The Host or Operator of the STR unit shall post a copy of the STR Permit and the STR Permit conditions in a conspicuous place within the STR.

5. The Host or Operator shall provide a Guest parking plan to the City for approval prior to issuance of a STR Permit.

6. The maximum number of, guests who may occupy the STR at one time is two persons per bedroom, plus two additional guests (including children). Lofts that meet California Building Code egress requirements are considered a bedroom for the purposes of the 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.

F. Eligibility requirements. In addition to any specific STR Permit requirements set forth by the Director, the following requirements must be met at the time of submitting a STR Permit application:

1. The dwelling unit shall not be a deed restricted affordable housing unit, in a special group residence, a Single Room Occupancy (as defined by the City Zoning Code), or included on the Prohibited Buildings List.

2. The Operator or Host shall not be granted a permit for more than one STR within the City of Huntington Beach (including Sunset Beach).

3. There will only be one STR permit issued per property except in multi-family single lot subdivisions (i.e. condominiums or townhomes) the number of STR Permits allowed shall be as follows:

Number of units per property	Number of STR Permits
Up to 3	1
4 or more	3

4. 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. In the event the STR is “hosted”, the Host shall be the Local Contact Person.

5. The dwelling unit or property used as a STR shall not be the subject of any active or pending code enforcement actions or violations pursuant to the City’s Municipal Code.

6. If the dwelling unit or property used as a STR is subject to the rules of a homeowners’ or condominium association, Short-Term Rental activity must comply with those rules and this Chapter shall not be inferred to grant any permission that invalidates or supersedes any provisions of those homeowners’ or condominium associations.

7. The Host or Operator shall sign an indemnification and hold harmless agreement in a form approved by the City Attorney, agreeing to indemnify, save, protect, hold harmless, and defend the City of Huntington Beach, the City Council of the City of

Huntington Beach, individually and collectively, and the City of Huntington Beach representatives, officers, officials, employees, agents, and volunteers from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising out of the STR Host or Operator's actions or inaction in the operation, occupancy, use, and/or maintenance of the Short-Term Rental.

8. The STR shall be a legally permitted dwelling unit. Accessory Dwelling Units or Junior Accessory Dwelling Units may be permitted as a STR only if the unit was legally established prior to the effective date of this Ordinance and otherwise meets the requirements of this Chapter.

G. The Host/Operator shall provide proof that the STR is not prohibited by the Homeowners' Association Conditions Covenants and Restrictions or any other community standards/guidelines, applicable to the proposed STR.

5.120.040 STR Regulations.

A. All marketing and advertising of a STR, including any listing on a Hosting Platform, shall clearly list the City-issued STR Permit number.

B. STR is prohibited in any part of the property not approved and permitted for residential use including, but not limited to, vehicle(s) parked on the property, storage sheds, trailer(s), garage(s), boat(s) or similar watercraft, tree house(s), or any temporary structure(s), including, but not limited to, tent(s).

C. Un Hosted STRs are prohibited in the City of Huntington Beach except in Zone 2. Existing Un Hosted STRs in Sunset Beach have 6 months from effective date of the adoption of a resolution establishing a STR Permit Fee to obtain a STR Permit.

D. Each STR shall have a notice posted within the unit in a location clearly marked and accessible to the Guest (e.g., posted on the refrigerator, included within a binder with additional information on the unit, etc.), containing the following information:

1. The maximum number of occupants permitted in the unit;
2. Location of parking spaces;
3. Trash and recycling pickup information;
4. Emergency contact information for police, fire, or emergency medical services; and
5. Evacuation plan for the unit showing emergency exit routes, exits, and fire extinguisher locations.

E. The name of the local contact and a telephone number at which that person may be reached on a twenty-four (24) hour basis posted in a place that can be read by a member of the public without entering the STR.

F. No sign shall be posted on the exterior of the STR to advertise the availability of the unit.

G. It is unlawful for any STR Operator, Host, occupant, renter, lessee, person present upon, or person having charge or possession of the STR premises, to make or continue to cause

to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivities residing in the area, or which violates any provision of Chapter 8.40 ("Noise Control") of the Huntington Beach Municipal Code.

H. The minimum age of STR Tenants shall be 25 years old.

I. Following compliance with California Streets and Highways Code 36600 *et al.*, STRs will become part of the Huntington Beach Tourism Business Improvement District (BID) and comply with all requirements including payment of legally established BID Assessments.

J. The City will post STR contact information on the City website for the public to access.

K. An STR may not be operated as any other commercial home-based business.

5.120.050 STR Host or Operator Requirements.

A. The Host or Operator shall provide information on the maximum allowed number of occupants, parking capacity and location of parking spaces, noise regulations and quiet hours, and trash and recycling disposal requirements to prospective guests, prior to their occupancy.

B. The Host or Operator shall provide and maintain working fire extinguishers, smoke detectors, and carbon monoxide detectors, in compliance with life, fire, and safety codes; and information related to emergency exit routes on the property, local contact, and emergency contact information.

C. The Host or Operator shall maintain and provide proof of liability insurance appropriate to cover the STR as required by the City.

D. Transient Occupancy Taxes shall be collected on all STRs pursuant to Huntington Beach Municipal Code Chapter 3.28. If a Hosting Platform does not collect payment for the rental, Hosts or Operators are solely responsible for the collection of all applicable TOT and remittance of the collected tax to the City in accordance with Chapter 3.28 (Uniform Transient Occupancy Tax). Upon compliance with California Streets and Highways Code 36600 *et al.*, the Host or Operator shall also be responsible for collection and remittance of all BID Assessments. If a Hosting Platform does collect payment for the STRs, then the Hosting Platform and the Operator and Host shall both have legal responsibility for the collection and remittance of the TOT and BID Assessment.

E. The Operator, Host and/or property owner shall be jointly responsible and liable for any licit or illicit activity which may create a nuisance or other tortious violations arising at a STR.

F. The Host or Operator shall authorize any Hosting Platform on which his or her STR(s) is listed to provide to the City the operator listing and other information to demonstrate compliance with all provisions of this Chapter.

5.120.060 Hosting Platform Responsibilities.

A. Hosting platforms shall not process or complete any Booking Transaction for any STR, unless the STR has a valid current STR Permit issued by the City. Hosting platforms are

required to list the STR Permit number and expiration date.

B. Within forty-five (45) days of the effective date of this Ordinance, Hosting Platforms with listings located in the City shall provide to the City contact information of the Hosting Platform.

C. A Hosting Platform with listings located in the City shall provide to the City on a monthly basis, in a format specified by the City, the STR Permit number of each listing, the name of the person responsible for each listing, the address of each such listing, and, for each Booking Transaction that occurs within the reporting period, the number of days booked, and the total price paid for each rental.

D. Hosting Platforms shall remove any listings for STRs, including those on the City's Prohibited Buildings List, from the platform upon notification by the City.

E. Hosting Platforms shall be responsible for collecting all applicable TOT and TBID assessments and remitting the same to the City. Should a Hosting Platform fail to fulfill its responsibilities under this Section, or the Hosting Platform and the owner enter into an agreement regarding the fulfillment of this subsection, the owner shall remain responsible for collection and remittance of the TOT and TBID assessments the Hosting Platform failed to collect and/or remit to the City.

F. All Hosting Platforms operating in the City must comply with all Federal, State, or Local (including the Huntington Beach Municipal Code) laws.

5.120.070 Enforcement.

A. Violations of this chapter include, but are not limited to:

1. Failure of the Local Contact Person to take action to respond to a complaint within one (1) hour after the complaint is received or a contact is attempted, and the Local Contact Person cannot be reached;
2. Failure to notify the City when the Local Contact Person's information changes;
3. Violation of the STR maximum occupancy, noise, or other requirements as set forth in this Chapter;
4. Providing false or misleading information on a STR Permit application, or other documentation required by this Chapter;
5. Any attempt to rent an unregistered STR by advertising the property for Short-Term Rental purposes;
6. Completing a Booking Transaction in the City without a valid City-issued STR Permit number;
7. Completing a Booking Transaction where the STR Permit has been revoked or suspended by the City;
8. Violations of State, County, or City health, building, or fire regulations;
9. Conduct or activities at the STR that constitute a public nuisance or which otherwise constitute a hazard to public peace, health, or safety;

10. Authorizing, permitting, facilitating or otherwise allowing any Un Hosted STR occupancy or activity in any dwelling unit in the City, except as legally permitted in Sunset Beach.

B. The Fine for violations of any provision of this Chapter shall be one thousand dollars (\$1,000) for each violation. Each separate day in which a violation exists may be considered a separate violation. However, a thirty (30) day warning period shall be provided prior to issuing fines for advertising a STR without a valid STR Permit number.

C. If three (3) fines have been issued against a STR Host or Operator within a twelve (12) month period, the STR Permit shall be revoked, or suspended, or additional conditions may be imposed by the Director by providing written notice to the STR Host or Operator setting forth the basis of the intended action and giving the STR Host or Operator an opportunity, within fourteen (14) calendar days, to present responding information to the Director. After the fourteen (14) day period, the Director may determine whether to revoke the STR Permit, suspend the STR Permit, or impose additional conditions upon the STR Permit and thereafter give written notice of the decision to the STR Host or Operator. If a STR Permit is revoked, the STR may not be re-registered with the City for a period of twelve (12) months from the date of revocation.

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

E. Any person, Hosting Platform, or STR Host or Operator convicted of violating any provision of this Chapter in a criminal case or found to be in violation of this Chapter in a civil or administrative action brought by the City shall be ordered to reimburse the City its full investigative and enforcement costs, pay back all unpaid TOT if applicable, and remit all illegally obtained rental related revenue to the City.

F. Pursuant to the Huntington Beach Charter, the City may issue and serve administrative subpoenas as necessary to obtain specific information regarding STR listings located in the City, including, but not limited to, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price paid for each stay, to determine whether the STR listings comply with this Chapter. Any subpoena issued pursuant to this Section shall not require the production of information sooner than thirty (30) days from the date of service. A person, Hosting Platform, or STR operator that has been served with an administrative subpoena may seek judicial review during that thirty (30) day period.

G. 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.

H. 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.

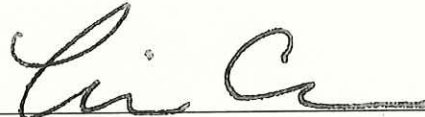
I. If any provision of this Chapter conflicts with any provision of Title 20-25 (Zoning), the terms of this Chapter shall control.

5.120.080 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. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19th day of January, 2021.



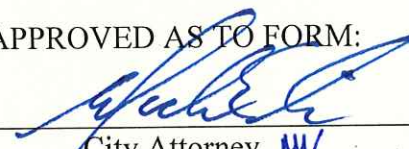
Mayor

ATTEST:



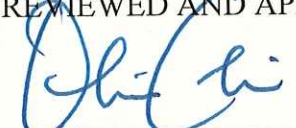
City Clerk

APPROVED AS TO FORM:



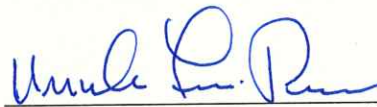
City Attorney *mw*

REVIEWED AND APPROVED:



City Manager

INITIATED AND APPROVED:



Community Development Director

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **December 21, 2020**, and was again read to said City Council at a **Regular** meeting thereof held on **January 19, 2021**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Peterson, Kalmick, Ortiz, Carr, Posey, Moser, Delgleize

NOES: None

ABSENT: None

ABSTAIN: None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on January 28, 2021.

In accordance with the City Charter of said City.

Robin Estanislau, City Clerk

Deputy City Clerk



City Clerk and ex-officio Clerk
of the City Council of the City
of Huntington Beach, California

ORDINANCE NO. ORD-22-0011

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING AND RESTATING
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 of the Long Beach Municipal Code is amended
and restated in its entirety 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.

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,

1 or immigration status are entitled to the full and equal accommodations,
2 advantages, facilities, privileges, or services in all business establishments,
3 including short-term rentals.
4

5 5.77.020 Definitions.

6 A. "Booking transaction" means any reservation and/or payment
7 service provided by a person or entity who facilitates a short-term rental
8 transaction between a prospective guest and a short-term rental operator.

9 B. "City" means City of Long Beach.

10 C. "Director" shall mean the Director of Development Services or
11 a person designated by the Director to act in her/his stead.

12 D "Guest" means any person or persons renting a short-term
13 rental for transient occupancy.

14 E. "Host" means the natural person or persons, at least one (1) of
15 whom is an occupier of the property, who is/are the owner of record of the
16 property or operates the property, including a personal or family trust
17 consisting solely of natural persons and the trustees of such trust or a
18 limited liability company and the members of such company, or who is/are
19 an authorized tenant of the property.

20 F. "Hosted stay" means a short-term rental activity whereby the
21 host remains on-site and resides in a habitable dwelling unit or portion
22 thereof throughout the guest's stay (except during daytime and/or work
23 hours).

24 G. "Hosting platform" means a person or entity that participates in
25 the short-term rental business by collecting or receiving a fee, directly or
26 indirectly through an agent or intermediary, for conducting a booking
27 transaction using any medium of facilitation.

28 H. "Local contact person" means the person designated by the

1 operator to respond to and take remedial action regarding STR complaints.

2 I. "Non-primary residence STR" means a short-term rental that is
3 not a primary residence.

4 J. "Platform agreement" means a signed agreement between a
5 hosting platform and the City, which, among other things, provides that the
6 hosting platform will collect and submit transient occupancy tax to the City
7 on behalf of short-term rental operators.

8 K. "Primary residence" means a person's permanent residence or
9 usual place of return for housing as documented by at least two (2) of the
10 following: motor vehicle registration; driver's license; voter registration; tax
11 documents showing the residential unit as the person's residence; or a utility
12 bill. A person may have only one (1) primary residence and must reside
13 there for a minimum of two hundred seventy-five (275) days during the
14 calendar year. For properties with two (2) or more existing legally permitted
15 dwelling units (e.g., a duplex), the term "primary residence" shall refer to the
16 parcel of land and all units on that parcel or within a building in a residential
17 development project.

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

20 M. "Prohibited buildings list" means a list identifying the
21 address(es) of all buildings whose owner(s), including any applicable
22 homeowners' association or board of directors, have notified the City,
23 pursuant to City procedures, that short-term rentals are not permitted to
24 operate anywhere in such building, including deed restricted affordable
25 housing units. Prohibited buildings list shall also include a list of census
26 block groups where un-hosted STRs are prohibited per Section 5.77.080. In
27 the Coastal Zone, the provisions of the prohibited buildings list shall apply
28 only to buildings with restrictive covenants or homeowners' associations

1 covenants, conditions, and restrictions (CC&Rs) that are not discriminatory (as
2 defined in Government Code 12955) with explicit restrictions on short-term
3 rentals or their equivalent recorded prior to the Coastal Act (January 1, 1977).
4 Restrictive covenants or CC&Rs proposed subsequent to the effective date of
5 the Coastal Act (January 1, 1977) that restrict short-term rentals in the
6 Coastal Zone shall require a Local Coastal Development Permit (LCDP)
7 under the certified provisions of Division IX of Section 21.25 (Specific
8 Procedures) of the Municipal Code to authorize the restriction for specific
9 buildings. If such a LCDP is approved, the City shall comply with Section
10 5.77.050.O of these regulations.

11 N. "Residential development project" means a multi-family
12 development (four (4) or more units) with more than one (1) building on one
13 (1) or more parcels of land.

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

19 P. "Short-term rental advertisement" means any method of
20 soliciting use of a dwelling unit for short-term rental purposes.

21 Q. "Short-term rental operator" or "operator" means any person
22 who is the owner or tenant of a dwelling unit, or portion thereof, who offers
23 or provides that dwelling unit, or portion thereof, for short-term rental use.

24 R. "Single room occupancy" is as defined in Section 21.15.2667.

25 S. "Special group residence" is as defined in Section 21.15.2810
26 and 21.52.271.

27 T. "Tenant" means a person who has a rental agreement for a
28 dwelling unit in which the rental payments are paid on a monthly or other

1 periodic basis in exchange for occupancy of the dwelling unit.

2 U. "Transient occupancy tax" ("TOT") means local transient
3 occupancy tax as set forth in Chapter 3.64 of the Long Beach Municipal
4 Code.

5 V. "Un-hosted stay" means a short-term rental activity whereby
6 the host, as that term is defined herein, resides off-site during the guest's
7 stay.

8
9 5.77.030 Registration required.

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

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

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

23 2. The STR operator shall not operate more than one (1)
24 primary residence STR and more than one (1) non-primary residence STR
25 in the City.

26 3. The number of non-primary residence STRs in multi-
27 family development projects shall not exceed the number of dwelling units
28 identified in the Table below:

Number of dwelling units in a residential development project	Number of non-primary residence STRs allowed per residential 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 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.

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

1 revoked within the last twelve (12) months.

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

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

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

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

21
22 5.77.040 Expiration and renewal.

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

1 compliance with this Chapter.

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

5
6 5.77.050 Short-term rental regulations.

7 A. All marketing and advertising of a STR, including any listing on
8 a hosting platform, shall clearly list the City-issued STR registration number
9 and expiration date.

10 B. Short-term rental is prohibited in any part of the property not
11 approved and permitted for residential use including, but not limited to, a
12 vehicle parked on the property, a storage shed, trailer, garage, boat or
13 similar watercraft, tree house, or any temporary structure, including, but not
14 limited to, a tent.

15 C. Un-hosted stays in a primary residence STR shall be limited to
16 a maximum of ninety (90) days per year.

17 D. Un-hosted stays shall be prohibited in census block groups in
18 the City where such stays are prohibited in accordance with Section
19 5.77.080 or any successor Section.

20 E. Each STR shall have a notice posted within the unit in a
21 location clearly marked and accessible to the guest (e.g., posted on the
22 refrigerator, included within a binder with additional information on the unit,
23 etc.), containing the following information:

24 1. The maximum number of occupants permitted in the
25 unit;

26 2. Parking capacity, location of parking spaces, and
27 parking rules, if any;

28 3. Trash and recycling pickup information;

1 4. The name of the local contact and a telephone number
2 at which that person may be reached on a twenty-four (24) hour basis;

3 5. Emergency contact information for summoning police,
4 fire, or emergency medical services; and

5 6. Evacuation plan for the unit showing emergency exit
6 routes, exits, and fire extinguisher locations.

7 F. The maximum number of persons who may occupy the STR at
8 one (1) time shall be limited to two (2) persons per bedroom, plus two (2).
9 This calculation shall be inclusive of children. Lofts that meet California
10 Building Code egress requirements are considered a bedroom for the
11 purposes of this occupancy calculation. In no event may the maximum
12 occupancy exceed ten (10) persons in any STR. Large-scale events (i.e.,
13 exceeding maximum allowed occupancy) such as commercial parties,
14 weddings, fundraisers, and conferences, are prohibited as part of the short-
15 term rental use, unless a STR occasional event permit has been issued.
16 The maximum number of occasional event permits that can be issued
17 during the annual term of registration per STR is four (4), and any
18 application for an occasional event permit thereafter and within the same
19 registration term shall automatically be deemed null and void by the City.

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

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

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

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

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

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

7 M. It is unlawful for any STR host, operator, occupant, renter,
8 lessee, person present upon, or person having charge or possession of the
9 STR premises, to make or continue to cause to be made or continued any
10 loud, unnecessary or unusual noise which disturbs the peace and quiet of
11 any neighborhood, or which causes discomfort or annoyance to any
12 reasonable person of normal sensitivities residing in the area, or which
13 violates any provision of Chapter 8.80 ("Noise") of this Code.

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

19 O. In the coastal zone, upon City or Coastal Commission approval
20 of the first Coastal Development Permit that restricts STRs in the coastal zone,
21 which shall include the required findings in Division IX of Section 21.25
22 (Specific Procedures) of the Municipal Code for LCDPs related to short-term
23 rentals, the City shall prepare and submit to the Coastal Commission, within
24 one (1) year of the final action on the LCDP, a report that evaluates the
25 required findings for LCDPs that restrict STRs (Section 21.25.904 of the
26 certified Zoning Code) and the cumulative impacts of such restrictions on
27 coastal resources, including but not limited to public access and recreation.
28 After the first report, new reports shall be submitted to the Commission every

1 five (5) years from the date of the first submittal. If the City or the
2 Commission's Executive Director identifies adverse impacts to coastal
3 resources or inconsistencies with the City's certified LCP resulting from
4 restrictions on STRs in the coastal zone, then the City shall submit within
5 one (1) year a Local Coastal Program Amendment (LCPA) request to the
6 California Coastal Commission that addresses any identified adverse
7 impacts to coastal resources by amending the LCP to mitigate for any adverse
8 impacts identified and modify the certified short-term rental regulations to
9 avoid such impacts in the future.

10
11 5.77.060 Short-term rental operator requirements.

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

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

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

26 D. Transient Occupancy Taxes shall be collected on all Short-
27 Term Rentals. If a Hosting Platform does not collect payment for the rental,
28 operators are solely responsible for the collection of all applicable TOT and

1 remittance of the collected tax to the City in accordance with Chapter 3.64
2 (Transient Occupancy Tax). If a Hosting Platform does collect payment for
3 the rentals, then it and the operator shall both have legal responsibility for
4 the collection and remittance of the TOT.

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

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

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

13
14 5.77.070 Hosting platform responsibilities.

15 A. Hosting platforms shall not process or complete any booking
16 transaction for any STR if notified by the City that a valid current STR
17 registration number has not been issued by the City to the operator.
18 Hosting platforms are required to list the STR registration number and
19 expiration date. Hosting platforms shall not process or complete any
20 booking transaction for any property located in the City that would exceed
21 the limit of days as set forth in Section 5.77.050.C.

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

27 C. Subject to applicable laws, a hosting platform with listings
28 located in the City shall provide to the City on a monthly basis, in a format

1 specified by the City, the STR registration number of each listing, the name
2 of the person responsible for each listing, the address of each such listing,
3 and, for each booking that occurs within the reporting period, the number of
4 days booked, and the total price paid for each rental.

5 D. In the event a hosting platform has entered into a platform
6 agreement, and an operator has assigned the responsibilities for the
7 collection and remittance of transient occupancy tax to the hosting platform,
8 then the hosting platform and the operator shall have the same duties and
9 liabilities, including but not limited to the collection and remittance of
10 transient occupancy tax to the City in compliance with this Chapter and
11 Chapter 3.64 (Transient Occupancy Tax) of this Code.

12 E. 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 F. Hosting platforms shall remove any listings for STRs, including
17 those on the City's prohibited buildings list, from the platform upon
18 notification by the City. The City Manager shall develop, by administrative
19 regulation, processes and procedures for the removal of any listing.

20 G. 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 H. It is unlawful to be a hosting platform operating in the City
24 unless the responsibilities in this Section are fully complied with.

25
26 5.77.080 Request to Petition to restrict un-hosted short-term rentals
27 within a geographical census block group.

28 A. The property owners of residential property in any census

1 block group within the City may request the City to initiate a petition
2 process, using a form provided by the Director, to prohibit un-hosted STRs
3 within that census block group.

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

8 B. The petition must include the signatures, printed names, and
9 addresses of a majority of the property owners of residential real property
10 located within the boundaries of the census block group and the petition
11 process shall in all cases be initiated within one hundred and eighty (180)
12 days after the effective date of this Chapter, and a new one hundred and
13 eighty (180) day petition process period shall be established annually
14 thereafter. The petitioning process will be completed by the City via U.S.
15 mail, and the requestor(s) shall be responsible for the cost of initiating and
16 completing the petition process, which cost will be established by the City
17 Council by resolution. All petition signatures shall be collected by the City,
18 and shall include the street address of each signer, and shall indicate and
19 set forth the positive desire of all those signing the petition to prohibit un-
20 hosted stays within the boundaries of the census block group. Each census
21 block group shall be limited to the submission of one (1) request to initiate a
22 petition process during any one hundred eighty (180)-day petition process
23 period, on a first come, first served basis. Any second or subsequent
24 petition request for the same census block group during the annual one
25 hundred eighty (180)-day petition process period shall automatically be
26 deemed null and void by the City without opportunity for an administrative
27 appeal.

28 C. To the extent a petition seeks to prohibit un-hosted STRs

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

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

14 E. Upon receipt of a petition, the Director shall verify that the
15 petition contains the required number of signatures requesting that un-
16 hosted stays be prohibited within the census block group.

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

20 G. Once approved, a restriction on un-hosted STRs shall remain
21 in effect for a minimum of three (3) years following the effective date of such
22 restriction. After the initial three (3) year restriction period, the restriction
23 shall remain in effect indefinitely unless and until such restriction(s) are
24 prohibited by law; or a request to initiate a petition to eliminate the restriction
25 is filed with the City and a majority of the property owners within the
26 restricted census block group sign the petition reflecting the positive desire
27 of all those signing the petition to remove the restriction on un-hosted stays.

28 H. The City Clerk or the Department of Development Services

1 shall cause to be posted online a list or map of the current census block
2 groups where un-hosted STRs are prohibited.

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

6
7 5.77.090 Enforcement.

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

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

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

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

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

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

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

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

25 8. Exceeding the maximum number of occasional events
26 permitted in this Chapter;

27 9. Violations of state, county, or City health, building, or
28 fire regulations;

1 10. Conduct or activities that constitute a public nuisance or
2 which otherwise constitute a hazard to public peace, health, or safety.

3 B. Unless otherwise described in this Section, enforcement of
4 this Chapter shall be subject to the processes and procedures in Chapter
5 1.32 of the Municipal Code.

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

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

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

26 F. Any person, hosting platform, or STR operator convicted of
27 violating any provision of this Chapter in a criminal case or found to be in
28 violation of this Chapter in a civil or administrative action brought by the City

1 shall be ordered to reimburse the City its full investigative and enforcement
2 costs, pay back all unpaid TOT if applicable, and remit all illegally obtained
3 rental related revenue to the City.

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

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

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

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

25 K. The remedies provided in this Section are cumulative and not
26 exclusive, and nothing in this Section shall preclude the use or application of
27 any other remedies, penalties, or procedures established by law.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 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 thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of March 15, 20 22, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,
Saro, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Mungo, Uranga.

Recusal(s): Councilmembers: None.

Approved:

3/16/22
(Date)

M. De La Cruz
City Clerk

[Signature]
Mayor

5.95.005 Purpose and Findings. SHARE

The City Council of the City of Newport Beach finds and declares as follows:

- A. An ever-increasing number of tourists renting short term lodging units is increasing the demand for City services and creating adverse impacts in residential zones.
- B. Over a thousand dwelling units within residential zones near the City's beaches and harbor are rented for less than thirty (30) consecutive calendar days with the vast majority of those rentals occurring during the summer when the demand for parking and City services is the greatest.
- C. Many of the occupants of short term lodging units are permanent residents of areas distant from Newport Beach and the City has no effective way to prevent occupants from continuing to violate provisions of the this Code and the Penal Code relating to noise, disturbances and disorderly conduct. The only effective way to minimize the problems associated with occupancy of short term lodging units is to impose responsibility on the owner of the property, either personally or through an agent, to control the conduct of guests and occupants.
- D. Numerous incidents involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking and accumulation of refuse are directly related to short term lodging units which increasingly require response from police, fire, paramedic and other City services.
- E. The increase in demand for City services resulting from short term lodging units overburdens and threatens the City's ability to provide necessary services.
- F. Many short term lodging units are operated by agents and/or absentee owners who exercise little or no supervision or control of occupants.
- G. There has been an increase in the number of lodging units booked on a short term basis where the owner of the unit does not have a short term lodging permit, affecting the ability of the City to properly regulate the impacts caused by the illegal operation.
- H. There has been an increase in the number of lodging units booked on a short term basis where the owner of the property has not taken steps to ensure the transient occupancy tax and visitor service fee is collected and/or remitted to the City, resulting in an unfair business advantage to these illegal operations and loss of revenue necessary to provide City services.
- I. Problems with short term lodgings is particularly acute in residential districts where the peace, safety and general welfare of the long term residents are threatened.
- J. To ensure the effective enforcement of this Code, it is necessary to have the owner include the short term lodging permit number issued by the City on all advertisements for a short term lodging unit so the transient user knows the owner is authorized to rent the lodging unit on a short term basis.
- K. To ensure the transient user knows the total cost associated with renting the lodging unit and to prevent fraud, it is necessary for the owner to make sure the transient user is informed of the amount of the transient occupancy tax and visitor service fee prior to completing a booking transaction.

L. The restrictions of this chapter are necessary to preserve the City's housing stock, the quality and character of the City's residential neighborhoods as well as to prevent and address the impacts on residential neighborhoods posed by short term lodgings. (Ord. 2021-28 § 3, 2021; Ord. 2020-26 § 2, 2020; Ord. 2020-15 § 2 (part), 2020; Ord. 92-13 § 3 (part), 1992)

5.95.010 Definitions. SHARE

For the purpose of this chapter, the following definitions shall apply:

- A. "Accessory dwelling unit" shall have the same definition as set forth in Chapter [20.70](#).
- B. "Agent" shall mean any person who is authorized in writing by the owner to represent and act for an owner.
- C. "Booking transaction" shall mean any reservation or payment service provided by a person who facilitates a short term lodging rental transaction between a transient user and owner for the use of a unit for a period of less than thirty (30) consecutive calendar days.
- D. "City Manager" shall mean the City Manager of the City or his or her designee.
- E. "Finance Director" shall mean the Finance Director of the City or his or her designee.
- F. "Gross floor area" shall mean the area of the lodging unit that includes the surrounding exterior walls and any interior finished portion of a structure that is accessible and that measures more than six feet from finished floor to ceiling. Stairwells and elevator shafts above the first level shall be excluded from the calculation of gross floor area.
- G. "Home-sharing" shall mean an activity whereby the owner hosts a transient user in the owner's lodging unit, for compensation, for periods of less than thirty (30) consecutive calendar days, during which time the owner of the unit lives on site, in the unit, throughout the transient user's stay and the owner, the transient user and any other occupants live together in the same unit as a single housekeeping unit.
- H. "Hosting platform" shall mean a person, other than an owner or agent, who participates in the short term lodging business by facilitating a booking transaction using any medium of facilitation.
- I. "Lodging unit" or "unit" shall mean a "dwelling unit" as that term is defined in Chapter [20.70](#). An accessory dwelling unit shall not be considered a lodging unit or unit for purposes of this chapter.
- J. "Owner" shall mean the person(s) that hold(s) legal and/or equitable title to the lodging unit.
- K. "Person" shall mean any individual and any form of business entity including, but not limited to, all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts, societies, or limited liability companies.
- L. "Residential district" shall mean those areas of the City so designated by Title [20](#) as well as any other area in the City designated for a residential use as part of a planned community development plan, specific area plan or planned residential district.

M. “Short term” shall mean a lodging unit that is rented or leased as a single housekeeping unit for a period of less than thirty (30) consecutive calendar days. This also includes home-sharing.

N. “Short term lodging unit registry” shall mean the published registry maintained by the City that sets forth a list of all owners and the address of all units that have a valid short term lodging permit and business license with the City, a copy of which is available, without charge, to any person who requests a copy and which shall be accessible on the City’s website.

O. “Single housekeeping unit” shall have the same definition as set forth in Chapter [20.70](#).

P. “Transient” or “transient user” shall mean any person or persons who, for any period less than thirty (30) consecutive calendar days either at his or her own expense, or at the expense of another, obtains lodging in a lodging unit or the use of any lodging space in any unit, for which lodging or use of lodging space a charge is made. (Ord. 2020-15 § 2 (part), 2020: Ord. 2013-11 § 27, 2013; Ord. 2008-5 § 20, 2008; Ord. 92-13 § 3 (part), 1992)

5.95.015 Residential Properties Eligible for Short Term Lodging Permits. SHARE

Only properties in a residential district that are authorized under Titles [20](#) and [21](#) and this chapter shall be eligible for a short term lodging permit.

Subsequent to June 1, 2004, no annual permit shall be issued to or renewed for any dwelling unit on any parcel zoned for “Single-Unit Residential (R-1)” or that is designated for a single-family residential use as part of a planned community development plan, specific area plan or planned residential district, unless a permit has previously been issued for that lodging unit and the permit was not subsequently revoked. (Ord. 2020-15 § 2 (part), 2020)

5.95.020 Permit Required. SHARE

No owner of a lodging unit shall advertise for rent or rent a lodging unit located within a residential district for a short term without a valid short term lodging permit for that unit issued pursuant to this chapter. (Ord. 2020-15 § 2 (part), 2020: Ord. 2004-6 § 1, 2004: Ord. 92-13 § 3 (part), 1992)

5.95.025 Agency. SHARE

An owner may retain an agent to comply with the requirements of this chapter, including, without limitation, the filing of an application for an annual permit, the renewal of a permit, the reinstatement of a permit or the transfer of a permit; the management of the short term lodging unit or units; and the compliance with the short term lodging permit conditions. The permit shall be issued only to the owner of the short term lodging unit or units. The owner of the short term lodging unit or units is responsible for compliance with the provisions of this chapter and the failure of an agent to comply with this chapter shall be deemed noncompliance by the owner. (Ord. 2021-28 § 4, 2021; Ord. 2020-26 § 3, 2020; Ord. 2020-15 § 2 (part), 2020: Ord. 92-13 § 3 (part), 1992)

5.95.030 Application for Permit. SHARE

An application for an annual short term lodging permit, renewal of a short term lodging permit, reinstatement of a short term lodging permit or transfer of a short term lodging permit shall be filed with the Finance Director upon forms provided by the City.

A. An application for a new permit, renewal permit, the reinstatement of a permit or the transfer of a permit shall contain the following information:

1. The name, address and telephone number of the owner of the unit for which the short term lodging permit is to be issued.
2. The name, address and telephone number of the agent, if any, of the owner of the unit.
3. Evidence of a valid business license issued by the City for the separate business of operating a short term lodging unit or units.
4. The number of bedrooms in the lodging unit.
5. The gross floor area of the lodging unit.
6. The number of parking spaces available on site and a description indicating the location and size of each parking space.
7. A nuisance response plan, which sets forth the owner's plan for handling disruptive transient users.
8. A certification that the applicant has reviewed the covenants, conditions and restrictions, if any, and a short term use is permitted at the location pursuant to the terms of the covenants, conditions and restrictions, if any.
9. Acknowledgment of receipt and inspection of a copy of all regulations pertaining to the operation of a short term lodging unit.
10. Such other information as the Finance Director deems reasonably necessary to administer this chapter.

B. An application for the renewal of a short term lodging permit shall be filed within thirty (30) calendar days of the short term lodging permit's expiration, or the short term lodging permit shall be deemed abandoned.

C. An application for the reinstatement of a short term lodging permit closed by the Finance Director pursuant to Section [5.95.080](#) shall be filed within thirty (30) calendar days of the date the permit was closed by the Finance Director, or the short term lodging permit shall be deemed abandoned.

D. An application for the reinstatement of a previously suspended short term lodging permit shall be filed within thirty (30) calendar days of the end of the suspension period, or the short term lodging permit shall be deemed abandoned.

E. If any application is deemed incomplete, which shall be determined in the sole discretion of the Finance Director, the application shall be completed within thirty (30) calendar days of the service of

notice that the application is incomplete, which shall be served in accordance with Section [1.08.080](#), or the application and any associated permit shall be deemed abandoned.

F. If good causes exist, as determined in the sole discretion of the Finance Director, the Finance Director may extend the deadlines set forth in subsections (B) through (E) of this section.

G. For purposes of calculating the maximum number of permits under Section [5.95.042](#), a short term lodging permit shall be deemed valid until the applicable permit has been deemed abandoned. (Ord. 2021-28 § 5, 2021; Ord. 2020-26 § 4, 2020; Ord. 2020-15 § 2 (part), 2020; Ord. 92-13 § 3 (part), 1992)

5.95.035 Denial of Permit. SHARE

If permits are available for issuance, no timely application filed by an owner for an annual permit, renewal of a permit, reinstatement of a permit or transfer of a permit for a unit eligible to be used as a short term lodging unit, as provided for in Section [5.95.015](#) and this Code, shall be denied unless: the owner does not have a current valid business license; the owner has failed to pay transient occupancy tax, the visitor service fee, a penalty, a fine or inspection cost, due and owing to the City; the nuisance response plan is deemed inadequate by the Finance Director; or the short term lodging permit for the same unit and issued to the same owner has been revoked. (Ord. 2021-28 § 6, 2021; Ord. 2020-26 § 5, 2020; Ord. 2020-15 § 2 (part), 2020; Ord. 92-13 § 3 (part), 1992)

5.95.040 Filing Fee. SHARE

An application for a new annual permit, the renewal of an existing permit, the reinstatement of a permit, or the transfer of a permit shall be accompanied by a fee established by resolution of the City Council; provided, however, the fee shall be no greater than necessary to defer the cost incurred by the City in administering the provisions of this chapter and for providing the answering service. (Ord. 2021-28 § 7, 2021; Ord. 2020-26 § 6, 2020; Ord. 2020-15 § 2 (part), 2020; Ord. 92-13 § 3 (part), 1992)

5.95.042 Maximum Number of Permits. SHARE

A. The maximum number of short term lodging permits shall be limited to one thousand five hundred fifty (1,550) permits at any time. If there are more than one thousand five hundred fifty (1,550) valid permits that have been issued as of the effective date of the ordinance codified in this section, an owner shall be permitted to renew, reinstate, or transfer a valid permit in accordance with the provisions of this chapter; however, no new permit shall be issued to anyone on the waiting list, as described in subsection (D) of this section, until the total number of permits does not exceed the one thousand five hundred fifty (1,550). For purposes of calculating the maximum number of permits available, a permit shall be deemed valid and unavailable until it is abandoned in accordance with Sections [5.95.030](#)(B) through (F), and/or Section [5.95.043](#)(B). To avoid wholesale conversion of existing and new housing complexes into short term lodgings, multi-unit developments with five or more units may permit a maximum of twenty (20) percent of the total number of units to be short term lodgings (rounded down to the nearest whole number).

B. An owner who has a short term lodging permit, or an owner seeking to reinstate a short term lodging permit that has not been abandoned in accordance with Sections [5.95.030](#)(B) through (F), shall have priority to renew or reinstate the permit over anyone on the waiting list, as described in subsection (D) of this section.

C. An owner seeking to transfer a valid short term lodging permit that files an application within the time frames set forth in Section [5.95.043](#)(A) shall have priority to transfer the permit over anyone on the waiting list, as described in subsection (D) of this section.

D. If the City has issued the maximum number of permits available, the City shall maintain a waiting list. An application for placement on the waiting list shall be submitted to the Finance Director, on a form approved by the Finance Director, and shall be accompanied by a fee established by resolution of the City Council. In the event a short term lodging permit becomes available, the Finance Director shall notify the person or persons next in order on the waiting list. The notice shall specify that applications will be accepted for ten (10) calendar days after the date of the notice, and that failure to apply within the ten (10) calendar-day period shall result in removal of the person or persons receiving notice from the waiting list. Notice shall be deemed given when deposited in the United States mail, with the first class postage prepaid, and addressed as specified by the person or persons on the waiting list. The City shall not be liable for a failure to notify any person or persons on the waiting list since placement on the list does not create any property right in any person or persons on the list nor any contractual obligation on the part of the City. (Ord. 2021-28 § 8, 2021; Ord. 2020-26 § 7, 2020)

5.95.043 Transfer of Permit. SHARE

A. A short term lodging permit that is valid, and has not been abandoned in accordance with Sections [5.95.030](#)(B) through (F), may be transferred to any of the following:

1. If the owner transfers the ownership of the lodging unit to an inter vivos trust, family trust, or other similar type of trust estate, a valid short term lodging permit may be transferred to the inter vivos trust, family trust, or other similar type of trust estate, if an application to transfer a valid permit, in accordance with Section [5.95.030](#), is filed within three hundred sixty-five (365) days of the date title is transferred to the inter vivos trust, family trust, or other similar type of trust estate.
2. If the owner transfers the ownership of the lodging unit to a corporation, limited liability company, partnership, limited partnership, or similar business entity, a valid short term lodging permit may be transferred to the business entity, if an application to transfer a valid permit, in accordance with Section [5.95.030](#), is filed within three hundred sixty-five (365) days of the date title is transferred to the business entity.
3. If the owner transfers the ownership of the lodging unit to an immediate family member, which shall include a spouse, domestic partner, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great-grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is, a child of an aunt or uncle), a valid short term lodging permit may be transferred to the immediate family member, if an application to transfer a valid permit, in accordance with Section [5.95.030](#), is filed within three hundred sixty-five (365) days of the date title is transferred to the immediate family member.
4. If the owner sells the lodging unit to a bona fide purchaser for value, a valid short term lodging permit may be transferred to the purchaser, if an application to transfer a valid permit is filed in accordance with Section [5.95.030](#), within sixty (60) days of the date title is transferred to the purchaser.

5. If the owner is deceased, the short term lodging permit for the short term lodging unit may be transferred to the heir(s) once the estate is closed and the assets distributed, if an application to transfer a valid permit is filed in accordance with Section [5.95.030](#), within ninety (90) days of the date the heir(s) becomes the owner of the short term lodging unit.

B. The deadlines set forth in subsection (A) of this section are established for purposes of setting deadlines for the transfer of a valid permit that has not been deemed abandoned in accordance with Sections [5.95.030](#)(B) through (F). The deadlines set forth in subsection (A) of this section shall not extend the deadlines set forth in or in accordance with Sections [5.95.030](#)(B) through (F). Authorization to transfer a valid short term lodging permit shall be deemed waived and the permit abandoned if an application is not filed to transfer a permit in accordance with the deadlines set forth in this section. (Ord. 2021-28 § 9, 2021; Ord. 2020-26 § 8, 2020)

5.95.045 Conditions. SHARE

A. All permits issued pursuant to this chapter are subject to the following standard conditions:

1. The owner shall prohibit a lessee of a lodging unit from renting the lodging unit to a transient user for a short term and from home-sharing.
2. The owner shall not rent a lodging unit to a transient user that is under the age of twenty-five (25).
3. The owner shall enter into a written agreement with the transient user that requires:
 - a. All persons residing in the short term lodging unit to live together as a single housekeeping unit; and
 - b. Limits the overnight occupancy of the short term lodging unit to the maximum permitted by the building code and fire code.
4. The owner shall ensure that the transient user complies with all terms of the written agreement set forth in subsection (A)(3) of this section.
5. The owner shall use best efforts to ensure that the transient user, occupants and/or guests of the short term lodging unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any state or federal law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs.
6. The owner shall, upon notification that any transient user, occupant and/or guest of his or her short term lodging unit has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or any state or federal law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs, promptly use best efforts to prevent a recurrence of such conduct by any transient user, occupant or guest.
7. The owner of the short term lodging unit shall use best efforts to ensure compliance with all the provisions of Title [6](#).
8. The owner of the short term lodging unit shall provide the transient user with a copy of Sections [5.95.047](#), [10.28.007](#), [10.28.010](#), [10.28.020](#), [10.58.030](#), and [10.66.020](#).

9. The owner of the short term lodging unit shall provide the transient user with a copy of the good neighbor policy created by the City and available on the City website, post a copy of the short term lodging permit and post a copy of the conditions set forth in this subsection in a conspicuous place within the unit. The notice shall be in substantial compliance with a template created by the City, which shall be available on the City website, and contain the following:

- a. The name of the local contact person(s) and phone number at which that person(s) may be reached on a twenty-four (24) hour basis. The local person(s) must be located within twenty-five (25) miles of the unit and shall respond to any call related to the unit within thirty (30) minutes;
- b. The number and location of on-site parking spaces;
- c. The street sweeping schedule for all public rights-of-way within three hundred (300) feet of the unit;
- d. The trash collection schedule for the unit, and the Code rules and regulations concerning the timing, storage and placement of trash containers and recycling requirements;
- e. Notification that no amplified sound or reproduced sound is allowed outside or audible from the property line between the hours of 10:00 p.m. and 10:00 a.m.; and
- f. Notification that any transient user, occupant or guest is responsible for all activities occurring on the property and that any transient user, occupant or guest may be cited and fined for creating a disturbance or violating any provision of this Code.

10. With respect to any short term lodging unit that is located in any safety enhancement zone, the owner of the unit and any agent retained by the owner shall take immediate action during the period that the safety enhancement zone is in effect to prevent any transient user, occupant or guest from engaging in disorderly conduct or committing violations of this Code or state or federal law pertaining to noise, disorderly conduct, the consumption of alcohol or the use of illegal drugs.

11. The owner shall:

- a. Ensure that all transient occupancy taxes and visitor service fees are collected and remitted to the City and otherwise comply with all transient occupancy tax and visitor service fee requirements, as set forth in Chapters [3.16](#) and [3.28](#).
- b. If the owner uses an agent to collect and remit the transient occupancy tax and the visitor service fee, either voluntarily or as directed by the City, the owner shall be responsible for ensuring that the agent collects and remits the transient occupancy tax and the visitor service fee to the City pursuant to the requirements set forth in this chapter and Chapters [3.16](#) and [3.28](#).
- c. If the Finance Director directs, in writing, a hosting platform to collect and remit the transient occupancy tax and the visitor service fee, the owner shall: (i) be responsible for ensuring that the hosting platform collects and remits the transient occupancy tax and the visitor service fee to the City in accordance with this chapter; and (ii) when filing a return

in accordance with Sections [3.16.070](#) and [3.28.040](#), the owner shall provide the City with a copy of all receipts showing the date the short term lodging unit was rented, the name of the hosting platform, the amount of transient occupancy tax and visitor service fee collected by the hosting platform, and proof that the transient occupancy tax and visitor service fee was remitted to the City.

12. The owner shall provide the City with the name and twenty-four (24) hour phone number of a local contact person(s) (who resides within twenty-five (25) miles of the property) who shall respond to contacts from the answering service, respond to any call related to the unit within thirty (30) minutes, and ensure compliance with this chapter in a timely manner. The owner or agent must provide a new local contact person and his or her phone number within five business days, if there is a change in the local contact person(s).

13. The owner shall ensure that all available parking spaces on site, which may include garage, carport, and driveway spaces as well as tandem parking, are available for the transient user, occupant or guest of the short term lodging unit. The owner shall disclose the number of parking spaces available on site and shall inform the transient user, occupant and/or guest that street parking may not be available.

14. The owner shall maintain a valid business license and short term lodging permit when engaging in short term lodging.

15. The owner shall include the City issued short term lodging permit number on all advertisements for the rental of the short term lodging unit and shall ensure the transient user is informed of the amount of the transient occupancy tax and visitor service fee prior to completion of the booking transaction.

16. The owner shall ensure that a permitted short term lodging unit is only used for residential purposes and not used for nonresidential uses, including, but not limited to, large commercial or non-commercial gatherings, commercial filming and/or nonowner wedding receptions.

17. The owner shall ensure that no amplified sound or reproduced sound is used outside or audible from the property line between the hours of 10:00 p.m. and 10:00 a.m. and that the transient user does not violate the requirements set forth in this chapter and Chapters [10.28](#), [10.58](#) and [10.66](#).

18. The owner shall comply with the nuisance response plan submitted with the application for a short term lodging permit and approved by the Finance Director.

19. The owner shall allow the City to inspect the short term lodging unit to confirm the number of bedrooms, gross floor area, and number/availability of parking spaces, seven calendar days after the City serves the owner with a request for inspection in accordance with Section [1.08.080](#). If, based on the inspection, it is determined that the information submitted to the City in accordance with Section [5.95.030](#) was false, in addition to any other remedy set forth in this chapter, the owner agrees that the owner shall be liable for the cost of conducting the inspection.

20. The owner shall provide the City with a copy of any written rental agreement(s) and the good neighbor policy, within seven calendar days after the City serves the owner with a notice

of request for written rental agreements and the good neighbor policy in accordance with Section [1.08.080](#).

21. Neither an owner nor the owner's agent shall rent, let, advertise for rent, or enter into an agreement for the rental of any lodging unit, for less than two consecutive nights.

22. The owner shall:

- a. Require every transient user and guest of the transient user to comply with all State and local laws that regulate parking while staying at or visiting the short term lodging unit;
- b. Require every transient user to provide the owner with the license plate number for all vehicles which are used by the transient user or the transient user's guest while staying at or visiting the short term lodging unit; and
- c. Provide the City with the vehicle license plate number(s) for every vehicle which was used by the transient user or the transient user's guest while staying at or visiting the short term lodging, within seven calendar days after the City serves the owner with a notice of request for the vehicle license plate number(s) in accordance with Section [1.08.080](#).

23. The owner shall ensure that any transient user or transient user's guest complies with all State and local laws that regulate parking while the transient user or transient user's guest is staying at or visiting the short term lodging unit. For purposes of this condition, a transient user or transient user's guest shall be presumed to be staying at or visiting a short term lodging unit if a parking citation is issued to the transient user or the transient user's guest within one hundred (100) feet of the property line of the short term lodging unit during the time the transient user is renting the short term lodging unit.

B. The City Manager shall have the authority to impose additional standard conditions, applicable to all short term lodging units, as necessary to achieve the objectives of this chapter.

C. The City Manager shall have the authority to impose additional conditions on any permit in the event of any violation of the conditions to the permit or the provisions of this chapter subject to compliance with the procedures specified in Section [5.95.065](#). (Ord. 2021-28 § 10, 2021; Ord. 2020-26 §§ 9, 10, 2020; Ord. 2020-15 § 2 (part), 2020; Ord. 2003-5 § 10, 2003; Ord. 92-13 § 3 (part), 1992. Formerly 5.95.050)

5.95.047 Violations of Permit Conditions by Transient User, Occupant or Guest.

 SHARE

A. In addition to other provisions of this Code, it shall be unlawful for any transient user, occupant or guest of a short term lodging unit to:

1. Exceed the overnight occupancy limit designated for the short term lodging unit.
2. Use street parking prior to utilizing all available on-site parking space(s) for the lodging unit.

3. Place trash for collection in violation of this Code's rules and regulations concerning:

- a. The timing, storage or placement of trash containers; or
- b. Recycling requirements.

4. Amplify or reproduce sound between the hours of 10:00 p.m. and 10:00 a.m.:

- a. Outside of the lodging unit; or
- b. That is audible from the property line for the lodging unit.

5. Use the short term lodging for any nonresidential purpose, including, but not limited to, large commercial or noncommercial gatherings, commercial filming and/or nonowner wedding receptions.

6. Rent a lodging unit to any person for a short term.

B. In addition to other provisions of this Code, it shall be unlawful for any lessee to rent a lodging unit to any transient user for a short term. (Ord. 2020-26 § 11, 2020; Ord. 2020-15 § 2 (part), 2020)

5.95.050 Agents and Hosting Platform Responsibilities. [SHARE](#)

A. If directed to do so by the Finance Director, in writing, agents or hosting platforms shall:

- 1. Collect all applicable transient occupancy taxes and visitor service fees that are imposed on the transient, pursuant to Chapters [3.16](#) and [3.28](#), from the transient, or from the person paying for such rental, at the time payment for such rental is made; and
- 2. Remit to the City any transient occupancy taxes or visitor service fees collected by the hosting platform or agent to the City before the last day of the month following the close of each calendar quarter or on the day specified by the Finance Director if a different reporting period has been established.

Hosting platforms shall not collect or remit such taxes unless expressly authorized to do so by the Finance Director, in writing. Nothing in this subsection shall be deemed to relieve an operator, as that term is defined in Sections [3.16.020](#) and [3.28.010](#), from complying with the requirements set forth in Chapters [3.16](#) and [3.28](#), or to interfere with the ability of an agent or hosting platform and an owner to enter into an agreement regarding fulfillment of the requirements of this subsection.

B. Subject to applicable laws, agents and hosting platforms shall disclose to the City on a regular basis each home-sharing and vacation rental listing located in the City, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.

C. Agents and hosting platforms:

- 1. Shall prompt any person utilizing their advertising services to include the City-issued registration number in their listing(s), in a format designated by the City and shall not advertise

any short term lodging unit where a registration number is not provided. Upon notice from the City that a listing is noncompliant, agents and hosting platforms shall cease any short term rental booking transactions for said listing(s) within five business days. An agent or hosting platform shall not complete any booking transaction for any short term lodging unit subject to a City notice that a unit is noncompliant, until notified by the City that the short term lodging unit follows the local registration requirement.

2. Shall not collect or receive a fee, directly or indirectly, for facilitating or providing services ancillary to an unpermitted short term lodging unit including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the short term lodging unit.

D. A hosting platform operating exclusively on the internet, which operates in compliance with subsections (A), (B), and (C) of this section, shall be presumed to be in compliance with this chapter, except that the hosting platform remains responsible for compliance with the administrative subpoena provisions of this chapter.

E. The provisions of this section shall be interpreted in accordance with otherwise applicable state and federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, such law(s). (Ord. 2020-15 § 2 (part), 2020)

5.95.055 Issuance of Administrative Subpoenas. SHARE

The City Manager shall have the authority to issue and serve administrative subpoenas to the owner, agent or hosting platform, as necessary, to obtain specific information regarding short term rental listings located in the City, including but not limited to the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay, to determine whether the short term rental listing complies with this chapter. Any subpoena issued pursuant to this section shall not require the production of information sooner than thirty (30) calendar days from the date of service. A person that has been served with an administrative subpoena may seek judicial review during that thirty (30) calendar day period. Failure to respond to an administrative subpoena in accordance with the terms set forth therein shall be punishable in accordance with Section [5.95.060](#) and the City may file a judicial action to compel compliance with the subpoena. (Ord. 2020-15 § 2 (part), 2020)

5.95.060 Violations, Penalties and Enforcement. SHARE

A. It shall be unlawful for any person to violate any provisions or to fail to comply with any of the requirements of this chapter.

B. In addition to, or separate from, the foregoing criminal penalties, any person violating any of the provisions or failing to comply with any of the requirements of this chapter is subject to the issuance of an administrative citation pursuant to the provisions of Section [1.04.010](#)(E) and Chapter [1.05](#). (Ord. 2020-15 § 2 (part), 2020: Ord. 2011-13 § 2 (part), 2011: Ord. 2003-5 § 11, 2003: Ord. 92-13 § 3 (part), 1992)

5.95.065 Suspensions and Revocations. SHARE

In addition to any fine or penalty that may be imposed pursuant to any provision of this Code including, but not limited to, Section [5.95.060](#), a short term lodging permit for a unit may be suspended or revoked as provided in this section.

A. Suspensions/Revocations.

1. Except as otherwise provided in this subsection, if any person violates any short term lodging permit condition two or more times in any twelve (12) month period or any other provision of this Code, state law or federal law, two or more times in any twelve (12) month period, and the violation relates in any way to the unit that has a short term lodging permit, the short term lodging permit for the unit may be suspended for a period of six months in accordance with subsection (B) of this section.
2. In the case of a short term lodging permit for a unit that is located in a safety enhancement zone, if there is a violation of any provision of this Code during the period that the safety enhancement zone is in effect, the short term lodging permit for the unit may be suspended for a period of one year or revoked in accordance with subsection (B) of this section.
3. If a lodging unit that is subject to a short term lodging permit has been the location of two or more loud or unruly gatherings, as defined in Chapter [10.66](#), while the lodging unit was occupied on a short term basis, within any twenty-four (24) month period, the permit may be suspended for a period of one year or revoked in accordance with subsection (B) of this section. A loud or unruly gathering that occurred prior to the passage of fourteen (14) calendar days from the mailing of notice to the owner in compliance with Section [10.66.030](#)(D) shall not be included within the calculation of the two or more loud or unruly gatherings required to revoke a short term lodging permit.
4. If a person violates Section [5.95.020](#) regarding any unit that has had a short term lodging permit suspended pursuant to subsection (B) of this section, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.
5. If any person violates any short term lodging permit condition or any other provision of this Code, state or federal law within six months of having a previously suspended short term lodging permit reinstated for a unit, and the violation relates in any way to the unit that has the short term lodging permit, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.
6. If any person violates any short term lodging permit condition three or more times in any twelve (12) month period or provision of this Code, state or federal law three or more times in any twelve (12) month period, and the violation relates in any way to the unit that has a short term lodging permit, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.
7. If any person fails to collect and remit transient occupancy tax or the visitor service fee in accordance with the requirements of this chapter, Chapter [3.16](#) or [3.28](#) in regards to any unit that has a short term lodging permit, two or more times within any thirty-six (36) month period, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

8. If any person is determined to have provided false information on an application for an annual short term lodging permit, or renewal thereof, the short term lodging permit for the unit may be revoked in accordance with subsection (B) of this section.

B. Permits shall be suspended or revoked, only in the manner provided in this section.

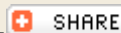
1. The Finance Director shall investigate whenever he or she has reason to believe that an owner has submitted an application that contains false information or committed a violation of a permit condition, this Code, state or federal law related to a permitted unit. Such investigation may include, but is not limited to, on-site property inspections. Should the investigation reveal substantial evidence to support a finding that warrants a suspension or revocation of the short term lodging permit, the Finance Director shall issue written notice of intention to suspend or revoke the short term lodging permit. The written notice shall be served on the owner in accordance with Section [1.08.080](#), and shall specify the facts which, in the opinion of the Finance Director constitute substantial evidence to establish grounds for imposition of the suspension and/or revocation, and specify the proposed time the short term lodging permit shall be suspended and/or that the short term lodging permit shall be revoked within thirty (30) calendar days from the date the notice is given, unless the owner files with the Finance Director, before the suspension and/or revocation becomes effective, a request for hearing before a hearing officer, who shall be retained by the City, and pays the fee for the hearing established by resolution of the City Council.

2. If the owner requests a hearing and pays the hearing fee, established by resolution of the City Council, within the time specified in subsection (B)(1) of this section, the Finance Director shall serve written notice on the owner, pursuant to Section [1.08.080](#), setting forth the date, time and place for the hearing. The hearing shall be scheduled not less than fifteen (15) calendar days, nor more than sixty (60) calendar days, from the date on which notice of the hearing is served by the Finance Director. The hearing shall be conducted according to the rules normally applicable to administrative hearings. At the hearing, the hearing officer will preside over the hearing, take evidence and then submit proposed findings and recommendations to the City Manager. The City Manager shall suspend or revoke the short term lodging permit only upon a finding that a violation has been proven by a preponderance of the evidence, and that the suspension or revocation is consistent with the provisions of this section. The City Manager shall render a decision within thirty (30) calendar days of the hearing and the decision shall be final.

C. If a short term lodging permit is suspended, it shall be the owner's responsibility to vacate any future bookings and remove all advertisements related to the short term rental of the unit during the term of the suspension. If a short term lodging permit is revoked, it shall be the owner's responsibility to vacate any future bookings and remove all advertisements related to the short term rental of the unit.

D. After any suspension, the owner may reapply for reinstatement of the short term lodging permit which shall be processed in accordance with Section [5.95.030](#), provided the owner has paid the City all amounts owed the City in accordance with this chapter and Chapters [3.16](#) and [3.28](#). (Ord. 2020-15 § 2 (part), 2020: Ord. 2011-13 § 2 (part), 2011: Ord. 92-13 § 3 (part), 1992)

5.95.070 Permits and Fees Not Exclusive.



Permits and fees required by this chapter shall be in addition to any license, permit or fee required under any other chapter of this Code. The issuance of any permit pursuant to this chapter shall not

relieve the owner of the obligation to comply with all other provisions of this Code including, but not limited to, those provisions pertaining to the use and occupancy of the lodging unit or the property on which it is located as well as the collection and remittance of transient occupancy taxes and visitor service fees in accordance with this chapter and Chapters [3.16](#) and [3.28](#). (Ord. 2020-15 § 2 (part), 2020: Ord. 92-13 § 3 (part), 1992)

5.95.080 License and Permit Closure. SHARE

A. Any owner that has ceased operating a short term lodging unit shall inform the Finance Director in writing of the date of the last rental, and having done such, the short term lodging permit shall be closed. The City will send a final transient occupancy tax and visitor service fee bill, which will be due and payable thirty (30) days from the date of the invoice.

B. The Finance Director shall close any permit that has no short term lodging activity for a period of two consecutive years as evidenced by remitting zero dollars (\$0.00) on the required transient occupancy tax and visitor service fee forms or has failed to return the transient occupancy and visitor service forms. After any permit closure pursuant to this subsection, the owner may reapply for reinstatement of the short term lodging permit which shall be processed in accordance with Section [5.95.030](#). (Ord. 2020-15 § 2 (part), 2020)