

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
(562) 590-5071 FAX (562) 590-5084
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F17

Prepared May 02, 2022 (for the May 13, 2022 Hearing)

To: Commissioners and Interested Parties
From: Steve Hudson, South Coast District Deputy Director
Subject: **South Coast District Deputy Director's Report for Los Angeles County for May 2022**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, Executive Director Concurrence, and emergency CDPs for the South Coast District Office are being reported to the Commission on May 13, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on May 13th.

With respect to the May 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on May 13, 2022 (see attached)

Waivers

- 5-21-0312-W, New dock system (Long Beach)
- 5-21-0473-W, Marine Maintenance Yard Dock Replacement project (Long Beach)
- 5-21-0885-W, convert existing storage (Hermosa Beach)
- 5-21-0899-W, demolish home (Hermosa Beach)
- 5-21-0909-W, demolish home (Hermosa Beach)
- 5-22-0136-W, Penthouse Level (Santa Monica)
- 5-22-0148-W, Demolish an existing Single-family residence (Santa Monica)
- 5-22-0236-W, New utility pole (Santa Monica)

Immaterial Amendments

- 5-07-094-A5, Bluff Park Vehicle Parking lot (Long Beach)
- 5-19-0953-A1, LA County Beaches & Harbors (El Segundo)

Immaterial Extensions

- 5-19-0983-E1, Mixed-use building (Santa Monica)
- 5-19-0984-E1, Mixed-use building (Santa Monica)
- 5-19-1064-E1, GRT Portfolio Properties Santa Monica, LLC: GRT Santa Monica Two LLC (Santa Monica)
- A-62-81-A1-E1, Snapshot Partners, LLC (Venice)

Executive Director Concurrence

- LCP-5-LOB-20-0058-3

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April 29, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-21-0312-W**Applicant:** Karen Brennan**Location:** 6048 Lido Lane, Long Beach, Los Angeles County (APN: 7243-031-040)

Proposed Development: Removal and like-for-like replacement of a portion (126 sq. ft.) of existing floating dock. No change in existing overwater coverage and no new piles or fill are proposed. The project includes Best Management Practices to protect water quality, and applicant's continued enrollment in the City's Public Trust Tidelands Fee Program.

Rationale: The proposed dock system is associated with the single-family residence at 6048 Lido Lane and is intended for recreational use only. A portion (126 sq. ft.) of existing floating dock will be replaced like-for-like and the existing overwater coverage will not change. The proposed work does not obstruct the approximately 20-foot-wide public right-of-way that runs between the applicant's property and Alamitos Bay. The applicant will be subject to the terms of the City's dock float and pier lease program (public trust tidelands fee program) which will require the applicant to pay an annual public access mitigation fee for the life of the dock development. The applicant is not proposing any landscaping or improvements in the public right-of-way. The subject development does not propose additional fill or piles. The project application also includes best management practices during and after construction in order to avoid any significant adverse effects to marine resources. The applicant has submitted an eelgrass survey which concluded no impact to eelgrass would result from the proposed dock replacement. Therefore, the project will not have any significant adverse effects on marine resources or public access. The proposed project is consistent with the City's certified Local Coastal Program, which serves as guidance, and is consistent with previous Commission action in the area and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **May 11-13, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Executive Director

Vince Lee
Coastal Program Analyst

cc: File

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April 25, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-21-0473-W

Applicant: City of Long Beach (Elvira Hallinan)

Location: 6204 2nd Street, Long Beach, Los Angeles County (adjacent APN: 7242-014-900)

Proposed Development: Remove two 14.5'x59' concrete docks (1,711 sf total), two guide piles, and one staircase; install one 14.5'x59' (855.5 sf) concrete dock with a utility rack, concrete abutment, gangway hinge, and waterline; replace existing steel gangway with a 4'x45' aluminum gangway.

Rationale: The subject development is located beneath the 2nd Street Bridge just south of Davies Launch Ramp along the shoreline of Alamitos Bay in Long Beach. There are two existing docks used by the Long Beach Marine Bureau for work boat maintenance and operations that are in poor condition. Thus, the City proposes to remove the two existing docks and replace one dock like-for-like. The two docks will be removed by crane. The two piles associated with the one dock that will be permanently removed will also be removed upon construction of the adjacent Davies Launch Ramp project (CDP No. 5-19-0977) when the necessary pile removal equipment will be available. The new dock system will be assembled off site and floated into place using a small work boat. Mooring activities will be performed from the new dock.

The project will result in a net reduction in overwater coverage and restoration of approximately twelve square feet of soft bottom marine habitat. The dock that will be replaced like-for-like is located under the bridge in an area with no eelgrass present. Eelgrass surveys will be conducted pre- and post-construction and a Caulerpa species survey will be conducted prior to construction. These will be shared with the Executive

Coastal Development Permit De Minimis Waiver
5-21-0473-W

Director to ensure environmentally sensitive habitat areas and biological productivity are protected. The City will implement water quality protection measures during construction and throughout the life of the development through a long-term boat management program. These measures include clean-up of any demolition or construction-related debris, use of floating booms and silt curtains, spill prevention, proper stockpile treatment, and boat cleaning, waste management, petroleum control, and leakage prevention best management practices. Additionally, the City will comply with all requirements of other resource agencies. Construction staging will be constrained to the dock and landing and will not significantly impact public access to the water or other local public amenities. Further, the City acknowledges that the approval of this development does not waive any public rights that currently exist on the property.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its May 13, 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Dani Ziff
Coastal Program Analyst

cc: Commissioners/File

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April 4, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-21-0885-W **Applicant:** Bagnard Company, LLC

Location: 338 28th St, Hermosa Beach, Los Angeles County (APN: 4181023034)

Proposed Development: Convert an existing storage area above a detached garage associated with an existing duplex into a 590 sq. ft. accessory dwelling unit (ADU).

Rationale: The project site is a rectangular-shaped, R-2 zoned lot located approximately 1,000 ft. inland of the beach and landward of the first public road parallel to the sea in a highly urbanized residential neighborhood. The proposed ADU conversion would not result in any changes to the duplex, onsite parking, or street parking in front of the project site. The project site does not provide public coastal views and is not located in an area that is subject to sea level rise impacts. Furthermore, the project is consistent with the requirements of the certified Land Use Plan, which is not a standard of review, but provides guidance. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. Furthermore, the project will not prejudice the ability of the City to prepare a Local Coastal Program that is consistent with the Chapter 3 Coastal Act policies.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its May 11-13, 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Amrita Spencer
Coastal Program Analyst

cc: Commissioners/File

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April 27, 2022

**Coastal Development Permit De Minimis Waiver
Coastal Act Section 30624.7**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-21-0899-W **Applicant:** Robert Luna and Kristen Richards, Luna Family Trust

Location: 301 27th St., Hermosa Beach, Los Angeles County (APN:4181-023-021)

Proposed Development: Demolition of an existing 1-story, 20 foot high, 930 square foot single-family residence with detached garage and construction of a new 3-story, 30 foot high, 3,716 square foot single-family residence with roof deck and attached 2-car garage and one guest parking space on a 2,401 square foot lot.

Rationale: The project site is located approximately 500 feet from the inland extent of the beach and is not located between the first public road and the sea. The project site is in a developed residential neighborhood and is designated as R2 (two-family residential) by the certified Hermosa Beach Land Use Plan (LUP). Consistent with the LUP's parking requirements for residential development, the 2-car garage and guest parking space will be accessed from the existing alley, 28th Court, which will not result in the removal of any on-street public parking spaces. The proposed grading includes 764 cubic yards of cut and 418 cubic yards of fill for a total export of 346 cubic yards. Construction best management practices include the installation of fiber rolls and drain inlet protection, and street sweeping and vacuuming for temporary sediment control. The public right-of-way will not be used as storage area and area surrounding the site will be cleared of debris. The internal downspouts connect to an on-site storm drain system or catch basin. Various area, atrium, and trench drains will be installed along with an Eco-Rain tank and sump pump to assist with stormwater management, consistent with the water quality policies of the Coastal Act. The proposed 30-ft. tall residence is inconsistent with the certified LUP, which restricts the height of single-family residences in the R-2 zone to 25 ft. (multi-family residences are allowed a maximum height of 30 ft.). The City has interpreted the 30-ft. height limit to apply to all structures in the R-2 zone. However, the proposed 30-ft. tall residence will not impact public coastal views in the area. Furthermore, 318 sq. ft. of open space is proposed, which is inconsistent with the certified LUP, which requires a minimum of 400 sq. ft. of qualified open space for single-family residences in the R-2 zone (only 300 sq. ft. of open space is required for multi-family residences). Again, the City has interpreted the 300 sq. ft. open space requirements to apply to all structures in the R-2 zone. However, in this case, there is no coastal resource basis to require an additional 82 sq. ft. of open space. The proposed project design is compatible with the character of the surrounding area and does not have any adverse impacts on visual or coastal resources, public access, or public recreation opportunities. The proposed development is consistent with past Commission actions in the area and the Chapter 3 policies of the Coastal Act. In addition, the proposed project will not prejudice the ability for the City of Hermosa Beach to prepare a Local Coastal Program that is consistent with the Coastal Act.

This waiver will not become effective until reported to the Commission at its **May 11-13, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Executive Director

Jennifer Doyle
Coastal Program Analyst

cc: File

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April 27, 2022

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Coastal Act Section 30624.7**

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Waiver: 5-21-0909-W**Applicant:** Bentley Stansbury**Location:** 234 29th St., Hermosa Beach, Los Angeles County (APN:4181-022-051)

Proposed Development: Demolition of an existing 2-story, approx. 24 foot high, 1,977 square foot single-family residence with attached garage and construction of a new 3-story, approx. 30 foot high, 3,465 square foot single-family residence with roof deck and attached 433 sq. ft. 2-car garage and one guest parking space on a 2,403 square foot lot.

Rationale: The project site is located approximately 700 feet from the inland extent of the beach and is not located between the first public road and the sea. The project site is in a developed residential neighborhood and is designated as R2 (two-family residential) by the certified Hermosa Beach Land Use Plan (LUP). Consistent with the LUP's parking requirements for residential development, the 2-car garage and guest parking space will be accessed from the existing alley, 29th Court, which will not result in the removal of any on-street public parking spaces. The proposed grading includes 365 cubic yards of cut and export. Construction best management practices include storm drain inlet protection and sandbag barriers for erosion and sediment control. During expected precipitation, grading and construction activities will be avoided. Storm water drainage from downspouts as well as area and trench drains flow to catch basins with filter inserts, an Eco-Rain tank and two sump pumps to assist with stormwater management, consistent with the water quality policies of the Coastal Act. The proposed 30-ft. tall residence is inconsistent with the certified LUP, which restricts the height of single-family residences in the R-2 zone to 25 ft. (multi-family residences are allowed a maximum height of 30 ft.). The City has interpreted the 30-ft. height limit to apply to all structures in the R-2 zone. However, the proposed 30-ft. tall residence will not impact public coastal views in the area. Furthermore, 309 sq. ft. of open space is proposed, which is inconsistent with the certified LUP, which requires a minimum of 400 sq. ft. of qualified open space for single-family residences in the R-2 zone (only 300 sq. ft. of open space is required for multi-family residences). Again, the City has interpreted the 300 sq. ft. open space requirements to apply to all structures in the R-2 zone. However, in this case, there is no coastal resource basis to require an additional 91 sq. ft. of open space. Lastly, a front yard setback of approx. 14 ft. for the first floor and 5 ft. for the upper levels are proposed, which is inconsistent with the certified LUP, which requires the proposed development to be set back 10% of the lot depth (approx. 80 ft.) with a minimum of 5 ft. and a maximum of 10 ft. Due to the City's differing interpretation of the LUP, the City requires the minimum of 5 feet. However, in

this case, there is no coastal resource basis to reduce the first-floor setback to 10 ft. or require an additional 3 ft. for the front yard setback on the upper levels. The proposed project design is compatible with the character of the surrounding area and does not have any adverse impacts on visual or coastal resources, public access, or public recreation opportunities. The proposed development is consistent with past Commission actions in the area and the Chapter 3 policies of the Coastal Act. In addition, the proposed project will not prejudice the ability for the City of Hermosa Beach to prepare a Local Coastal Program that is consistent with the Coastal Act.

This waiver will not become effective until reported to the Commission at its **May 11-13, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Executive Director

Jennifer Doyle
Coastal Program Analyst

cc: File

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April 19, 2022

Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-22-0136-W**Applicant:** Jonathan Club**Location:** 850 Palisades Beach Rd, Santa Monica, Los Angeles County (APN: 4292030006)

Proposed Development: Interior reconfiguration on the third floor (a 3,860 sq. ft. area) to include new restrooms on the penthouse level in support of events room and storage area remodel. Replace exterior windows in-kind; replace existing exterior guardrail with new etched glass guard. The project does not propose any changes to the floor area or the structural footprint.

Rationale: The project site consists of, a privately-owned, member-based beach club located adjacent to Santa Monica State Beach and seaward of the first public road. Public access to the beach can be found at City Lots 7 and 8, which are adjacent to the project site, as well as through the Ocean Front Walk multi-use trail located seaward of the project site. The proposed project consists of minor improvements that would not change the height, square footage, or overall massing of the existing development. In addition, the project would not encroach into any public coastal access routes. The proposed interior reconfiguration would not increase the parking demand for the Jonathan Club. The proposed glass guard would include etched glass, which will minimize the potential for bird strikes. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. Furthermore, the project will not prejudice the ability of the City to prepare a Local Coastal Program that is consistent with the Chapter 3 Coastal Act policies.

This waiver will not become effective until reported to the Commission at its May 11-13, 2022 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Amrita Spencer
Coastal Program Analyst

cc: Commissioners/File

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April 29, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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Waiver: 5-22-0148-W**Applicant:** Roderick Spencer & Alfre Woodard**Location:** 602 Bay Street, Santa Monica, Los Angeles County (APNs: 4289-004-011 & 012)**Proposed Development:** Demolish an existing single-family residence and construct a new 23 ft.-high, 5,696 sq. ft. single-family residence with basement, roof deck, swimming pool, and property wall. Two tandem parking spaces are proposed.

Rationale: The project site consists of two lots (5,700 sq. ft. in aggregate) located 0.5 mile inland of the ocean, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The project site is zoned OP2 – Ocean Park Low Density Residential by the City and the proposed project conforms to the permitted use and development standards for the OP2 zone. The proposed development was approved in concept by the City’s Planning Division on February 10, 2022 and conforms to the 30 ft. height limit specified in the City’s LUP. Even though the project proposes a single unit on two lots, there will be no loss in residential units as the existing single-family residence is developed on the two lots. The proposed development does not permanently tie the lots together or eliminate the potential to develop units on both lots in the future. The proposed development will provide two (2) parking spaces for the residential unit. The proposed development is compatible with the character of the surrounding area and does not have any adverse impacts on visual or coastal resources, public access, or public recreation opportunities. The project is consistent with the City’s certified LUP, past Commission actions for the area and Chapter Three policies of the Coastal Act, and will not prejudice the City’s ability to prepare a certified Local Coastal Program.

This waiver will not become effective until reported to the Commission at its **May 11-13, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

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April 29, 2022

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Waiver: 5-22-0236-W **Applicant:** New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)

Location: Public right-of-way near 1711 Ocean Front Walk, Santa Monica, Los Angeles County (Lat/Long: 34.008753, -118.4935187)

Proposed Development: Remove an existing 29 ft. 4 in. high wood utility pole and replace with a new 30 ft. 6 in. wood utility pole. Install antenna and radio equipment on top of the new utility pole for a total pole height of 36 ft. 3 in.

Rationale: The subject site is located in the public right-of-way between the first public road and the sea. Public access and recreation opportunities exist surrounding the project site. The proposed development would not interfere with existing public access and would not change the intensity of use of the site. The proposed project design is compatible with the character of surrounding development and the pole height increase does not have any negative effects on visual or coastal resources. The proposed development will not adversely affect public recreation or coastal access, will not prejudice the City's ability to prepare a Certified Local Coastal Program, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **May 11-13, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

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Vince Lee
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April 27, 2022

**NOTICE OF PROPOSED IMMATERIAL PERMIT
AMENDMENT**Coastal Development Permit Amendment No. **5-07-094-A5**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit Number **5-07-094** issued to the **City of Long Beach Water Department** for: Installation and removal of a temporary demonstration seawater intake and discharge system on the public beach seaward of the public beach parking lot, comprised of one 40-ft. by 86-ft. subsurface intake gallery, one 50-ft. by 113-ft. subsurface discharge gallery, one 30-ft. deep well, and connecting pipes and powerlines. Approximately 6,000 cubic yards of fill.

Project Site: Bixby Park Public Beach and Parking Lot at terminus of Junipero Avenue, Long Beach, Los Angeles County (APN: 726-4018-902)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change:

Amend Special Condition 5 to extend the deadline for removal of the Under Ocean Intake and Discharge Demonstration Facility from May 27, 2022 to May 26, 2023.

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of Section 13166(b) of the Commission's regulations.¹ Pursuant to Section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

¹ The Commission's regulations are codified in Title 14 of the California Code of Regulations.

AMENDMENT TO COASTAL DEVELOPMENT PERMIT

Coastal Development Permit Amendment No. 5-07-094-A5

Pursuant to Section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to Section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reasons:

The subject development is a temporary seawater intake and discharge system constructed for study of a potential new method of seawater desalination. The project facilitates passive filtration and does not include any actual desalination activity. The Commission has approved four amendments to the underlying coastal development permit deferring the original date of project removal (May 21, 2010) to allow an additional 12 years of study. The City of Long Beach Water Department applied with local resource agencies in early 2020 for approval to remove the subject development—however, the COVID-19 pandemic delayed the local approval process and the applicant was unable to obtain the required approval until February 2022. The applicant now wishes to remove the development immediately after Labor Day of 2022 (September 6) to avoid peak beach use times and requires an extension of the current expiration date, May 27, 2022.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above. If you have any questions about this notice, please contact Chloe Seifert at chloe.seifert@coastal.ca.gov.

Chloe Seifert
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
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LONG BEACH, CALIFORNIA 90802-4830
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April 25, 2021

**NOTICE OF PROPOSED IMMATERIAL PERMIT
AMENDMENT**Coastal Development Permit Amendment No. **5-19-0953-A1**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **5-19-0953** granted to **Bridge Street and Los Angeles County Department of Beaches & Harbors** for:

Three-year authorization for a temporary live music and community events associated with the Los Angeles Jazz Festival held on Dockweiler Beach with a free one-day youth camp for 2,000 people ages 12-19 from low income census tracts and community service programs that uses music and coastal education to recognize and overcome environmental injustices (8/20/22, 8/19/23, 8/17/24); two (2) days of live music (Saturday and Sunday 8/27-28/22, 8/26-27/23, 8/24-25/24); three (3) days of set-up/take-down activities; a celebrity-led volunteer beach clean-up (8/30/22, 8/29/23, 8/27/24); two (2) days of free coastal cultural tours along LA County beaches (8/23-24/22, 8/22-23/23, 8/20-21/24); and a two-day Jazz conference in Marina del Rey (8/25-26/22, 8/24-25/23, 8/22-23/24). The project includes temporary use of approximately 320,000 sq. ft. of sandy beach for construction of a temporary concert venue, approximately 130,427 sq. ft. of sandy beach for the one-day youth camp, and all or a portion of the public parking spaces within the Bluff Parking Lot (depending on the activities occurring at the site).

Project Site: Dockweiler State Beach, City of Los Angeles, Los Angeles County (APN: 4138016012)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Revise Special Conditions 1 (Duration and Scope of Permit) and 3 (Temporary Shoreline Access Program) of 5-19-0953 to reflect a one-year delay in the event dates due to the COVID-19 pandemic. The Commission's reference number for this proposed amendment is **5-19-0953-A1**. See **Exhibit A** for the proposed changes to these conditions.

Notice of Proposed IMMATERIAL Permit Amendment

5-19-0953-A1

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.¹ Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the Executive Director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the Executive Director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the Executive Director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the Executive Director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The proposed amendment would revise Special Conditions 1 (Duration and Scope of Permit) and 3 (Temporary Shoreline Access Program) of 5-19-0953 to reflect a one-year delay in the event dates due to the COVID-19 pandemic. The 2022 event has been cancelled; the 2023 and 2024 events remain the same; and a 2025 event is added. The proposed amendment is minor in nature and serves to shift the three-year authorization back one year without lessening the force or effect of the special conditions. Therefore, the proposed amendment will not result in any new adverse effects to coastal resources and is consistent with Chapter Three policies of the Coastal Act.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Dani Ziff at dani.ziff@coastal.ca.gov, or alternatively at (562) 590-5071.

¹ The Commission's regulations are codified in Title 14, Division 5.5 of the California Code of Regulations.

Notice of Proposed IMMATERIAL Permit Amendment

5-19-0953-A1

EXHIBIT A – Standard and Special Conditions pursuant to CDP No. 5-19-0953 through CDP Amendment No. 5-19-0953-A1

NOTE: Exhibit A includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by CDP Amendment No. 5-19-0953-A1. Added language is shown in **bold underline** and deleted language is shown in **~~bold strikethrough~~**. This will result in one set of adopted special conditions.

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit **amendment** will expire two years from the date on which the Commission voted on the **amendment** application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS

1. Duration and Scope of Permit.

A. Coastal Development Permit No. 5-19-0953, **as amended**, shall only authorize:

1. A one-day Summer Youth Jazz Camp to be held ~~August 20, 2022~~, August 19, 2023, ~~and~~ August 17, 2024, **and August 16, 2025**;
2. A two-day “On the Beach” concert to be held Saturday and Sunday ~~August 27-28, 2022~~, August 26-27, 2023, ~~and~~ August 24-25, 2024, **and August 23-24, 2025**;

Notice of Proposed IMMATERIAL Permit Amendment

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3. A one-day volunteer beach clean-up to be held after “On the Beach” event clean-up and take-down ~~August 30, 2022~~, August 29, 2023, ~~and~~ August 27, 2024, and August 26, 2025;
 4. Set-up and timely removal of those facilities necessary to stage the events, as set forth in the Site Plan submitted to the South Coast District office on June 29, 2021. For the youth camp, set-up activities shall begin no earlier than the night before the camp and the de-construction shall conclude the night of the day-camp. For the “On the Beach” event, set-up activities shall begin no earlier than three nights prior to the concert event and de-construction activities shall conclude no later than thirty hours following the conclusion of the concert event.
- B. The permittees shall submit evidence of compliance with the special conditions of this permit (except for conditions that apply exclusively to the “On the Beach” event) to the Executive Director at least two days prior to the set-up of the “On the Beach” concert events. The permittees shall be responsible to provide all other related free programming (i.e. Summer Youth Jazz Camp, Coastal History Tours, distribution of 7,500 free tickets, allocation of Junior Lifeguard scholarships, Jazz After Dark events, Jazz in the Parks Water Conservation events, Jazz Conference, and Street Festival) at the approximate levels laid out in the Free Tickets document submitted to the South Coast District Office June 29, 2021; or if the programming is not implemented as described herein, including if attendance in free events does not meet expectations, the permittees shall submit revised plans at least three months before the next event that protect coastal resources and provide 75% free seating for paid events located on the beach or equivalent public benefit for review and approval by the Executive Director. The Executive Director shall determine if there are substantial changes to the project and if a coastal development permit amendment is required.
- C. The permittees shall undertake development in accordance with the approved plans. Any request for a change to the installation, operation, or removal schedule of the facilities shall be reported to the Executive Director. The Executive Director shall determine if there are substantial changes to the project and if a coastal development permit amendment is required.
- D. Within 30 days of the culmination of each authorized LA Jazz Festival (~~2022~~, 2023, ~~and~~ 2024, and 2025), the permittees shall provide a report that demonstrates compliance with all conditions of the subject coastal development permit (CDP No. 5-19-0953). If there is evidence that conditions of this permit were not complied with during the ~~2022~~ and/or ~~2023~~ beach events, the permittees shall submit revised plans at least three months before the next event that protect coastal resources and provide 75% free seating for paid events located on the beach or equivalent public benefit for review and approval by the Executive Director. The Executive Director shall determine if there are substantial changes to the project and if a coastal development permit amendment is required.

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2. Required Approvals. By acceptance of this permit, the permittees agree that they shall obtain all other necessary local, state, and federal permits that may be necessary for all aspects of the temporary development, including approvals from the City of Los Angeles, Los Angeles Regional Water Quality Control Board, Los Angeles County (Beaches & Harbors and/or Sanitation District), City of El Segundo, State Lands Commission, State Parks, and any federal and state agency with jurisdiction over sensitive resources at this location unless confirmation is received from those agencies that such approvals are not required.

3. Temporary Shoreline Access Program.

- A. Admission Fees. The permittees shall submit to the Executive Director proof that at least 7,500 of the “On the Beach” annual live music event tickets have been distributed to the general public free of charge. All other related events—the LA Jazz Fest Summer Youth Jazz Camp, the Coastal Cultural History Tours, the State of Jazz conference, the Jazz in the Parks events, the Jazz after Dark events, the Caribbean Street Festival, and beach clean-up—shall be offered free of charge. The 50 Junior Lifeguard Scholarships shall be given out each year of the events to underserved youth.
- B. Adjacent Access. Public access to and along the beach shall be maintained during the entire duration of the events, including set-up and take-down activities. Although a temporary fence will be installed around approximately eleven acres of public beach and state tidelands, the public shall be able to gather and sit around the exterior of the camp area and the northern and southern “On the Beach” event fence lines without charge or harassment, attend the community events for free, and at least 7,500 members of the public shall have the opportunity to attend the concert events for free each year (3,250 each concert day). The areas to the east and west of the temporary “On the Beach” event fence lines are limited to public pass and repass during the concert events. A small area immediately adjacent to the northern fence line may also be reserved for pass and repass during the concert events if there are public safety concerns. The fencing surrounding the temporary stadium and summer camp area shall be located at least 50 feet inland of the mean high tide line. Lateral access along the shoreline shall not be impeded by the events.
- C. Public Access Signs. The permittees shall install temporary signs that facilitate, manage, and provide public access to and around the approved event sites and identify any public features that will be provided during set-up, take-down, and event activities. The signs shall be conspicuously sited to maximize visibility from the parking lots, regional bike path, open beach areas, and water and be designed to provide clear information to beach goers and bike path and pedestrian path users without significantly impacting public views and visual resources. All signs shall include translation into languages used commonly in Los Angeles, including but not limited to English and Spanish.
- D. Bike Path. The temporary event facilities (stage, tents, fencing, etc.) shall be sited so as not to interfere with the public’s use of the regional bicycle and

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pedestrian route that runs through the site and along the beaches of Santa Monica Bay. If temporary closure of the bicycle and pedestrian path is necessary for safety during installation or tear-down of equipment between 5am and 10pm, an interruption of traffic on the pedestrian and bicycle route is authorized with a flagperson to stop bicycle and pedestrian traffic for no longer than 5 minutes at a time. If temporary closure of the bicycle and pedestrian path is necessary for safety during installation or tear-down of equipment between 10pm and 5am, an interruption of traffic on the pedestrian and bicycle route is authorized with a flagperson to stop and redirect bicycle and pedestrian traffic for no longer than one hour at a time.

- E. Marketing and Outreach. Outreach and marketing for the events shall be conducted as described in the materials submitted to the South Coast District office on April 21, 2021.
- F. Parking Management. The permittees shall offer offsite parking outside of the coastal zone and an electric tram and shuttle system for the “On the Beach” event as described in the materials submitted to the South Coast District office on May 24, 2021. Use of public beach parking lots and parking spaces shall be the minimum necessary for public safety and operation of the electric tram. This permit authorizes temporary use of only the following public beach parking areas (no other exclusive use of parking resources in the coastal zone is authorized):
1. The RV parking lot ~~August 26-28, 2022~~, August 25-27, 2023, ~~and~~ August 23-25, 2024, and August 22-24, 2025;
 2. The El Segundo/Grand Avenue parking lot the evening of ~~August 21-29, 2022~~, August 20-28, 2023, ~~and~~ August 18-26, 2024, and August 17-25, 2025; and
 3. One-third of the parking spaces in the Dockweiler/Bluff parking lot ~~August 20, 2022~~, August 19, 2023, ~~and~~ August 17, 2024, and August 16, 2025.
- G. Traffic Management. The permittees shall develop and implement a Traffic Management Plan, as described in the materials submitted to the South Coast District office on April 21, 2021, in cooperation with the cities of Los Angeles and El Segundo.
- H. The permittees shall undertake development in accordance with the approved plans. Any request for a change to the installation, operation, or removal schedule of the facilities shall be reported to the Executive Director. The Executive Director shall determine if there are substantial changes to the project and if a coastal development permit amendment is required.
4. **Biological Resource Protection Program**. The permittees shall carry out development in accordance with the recommendations of the Biological Survey Report submitted to the South Coast District office on June 28, 2021. In addition, the following protection measures shall be implemented:

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- A. Sound and Lighting Design. All speakers, including amplified speakers shall be directionalized to focus sound within the stadium and youth camp area. All nighttime lighting shall be shielded and focused downward and inward toward the event areas. Up-lighting and “event” searchlights or spotlights are prohibited. Soft up-lighting for decorative stage and compound elements shall be allowed. Structures, including concession and merchandise tents, shall be designed to minimize light spillage and maximize light shielding to the maximum extent feasible.
- B. Protection of Dune Habitat. A minimum 10-foot buffer shall be maintained between any project materials and environmentally sensitive habitat areas (ESHA), including dune habitat, during event-related activities. The buffer shall be demarcated with wildlife-permeable fencing that is raised at least 10 inches above the sand. Where 10-foot buffers are infeasible due to existing public amenities, including parking lots, sidewalks, and the bike path, the maximum feasible buffer shall be provided, marked by wildlife-permeable fencing that is raised at least 10 inches above grade. The temporary fencing shall be punctuated with educational signs in English and Spanish informing the public of the sensitive habitat area.

Any temporary fencing shall be installed in a manner that minimizes ground disturbance and landform alteration.

- C. Protection of Special Status Species. The permittees shall coordinate with the Los Angeles Audubon chapter to acquire data on Western snowy plover observations at Dockweiler State Beach no more than two weeks before event activities. The permittees shall retain the services of a qualified biologist with the appropriate recovery permit(s) to conduct biological surveys and submit the name and qualifications of that individual, for the review and approval of the Executive Director, at least two weeks before the events. 72 hours prior to any event activities, the approved biologist shall survey the project site and the area within a 300-foot radius of the project site on foot. The surveys shall be submitted to the Executive Director within two days of completion.

The permittees shall implement the proposed festival contingency plan submitted to the South Coast District office on June 29, 2021, the recommended Western snowy plover protection measures included in the Biological Survey Report submitted to the South Coast District office on June 28, 2021, and the Western snowy plover protection measures included in the U.S. Fish & Wildlife Service letter dated January 19, 2016 and submitted to the South Coast District office on July 14, 2021. If any roosting plovers or plover nests are observed in the project vicinity, then a 500-foot buffer from the roosting or nesting site shall be installed using wildlife-permeable fencing with appropriate educational and warning signs.

- D. Protection of Beach Wrack. Event activities, including set-up and take-down, shall be implemented in a manner that avoids the removal or disturbance of beach wrack to the maximum extent feasible.

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- E. The permittees shall undertake development in accordance with the approved plans. Any request for a change to the installation, operation, or removal schedule of the facilities shall be reported to the Executive Director. The Executive Director shall determine if there are substantial changes to the project and if a coastal development permit amendment is required.
- 5. Water Quality.** The permittees shall implement the Pollution Prevention/Protection Plan submitted to the South Coast District office on May 24, 2021. Additionally, the following best management practices shall be implemented:
- A. The permittees shall remove and legally dispose of all trash, waste, oil, grease, and other materials that may be deposited within the event area incidental to public use of the beach and adjacent parking facilities.
 - B. The event sites shall be cleared of trash by the end of each day of event activities, including set-up and take-down.
 - C. The permittees shall surround all fuel storage areas with a double layer of sand or gravel bags to contain any fuel that is spilled and keep absorbent spill clean-up materials on hand in the event of a spill.
 - D. The permittees shall install temporary smoke-free signage within and around the exterior of the temporary concert venue.
 - E. The permittees shall submit a Waste Management Report to the Executive Director no later than two weeks after the last event on the beach each year that details the amount of waste (including trash, oil, grease, and other materials that may be deposited within the event area) produced by the event and implemented methods of disposal, and provides photographic documentation of the project site before and after the temporary event.

CALIFORNIA COASTAL COMMISSION

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April 27, 2022

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that NXT2 SHUTTERS PROPCO, LLC has applied for a one-year extension of 5-19-0983 granted by the California Coastal Commission on July 10, 2020 for:

Construction of a 81,630 sq. ft., 5-story mixed-use building with 83 apartment units including 16 affordable units for very-low income households, a corner cafe and a 105,995 sq. ft. 2 level 273 parking space subterranean garage on an existing parking lot.

at: 1828 Ocean Ave, Santa Monica (Los Angeles County) (APN(s): 4290-020-045, 4290-020-041)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth
Executive Director

Jennifer Doyle
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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April 27, 2022

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that NTX2 BEACH PROPCO, LLC has applied for a one-year extension of 5-19-0984 granted by the California Coastal Commission on July 10, 2020 for:

Construction of a 5-story, 47-foot high, 34,750 square foot residential/commercial mixed-use development consisting of 22 market-rate residential units, 3,574 square feet of ground floor commercial space, and a two-level partial subterranean parking garage with 56 parking spaces on a 23,258 square foot vacant beach front lot.

at: 1920 - 1921 Ocean Front Walk, Santa Monica (Los Angeles County) (APN: 4289-025-005)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth
Executive Director

Jennifer Doyle
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
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April 26, 2022

**NOTICE OF EXTENSION REQUEST
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that US 216 Pico Owner, LLC has applied for a one-year extension of 5-19-1064 granted by the California Coastal Commission on July 10, 2020.

for: Demolition of 24,014-sq. ft. bowling alley and 6,251-sq. ft. mixed-use building; and construction of two clusters of approximately 36-ft. high (above natural grade), three-story mixed-use buildings totaling approximately 97,456-sq. ft. with 105 residential rental units (eight of which will be affordable units) and 10,606 sq. ft. of ground floor commercial space. The project includes 229 vehicle parking spaces in a two-level subterranean parking garage and 185 bicycle parking spaces. The project also includes a total of approximately 7,751 sq. ft. of patio/balcony areas, and additional landscaping and hardscape improvements.

at: 216-248 Pico Boulevard, Santa Monica, Los Angeles County (APNs: 4289-019-023; 4289-019-022; 4289-019-021; 4289-019-019; 4289-019-018; 4289-019-017)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth
Executive Director

Marlene Alvarado
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E Ocean Blvd, Suite 300
Long Beach, CA 90802-4302
(562) 590-5071

**DISTRICT DIRECTOR'S REPORT**

DATE: April 19, 2022
TO: Commissioners and Interested Parties
FROM: South Coast District Staff
SUBJECT: Time Extension for Coastal Development Permit Amendment No. A-62-81-A1

The applicant requests a one-year Time Extension to previously approved Coastal Development Permit Amendment No. A-62-81-A1. This Permit is for:

Construction of a 5,355 square foot rooftop deck with a 42-inch-high guardrail and associated roof access structures (no increase in existing height), improvements to interior elevator and staircases, and modifications to underground parking including addition of nine parking spaces and changes to public parking rates and availability, in part to resolve Coastal Act violations at 909-913 Ocean Front Walk, Venice, Los Angeles, Los Angeles County.

The Executive Director determined on March 23, 2022, that there were no changed circumstances affecting the proposed development's consistency with the Coastal Act. This Determination was reported to the Commission at the April 6, 2022 Commission meeting. Notice of this determination was posted at the project site and emailed to all known interested parties. Pursuant to the Commission's Regulations, 14 Cal. Admin. Code Section 13169(c):

If the executive director received a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission in accordance with subsection (b) above. The executive director shall provide a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there may be changed circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

A letter of objection to the time extension was received within 10 working days of the mailed notice (**Exhibit 1**). The letter, dated April 6, 2022, is from Margaret Molloy and states that she objects to the extension of the subject permit because she believes the applicant is not acting

in good faith, the uses and parking advertised online is not consistent with the Commission's approvals, and the rooftop deck sets an adverse precedent for Ocean Front Walk.

Section 13169(c) of Title 14 of the California Code of Regulations states, in part, that, in order to deny an extension request, objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act. In the case of Coastal Development Permit Amendment No. A-62-81-A1, the standard of review is consistency with the Chapter 3 policies of the Coastal Act. The objection suggests that the applicant is not in compliance with CDP No. A-62-81, as amended, especially regarding the public access (parking) and visitor-serving (commercial) use requirements. CDP No. A-62-81, as amended, requires 105 parking spaces with a maximum of 41 spaces reserved for optional residential lease. The remaining parking—at least, but potentially more than 64 spaces—are for public and/or tenant use, as long as there are a minimum of 14 spaces reserved for the public between June and October. Regarding the allowable use onsite, CDP No. A-62-81 includes a deed restriction condition for the ground floor that clearly prohibits restaurants, but allows commercial uses, including but not limited to retail, grocery stores, and take-out food. The allowed uses on the upper floors are also commercial.

There is an online sublease advertisement attached to the objection letter (and this report) that lists office space and 75 parking spaces as available for lease. Office is a commercial use allowed under the subject permit, as amended. Additionally, the listed parking availability is not inconsistent with the special conditions because the non-leased balance of parking spaces, which could hypothetically be up to 105 spaces (except between June and October when it would be up to 91 spaces), is for use by tenants and the public. In any case, the amendment application did not affect the allowable uses onsite and the applicant is required to comply with the permit conditions, as amended, related to parking. Regarding Ms. Molloy's objection to the rooftop deck based on its potential impacts to the character of Ocean Front Walk, the impacts of the deck were fully evaluated by the Commission in its approval of CDP Amendment No. A-62-81-A1. In addition, the permit prohibits the roof deck from being used, leased, subleased, or rented by non-tenants for any events, restaurant or bar uses. Thus, the objections do not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act.

Therefore, for the reasons stated above, the Executive Director has determined that there are no changed circumstances on site that affect the development's conformity with the Chapter 3 policies of the Coastal Act. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with copies of the objection letters. If three Commissioners object to the extension on the grounds that there may be circumstances that affect the development's consistency with the Coastal Act, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request would extend the expiration date of CDP Amendment No. A-62-81-A1 until May 14, 2023, one year from the previous date of expiration.

CALIFORNIA COASTAL COMMISSION

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F17

Prepared April 20, 2022 (for May 13, 2022 Hearing)

To: Coastal Commissioners and Interested Persons

From: John Ainsworth, Executive Director
Zach Rehm, South Coast District Supervisor
Dani Ziff, Staff Analyst

Subject: Certification Review for City of Long Beach LCP Amendment Number LCP-5-LOB-20-0058-3 (Short-Term Rentals)

On December 15, 2021, the California Coastal Commission considered a proposed Long Beach LCP amendment (LCP-5-LOB-20-0058-3) to add regulations for short-term rentals to the City's certified Implementation Plan. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The Long Beach City Council considered the Commission's conditional certification on March 8, 2022 and approved a modified version of the LCP amendment on March 15, 2022 in response to the Commission's conditional certification, including the suggested modifications (see attachment).

The Executive Director has reviewed the City's March 15, 2022 action and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's May meeting on May 13, 2022 as part of the South Coast District Director's Report for Los Angeles County. The Commission meeting starts at 9am on May 13th, and the District Director's Report for Los Angeles County is item number 17 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon

LCP-5-LOB-20-0058-3 Certification Review

reporting this item to the Commission in the South Coast District Director's Report for Los Angeles County, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the South Coast District office at (562) 590-5071 and/or SouthCoast@coastal.ca.gov.

Attachment: Long Beach City Council's March 16, 2022 Action

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

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RESOLUTION NO. RES-22-0043

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO
THE LONG BEACH MUNICIPAL CODE AND THE CITY'S
CERTIFIED LOCAL COASTAL PROGRAM TO THE
CALIFORNIA COASTAL COMMISSION FOR ITS REVIEW
AND APPROVAL

WHEREAS, on December 15, 2021, the California Coastal Commission
approved with modifications the City of Long Beach's proposed Local Coastal Program
(LCP) Major Amendment No. LCP-5-LOB-20-0058-3; and

WHEREAS, on March 15, 2022, the City Council of the City of Long
Beach adopted said modifications by amending certain provisions of Title 5 of the Long
Beach Municipal Code relating to Short-Term Rentals (STRs), and amended certain
provisions of Title 21 of the City's Zoning Regulations likewise related to STRs; and

WHEREAS, it is the desire of the City Council to resubmit the above
referenced Title 5 and Title 21 amendment ordinances, which contain the modifications
as suggested by the Coastal Commission in its action of December 15, 2021, to the
Coastal Commission for further review and certification; and

WHEREAS, the City Council gave full consideration to all facts and the
proposals respecting the amendments to the Municipal Code and Zoning Regulations at
a properly noticed and advertised public hearing;

WHEREAS, the amendments are to be carried out in a manner fully
consistent with the Coastal Act and become effective in the Coastal Zone immediately
upon Coastal Commission certification and approval; and

WHEREAS, the City Council hereby finds that the proposed amendments

OFFICE OF THE CITY ATTORNEY
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1 will not adversely affect the character, livability or appropriate development in the City of
2 Long Beach and that the amendments are consistent with the goals, objectives and
3 provisions of the City's General Plan, including its certified LCP, and the California
4 Coastal Act.

5 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
6 follows:

7 Section 1. The amendment to Title 5 of the Long Beach Municipal Code
8 adopted on March 15, 2022, by Ordinance No. ORD-22-0011, and the
9 amendment to the Long Beach Zoning Regulations Title 21 of the City of Long Beach
10 adopted on March 15, 2022, by Ordinance No. ORD-22-0012, copies
11 of which are attached to and incorporated in this resolution as Exhibit "A" and "B",
12 respectively, are to be submitted to the California Coastal Commission for its earliest
13 review and certification as to that part of the ordinances that directly affect land use
14 matters in that portion of the California Coastal Zone within the City of Long Beach.

15 Section 2. The Director of Development Services of the City of Long
16 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
17 with appropriate supporting materials, to the California Coastal Commission with a
18 request for its earliest action, as an amendment to the LCP that will take effect
19 automatically upon Coastal Commission approval and certification pursuant to the Public
20 Resources Code; or as an amendment that will require formal City Council adoption after
21 final Coastal Commission approval.

22 Section 3. Pursuant to Public Resources Code Section 21080.9, the
23 California Environmental Quality Act (CEQA) does not apply to activities and approvals
24 by the City as necessary for the preparation and adoption of a Local Coastal Program
25 Amendment (LCPA) and therefore, does not apply to this action.

26 Section 4. This resolution shall take effect immediately upon its adoption
27 by the City Council, and the City Clerk shall certify the vote adopting this resolution.
28

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I certify that this resolution was adopted by the City Council of the City of Long Beach at its meeting of March 8, 2022, by the following vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw,
Mungo, Saro, Uranga, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Richardson.

Recusal(s): Councilmembers: None.


City Clerk


CERTIFIED AS A TRUE AND CORRECT COPY

CITY CLERK OF THE CITY OF LONG BEACH

BY: TA

DATE: 3/22/2022

EXHIBIT A

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

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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

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periodic basis in exchange for occupancy of the dwelling unit.

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

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

5.77.030 Registration required.

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

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

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

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

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

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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.

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

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

M. It is unlawful for any STR host, operator, 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 8.80 ("Noise") of this Code.

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

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

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

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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.

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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, 2022, by the following vote:

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

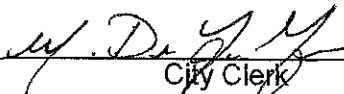
Noes: Councilmembers: None.

Absent: Councilmembers: Mungo, Uranga.

Recusal(s): Councilmembers: None.

Approved:

3/16/22
(Date)


City Clerk


Mayor

EXHIBIT B

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ORDINANCE NO. ORD-22-0012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING SECTION 21.15.2487, AND BY AMENDING SUBSECTION 21.25.903.B, AND SUBSECTION 21.25.904.C, RELATING TO SHORT-TERM RENTALS INCORPORATING MODIFICATIONS BY THE COASTAL COMMISSION

WHEREAS, on June 23, 2020, the Long Beach City Council approved Ordinance No. ORD-20-0024 adding Chapter 5.77 to Title 5 of the Municipal Code, related to the regulation of short-term rentals (STRs); and

WHEREAS, on December 15, 2020, the Long Beach City Council approved Ordinance No. ORD-20-0045 amending Chapter 5.77 to Title 5 of the Municipal Code, to allow un-hosted STRs. The Ordinance was submitted as a Local Coastal Program Amendment (LCPA) to the California Coastal Commission (Coastal Commission) on September 4, 2020 for certification, with a supplemental submittal of ORD-20-0045 on December 30, 2020; and

WHEREAS, On December 15, 2021, the Coastal Commission held a public hearing for the LCPA (LCP-5-LOB-20-0058-3). The Coastal Commission recommended certification of the LCPA with four (4) modifications pertaining to the regulation and number of STRs in the coastal zone. In addition, the suggested modifications require text revisions to Title 21 of the Municipal Code, Zoning Regulations, to add a definition of STRs, and required findings for approval of a Local Coastal Development Permit (LCDP) to restrict STRs in the coastal zone; and

WHEREAS, in accordance with the 1976 California Coastal Act, the City of Long Beach has a certified Local Coastal Program which consists of the Land Use Plan

1 and Implementation Plan. The Implementation Plan includes the zoning code, the zoning
2 map, and subdivision code. Therefore, modifications to the Zoning Ordinance, a part of
3 Implementation Plan, must be certified by the California Coastal Commission; and

4 WHEREAS, in order for the Local Coastal Program Amendment to be
5 certified by the California Coastal Commission, the City Council is taking action to accept
6 the modifications by this ordinance;

7 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
8 follows:

9 Section 1. Section 21.15.2487 of the Long Beach Municipal Code is
10 hereby added to read as follows:

11 21.15.2487 Short-term rental.

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

16
17 Section 2. Section 21.25.903.B of the Long Beach Municipal Code is
18 amended to read as follows:

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

22 1. Development on the first lot located on, adjacent to, across
23 the street from, or abutting the beach, bay, ocean or tidelands, except minor
24 additions to a single-family residence as specified in Subsection 21.25.903.C
25 (categorical exclusion).

26 2. All development projects which require additional discretionary
27 review (such as a conditional use permit, subdivision map or standards
28 variance).

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- 3. Traffic improvements which do not qualify for categorical exclusion.
- 4. Public works projects, excluding traffic improvement projects, with an estimated cost of fifty thousand dollars (\$50,000.00) or more.
- 5. Any extension of an existing facility into tidelands, environmentally sensitive areas, coastal waterways, public parkland, or within fifty (50) feet of a coastal bluff edge.
- 6. Any application for the restriction of short-term rentals pursuant to the provisions and procedures outlined in Chapter 5.77 (Short-Term Rentals) in the certified LCP.

Section 3. Section 21.25.904.C of the Long Beach Municipal Code is amended to read as follows:

- C. Findings Required. Prior to approving a local coastal development permit, the responsible hearing body must find:
 - 1. The proposed development conforms to the certified local coastal program, including but not limited to all requirements for replacement of low- and moderate-income housing; and
 - 2. The proposed development conformsto the public access and recreation policies of Chapter 3 of the Coastal Act. This second finding applies only to development located seaward of the nearest public highwayto the shoreline.
 - 3. For an application for a religious assembly use, if an exception or waiver of LCP requirements is sought under Section 21.52.219.8.G, that the exception or waiver allows the minimum deviation from LCP requirements necessary to comply with RLUIPA, and that the decisionmaker has imposed all conditions necessary to comply with all

1 provisions of the LCP, with the exception of the provision(s) for which
2 implementation would violate RLUIPA.

3 4. The proposed development is sited, designed and
4 managed to minimize the transport of pollutants by runoff into coastal
5 waters and groundwater, and to minimize increases in runoff volume and
6 velocity from the site which may adversely impact coastal resources or
7 coastal bluff stability. Best Management Practices shall be implemented, as
8 applicable, including but not limited to applicable local, regional, state and
9 federal water quality permits, standards and guidance provided in the LCP,
10 best practices and other measures as may be recommended by the City
11 Engineer.

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

20 i. The proposed restriction would not result in the
21 substantial loss of visitor-serving accommodations (i.e. a
22 reduction in available overnight accommodation rooms,
23 including but not limited to short-term rentals, hotels, and/or
24 motels, within ¼ mile of visitor-serving recreational uses, the
25 beach, bay, ocean, or tidelands).

26 ii. The proposed restriction would not result in the loss of
27 lower-cost overnight accommodations. Lower-cost overnight
28 accommodations shall be defined as those charging

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approximately twenty five percent (25%) less than the statewide average daily room rate or less.

iii. The proposed restriction would not result in the net loss of short-term rentals below four hundred twenty-five (425) short-term rental units (both hosted and un-hosted and/or primary or non-primary) historically occurring in the coastal zone.

iv. The proposed restriction would be necessary to protect the neighborhood stability, housing access, and would be consistent with the neighborhood character established in the Local Coastal Program (LCP).

Section 4. 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.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of March 15, 2022, by the following vote:

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

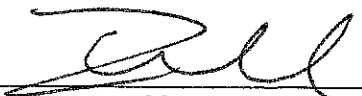
Noes: Councilmembers: None.

Absent: Councilmembers: Mungo, Uranga.

Recusal(s): Councilmembers: None.


City Clerk

Approved: 3/16/22
(Date)


Mayor