



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: February 3, 2022

AGENDA ITEM #4

Project Description

Applicant: County of San Bernardino Land Use Services Department
Community: Desert and Mountain Communities
Locations: Desert and Mountain Regions
Project No.: PMISC-2020-00005
Staff: Irene Romero
Proposal: Development Code Amendment to add and amend various regulations to provide clarification and updates to Chapter 84.28 related to Short-Term Residential Rentals.

Newspaper Publication Date: January 23, 2022

Report Prepared By: Irene Romero

PROJECT DESCRIPTION:

The proposal is an amendment to Title 8 of the San Bernardino County Code (Development Code) to add and amend various regulations in order to provide clarification and updates to Chapter 84.28 related to Short-Term Residential Rentals (STR) (Project). The proposed amendment will clarify the application of STR regulations for alternative shelters, condominium units and timeshares; add and clarify definitions; update STR permit requirements by limiting the number of permits per parcel, as well as placing a limit on the number of STR permits allowed for an individual, trust, limited liability corporation (LLC), or limited liability partnership (LLP), and precludes a business entity from obtaining an STR permit; provide clarification regarding the continuation of legal non-conforming uses; update the application, notice and appeal processes; and update occupancy limits and conditions of operation (Ordinance).

BACKGROUND:

The Land Use Services Department continuously works to identify minor inconsistencies, the need for clarification, and public concerns regarding Development Code regulations, including the current STR regulations, and propose development code amendments in response to these efforts.

ANALYSIS OF PROPOSAL:

Content of the Proposed Ordinance: The proposal is an amendment to add and amend various regulations in order to provide clarification and updates to Chapter 84.28. The proposed changes are described as follows:

- § 84.28.020 Applicability. This section is amended to provide clarification that STR regulations and permitting procedures do not apply to the rental of alternative shelters, as defined.
- § 84.28.030 Definitions. This section is amended to add new definitions for alternative shelter, business entity, occupant, and surrounding property owner. This section also amends the definitions for inspections, STR and STR owner.
- § 84.28.040 Permit Required. This section is amended to provide clarification that a condominium unit is eligible for an STR permit and that condominium units subject to a timeshare restriction are not subject to STR regulations. The proposal also sets a limit of one STR per parcel, authorizes a portion of a dwelling unit to operate an STR when occupied by an owner or agent, and clarifies the eligibility of STR permits for apartments. The proposal also limits the number of STR permits for an individual, trust, LLC or LLP to 2 permits, precludes a business entity, as defined (including individuals), from being eligible for an STR permit, and provides clarification regarding the continuation of legal non-conforming uses for business entities. Lastly, the proposal clarifies that alternative shelters, as defined, are not eligible for STR permits and that the rental of alternative shelters may be authorized pursuant to a special use permit or permitted as a campground.
- § 84.28.050 Application Process. This section is amended to update application, fee, and notification requirements. The proposal also clarifies operational standards during the application process and updates the appeal process by providing both an applicant and non-applicant a period of 30 days to appeal a decision related to the issuance or denial of an STR permit. Lastly, the proposal amends the permit renewal requirement from biannually to annually.
- § 84.28.060 Occupancy Standards. This section is amended to revise STR occupancy limits based on the number of bedrooms and/or floor area. The proposal also sets a maximum occupancy cap not to exceed 12 persons notwithstanding the number of bedrooms or floor area. The proposal also includes a limit of four daytime guests based on the floor area and parking availability. Lastly, the proposal provides updated parking restrictions and requirements by requiring a minimum of one on-site parking space per every two bedrooms and a maximum of vehicle is allowed per two permitted occupants or guests.
- § 84.28.070 Conditions of Operation. This section is amended to include a minimum rental period of two consecutive nights with each booking. The proposal also includes updated requirements related to registration, advertising, unit notice, call response time, nuisance behavior, and trash removal.
- § 84.28.090 Suspension of Permit. This section is amended to refine STR suspensions related to substandard buildings, general violations, use during suspension period and appeal time frame.

- § 84.28.100 Revocation of Permit. This section is amended to update appeal standards for the revocation of a STR permit.
- § 84.28.110 Hosting Platform Requirement. This section is amended to add the requirement that a hosting platform shall display the County STR permit number for any STR listing.

ENVIRONMENTAL DETERMINATION:

The County has determined that the proposed Ordinance is covered by the “common sense” CEQA exemption pursuant to CEQA Guidelines Section 15061(b)(3), which provides that, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. CEQA only applies to activities that have the potential for causing a significant effect on the environment – either through direct impact or reasonably foreseeable indirect impact. The proposed Ordinance does not have that possibility.

Impacts of the proposed Ordinance on the environment will be minor if any. It is not expected to prompt new development or cause a direct or indirect physical impact on the environment. Instead, the expected result of the proposed Ordinance is better regulations governing an existing use of STRs that is currently authorized within the County. The proposed Ordinance decrease environmental effects associated with STRs by adding new and updated restrictions regarding occupancy, guest and parking limits for STRs, as well as a reduction in STR permits from the current trajectory due to new restrictions on the issuance of STR permits to business entities, including individuals, and the maximum number of STR permits per persons. Accordingly, the County believes the “common sense” exemption is most appropriate for the Ordinance and is consistent with prior amendments and adoption of the County’s STR regulations.

FINDINGS:

The following are the required findings that must be made by the Planning Commission in its recommendation to the Board of Supervisors to approve the proposed amendment to the Development Code:

1. The proposed Ordinance amending the Development Code is consistent with the Countywide Plan and any applicable specific plan because it supports Policy LU-4.5, which provides that “We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.” The proposed Ordinance will allow the County to more effectively regulate an existing use of STR that is currently occurring and authorized within the residential communities of the unincorporated County. The added regulations will reinforce the physical and historical character and identity of the neighborhoods by placing updated regulations on occupancy, guests, parking and caps on STRs.

2. The proposed Ordinance amending the Development Code would not be detrimental to the public interest, health, safety, convenience or welfare of the County because the proposed regulations enhance existing permit procedures and standards for the use of residential structures in the Desert and Mountain Regions as transient occupancies, thereby ensuring the health and safety of occupants, guests and surrounding residential neighborhoods and minimizing negative effects associated with such uses.
3. The proposed Ordinance amending the Development Code is internally consistent with other applicable provisions of the Development Code. The proposed Ordinance expands allowed STR use for condominium units, provides limits on the number of STR units on single-family residential parcels and clarification of condominium short-term timeshare jurisdiction.
4. The proposed Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines §15061(b)(3) because it can be determined that implementation of the proposed Ordinance would not have a significant effect on the environment.

RECOMMENDATION: That the Planning Commission recommend that the Board of Supervisors:

- A. **ADOPT** the findings as contained in the staff report;
- B. **ADOPT** the proposed Ordinance amending Chapter 84.28 as shown in Exhibit A in the staff report; and
- C. **DIRECT** the Clerk of the Board to file a Notice of Exemption.

ATTACHMENTS:

Exhibit A: Proposed County Development Code Section Changes (Red-lined Version)

Exhibit B: Public Comments

EXHIBIT A

Proposed County Development Code Section Changes (Red-lined Version)

CHAPTER 84.28: SHORT-TERM RESIDENTIAL RENTALS

Section

- 84.28.010 Purpose.
- 84.28.020 Applicability.
- 84.28.030 Definitions.
- 84.28.040 Permit Required.
- 84.28.050 Application Process.
- 84.28.060 Occupancy Standards.
- 84.28.070 Conditions of Operation.
- 84.28.080 Enforcement.
- 84.28.090 Suspension of Permit.
- 84.28.100 Revocation of Permit.
- 84.28.110 Hosting Platform Requirements.

§ 84.28.010 Purpose.

The purpose of this Chapter is to establish a permit procedure, and maintenance and operational standards, for the use of legal residential dwelling units located in the Mountain and Desert Regions as transient occupancies, to ensure the health and safety of occupants, guests, and the surrounding residential neighborhood, and to minimize negative secondary effects associated with such use.

(Ord. 4011, passed - -2007; Am. Ord. 4331, passed - -2017; Am. Ord. 4371, passed - -2019)

§ 84.28.020 Applicability.

Except as otherwise provided, the standards and permit procedures of this Chapter apply to all persons involved, and at all times, as more fully set forth herein, in the short-term rental of residential dwelling units as a single housekeeping unit where allowed in the Mountain and Desert Regions in compliance with Division 2 (Land Use Zoning Districts and Allowed Land Uses) or in connection with a legal nonconforming residential structure located in a non-residential land use zoning district. "Short-term" means 30 days or less. The permit procedures of this Chapter shall not apply to rental of Alternative Shelters, as defined herein.

(Ord. 4011, passed - -2007; Am. Ord. 4230, passed - -2014; Am. Ord. 4331, passed - -2017; Am. Ord. 4371, passed - -2019; Am. Ord. 4393, passed - -2020; Am. Ord. 440, passed - -2021)

§ 84.28.030 Definitions.

The definitions in this Section are intended to apply to this Chapter only. Any term which is not specifically defined herein shall have the definition as provided by Division 10 of the Development Code or elsewhere within the County Code.

(a) ALTERNATIVE SHELTER. Means any shelter, vehicle or site prepared for transient occupancy rental other than a legal residential dwelling unit or commercial lodging facility. Examples include but are not limited to tents, recreational cabins and recreational vehicles.

~~(ab) BOOKING TRANSACTION. Means any reservation or payment service provided by a person who facilitates a STRshort-term rental unit transaction between a prospective STRshort-term residential rental unit renter and a short-term residential rental unitSTR owner.~~

(c) BUSINESS ENTITY. Means a corporation, partnership, or other legal entity that is not a natural person. A business entity shall not include a natural person, personal or family trust, limited liability company (LLC), or limited liability partnership (LLP) consisting solely of natural persons. Notwithstanding this exception, a natural person, a trust, LLC or LLP consisting solely of natural persons that proposes to own and operate more than two STR units shall be considered a business entity for purposes of this Chapter.

~~(bd) HOSTING PLATFORM. Means a marketplace in whatever form or format, which facilitates rental of a STRshort-term residential rental unit through advertising, match-making or any other means, using any medium or facilitation, and from which the operator of the hosting platform derives revenues from providing or maintaining the marketplace.~~

~~(ee) INSPECTIONS—INITIAL. Means any inspection incident to the review of an application for an initial STRshort-term residential rental unit permit. The responsible department shall inspect the subject property to determine maximum occupancy and parking capacity for the property, and to verify compliance with the standards of this Chapter and of other applicable County Code provisions.~~

~~(df) INSPECTIONS—RENEWAL. Means the reinspection, upon the application for renewal of a STRshort-term residential rental unit permit, whereby the subject property shall be inspected to ensure continued compliance with the standards of this Chapter and of other applicable County Code provisions. Notwithstanding anything to the contrary, an applicant seeking renewal of a STRshort-term residential rental unit permit shall comply with all applicable standards of this Chapter at the time of renewal.~~

(eg) OCCUPANT. For the purpose of this Chapter, an occupant is a person who will stay overnight in an STR. The maximum occupancy stated on an STR permit will indicate the maximum number of occupants approved.

~~(fh) RESPONSIBLE DEPARTMENT. Means the department or subdivision thereof designated by the Chief Executive Officer of the County of San Bernardino County to implement this Chapter.~~

(gi) SHORT-TERM RESIDENTIAL RENTAL UNIT (STR). Means a residential dwelling unit, including condominium unit, or portion thereof rented or otherwise used for residential transient occupancy, as defined in § 14.0203. An short-term residential rental unitSTR shall not be used for any commercial activity, which includes but is not limited to weddings, wedding receptions, corporate retreats, business meetings or conferences, filming photography shoots, a fraternity party, or any other similar gathering, unless regulated under an approved County-issued permit. Transient occupancy generally means occupancy for 30 consecutive calendar days or less.

~~(hj) SHORT-TERM RESIDENTIAL RENTAL UNITSTR OWNER. Means the owner of a property, as defined in § 810.01.170, with a single-family dwelling unit or condominium~~

~~unit that is being used as an short-term residential rental unitSTR; any individual or organizationAn agent working on behalf of suchmay act on behalf of a property owner to manage the STR; or any individual or organization that has the legal right to rent out, or allow the occupancy of a single-family residential dwelling unit as a short-term residential rental unit.~~

~~(ik) SHORT-TERM RESIDENTIAL RENTAL UNITSTR RENTER. Means an individual who enters into an agreement or is authorized by the short-term residential rental unitSTR owner, regardless of remunerations, ~~the~~to use of property as an short-term residential rental unitSTR. Such renter is not considered a tenant or a person who hires a dwelling unit under Civil Code § 1940.~~

~~(l) SURROUNDING PROPERTY OWNER. Means the owner of property that is located within the applicable distance from the STR as set forth in Table 85-2 of § 85.03.080.~~

(Ord. 4331, passed - -2017; Am. Ord. 4371, passed - -2019; Am. Ord. 4400, passed - -2021)

§ 84.28.040 Permit Required.

~~(a) A short-term residential rental unitproperty owner may use a single-family dwelling or a condominium unit as an short-term residential rental unitSTR only if such owner has a current valid short-term residential unitSTR permit and complies with the requirements of this Chapter and other applicable provisions of the County Code and other laws. A separate permit shall be required for each dwelling unit used as a short-term residential rental unit when there is more than one legal single-family dwelling unit or a duplex on the parcel.~~

~~An accessory dwelling unit, primary dwelling unit, guesthouse, casita, or other residential accessory structure may be permitted as a short-term residential rental unit when at least one of the dwelling units (primary dwelling, accessory dwelling unit, or caretaker dwelling) is occupied by the property owner or legal agent. This owner-occupancy requirement shall not apply to a parcel two acres or greater. A maximum of two legal dwelling units per parcel of land may be approved for separate individual short-term residential rental unit permits.~~

~~(1) Only one STR shall be permitted on a single-family residential parcel.~~

~~(2) A portion of a dwelling unit may be permitted as an STR only if the dwelling is occupied by an owner or agent.~~

~~(3) ~~(3)~~An individual unit, such as an apartment or condominium, located within a multi-family residential project, is not eligible for an short-term residential rental unitSTR permit.~~

~~(4) Short-term timeshare occupancy of a condominium unit may be authorized by the condominium owners' association or other governing body having jurisdiction over the timeshare complex, provided enforcement of such occupancy requirement is performed by the same association or governing body. Such occupancy shall not be subject to a STR permit.~~

~~(b) A Bbusiness Eentity as defined herein shall not be eligible to apply for an STR permit.~~

~~(1) A Bbusiness Eentity that holds an active STR permit on the effective date of this ordinance shall be eligible to renew the STR permit as a legal non-conforming use.~~

The legal non-conforming status shall not be transferrable to another Business Entity, and cannot be transferred to another property.

(2) A Business Entity may manage multiple STR properties as an agent of the owners.

~~(bc)~~ Short-term residential unit STR renters are subject to the uniform transient occupancy tax of § 14.0203.

~~(ed)~~ A short-term residential rental unit STR permits shall not be is transferrable, to the new owner of the rental unit in question, provided that the new owner informs the County of its desire to assume the responsibilities of holding the short-term residential rental unit permit in question within 30 days of taking title to the property. Within 30 days of taking title to the property, the new owner of an STR shall apply for an STR permit. is also responsible to provide the County with the information necessary to satisfy the requirements of §§ 84.28.050(a)(1) through (7), so that the County may be assured that the new owner understands its duties and responsibilities as the owner of a short-term residential rental unit. The County may also charge a fee for changing the permit record, as set forth in the schedule of fees in Division 6 of Title 1 of the County Code.

(e) Alternative Sshelters advertised as STRs shall not be eligible for STR permits. Rental of alternative shelters may be eligible for a special use permit pursuant to the requirements of Chapter 85.14 (Special Use Permits), or such rental may be permitted as a campground use.
(Ord. 4011, passed - -2007; Am. Ord. 4331, passed - -2017; Am. Ord. 4371, passed - -2019; Am. Ord. 4400, passed - -2021)

§ 84.28.050 Application Process.

(a) Application. An application for an ~~an short-term residential rental unit~~ STR permit shall be submitted to the responsible department on a pre-approved form. The required content of the form may be revised from time to time, but at a minimum shall require the following:

- (1) Property owner name and contact information.
- (2) Applicant name and contact information, if different from the property owner.

(3) Property owner statement attesting that the owner is not a Business Entity as defined in this Chapter.

~~(34)~~ Address and Assessor's parcel number for the property containing the single-family dwelling unit, condominium, accessory dwelling unit or other permitted structure to be used as an ~~an short-term residential rental unit~~ STR.

~~(45)~~ Total square footage of the single-family dwelling unit, condominium, accessory dwelling unit or other permitted structure to be used as an ~~an short-term residential rental unit~~ STR.

~~(56)~~ Total ~~square footage of habitable space~~ number of bedrooms to be used for overnight sleeping purposes.

~~(67)~~ The name of the managing agency, agent, or property manager, if different from the property owner, and a telephone number at which that party may be immediately reached on a 24-hour basis.

(78) Acknowledgment that the permittee understands and agrees to operate the ~~short-term residential rental unit~~STR in compliance with the regulations and requirements set forth in this Chapter.

(89) A fee amount to cover ~~an initial inspection and one additional inspection~~the application, as set forth in the ~~schedule of fees in Division 6 of Title 1 of the County fee ordinance~~Code. If ~~further~~additional inspections or enforcement actions are required, then the owner or applicant ~~shall~~may be required to pay for the additional ~~inspection fees~~services.

(b) Notification Requirements.

(1) The responsible department shall provide notice of the application to all ~~potentially affected~~surrounding property owners, ~~in the following circumstances:~~

~~(A) The application is submitted as a result of the issuance of a notice of violation due to the advertising of a dwelling unit for short-term residential rental use or use of a property as a short-term residential rental unit without a short-term residential rental unit permit.~~

~~—(B) During the processing of the application, the responsible department is made aware of circumstances that would lead it to reasonably believe that the property has been used in violation of this Chapter, including but not limited to that the property was used as a short-term residential rental unit without a short-term residential rental unit permit.~~

~~—(2) If there are additional costs to the County in providing notice to all potentially affected property owners, the cost of the permit application shall be changed to allow the County to recover those costs.~~ The notice shall provide that comments may be submitted to the responsible department up to 20 calendar days after the date of said notice.

(32) The responsible department shall notify the applicant if the application is approved or denied, with applicable appeal provision. Notwithstanding Section 86.06.020 (Effective Date of Permits), the effective date of the STR permit will be the first business day following a 30-day appeal period. ~~at the applicant's mailing address as shown on the most recent application or otherwise filed with the responsible department. Within ten calendar days of the issuance or renewal of a short-term residential rental permit, t~~The responsible department shall also send notice to all ~~potentially affected~~surrounding property owners informing them that a permit was issued, with applicable appeal provisions. This notice to surrounding property owners shall contain, at a minimum, the following information:

(A) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be immediately reached on a 24-hour basis;

(B) The phone number of the County's 24/7 short-term rental complaint line;

(C) The maximum number of occupants and the maximum number of guests allowed in the unit;

(D) The maximum number of vehicles allowed to be parked on the property.

(E) A web link to on-line information regarding STR permits.

~~—(3) The responsible department shall post the information mailed to surrounding property owners on the STR property.~~

(c) Operation During Application Process. Notwithstanding § 84.28.040, while a new application for a ~~STR~~short-term residential rental unit permit is pending, a dwelling may be used as an ~~an STR~~short-term residential rental unit provided that the unit has been permitted by a previous owner, there are no outstanding violations, and the new owner has applied for a permit according to §84.28.040(d), passed a physical inspection by the County and otherwise complies with the requirements of §§ 84.28.060 and 84.28.070 and any applicable requirements set forth in Chapter 1 of Division 3 of Title 6 and Chapter 19 of Division 3 of Title 6 of the County Code and other law.

(d) Application Denial. An application for an ~~an short-term residential rental unit~~STR permit or renewal of a permit under this Chapter shall be denied by the responsible department upon one or more of the following grounds:

(1) The application is incomplete or the applicant has otherwise failed to comply with the requirements of this Chapter.

(2) The applicant or permittee provided material information that ~~was knowingly incorrect is false, or provided material information that~~which the applicant reasonably should have ~~reasonably~~known ~~wasto be~~ incorrect, in the application for a permit under this Chapter.

(3) The ~~short-term residential rental unit~~STR or property is not in compliance with the standards of this Chapter or other applicable County Code provisions and has failed to pass the initial or renewal inspection.

(e) Applicant Appeals. An applicant may appeal the denial or conditional acceptance of an application for an ~~an STR~~short-term residential rental permit. Such appeal must be in writing and submitted to the responsible department within ~~ten 30~~days ~~of~~following the date of the notice provided pursuant to § 84.28.050(b)(~~32~~). When the ~~tenth 30th~~ day is not a County business day, the time frame is extended to the ~~second consecutively next~~ County business day following the ~~tenth 30th~~ day. The appeal shall follow the procedure set forth in § 84.28.090(c).

(f) ~~Affected Property Owners' Non-Applicant~~ Appeals. ~~Potentially affected property owners~~Non-applicants may appeal the granting of a new ~~short-term residential rental unit~~STR permit. All such appeals must be submitted to the responsible department within ~~ten 30~~days ~~of~~following the date of the notice provided pursuant to § 84.28.050(b)(~~32~~). When the ~~tenth 30th~~ day is not a County business day, the time frame is extended to the ~~second consecutively next~~ County business day following the ~~tenth 30th~~ day. The ground for such appeal is limited to the claim that past use of the property as an ~~short-term residential rental unit~~STR has not complied with one or more requirements of §§ 84.28.060(b) through (d), or § 84.28.070, or that, based on competent evidence, any prospective use for such purpose will likely not comply with one or more of such requirements. Such appeal shall be heard in the same manner as specified in § 84.28.090(c). The applicant shall be provided notice of the hearing. If the ~~potentially affected property owner~~appellant prevails in the appeal, then the applicant's application shall be deemed to be denied and such decision shall be the final decision of the County. No further appeal shall be available at the administrative level.

(g) Permit Renewal. The ~~short-term residential rental unit~~STR permit shall be renewed biennially. Permit renewal shall be approved if the current conditions of operation and other standards in this Chapter have been met, the subject property passes the renewal

inspection, and the applicable renewal fee as set forth in the San Bernardino County Code schedule of fees is paid. Renewal payments submitted after permit expiration are subject to a delinquent fee pursuant to the schedule of fees. Continued use of an ~~an short-term residential rental unit~~STR is prohibited following permit expiration until renewal payment, including any delinquent fee, has been received by the County. Failure to submit renewal payment within 45 days of permit expiration, including any delinquent fee, shall result in ~~closure~~expiration of the ~~short-term residential rental unit~~STR permit. The ~~short-term residential rental unit~~STR owner shall be required to submit a new application, pay the applicable new permit application fee, and be subject to the application process as set forth beginning in Sub~~section~~division (a) above.

(Ord. 4011, passed - -2007; Am. Ord. 4331, passed - -2017; Am. Ord. 4371, passed - -2019; Am. Ord. 4400, passed - -2021)

§ 84.28.060 Occupancy Standards.

(a) Compliance with Uniform Codes and Other Laws. At the time of issuance of an ~~an short-term residential rental unit~~STR permit and thereafter, the ~~short-term residential rental unit~~STR owner shall be responsible for ~~in~~ compliance with the California Fire Code, California Building Code, the National Fire Protection Association Standards or regulations, and any other applicable uniform codes, as adopted by the County of San Bernardino, and other applicable laws and codes.

(b) Occupancy Limits. Occupancy limits ~~per room~~ for all ~~short-term residential rental unit~~STRs shall be determined as follows:

- (1) Occupancy limits shall be determined based on the number of bedrooms in the STR, allowing in order for a room to be considered habitable space for overnight sleeping purposes, it must be a minimum of 70 square feet, a maximum of two people per bedroom. The number of bedrooms will be verified using County Assessor data and County building records. Example occupancies:
 - a. Two-bedroom STR: four occupants
 - b. Three-bedroom STR: six occupants
 - c. Four-bedroom STR: eight occupants
 - d. Five-bedroom STR: ten occupants

(2) In addition to the occupancy limits determined based on the number of bedrooms, up to two minor children under the age of 12 may be added to the calculation of STR occupancy, but in no case shall the total occupancy exceed 12 persons of any age.

~~(23)~~ Kitchens, bathrooms, toilet rooms, living rooms, dens, dining areas, halls, closets, storage or utility spaces, and similar areas are not considered ~~habitable rooms for sleeping purposes, thus the square footage represented by these bedrooms~~ and shall not be used in the calculation for determining the maximum number of occupants.

(4) Maximum Floor Area Occupancy Limits. Notwithstanding the standard STR occupancy allowance based on bedrooms, the Maximum STR floor area occupancy shall limit the maximum occupancy s per short-term residential rental unit shall be determined as follows:

- a. STR less than 800 square feet: maximum of four occupants

b. STR 800 – 1,200 square feet: maximum of six occupants

~~—(1) Notwithstanding the allowances per Subdivision (b) above, the maximum occupancy of a short-term residential rental unit shall not exceed six persons if the rental unit is smaller than 800 square feet.~~

~~(2) Notwithstanding the allowances per Subdivision (b) above, the maximum occupancy of a short-term residential rental unit shall not exceed eight persons if the rental unit is smaller than 1,200 square feet.~~

~~(3) Notwithstanding the allowances per Subdivision (b) above, on parcels smaller than one-quarter acre, the maximum occupancy of a short-term residential rental unit shall not exceed ten persons.~~

~~(5) Occupancy Cap. Notwithstanding the allowances based on the number of bedrooms and floor area, per Subdivision (b) above, on parcels smaller than one-half acre, the maximum occupancy of any short-term residential rental unitSTR shall not exceed 12 persons of any age.~~

~~—(6) Guests. In addition to the maximum overnight occupancy, a maximum of four daytime guests may be permitted between the hours of 8:00 a.m. – 10:00 p.m., based on individual evaluation of the STR permit application, considering space available for guest parking.~~

~~(5) Notwithstanding the allowances per Subdivision (b) above, on parcels one-half acre to one acre, the maximum occupancy of a short-term residential rental unit shall not exceed 15 persons.~~

~~—(6) Notwithstanding the allowances per Subdivision (b) above, on parcels greater than one acre, the maximum occupancy of a short-term residential rental unit shall not exceed 20 persons.~~

~~(7) Notwithstanding the allowances per Subdivisions (b) and (c)(1) through (6) above, the for maximum occupancy of a short-term residential rental unitand guests, the use of an STR shall be limited by the not exceed the occupancies supported by the capacity of on-site parking spaces, pursuant to the minimum parking standards as required by Sub~~section~~division (d) below.~~

~~(c) Parking. All vehicles of short-term residential rental unitSTR rentersoccupants and their guests must be parked on the short-term residential rental unitSTR property. No vehicle related to the STR of renters shall be parked on neighboring properties or on public or private roadswithin the transportation right-of-way, or in any manner that would create an obstruction. Pursuant to § 84.28.080(a)(2), violations of the parking requirements of this Chapter may result in vehicles being towed without notice.~~

~~(1) Minimum STR Parking. Parking shall be provided on-site at a ratio of not less than one parking space per for every four rentertwo bedrooms, rounding up for odd bedrooms, and one space for daytime guests, if permitted. Parking spaces may include garage, carport and driveway space, including tandem parking. The minimum parking standard will be considered in the STR application review, as a limiting factor on occupancy or guests. Additional parking spaces will not increase STR occupancy limits based on bedrooms or~~

floor area. The following example illustrates options for an STR property with only two parking spaces:

- a. Two parking spaces: maximum of four occupants and four guests; or
- b. Two parking spaces: maximum of eight occupants and no guests

~~(2) Maximum STR Parking. On-site parking shall be limited to a maximum of one car per two permitted occupants or guests. The maximum number of cars will be noted on STR permit information, along with the maximum numbers of occupants and guests. Short-term residential rental properties with occupancy limits of two renters shall be limited to two vehicles. Parking spaces may include garage, carport, and driveway spaces, and may allow for tandem parking. On-site parking areas shall be kept free from any obstructions, including but not limited to excessive amounts of snow, which would prevent use for vehicle parking. Only the approved parking areas/spaces pursuant to the short-term residential rental unit permit shall be used for vehicle parking. Pursuant to § 84.28.080(a)(2), violations of the parking requirements of this Chapter may result in vehicles being towed without notice.~~

~~(Ord. 4011, passed - -2007; Am. Ord. 4230, passed - -2014; Am. Ord. 4331, passed - -2017; Am. Ord. 4371, passed - -2019; Ord. 4400, passed - -2021)~~

§ 84.28.070 Conditions of Operation.

The following are minimal requirements for ~~short-term residential rental units~~STR operation. These are in addition to any other applicable requirements of this Chapter, other applicable provisions of the County Code, or other law.

(a) ~~Prohibited Uses of Property. An short-term residential rental unit may~~STR shall not be used for any ~~transient~~ occupancy other than the purposes described in ~~the definition of short-term residential rental unit set forth in § 84.28.030(i), and in conformity with the requirements of this Chapter. An short-term residential rental unit~~STR shall not be used for any commercial activity, which includes but is not limited to weddings, ~~wedding~~ receptions, corporate retreats, business meetings or conferences, filming, photography shoots, ~~a fraternity parties,~~ or any ~~other~~ similar ~~gathering activities~~, unless regulated under an approved County-issued permit.

~~(b) Minimum Rental Period. The STR owner shall rent the STR for a minimum of two consecutive nights with each booking.~~

~~(bcd) Record Keeping. The property owner or property manager shall maintain records sufficient to prove compliance with this Chapter and other applicable laws. These records shall be maintained so that they can be readily provided to the County, and provided in such a manner that establishes that the property owner or property manager is routinely maintaining such records.~~

~~(ced) Registration. The short-term residential rental unit~~STR owner, ~~as defined in § 84.28.030(g), shall administer registration prior to allowing occupancy of the rental unit~~STR. The registration shall include review of the ~~short-term residential rental unit~~STR regulations with at least one adult renter ~~of the rental unit~~STR. At the time of such registration, the renter shall be provided a complete written or digital copy of the ~~rental unit rules and regulations~~requirements of the STR permit and applicable regulations, as

well as disclosure of the penalties associated with violations. The registration material shall advise the renter of the occupancy, guest and vehicle/parking limitations, responsibility to avoid nuisance behavior, and ~~that the use of the rental unit for prohibition of commercial activity, as described in Subsection (a) above, which includes, but is not limited to weddings, wedding receptions, corporate retreats, business meetings or conferences, fraternity parties, or any other similar gatherings shall be prohibited unless authorized by a County-issued permit.~~ The registration material shall ~~contain a space for~~include an acknowledgement to be signed by the renter and retained in the STR owner's records, as having read, understood and agreed to all provisions. Registration materials shall be preserved for the term of the ~~short-term residential rental unit~~STR permit, and shall be provided to the County, when requested, to confirm compliance with ~~short-term residential rental unit~~STR permit conditions of operation and regulations set forth in this Chapter. If the owner fails to provide adequate directions to the unit or fails to confirm acknowledgement and understanding of the ~~rental unit rules and STR~~ regulations, the conditions of operation of the ~~short-term residential rental unit~~STR permit may be amended by the County to require in-person registration.

~~(dfe)~~ Advertising.

(1) Advertising that promotes an short-term residential rental unitSTR for a use that is not permitted ~~or could not be permitted by this code or other law,~~ is prohibited.

(2) All advertising, including real-estate magazines, fliers, newspapers, television or radio commercials, internet pages, or web-based ads or rental platformcoupons, that promote the use of an short-term residential rental unitSTR prior to approval of an short-term residential rental unitSTR permit ~~pursuant to § 84.28.040(a) or while the STR permit is suspended or revoked,~~ shall be prohibited. All advertisements featuring a permitted short-term residential rental unitSTR shall specify the maximum permitted number of occupants, guests and vehicles for the rental unitpermitted on the STR property.

~~(egf)~~ Posted Notices within Unit. The County-issued ~~short-term residential rental unit~~STR permit shall be posted inside the unit on or adjacent to the front door, along with an exit/emergency evacuation map. In addition, each ~~short-term residential rental unit~~STR shall have a clearly visible and legible notice posted in a prominent location within the unit, containing the following information:

- (1) The address of the ~~short-term residential rental unit~~STR.
- (2) The name of the managing agency, agent, property manager, or owner of the unit, and a telephone number at which that party may be immediately reached on a 24-hour basis.
- (3) The maximum number of occupants permitted to stay overnight in the unit.
- (4) The maximum number of non-overnight guests permitted, if applicable.
- (4)5 The maximum number of vehicles allowed to be parked on the property.
- (5)6 The contact person or agency, and phone number for snow removal.
- (6)7 ~~Notification of the arrangements that the owner has made to allow the renter to properly store and~~Instructions for disposal of trash ~~or refuse~~ in accordance with the requirements of this Chapter.

(78) Notification that failure to comply with the requirements of this Chapter, including parking and occupancy standards, as well as public and private nuisance standards, is a violation of the County Code, and that such violation may result in enforcement actions to address the violation. Enforcement These may include ~~actions to abate the nonconformity, the institution of~~ criminal, civil, or administrative actions, or, ~~under certain circumstances,~~ the calling of law enforcement for the removal of guests and their vehicles from the property to the extent authorized by law. The notification shall state in a prominent format that users of the unit are prohibited from disturbing the peace of the surrounding neighborhood and that doing so is a violation of this Chapter and the rental agreement.

(89) Location of utility service connections, including how to access service connections and instructions and any tools necessary to disconnect the ~~STR short-term residential rental unit~~ from utility services in the event of an emergency.

(910) Phone numbers of local emergency medical and law enforcement services.

(110) Property boundary map for the purpose of deterring trespassing on other privately owned properties and identification of the approved parking area(s).

(hg) Good Neighbor Information. In addition to the required posted notices, the STR owner shall provide a brochure or document intended to remind renters that the STR is located in a neighborhood. The information should promote respect for residents of the neighborhood, including their rights to expect peace, quiet, privacy and security.

(fh) Call Response.

(1) The ~~short-term residential rental unit~~STR owner or agent shall be personally available by telephone on a 24-hour basis and maintain the ability to make contact by phone within 30 minutes and be physically present at the property within one hour in order to respond to and remedy ~~calls or~~ complaints regarding the condition or operation of the unit or the behavior of persons on the property in violation of this Chapter or other law.

(2) On a 24-hour basis, within one hour of receiving a ~~call or a~~ complaint report, the ~~short-term residential rental unit~~STR owner must confirm whether or not the complaint is valid. If the complaint is valid, the ~~short-term residential rental unit~~STR owner shall immediately take corrective action within the lawful authority of the owner to ~~abate~~resolve the violation, or ~~to cause stop~~ the nuisance behavior that disturbs the peace ~~of the neighboring properties to stop~~, for the entire duration of the occupancy of the person causing or allowing such violation or nuisance behavior. ~~Such e~~Corrective action may ~~require necessarily include, under certain circumstances,~~immediate eviction of STR renters and the contacting of law enforcement, if necessary, County officials, or other appropriate officials for the removal of renters, guests and their vehicles from the property to the extent authorized by law.

(3) Calls or complaints about physical conditions or circumstances that constitute an immediate threat to the public health and safety shall obligate the owner to immediately contact the appropriate law enforcement, fire, or other authority.

(4) Each owner shall keep a written record of the times and type of complaints received, what response was undertaken by the owner, and when such complaints were resolved. This written record shall be made available to the County upon request, and shall be retained by the owner for the term of the ~~short-term residential rental unit~~STR permit.

(~~g~~ji) Responsibilities of Owner to Prevent Nuisance Behavior and Maintain Neighborhood Peace and Quiet. The owner shall take all lawful action necessary to ensure that renters and occupants abide by the terms of this Chapter and other applicable provisions of the County Code and law. The owner must inform renters and occupants that they are not to violate any noise standards, parking standards, or otherwise create a public or private nuisance.

(~~h~~kj) Loud and Disturbing Noise.

(1) It is unlawful for any owner, renter, occupant, or guest located at an ~~an STR~~short-term residential rental unit to make, ~~cause to be made,~~ or allow to be made, ~~either willfully or through failure to exercise control,~~ any loud, excessive, ~~impulsive,~~ or intrusive noise that disturbs the peace ~~or quiet~~ or that causes discomfort or annoyance to any reasonable person of normal sensitivities in the area. Such ~~types of noises or actions causing noises~~may include, but are not limited to, ~~yelling,~~ shouting, ~~hooting~~loud laughter, whistling, singing, playing a musical instrument, ~~emitting or transmitting any playing~~ loud music or noise from ~~any mechanical or electrical~~ sound making or sound amplifying devices, and ~~the habitual barking dogs, howling, or crowing of animals.~~

(2) The standard for enforcement of this ~~s~~Subsection~~division~~ is the “reasonable person” standard. The inquiry is whether the noise would disturb the peace ~~or quiet~~ or cause discomfort or annoyance to a reasonable person under ~~the same or~~ similar circumstances.

(3) Factors that may be considered in determining whether a violation of this ~~Subsection~~division has been committed include, but are not limited to, the following:

- (A) The level of noise;
- (B) The level and intensity of ~~the background (ambient)~~ noise, if any;
- (C) The proximity of the noise to the ~~residential unit in question~~reporting party;
- (D) The time of day or night the noise occurs;
- (E) The duration of the noise;
- (F) Whether the noise is constant, recurrent, or intermittent; and
- (G) Whether the noise is produced by a mechanical or electronic device.

(~~i~~h~~k~~) Safety.

(1) Solid fuel burning outdoor fireplaces, chimineas, barbeques, and fire pits are prohibited in the Mountain Region.

(2) The interior and exterior of the ~~short-term residential rental unit~~STR shall be kept free of hazardous conditions at all times.

(3) Spas/hot tubs shall be covered and locked when not in use.

(~~j~~m~~l~~) Sanitation.

(1) Every ~~short-term residential rental unit~~STR shall be cleaned after each occupancy change in order to make the unit sanitary.

(2) If linens are provided for use by renters, said linens will be exchanged for clean linens after each occupancy.

(3) The exterior of the ~~short-term residential rental unit~~STR shall be maintained and kept free of debris.

(4) Spas/hot tubs shall be maintained and cleaned as frequently as needed to preserve sanitary conditions.

~~(kmm)~~ Trash/~~Refuse~~. Trash shall be deposited in approved trash collection containers on the ~~short-term residential rental unitSTR~~ property. Trash containers shall be kept closed when not in use, never be permitted to overflow, and kept in a clean condition ~~without excessive build-up of encrusted wastes in or on the container~~.

(1) In the Mountain Region, ~~short-term residential rental unitSTR~~ owners shall use animal-proof trash containers ~~(unless discouraged by the hauler)~~ and procure trash collection service from the County-approved refuse collection hauler when said service is available. Pull-out trash service shall also be established with the County approved refuse collection hauler when said service is available. A sufficient number of trash containers based on ~~permitted~~ occupancy ~~levels~~ of the ~~rental unitSTR~~ shall be procured.

(2) In the Desert Region, ~~short-term residential rental unitSTR~~ owners shall procure trash collection service and trash collection containers from the County-approved refuse collection hauler when said service is available. A sufficient number of containers based on occupancy levels of the rental unit shall be procured. Exception: if the STR owner resides on the STR property and removes trash promptly, commercial service is optional.

(3) Trash shall be removed from the premises after each occupancy unless routine commercial trash collection is provided to the premises.

~~(len)~~ Animals.

(1) License. No person shall have, keep, or maintain any dog on the property of an ~~short-term residential rental unitSTR~~ unless he or she is able to provide proof of a current license ~~or license tag~~ issued by the County or other ~~applicable~~ municipal dog licensing agency.

(2) Control of Animals. No person owning or having control of any animal shall permit such animal to stray or run at large upon any unenclosed area on or off the ~~short-term residential rental unitSTR~~ property. No person may lawfully bring his or her dog off a short-term residential rental property unless the dog is restrained by a leash and the person is competent to restrain the dog, or the dog is properly restrained and enclosed in a vehicle, cage, or similar enclosure.

(3) Noise. It shall be unlawful for any person owning or having control of any animal to ~~be allowed the animal~~ to create excessive noise in violation of Sub~~section~~division ~~(hi)~~ of this section.

(Ord. 4011, passed - -2007; Am. Ord. 4331, passed - -2017; Am. Ord. 4371, passed - -2019; Am. Ord. 4400, passed - -2021)

§ 84.28.080 Enforcement.

(a) General.

(1) Owners and renters of ~~short-term residential rental unitsSTRs~~ shall comply with the requirements of this Chapter and all other applicable sections of the County Code and other law. A hosting platform shall comply with the requirements of § 84.28.110 and all other applicable sections of the County Code and other law.

(2) In addition to any enforcement action and remedy authorized by this Chapter, a violation of any requirement of this Chapter may result in remedial action by appropriate

members of County staff or any enforcement officer as defined in Chapter 2 of Division 1 of Title 1 of the County Code without notice if providing notice is not reasonable considering the need for immediate remedial action, and/or if prior notice to the property owner or the renters, either verbal or written, has not resulted in appropriate remedial action by the property owner. If the violation ~~consists of a violation of~~pertains to any of the parking requirements of this Chapter, ~~then~~ the remedy may include ~~the~~ towing of the vehicle or vehicles causing the violation of the parking requirement. Remedial actions taken under this Section, other than any criminal citations, are subject to appeal pursuant to Chapter 2 of Division 1 of Title 1 of the County Code or other applicable provision, but no request for appeal shall stay the remedial actions taken pursuant to this Section.

~~(3) In addition to any enforcement action and remedy authorized by this Chapter, a violation of any requirement of this Chapter may be subject to the enforcement and remedy provisions of Chapter 2 of Division 1 of Title 1 of the County Code and any other applicable enforcement and remedy provisions of the County Code or provided under the law.~~

(b) Uniform Transient Occupancy Tax—Failure to Pay. Failure by the owner, or when applicable, a hosting platform to collect and remit to the Tax Collector the Uniform Transient Occupancy Tax may result in the Tax Collector pursuing any remedy against the owner or hosting platform, including imposing and collecting said tax from the owner or hosting platform, authorized under Chapter 2 of Division 4 of Title 1 of the County Code or other applicable law. Notwithstanding the duty imposed by § 84.28.110(a), the use of a hosting platform to facilitate the rental of a short-term residential rental unit shall not relieve an owner of liability for violations of this Sub~~section~~division.

(c) Administrative Subpoena. The County may issue and serve an administrative subpoena as necessary to obtain specific information identified in § 84.28.110 regarding ~~short-term residential rental unit~~STR listings located in the unincorporated areas of San Bernardino County. Any subpoena issued pursuant to this Sub~~section~~division shall not require the production of information sooner than 30 days from the date of service. A person that has been served with an administrative subpoena may seek judicial review during that 30-day period.

(Ord. 4331, passed - -2017; Am. Ord. 4371, passed - -2019)

§ 84.28.090 Suspension of Permit.

(a) Suspension of Permit. An ~~short-term residential rental unit~~STR permit may be suspended for the following reasons:

(1) Substandard Building or Property or Unsafe Building or Structure. Any violation of the requirements of Chapter 1 of Division 3 of Title 6 or Chapter 19 of Division 3 of Title 6 of the County Code ~~that may~~ results in suspension of the STR permit ~~the~~and issuance of a notice of defect or notice and order to repair. Notice of such suspension shall be provided pursuant to the requirements of Chapter 1 of Division 3 of Title 6 of the County Code.

(2) General Violations. Any failure to comply with, or respond to, any notice of violation or other notice from the County requiring compliance with one or more requirements of this Chapter or other applicable provision of the County Code or other law may result in suspension of the STR permit. Property owners shall be informed of such suspension in a written notice mailed using both certified mail with return receipt and first class service. In addition, although not required, the notice may also be posted on the

property and/or mailed to any additional individuals or companies listed on the permit application.

(b) Use of Property During Suspension and Stays.

(1) When ~~an short-term residential rental unit~~STR permit is suspended ~~or stayed pending outcome of an appeal~~, the property ~~or properties~~ affected by the suspension shall not be used as ~~a short-term residential rental~~STR until such time as the suspension ~~is or staye~~d ~~or is~~ lifted.

(2) Permits suspended pursuant to § 84.28.090(a)(1) will remain suspended until such time as the Building Official or his or her designee confirms that all violations have been corrected or the Building Appeals Board has ruled in favor of the appellant.

(3) Permits suspended for general violations, i.e., those under § 84.28.090(a)(2), will remain suspended until such time as the violations are abated, or the property owner can reasonably demonstrate substantive changes in the property management practices that would mitigate or correct ~~these~~ violations, or a hearing officer has ruled in favor of the appellant. If an appeal hearing for a general violation cannot be scheduled within 14 calendar days after an appeal was filed or if the hearing is scheduled but, through no fault of the appellant, not held within 30 days after the appeal was filed, the suspension ~~must will~~ be stayed through the date a ruling on the appeal is issued.

(c) Appeals of Suspensions. An appeal must be filed no later than ten days ~~of after~~ the date the notice of suspension is issued. When the tenth day is not a County business day, the time frame is extended to the ~~second consecutive~~next County business day following the tenth day.

(1) The suspension of a permit pursuant to § 84.28.090(a)(1) may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by § 63.0107. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.

(2) The suspension of a permit for a general violation may be appealed to a County-designated hearing officer. The decision by the hearing officer shall be final and no further appeal within the County shall be available. The hearing procedure shall include the following:

(A) At least ten days written notice of the hearing shall be given to the permit holder prior to the hearing date. The hearing date may be postponed or continued by stipulation of the parties. If the permit holder does not respond or appear, no further hearing procedure shall be required.

(B) Witnesses shall swear or affirm to tell the truth. The oath or affirmation shall be taken by the hearing officer. The County shall present its case first, with oral testimony and documentary evidence or other evidence. The County shall have the right of cross-examination. The permit holder shall have the right to be represented and shall have the right of cross-examination. ~~The permit holder may present his or her response after the County has presented its case. Both parties may thereafter present argument.~~

(C) No determination or order shall be based solely on hearsay evidence. The hearing officer shall make his or her determination within five working days ~~of the end of~~following the hearing, ~~unless a party requests a greater period of time.~~ The determination shall be in writing, and shall state the findings upon which the determination is made. The decision

by the hearing officer shall be final and no further appeal within the County shall be available.

(3) The failure to appeal a suspension in a timely manner shall render the action to suspend final and no further appeal within the County shall be available.

(Ord. 4331, passed - -2017; Am. Ord. 4371, passed - -2019)

§ 84.28.100 Revocation of Permit.

(a) Revocation of Permit. An ~~short-term residential rental unit~~STR permit may be revoked for the following reasons:

(1) The severity of a violation of a requirement of Chapter 1 of Division 3 of Title 6 or Chapter 19 of Division 3 of Title 6 of the County Code necessitated the immediate vacation of the property.

(2) The conditions or actions that resulted in the suspension of the permit have not been abated, or addressed by a demonstrable change in the business practices associated with the ~~short-term residential rental unit~~STR within 60 days of the suspension being upheld on appeal or otherwise deemed final.

(3) The condition or the business practice that resulted in the suspension of the permit re-occurs within 12 months ~~of~~following the date the suspension was upheld on appeal or otherwise deemed final.

(4) A permit is suspended two times in a consecutive 24-month period, where said suspensions are either upheld on appeal or otherwise deemed final.

(5) The permit was obtained through fraud or deceit.

(6) The permit was issued in error.

(b) Appeals of Revocation of Permit.

(1) The revocation of a permit based on substandard building conditions or other violations of Title 6 of the County Code pursuant to § 84.28.100(a)(1) may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by § 63.0107. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.

~~—(2) The revocation of a permit pursuant to §§ 84.28.100(a)(2), (a)(3), or (a)(4), where the underlying violation or violations are based on a failure to comply with the requirements of Chapter 1 of Division 3 of Title 6 or Chapter 19 of Division 3 of Title 6 of the County Code, may be appealed for a hearing before the Building Appeals Board. The format and process of the appeal shall be as required by § 63.0107. A decision by the Building Appeals Board shall be final and no further appeal within the County shall be available.~~

~~(3)~~ (2) The revocation of a permit pursuant to §§ 84.28.100(a)(2), (a)(3), or (a)(4), where the underlying violation or violations are general violations, or pursuant to § 84.28.100(a)(5) or (a)(6), may be appealed for a hearing before a County appointed hearing officer as defined by §§ 12.2701, 12.2702, 12.2703, and 12.2705. The procedure for such hearing is set forth in §§ 84.28.090(c)~~(2)(A) through (C) and (c)(3)~~. A decision by the hearing officer shall be final and no further appeal within the County shall be available.

~~—(4) The revocation of a permit pursuant to §§ 84.28.100(a)(2), (a)(3), or (a)(4), where the underlying violations include a general violation or violations and a violation or~~

~~violations based on a failure to comply with the requirements of Chapter 1 of Division 3 of Title 6 or Chapter 19 of Division 3 of Title 6 of the County Code, shall be heard by the Building Appeals Board in the form and manner defined by § 63.0107. A decision by such body shall be final and no further appeal within the County shall be available.~~

(c) New Application After Revocation of Permit. No application for a permit shall be permitted within 12 months after a revocation is made final.

~~(d) Suspensions or Revocations of Permits for Multiple Properties. If it is determined that the conditions or the business or management practices cause violations of this Chapter to occur on multiple properties of the same owner, the short-term residential rental unit permits for all of those properties may be suspended and/or revoked at the same time. In such circumstance all affected parties must be provided notice and the opportunity to appeal the suspension and/or revocation of the permit for every affected property.~~

(Ord. 4331, passed - -2017; Am. Ord. 4371, passed - -2019)

§ 84.28.110 Hosting Platform Requirement.

(a) For purposes of this Chapter a hosting platform shall be responsible for collecting all applicable uniform transient occupancy tax required by § 14.0203 and remitting the same to the County. The hosting platform shall be considered an agent of the short-term residential rental owner for purposes of transient occupancy tax collections and remittance, as set forth in § 14.0203, if the hosting platform collects payment for the rental. If a hosting platform does not collect payment for rentals, the short-term residential rental unit owner is solely responsible for the collection of all applicable transient occupancy taxes.

(b) Subject to applicable laws and procedures provided in § 84.28.080(c), when requested by the County, a hosting platform shall disclose, in a commonly used electronic format, the address of each short-term residential rental unit within the unincorporated San Bernardino County listed on the hosting platform, the names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.

(c) A hosting platform shall display the County STR permit number for any STR listing located in San Bernardino County.

~~(ed)~~ A hosting platform operating exclusively on the internet, which operates in compliance with Sub~~sections~~~~divisions~~ (a) ~~(b)~~ and ~~(bc)~~ above, shall be presumed to be in compliance with this Chapter, except that the hosting platform remains responsible for compliance with the administrative subpoena provisions of this Chapter.

~~(de)~~ The provisions of this Section shall be interpreted in accordance with otherwise applicable state and federal laws and will not apply if determined by the County to be in violation of, or preempted by, any such laws.

(Ord. 4371, passed - -2019)

EXHIBIT B

Public Comments

From: [Gary S](#)
To: [Planning Commission Comments](#)
Subject: Required STR Code Amendment - Mitigation of Effects on Private Roads in Unincorporated Communities
Date: Thursday, January 6, 2022 10:48:59 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Subject: Unaddressed STR Effects – Degradation of Private Roads and Property Owner Liability;

Fact: Privately owned properties and privately owned roads in unincorporated communities are being adversely affected by the large increase in STR-related vehicle traffic.

For example: STRs on 1 acre+ parcels are permitted to have 20 vehicles on-site; other STRs with multiple dwellings are permitted to have 2 -- 4 vehicles per unit, for a combined total of between 10 and 20 vehicles.

Questions:

- >Who pays for road repairs and maintenance of private roads impacted by STR traffic?
- >How are property owners and their children affected by large numbers of vehicles supposed to protect themselves from associated dust, noise, excessive speeding and reckless?
- >How is the underlying owner of a private road protected from *litigation* initiated by STR owners and clients if private roads are not adequately maintained?

Background: During the planning and implementation stages of the current STR Code (2019), LUS, the Planning Commission and Supervisors were asked to address STR effects on privately owned and maintained roads. Regrettably, pertinent initiatives were not advanced by Supervisors. Consequently, owners of private roads are required to subsidize commercial STR enterprises.

In effect, the Planning Commission's failure to address these issues has created a situation whereby property owners and unincorporated communities (1) are being forced to pay for repairs to private roads used and degraded by STRs; and (2) have been placed in legal jeopardy as a result of your inaction; (3) are unable to request SBC Sheriff enforcement for traffic violations; (4) are unable to request basic assistance from SBC Public Works for essential roadway safety initiatives associated with STR traffic.

Legal Issues: Private right-of-way stipulations are defined by California Civil Code § 845. In short, property owners are required to provide right-of-way easements through our private roads for STE customers, employees, refuse collection and contractors. By statute, property owners are also required to maintain those same roads: 'The owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair [CIV § 845(a)].

Regarding legal responsibilities, CIV §846 warns that this provision 'does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity...'

And finally, regarding right-of-way mitigation, if property owners feel that a right-of-way privilege is being misused and the road damaged - by the passage of STR associated vehicles, work and delivery trucks, heavy equipment, and STR employees - underlying property owners can initiate legal remedies, however any such actions will come at their own expense.

Litigious Issues: In essence, the current STR code has placed (1) the real property and assets of contiguous property owners at risk.

And, (2) the current code requires contiguous property owners to subsidize commercial enterprise (STRs) by (a) providing right-of-way of way, and (b) by maintaining those same rights-of-ways for the sole benefit of commercial STRs.

Finally, (3), SBC agencies and personnel (Sheriff, Public Works) are unwilling to offer even basic traffic enforcement, road maintenance advice, or signage, to affected communities and to contiguous property owners.

It should be eminently clear by now that its high time to protect property owners and families from the numerous vagaries in the STR Code of 2019.

SBC Planning Commissioners must act to examine and address salient legal and financial issues related to STR use of contiguous private roads in rural, unincorporated communities like Morongo Valley.

Please give me an update on your actions to mitigate these ongoing issues.

Regards,

Dr. Gary Stiler

8524 Little Morongo Rd.

Morongo Valley, CA 92255

909-362-2016

From: [Alan Lee](#)
To: [Supervisor Rowe](#); [Supervisor Rutherford](#)
Cc: [Biggs, Lupe](#)
Subject: Short Term Rentals - Unincorporated (Big Bear Valley & Arrowhead Communities)
Date: Monday, January 10, 2022 4:39:39 PM
Attachments: [image147806.png](#)
[image896779.png](#)
[image613214.png](#)
[image243955.png](#)

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Dear Supervisor Rowe and Rutherford

I write you in my capacity as an elected Big Bear Lake Councilmember.

I am concerned by the rapidly growing number of short-term rentals in the unincorporated areas of San Bernardino County in proximity to Big Bear Lake. My office has been inundated with complaints from both my constituents as well as yours in the unincorporated areas. The City of Big Bear Lake has sought to put in place the appropriate checks and balance, as well as hire additional city staff to help better monitor and enforce our STR's rules within the City limits. A group of local citizens recently gave notice to the city of their intent to collect signatures to place greater STR restrictions on the ballot.

I write to specifically ask that the Board of Supervisors impose a moratorium on Short-Term Rentals, impose a reasonable cap, and enhance local enforcement. The argument that the system will self adjust or the marketplace will correct itself is not persuasive and is contrary to the community's experience. I appreciate that you may be working in coordination with City staff and may have had discussions with some of my colleagues. However, I wanted to personally reach out to the both your Offices to convey my thoughts and to urge you, in the strongest possible terms, to prioritize this issue.

Should you have any questions, please feel free to contact me.

Alan Lee

Councilmember, Big Bear Lake



39707 Big Bear Blvd., PO Box 10000 Big Bear Lake, CA 92315

909.866.5832 | www.citybigbearlake.com   

Big Bear Lake City Hall is open Monday - Friday, from 8:00 a.m. - 5:00 p.m.

Please note that email correspondence with the City of Big Bear Lake, along with attachments, may be subject to

the California Public Records Act, and therefore may be subject to disclosure unless otherwise exempt.

From: [pat.foley](#)
To: [Biggs, Lupe](#)
Cc: [Supervisor Rowe](#); [Supervisor Rutherford](#)
Subject: Short Term Rentals in San Bernardino County
Date: Monday, January 10, 2022 9:57:15 AM

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Dear Lupe Biggs,

I am a citizen living in Fawnskin, in an unincorporated part of San Bernardino County. I am concerned about the increase in short term rentals in our tourist area, as well as the increase in other areas of San Bernardino County.

I would like to see more responsible ownership of short-term rentals. The influx has created a shortage of long-term rentals for people who work here and want to live here. The owner of the small market near me has to live down the hill from Fawnskin and commute up to his store and he is just one example.

I would like to see a limit to the number of licenses issued keeping in mind the need for housing for people who work and live here full time.

Short term rentals need local management – either with a local company that is reachable or a local host/owner. The 24-hour code enforcement needs satellite offices and sufficient staff in the regions hardest hit by short term rentals.

Signage needs to be required on properties listing the maximum occupancy, parking and contact number. Signage listing the maximum occupancy and vehicles is required in the town of Big Bear Lake and we should have the same signage in the unincorporated areas.

We want to preserve our neighborhoods and have actual neighbors.

Please give your full attention to this time-sensitive and important issue.

Sincerely yours,

Patricia Foley
PO Box 519
Fawnskin CA 92333
510-589-6820

From: [Lori Bloom](#)
To: [Biggs, Lupe](#); [Supervisor Rowe](#); supervisor.rutherford@sbcounty.gov
Cc: [Lori Bloom](#)
Subject: Short Term Rentals in the Unincorporated Areas of San Bernardino County
Date: Monday, January 10, 2022 10:20:02 PM

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Dear Lupe Biggs,

I am a full time resident of San Bernardino county, with my primary residence in Redlands and secondary residence in the unincorporated area of Big Bear City.

In the 12 years we have been in Big Bear City, the increase in short term rentals (STR's) has been substantial. Almost every residence that has sold has become a STR, and many other owners in the neighborhood have converted their home into STR's. I know that this is an issue not only in Big Bear, but has affected Joshua Tree, Arrowhead, and I'm sure many other unincorporated areas of the county.

This abundance of STR's is having adverse effects on our communities, such as

- A great reduction in the availability of long-term rentals (LTR's). This is resulting in housing shortages for local employees. They are moving out of the area to find housing, and local businesses are short-handed and struggling to stay open. Many have reduced the hours they are able to remain open, resulting in a decrease of revenue. So many people have moved out of Big Bear an elementary school has closed.
- Neighborhoods are going by the wayside. The practice of interacting with neighbors no longer exists, every few days the neighborhood changed.
- The occupancy of a STR is generally higher than actual people living in long term residences. For example, in the six letters I have in hand from the county for permits there is the potential for 54 people! (in actuality there are more than 20 STR's surrounding us)
- Many STR occupants are there to party, leave trash, be loud, and are general nuisances.
- STR's are really unregulated businesses operating in neighborhoods.

The supervisors believe they have solved the issue with stepped up code enforcement. This is helpful, but is really just a bandaid. We are often kept up or awakened by partying at 3 or 4 am. So, this means that during the middle of the night we need to get up, figure out which STR is causing the commotion, call code enforcement (and cell

phone service is very spotty), hope they answer the phone, spend 15 minutes explaining the problem, and then hope someone is actually sent out to resolve the issue. In the meantime, sleep is over for the night. There are also often more cars than the permit allows, or cars are parked on the street, which is not allowed.

I would like to see an immediate moratorium be placed on STR permits issued in the unincorporated areas. I believe this moratorium should be in place until the following issues are addressed:

1. STR permits should be reduced through attrition until there is a balance between STR's and all other residences.
2. Corporations have been buying up several properties, pushing long-term renters out. There needs to be a limit on how many properties corporations and individuals can own.
3. Signage is not required by the county. This should be a requirement. Signs should include maximum occupancy, number of vehicles, and a contact number.
4. Code enforcement is not consistent or reliable. There needs to be an increase in code enforcement coverage and response time.
5. Existing short-term rentals should have local management. In case of emergency, there should be a 30 min max response time.
6. The noise issue needs to be amended. There should be NO noise allowed beyond the property line. The City of Big Bear Lake currently has this requirement.
7. The county is not consistent in sending out notices of STR permits. I found that I have only received about 50%.

The short term rental situation is not unique to San Bernardino county. I know there are similar situations throughout the US and probably the world. Let's face it, the STR industry will be reformed. I hope that SB county will be on the leading edge of this reform, and will not be the tail that drags behind the dog.

Thank you for listening, and in advance for your innovative leadership.

Lori Bloom

[Sent from Yahoo Mail for iPhone](#)

From: [Steven Hawley](#)
To: [Biggs, Lupe](#)
Cc: [Supervisor Rowe](#)
Subject: STR Pending Code Revisions
Date: Monday, January 10, 2022 4:22:17 PM
Attachments: [STR letter to Lupe Biggs.pdf](#)

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Please see attached letter regarding my concerns about Short Term Rentals in San Bernardino County.

Steve Hawley
Big Bear City

January 10, 2022

Ms. Lupe Biggs
Administrative Assistant
San Bernardino County
2024 Orange Tree Lane
Redlands, CA 92374

VIA E-Mail

Dear Lupe Biggs,

I understand San Bernardino County has been working on a review/update to the STR ordinance. I am writing to you to express my concern about the regulation that currently exists as follows;

1- Our neighborhood in Big Bear City has seen a steady stream of departing permanent residents only to be replaced by platform hosted short term rentals; a few are local long time homeowners converting (evicting) year round residents but most are new out of town property owners buying specifically to become an airbnb/vrbo host. Our neighborhood is in a residential suburban (RS) zone, this was a quiet neighborhood when we moved here 3 years ago. Now however, on any given weekend and frequently during the week this area more resembles a commercial district overrun with cars, large gatherings (and not family gatherings) which also occurred, inexplicably, during covid restrictions. We call the sheriff something like once a month for noise violations and communicate with code enforcement more frequently for parking violations and occupancy violations.

2- Your development code requires a more comprehensive review process (CUP in lieu of SUP) for Bed & Breakfast in RS zone over 3 rooms and I would strongly encourage the county to install a similar review process threshold for STR over say like 3 cars 8 occupants so that existing neighbors and neighborhoods can voice their concerns to the supervisors - we often don't know of new STR's in our neighborhood until the property managers change and then we get a letter with the permit information and contact persons.

3- Big Bear Lake implemented a 2 car 8 person limit during covid and based on our attendance at the BBL town hall meetings the real estate community generally accepted the limit so long as Big Bear Lake did not maintain the permit moratorium. I am personally in favor of a permit moratorium. In neighborhoods like ours that are frequently overrun I suggest that a cap or limit IS most appropriate. Please further consider a 10 or 12 day per month limit and please also consider regulating spacing (density) of STR's - quite often the bad behavior in one STR will influence the bad behavior in the STRs next door - so, for example, spacing STRs 1000 feet apart or limiting the saturation to 15% in any residential neighborhood. Please consider any or all of these actions.

4- Big Bear is somewhat unique in that the tourist venues are located IN TOWN. Since the County has land use responsibility for unincorporated areas of Big Bear please consider zoning adjustments that concentrates the intensity of STR permits closer to the venues, especially the larger STR's that can and often exceed the 3 car 8 person limit. I believe this would be called responsible zoning, not an onerous regulation.

Short Term Rentals have become a huge concern for many of us regarding the quality of life in Big Bear City as well as other areas within the county. This has really gotten out of control.

Thank you,
Steven L Hawley
Big Bear City

CC (via Email)
Second District Supervisor and Vice Chair Dawn Rowe
Third District Supervisor Janice Rutherford

From: [Shelley Black](#)
To: [Biggs, Lupe](#)
Cc: [Supervisor Rowe](#); [Supervisor Rutherford](#)
Subject: Please see attached letter
Date: Tuesday, January 11, 2022 11:00:16 AM
Attachments: [County Email 1-10-2022.docx](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Shelley R. Black
P.O. Box 110901
Big Bear Lake, CA 92315
909-273-9634
shelley.black.bblunited@gmail.com

January 10, 2022

Ms. Lupe Biggs
Administrative Assistant
San Bernardino County
2024 Orange Tree Lane
Redlands, CA 92374
lupe.biggs@lus.sbcounty.gov

Dear Ms. Biggs:

I am writing to you today out of concern regarding the rapidly increasing number of short-term rentals in the unincorporated areas of San Bernardino County. Today I am focusing on the unincorporated areas in the Big Bear Valley.

I grew up in Big Bear City, California and enjoyed several full-time neighbors and friends. The neighborhoods were vibrant with full-time residents who lived and worked in the valley and who watched out for each other as neighbors do. This remained true up until a few years ago when investors started purchasing properties for the sole purpose of profit by turning these properties into short-term rentals. The landscape of the entire Big Bear Valley has been completely changed as we see these business ventures take over our residential areas; areas that are not zoned for business activity.

I am asking that an immediate moratorium be placed on the issuance of short-term rental licenses in the unincorporated areas of San Bernardino County until such time as adequate rules and regulations can be created that will create a balance between full-time residents and short-term rentals. Some items that need to be addressed:

- A cap on the number of short-term rental licenses that can be issued determined to be a manageable level that is proportionate to the number of full-time residents
- Local code enforcement with the ability to respond to issues at short-term rentals in person and in a timely manner
- Appropriate signage on every short-term rental identifying it as a short-term rental, the number of people allowed to stay at the property, the number of cars allowed to park at the property, the number to the code enforcement agency, and the short-term rental license number

Ms. Lupe Biggs
Administrative Assistant
San Bernardino County
January 10, 2022
Page 2

As permanent residents continue to be kicked out of homes they rent in order for the property to become a short-term rental, it is imperative this moratorium go into effect immediately. The Valley is losing permanent residents who work to provide the infrastructure necessary to support the tourist industry that has recently exploded in Big Bear. One of the elementary schools in Big Bear was forced to close at the end of the 2020-2021 school year due to the drastically declining enrollment occurring as families are forced to move from the Valley. Help wanted signs are now the norm throughout the Valley as the workforce is moving away.

I am asking for your assistance to preserve what we can in regard to our neighborhoods. I believe there is a place for short-term rentals; I do not believe a town can exist with only short-term rentals. The numbers are devastating and continue to grow every day.

Please consider a moratorium; a pause so to speak, where rules and regulations can be put into place before our community is completely destroyed.

Sincerely,

Shelley R. Black

cc:
Supervisor Rowe
supervisor.rowe@bos.sbcounty.gov
Supervisor Rutherford
supervisor.rutherford@bos.sbcounty.gov

/srb

From: [evelyn f](#)
To: [Biggs, Lupe](#); [Supervisor Rowe](#); [Supervisor Rutherford](#)
Subject: Short Term Rental Concerns
Date: Wednesday, January 12, 2022 3:58:56 PM

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(Adding Supervisor Rowe and Supervisor Rutherford)

Dear Lupe Biggs:

I am a home owner and a short term rental host in Lake Arrowhead. I love being able to share my beautiful historical cottage to visitors wanting to experience some R&R on our mountain. But beyond this, I actually HAVE to generate income from the property as this is our very first home purchase and is the only property we own. My husband and I worked very hard to be able to finally buy something and feel lucky we landed here. Due to my husband's work, we also rent in Los Angeles. I am so thankful that a platform like AirBnB exists so that we can help cover our mortgage, house expenses, etc. When it is not rented, we take every opportunity to come and enjoy our sweet hilltop home in one of the original neighborhoods of Lake Arrowhead.

While I am grateful at the chance to operate an STR, I also see how this model is causing some major challenges in several areas - especially considering the rate that these are popping up. We have to find a balance and we need to do it quickly.

For the last year, I have been watching incorporated areas such as Joshua Tree and Big Bear take action on this topic. I find that I am in agreement with their mission and am inspired with what they are doing. But for the incorporated areas, we have an added obstacle on top of an already seemingly insurmountable challenge. We need ears to hear our concern. We need the powers-that-be to work with us. We must find a balance. Yes, let's have visitors bring money to our communities, but let's keep it a community.

Lupe, what is the likelihood that we can put a moratorium on permits like I've seen other cities do? My hope is we take this time to work together to address these issues. My biggest concern are the companies that are infiltrating into our neighborhoods. There is a rental company that currently owns 10 properties in Lake Arrowhead and they now have 3 houses being constructed, two of which are across the street from me. These lots were once large areas of very old trees. The trees have been cut down in this old neighborhood so that a guy can run his business here.... no regard to community. Zoning really needs to be addressed.

Thank you for your time. I look forward to your response.

Sincerely,
Evelyn Fugate

cc: Supervisor Rowe
supervisor.rowe@bos.sbcounty.gov
Supervisor Rutherford
supervisor.rutherford@bos.sbcounty.gov

From: [Barbara Hawley](#)
To: [Biggs, Lupe](#)
Cc: [Supervisor Rowe](#); [Supervisor Rutherford](#)
Subject: STR Permit Concerns
Date: Wednesday, January 12, 2022 11:08:21 AM

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January 12, 2022

Ms. Lupe Biggs
Administrative Assistant
San Bernardino County
2024 Orange Tree Lane
Redlands, CA 92374

Dear Ms. Biggs:

I am writing to you because of my deep concerns over short term rentals in the unincorporated areas of San Bernardino County, specifically the Big Bear Valley. My husband and I moved here from North Carolina in 2019. We were aware that we were moving into a resort town and talked to our Realtor about the considerations related to that. What we did not understand was that vacation rentals were allowed anywhere and everywhere! We assumed that if we did not see signs indicating Occupancy and Vehicle maximums that we were not in a vacation rental area and were instead in a “neighborhood.” We purchased a house in “a neighborhood.” We soon came to find out that we were in fact in a vacation rental zone. This was not initially the case so we thought we were fine and enjoyed our quiet neighborhood, however, very quickly most of the houses around us became vacation rentals. Long term renters were kicked out of their houses so that owners could turn them into short term rentals. Owners who told us they might rent their properties occasionally began renting them every day of the year. Most alarming to us is the house across the street, which is currently a vacation rental and is being sold, is being marketed by Realtors as a perfect “**lodge site.**” The house has 5 bedrooms and 3 baths. So now we have multiple cars showing up to view this new listing (presumably investors) as their potentially new “**lodge site**” **money maker!** We no longer live in a neighborhood; we live in a commercial, multi unit vacation lodging zone! We are now in a position to police the houses around us in order to keep some semblance of order in the place we call home. We make multiple calls to the Sherriff’s department and many calls to SB County Code Enforcement. We have been told that in order for you all to issue a warning or further permit violation we have to take pictures and have some sort of proof of the violation. We have done that but bad behavior is difficult to get pictures of. It is really a terrible way to

have to live.

I am asking for a permit moratorium until such time that you all can hear from the residents and collect ideas for responsible short term rental ordinances. These are some things that I would specifically look for in responsible short term rental ordinances:

- * Saturation limits - such as no more than 15% of the houses in a neighborhood
A 10-12 day per month limit on rental days allowed
STR's spaced at least 1,000 feet apart

- * Zoning modifications or clarifications - such as a comprehensive review process that is similar to the Bed and Breakfast process, in RS zones, that allow residents to be notified when a property is being developed as a Bed and Breakfast. Giving the residents the chance to voice their concerns about the property use.

- * Zoning adjustments that concentrate the intensity of STR permits closer to the resort venues. Residents should be able to go into the unincorporated areas and enjoy a quiet lifestyle.

- * Appropriate signage should be required for all STRs. A sign posted on the front of the house that indicates maximum occupancy, vehicles, permit number, name and phone number of the manager, as well as the code enforcement number should be required.

- * More Code Enforcement officers are required based on the extreme number of permits the county has already allowed and approved in the Big Bear Valley. We are overrun as a result of the excessive permits and yet San Bernardino County has not used the TOT funds it is getting from all of these rentals to support Code Enforcement. I have been told that there is one officer that is in the field and they simply cannot get up to Big Bear to follow up on our complaints. When we call Code Enforcement we are told something will be done within 24 hours but we have yet to actually see that happen. The bad behavior, excessive cars and excessive people stay there until check out time.

- * Penalties for property managers- We have tried to contact the property managers of record and in every case the property managers have ignored us completely. When we do get a call back from Code Enforcement they have told us that they have attempted to call the property manager but are getting no response. This should result in an immediate fine. They would start acting more responsibly if it was costing them money to be irresponsible.

Thank you for your consideration of these very important issues that our community

is facing. Many residents are leaving the Big Bear Valley because it has become unlivable and this is having an extremely negative effect on the economy and life of Big Bear. Our workforce cannot find housing. Businesses cannot find employees. One elementary schools has closed this school year due to lack of enrollment. This issue is literally destroying the town.

Sincerely,

Barbara Hawley

cc: Supervisor Rowe

supervisor.rowe@bos.sbcounty.gov

Supervisor Rutherford

supervisor.rutherford@bos.sbcounty.gov

From: [Michelle DiSimone](#)
To: [Biggs, Lupe](#)
Cc: [Supervisor Rutherford](#); [Supervisor Rowe](#)
Subject: Urgent request to address Short Term Rentals in Unincorporated San Bernardino County
Date: Wednesday, January 12, 2022 2:59:24 PM

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January 12, 2022

Ms. Lupe Biggs
Administrative Assistant
San Bernardino County
2024 Orange Tree Lane
Redlands, CA 92374

Dear Ms. Biggs:

I beseech you to please enact stronger regulations for Short Term Rentals (STRs) in the unincorporated areas of San Bernardino County. I am personally most concerned with the immediate areas surrounding my home in the Arrowhead Woods community of Lake Arrowhead, CA.

My family has roots in the Lake Arrowhead area stemming back to the mid-1950's. My family and I have always referred to Lake Arrowhead as our "Happy Place." In the past three years, however, that "Happy Place" feeling has been replaced by feelings of frustration, anger and overall concern for my neighborhood and its residents. Frankly, we are being bombarded by the constant influx of strangers visiting the many STRs on my street. These visitors bring not only noise outside of the permitted hours, but illegally parked cars, full trash cans being left on the street for the rodents and varmints to dig through, and a general lack of respect for what used to be a quiet neighborhood. I can't even begin to tell you how many times I have had to ask people to not trespass on my property, but also move their cars off the street (especially in winter when snow plows need access). Frankly speaking, STRs have made my neighborhood a very unhappy place for its residents.

On a larger scale, the unrestricted permitting of STRs in the Lake Arrowhead area has resulted in the most scarce and competitive long-term rental market we have ever seen. The few remaining long-term rentals are priced outside financial reach for many of the area's service people. The consequence of this is many service-related positions are now unfilled because employees have had to move off the mountain and find employment elsewhere where they can find more affordable and more available housing. If you want to see how immediate this effect is, simply go to Starbucks in the Jensens Market in Blue Jay, where they have had to restrict their business hours to 8 a.m. to 3 p.m. daily, due to "lack of available staffing."

Not enough of a consequence? Just try to go to Bank of America in the Lake Arrowhead Village, where they didn't open their doors until 11:30 a.m. this past Monday, again, due to "staffing issues."

So perhaps two of the most recognizable businesses in the entire area are not even able to survive normal business hours anymore.

In searching for a solution, I urge you to enact some or all of the following suggestions immediately:

1. Develop a limit of STR licenses and/or restrictions on number of days each STR can be rented. Create a moratorium on new licenses and phase-out existing licenses as units do not renew (natural attrition). Set a limit on licenses, perhaps 15% of all homes to be licensed STRs. Enact a maximum number of nights each unit may be rented.
2. Require appropriate signage on every STR, easily visible from the street, identifying the address, property manager or owner contact information (with 24-hour response access), maximum occupancy of guests and vehicles. Each STR should have a posted permit number as well, in order to promote licensing compliance with in the county.
3. Enforce already-existing County Codes by employing more Enforcement officers and creating better tracking of violations. We were once told “STRs will be shut down after three violations.” I have called on one in particular at least a dozen times, yet it’s still in full operation with no fines assessed that I am aware of. So please understand the concerns of neighbors when we call and call, yet nothing ever gets done. Better Code Enforcement, at minimum, is needed.
In addition, trash cans are left out on my street every Sunday at 11 a.m., when STR tenants leave. Those cans are not picked up by Burrtec until Tuesday ... assuming they make it through two nights in the mountains without being toppled by bears, raccoons or any of the other animals that decorate our beautiful neighborhood with trash each week.
4. Limit or even prohibit corporate ownership of STRs in residential neighborhoods. These are neighborhoods, not places of commercial business.

I realize these issues were not created overnight, and therefore cannot be solved overnight. But immediate action is not only justified and warranted, it’s imperative to the future viability of our unincorporated communities.

Please, return to us our Happy Place.

Regards,

Michelle DiSimone
Lake Arrowhead Resident
P.O. Box 3224
Lake Arrowhead, CA 92352

Cc: Supervisor Rowe

supervisor.rowe@bos.sbcounty.gov
Supervisor Rutherford
supervisor.rutherford@bos.sbcounty.gov

From: [Jane Fawke](#)
To: [Planning Commission Comments](#)
Subject: STR's in Joshua Tree
Date: Saturday, January 15, 2022 9:57:35 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Good morning,

I hope you will curtail the explosive growth of short term rentals in the un-incorporated town of Joshua Tree.

In the past 5 years, this unregulated growth has resulted in detriment to our small desert community.

Noise, damage to the environment, trash, traffic build up and general ignorance to the fragility of our desert community has greatly contributed to our declining quality of life up here, especially in north Joshua Tree, where I live.

The explosion of tents, camper vans, yurts, domes, ugly fences and shanties is pretty awful, and not something I want to see from my patio.

I didn't work for fifty years to buy my dream desert home to be faced with beaten up roads, trespass onto my property by vehicles and wanderers, property damage by vehicles driving up and over my land, noise from 24 hour parties and raves, blinding lights and huge bonfires and fireworks that threaten us with range fires.

This unabated explosion must be controlled and regulated by you.

You wouldn't like this in your neighborhood, and we don't either, so please, use your powers and return our neighborhoods to us.

Thank you.

Jane Fawke.

Retired conservation park ranger.

From: [pat foley](#)
To: [Planning Commission Comments](#)
Cc: [Supervisor Rowe](#); [Supervisor Rutherford](#); [Supervisor Baca](#); [Supervisor Hagman](#)
Subject: Comments to Agenda Planning Commission Meeting Thursday January 20, 2022 - Short Term Rental limits in unincorporated San Bernardino County
Date: Wednesday, January 19, 2022 11:35:51 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Greetings,

I am writing to you today to urge you to take more assertive action with the unregulated growth of STRs in unincorporated San Bernardino County. Please add my comments to the agenda for the upcoming Planning Commission Meeting Thursday, January 20, 2022.

I am a full time resident of Fawnskin in San Bernardino County.

Please consider the following:

1. Create a limit on new licenses and phase-out existing licenses as units do not renew (natural attrition). Licenses should not be transferable upon sale to aid in this attrition. Limit should be a maximum of 15% of all homes approved to be licensed STRs in any one zip code. The density of STRs in some neighborhoods is out of control and creating a hotel/party zone that is untenable for residents. It is also creating a housing shortage for people who want to work and live here.
2. Require appropriate signage on every STR, easily visible from the street, identifying the address, property manager or owner contact information (with 24-hour response access), maximum occupancy of guests and vehicles and permit number.
3. Enact a maximum number of nights each unit may be rented, as well as maximum occupancy of 12 people. There should be a limit of 2 people per LEGAL bedroom, plus 2, with a maximum of 12 people. There should be a limit of vehicles with no neighbors blocked.
4. Enforce already-existing County Codes by employing more Enforcement officers and create more transparency of violations. We have no way of knowing if a reported violation was acted upon and what the result was. More transparency would mean we would be able to tell the number of violations reported per STR and if a fine was issued and if it was paid.
5. Prohibit corporate ownership of STRs in residential neighborhoods. These are neighborhoods, not places of commercial business.

Thank you in advance for your attention in this matter.

Patricia Foley

Box 519
Fawnskin, CA 92333

From: [Michelle DiSimone](#)
To: [Planning Commission Comments](#)
Cc: [Supervisor Rowe](#); [Supervisor Rutherford](#); [Supervisor Baca](#); [Supervisor Hagman](#); [Supervisor Cook](#)
Subject: Concerns about growing Short Term Rental (STR) issues
Date: Wednesday, January 19, 2022 10:18:19 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Good morning-

I am writing to you today to urge you to take more assertive action with the unregulated growth of STRs in unincorporated San Bernardino County. Please add my comments to the agenda for the upcoming Planning Commission Meeting Thursday, January 20, 2022.

My experience is in Lake Arrowhead.

Please consider the following requests:

1. Develop a limit of STR licenses and/or restrictions on the number of days each STR can be rented. Create a limit on new licenses and phase-out existing licenses as units do not renew (natural attrition). Limit should be perhaps 15% of all homes approved to be licensed STRs in any one zip code. Enact a maximum number of nights each unit may be rented, as well as maximum occupancy of 12 people.
2. Require appropriate signage on every STR, easily visible from the street, identifying the address, property manager or owner contact information (with 24-hour response access), maximum occupancy of guests and vehicles. Each STR should have a posted permit number as well, in order to promote licensing compliance within the county.
3. Enforce already-existing County Codes by employing more Enforcement officers and creating better tracking of violations. We were once told "STRs will be shut down after three violations." I have called on one in particular at least a dozen times, yet it's still in full operation with no fines assessed that I am aware of. So please understand the concerns of neighbors when we call and call, yet nothing ever gets done. Better Code Enforcement, at minimum, is needed.
In addition, trash cans are left out on my street every Sunday at 11 a.m., when STR tenants leave. Those cans are not picked up by Burrtec until Tuesday ... assuming they make it through two nights in the mountains without being toppled by bears, raccoons or any of the other animals that decorate our beautiful neighborhood with trash each week.
4. Limit or even prohibit corporate ownership of STRs in residential neighborhoods. These are neighborhoods, not places of commercial business.

Thank you in advance for your attention in this matter.

Michelle DiSimone

P.O. Box 3224
Lake Arrowhead, CA 92352
(909) 657-3099

From: [Konkani Coco Devi](#)
To: [Planning Commission Comments](#)
Subject: Short Term Rental Ordinance
Date: Wednesday, January 19, 2022 1:41:03 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Greetings,

I am writing on behalf of my community, Joshua Tree, which is experiencing a very REAL scarcity of housing secondary to the proliferation of Airbnb's. The short-term rental/Airbnb market has exploded to such a degree that residents are being forced out of their homes largely by opportunistic outside investors who exploit our community for their own gain. In my neighborhood alone there are Airbnb's owned by residents of Australia, Miami and San Francisco. I know that there are also many owners who reside in cities such as Los Angeles and New York. For many, it isn't enough to have one property, but they must have several properties that in effect takes housing from multiple families. Two new houses (possibly 4) are being built in my neighborhood for the purpose of creating new STR's- this does not build community and neighborhoods. Please note there are at least three illegal and unregulated "campgrounds" in my neighborhood that also run for the benefit of profit over the benefit of the community. The substantial amount of the money from these ventures do not go to our local economy but into the pockets of outside businesses.

I personally know friends, coworkers, teachers and families that have been asked to leave their residence for the purpose of turning residentially zoned housing into Airbnb's. These folks then have a hard time finding housing causing them to move in with other families, pay exorbitant prices for homes and rentals and in the majority of cases they leave the area. I am not exaggerating. According to reports, student enrollment is significantly decreasing each year as families are forced to leave the area which in turn affects school funding and likely the quality of our children's education.

In addition to the housing crisis, I have seen my once quiet residentially zoned neighborhood turned into a commercial hotel zone (some call a "hotel circle") with a rotation of strangers using our privately funded road. Needless to say our community is rapidly changing and regional connection is deteriorating.

It is time for the exploitation of our community to stop.

Some thoughts on additions to the STR ordinance follows:

- a) STR owned only by locals
- b) Limits on how many STRs can be in a neighborhood
- c) Limits on how many STRs one person/business can operate
- d) STR zoning separate from residential zoning
- e) Requirements that any new housing be for long term rentals
- f) Requirements that owners be on site or within a short radius
- g) Money from the STRs going to the school district and community
- h) STRs contributing to neighborhood road associations
- 1) Enforcement of ordinance
- j) Rental listing companies taking more responsibility for unpermitted rentals

Thank you for your consideration and I plead that our voices be represented in the Planning

Commissions pending meeting.

Konkani Devi
PO Box 1994
Joshua Tree, CA 92252

From: [Steven Hawley](#)
To: [Planning Commission Comments](#)
Cc: [Supervisor Rowe](#); [Supervisor Rutherford](#); [Supervisor Baca](#); [Supervisor Hagman](#); [Supervisor Cook](#)
Subject: Short Term Rental Pending Code Revision
Date: Wednesday, January 19, 2022 9:08:37 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

I understand San Bernardino County has been working on a review/update to the STR ordinance. I am writing to you to express my concern about the regulation that currently exists as follows;

Our neighborhood in Big Bear City has seen a steady stream of departing permanent residents only to be replaced by platform hosted short term rentals; a few are local long time homeowners converting (evicting) year round residents but most are new out of town owners buying properties specifically for use as an air-bnb/vrbo hosted site. Our neighborhood is in a residential suburban (RS) zone, this was a quiet neighborhood when we moved here 3 years ago. Now however, on any given weekend and frequently during the week this area resembles a commercial district overrun with cars, large gatherings (and not family gatherings) which also occurred, inexplicably, during covid restrictions. We call the sheriff something like once a month for noise violations and communicate with code enforcement more frequently for trespassing, parking violations and occupancy violations in addition to the noise.

The occupancy calculation needs to be calculated based on 2 occupants per bedroom plus 2 with no more than 12 occupants in any permitted location regardless of bedroom count. In reality, any more than 8 occupants quickly escalates beyond the quiet character of our RS zoned neighborhood.

Code enforcement has been physically absent and communities like Big Bear City need local enforcement presence other than the county sheriff, although they have been helpful. At the very least the property managers should be required to respond in the allotted time frame as written in the STR ordinance - so very often the code officers we speak to on the phone have indicated that the property managers that have been contacted are unresponsive. Perhaps they need to incur fines for their non response?

Finally, During the July 19, 2021 Planning Commission meeting a SB County staff working group was identified as working on the STR ordinance revisions. I have been expecting to see some further staff reporting to the Planning Commission on the matter but have yet to see any activity along those lines - what is the status of this working group and when will the public be able to interface with them?

Respectfully
Steven L Hawley
Big Bear City

From: [Barbara Hawley](#)
To: [Planning Commission Comments](#)
Subject: Short Term Rentals
Date: Wednesday, January 19, 2022 10:15:09 AM

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Planning Commission,

My husband and I live in Big Bear where short term rentals have exploded over the years and are completely changing the quality of life and viability of Big Bear. As a result of summer home owners, investors and prospectors turning every available home into a short term rental, neighborhoods are no longer neighborhoods but rather lodging communities with a constant stream of tourists coming up to exploit these neighborhoods. Trash, vandalism and trespassing are now regular occurrences in our neighborhoods. Also as a result of this our tourist industry work force have been unable to secure affordable housing. Homeowners are regularly kicking out long term renters in order to make more money in the short term rental market. This problem needs your immediate attention if this community is going to survive.

Here are some things that we feel would be first steps in improving these problems:

1. We need a limit on the number of short term housing permits in the unincorporated areas. We would like to see a limit of 15% of the housing in a given zip code. This limit would be achieved through attrition. As properties sell the new owners would have to apply for a new permit and would only get a permit if the zip code is within the 15%. As permits expire the homeowner would only be able to renew if the zip code is within the 15%.
2. A limit of 2 people per legal bedroom, plus 2 people (for example a 3 bedroom house could have up to 8 people) and no more than 12 people in any house at any time. This includes guests.
3. Signage is needed on permitted short term rentals with maximum occupancy, maximum vehicles, permit number and management contact number. This allows a full time resident the opportunity to know which houses in their neighborhood are rentals and gives them the parameters of the permit, as well as who to call for violations.
4. We need more code enforcement officers who can actually show up at a violating rental to enforce the ordinances. We need code enforcement officers to be transparent with us and let us know what they have done about the complaint and what the outcome was. We need fines for property managers who do not respond to the complaint calls on the properties they manage. In my husband and my experience, we have made several calls directly to the property managers so that they can come out and rectify the situation. In every single case we have gotten no response at all from the property managers. We call code enforcement and they have also said that they cannot get ahold of the property managers and they do not have any officers to send up here. If these managers were fined for their inaction it would make them much more responsible and create another revenue stream to pay for the code enforcement.

We look forward to working with you on these dire problems.

Sincerely,
Barbara Hawley
1119 Mountain Ln
Big Bear City, CA 92314

Sent from my iPhone

From: [Lexi Amrhein](#)
To: [Planning Commission Comments](#); [Supervisor Rowe](#); [Supervisor Rutherford](#); [Supervisor Baca](#); [Supervisor Hagman](#); [Supervisor Cook](#)
Subject: Unincorporated San Bernardino- Short Term Rental Concerns
Date: Wednesday, January 19, 2022 1:56:44 PM

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Dear Board of Supervisors and Planning Committee,

I am reaching out with concerns regarding the rapid growth of STRs in the unincorporated areas of San Bernardino County and the impact this growth is having on our communities, neighborhoods, and environment. I am asking that the Board take action to address these concerns at the next Board meeting.

I am working closely with a group of motivated individuals across San Bernardino County and we would like to see the following actions taken:

- We would like the Board to pass legislation that would limit STRs to 15% of housing per zip code through attrition. We also want to ensure that STR permits are not transferable upon sale of property.
- We would like signage which includes the maximum number of guests and the direct contact number to Code Enforcement to be required to be visibly posted on all short term rentals.
- We would like increased Code Enforcement support in the form of: a sufficient number of locally based Code Enforcement Officers, transparency regarding follow through of complaints through publicly available information (newspaper listing, website, etc), and a more rapid response time with more effective and efficient response (mailing letters to STR owners regarding a noise complaint violation is not effective nor efficient).
- We would like to ban corporate ownership of STRs and limit non-local residents to owning only ONE investment or vacation property. Many of the STRs that are in operation in San Bernardino County are owned by residents or businesses that are located in Orange County, Los Angeles County, and Riverside County. The profits that these businesses make DO NOT stay in our communities.

Unfortunately, I am not sure that you are all aware of the long term impact that the STR boom has had on our communities. Here in the Big Bear Valley, we are seeing small businesses close due to a workforce shortage that is directly related to a lack of sufficient housing for local residents. We recently saw the closure of one of our elementary schools because families have been pushed out of adequate and affordable housing in the area by STR investors. Our forests and lakes are covered in trash and litter from travelers; leaving local residents with the responsibility of cleaning up.

Further, our small towns do not possess the necessary infrastructure to support this many tourists- our wifi and phones don't work during busy weekends; our roads are constantly congested and becoming more and more dangerous to drive as visitors don't abide by speed limits, traffic signs, or painted lanes; our restaurants and grocery stores don't have enough

inventory for both locals and tourists.

As our neighboring incorporated cities start implementing stricter regulations on STRs, more and more investors are buying homes and land in the unincorporated county regions. As I'm sure you know, the unincorporated areas possess far less resources than our fellow cities and we will not be able to handle an influx of investors.

I strongly urge the Board to get ahead of this mess before more damage is done to our communities.

Thank you for your time and consideration.

Lexi Amrhein, M.A.

Pronouns: she/her/hers

CEO: [PINES Consulting Group](#)

Marketing Director: [Bear Valley Hospice](#)

President of the Board: [Mountain Health Resource Center](#)

From: [evelyn f](#)
To: [Planning Commission Comments](#)
Cc: [Supervisor Rowe](#); [Supervisor Rutherford](#); [Supervisor Baca](#); [Supervisor Hagman](#); [Supervisor Cook](#)
Subject: Agenda Additions: Unregulated STRs
Date: Wednesday, January 19, 2022 8:35:02 PM

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Hello,

In regards to the Planning Commission Meeting today, I am hoping you can cover a few things related to the unregulated growth of STRs in unincorporated areas.

Can you add these items to the agenda:

- People are running a commercial business in our neighborhood. I know of a company that has 10 houses in Lake Arrowhead and is in the process of building 3 to add to their portfolio of 'luxury rentals'. This should not be allowed.
- A limit of STR permits. Come up with a percentage of STRs that each area is allowed to have. It is feeling very saturated now and is going to get worse if nothing is done. To help with noise pollution many STRs are causing, also limit of the number of days a place can be rented per year and cap the # of guests to 10 (2 families).
- We need more enforcement officers and the actions taken for every complaint need to be trackable by the public.
- All rentals should have posted outside their permit number and a contact number.

Thank you,

Evelyn Fugate
Lake Arrowhead

From: [Lori Bloom](#)
To: [Planning Commission Comments](#); [Supervisor Rowe](#); supervisor.rutherford@bos.sbcounty.gov; [Supervisor Baca](#); [Supervisor Hagman](#)
Cc: [Lori Bloom](#)
Subject: Short Term Rentals in the Unincorporated Areas of San Bernardino County
Date: Wednesday, January 19, 2022 10:16:53 PM

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I request that the following comments be added to the agenda for the upcoming Planning Commission Meeting on January 20, 2022.

I am a full time resident of Redlands and a part time resident of Big Bear City. In the twelve years that we have owned in Big Bear, the short term rental situation has become out of control. There is no limit to how many permits can be issued, and in the last couple of years almost every residence that has sold has become or has remained a short term rental. Many of the homes that sold were long term rentals, and the tenants have been displaced. This has resulted in a severe housing shortage for long term renters. Many have been forced to move off the mountain. This has had an adverse effect on local businesses as they struggle to find employees. The population is declining to the point that an elementary school has closed.

The huge influx of short term rentals has taken away our neighborhoods. We never know what to expect when we are at our second home in Big Bear City. It's not unusual to hear parties or loud conversations into the wee hours of the morning. There can be many illegally parked cars. We have lost our neighborhoods, they have become inundated with mini hotels. The county believes the solution is to contact code enforcement, but that is no way to live. Code enforcement is in itself a problem, there are not enough code enforcement officers on the mountain and complaint response is sporadic.

I would ask that the following be taken into consideration:

1. When a property sells that has an existing short term rental permit, the license currently sells with the property. This should not be the case. Permits should terminate upon sale of the property.
2. Short term rentals should be limited to no more than 20% of existing residences throughout the zip codes in San Bernardino county.
3. Short term rentals should require signage on the outside of the residence. Signage should include max number of occupants and cars, SB county permit number, and contact information.
4. Code enforcement needs to be addressed. There are not enough officers on duty at any one time, particularly during weekends. There should be plenty of revenue from TOT to cover salaries and benefits of additional officers. We need more transparency with violations. We are not able to tell if penalties have been given/paid.
5. Maximum occupancy should be 2 per LEGAL bedroom plus two, with a maximum of 12 people at all times.

I believe the public should have a chance to get involved in developing short term rental policies and procedures, I would like to see workshops to come up with solutions that are open to the general public.

Thank you for your attention to this important issue.

Lori Bloom.

[Sent from Yahoo for iPad](#)



October 19, 2021

To: California State Department of Housing and Community Development (HCD), Housing Element
California State Governor's Office of Planning and Research (OPR), General Plan Guidelines
County of San Bernardino Land Use Services Department
County of San Bernardino Community Development and Housing Department
Town of Yucca Valley Community Development Department
City of 29 Palms Community Development Department

For your consideration:

Who We Are

The Morongo Basin Conservation Association (MBCA) is a community-based non-profit that is dedicated to preserving the economic and environmental welfare of the Morongo Basin located in East Desert Region of San Bernardino County (SB County).

The Morongo Basin is a family of unique communities connected by Highways 62 and 247, bordered by Joshua Tree National Park, Sand to Snow National Monument, and the Marine Corps Air Ground Combat Center of 29 Palms. The Morongo Unified School District (MUSD) boundaries essentially align with the Morongo Basin's and cover as much territory as the State of Rhode Island. The Basin residents number somewhere between 64,000 to 71,000 people.

The Morongo Basin includes the "Unincorporated Communities" of Morongo Valley, Yucca Mesa, Pioneertown, Rimrock, Pipes Canyon/Gamma Gulch, Landers, Flamingo Heights, Copper Mountain Mesa, Joshua Tree, and Wonder Valley. These communities are included in the current SB County Housing Element Update as well as the SB County Short-Term Rental (STR) Ordinance. You can see a listing of the 73 +/- "Unincorporated Communities" here at <http://countywideplan.com/cp/> that fall under the widespread SB County Land Use Service's jurisdiction, which is responsible for 137,487 households (as of 2019). The number is not clear, but approximately 34,555 of these are vacant vacation homes, (34,555/ 137,487 = 25% of all households).

Anchoring the Morongo Basin is The Town of Yucca Valley (pop.22,146) and the City of Twentynine Palms (pop.24,966). Both are incorporated with their own Community Development Departments managing their respective Housing Element Updates and vacation Short-Term Rental (STR) Ordinances.

Our Concern

All three jurisdictions responsible for the housing of the Morongo Basin are currently updating their Housing Elements as required. All three are currently also reviewing their Short-Term Rental (STR) Ordinances due to so many community issues stemming from the explosion of STRs in our

Post Office Box 24, Joshua Tree CA 92252 – www.mbconservation.org

MBCA is a 501(c)3 non-profit, community based, all volunteer organization

Basin. The identity crisis and turmoil caused by such extreme and rapid change like we have witnessed over these recent years, serves as a case study in how a jurisdiction's STR Ordinance, Housing Element, and General Plan are all intricately linked and how consistency between them is crucial.

The following is a request for the State Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR) to offer guidance and oversight for jurisdictions grappling with this complex relationship. Short-Term Rentals (STRs) were not a huge factor 8 years ago during the 5th Housing Element Cycle Update, but with the growth of smart phones, apps, and vacation rental platforms, STRs now have a significant impact on many communities across the State, directly affecting housing.

Housing Displacement and the Loss of Community

We have seen in our Morongo Basin a mass housing displacement of long-term renters caused by owners deciding to sell. One local rental agency, in the last 18 months, has had to make that horrible call to 33 families to inform them that they had to move because the owners were going to sell. With much effort, the agency could only re-home 12 of those families.

It is easy to blame the pandemic and that has indeed exacerbated the effects, but both the Marines and the Morongo Unified School District (MUSD) Homeless Liaison informed SB County of this housing shortage and that it was seriously impacting their respective families. This was months before the SB County STR Ordinance was adopted in November of 2019. They specifically named the shortage as being caused by the burgeoning STR market reducing available housing and increasing rents and home prices.

Later, in January 2021, the MUSD Homeless Liaison reported that a grant assisted 85 local families with housing crisis situations. Due to the lack of homes in the Basin they were forced to find housing for 6 of those families hundreds of miles away in Apple Valley, Blythe, and Needles. The crisis has accelerated since then, and that grant ran out. Displaced families are either doubling up with others or have left the Basin, and often the State, to find more affordable homes.

Some homeowners took advantage of the market to "cash out". They then left, taking that benefit with them as opposed to reinvesting it in the community. These departures also take away much needed services and skills like in-home daycares, nursing aides, and construction laborers. Each young adult that leaves is taking all that cumulative community investment in them, with them: all the library events, soccer teams, bookfairs, and church camps. There is an immeasurable effect from such an exodus, affecting generations.

Outside commercial interests with significant financial resources, attracted by the "open" STR market, have contributed to inflating the market with their easy ability to out-bid our locals. Even those locals that have means are now priced out of benefiting from the local STR market in their own community – the community they helped build up with years of invested sweat equity and contribution.

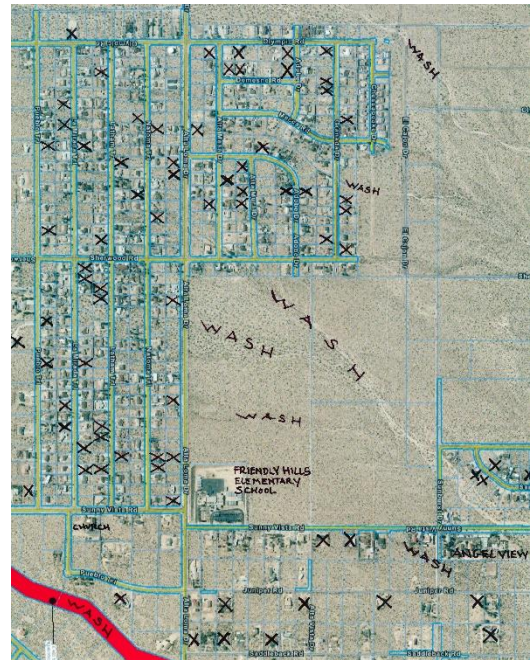
A Neighborhood Case Study

Over just the last three years, Friendly Hills Elementary School in Joshua Tree (one of 11 elementary schools in MUSD) has dropped from the usual enrollment of 350 down to 260 – a 25% reduction, with housing displacement being the main reason. This map on the right is part of the neighborhood surrounding this school.

There are 76 permitted STRs in this view. This neighborhood is now comprised of 16% lodgings. But this is a moving target approaching 20% when accounting for homes on the market, newly purchased and newly constructed homes in the process of converting to STRs, and some lodging businesses operating illegally.

Consider the impacts on this neighborhood if a 120-room motel was built instead of all the individual STRs. Such a project would not be allowed in this residential zone without a zoning change and California Environmental Quality Act (CEQA) review of impacts and review for consistency with General Plan and Community Plan goals and policies. Imagine if to build the motel, 76 homes had to be demolished leading to a 25% reduction in the elementary school enrollment. There is little chance that this project would pass.

Unlike the 76 STRs now, the motel developer would pay a developer impact fee towards improving the already dangerous intersection at that school. This improvement has not happened with the current STRs, as Joshua Tree gets none of the Transient Occupancy Tax, but they do get all the traffic. The motel would also have to be made accessible to all of the public, following ADA regulations. Much of this neighborhood floods, and many new owners are not aware of the dangers. Some homes are literally sitting in washes. This neighborhood is dense with desert plants and wildlife, including many Joshua trees. Any development should be carefully considered.



Community Decline

The net enrollment of our Morongo Unified School District (MUSD), where 70% of the students are classified as low-income, has dropped by 400 to below 8,000, depriving the District of much needed funding. With less funding, services and options decline for students. Big Bear, our sister community up in the mountains, is closing an elementary school due to declining enrollment, as they have their own serious struggles with the STR market. There is no surer marker of a community on the decline than a shortage of workers, decreasing population, and decreasing school enrollment. According to the Census, Joshua Tree lost close to 1000 people since 2010, and according to the Draft SB County Housing Element, we have over 700 STRs.

Are we witnessing the start of a “Cycle of Decline” for the Morongo Basin?

The Role of Planning

Government planning studies are done just for this reason: to inform and forewarn communities of such negative trends, so preventive decision-making can mitigate the causes and prevent community deterioration. The Housing Element and the Annual Progress Report exist, just for this purpose.

The September 9th, 2021, San Bernardino County Planning Commission Staff Report states that the Housing Element's *"purpose is to ensure that current and future housing needs for all residents in the community are addressed. It provides goals, policies, and actions to maintain and improve existing housing, and accommodate the County's fair share of housing growth needs."*

The Purpose of the Housing Element is to preserve existing affordable housing and to encourage planning for future affordable housing by removing or rectifying "constraints" or "barriers" to these goals. As illustrated by the Morongo Basin, unrestrained investor fueled STR markets in some communities have moved past acting as a "constraint" to affordable housing, as they are actively depleting or hijacking a community's housing stock thereby displacing residents.

The Role of Zoning

The Housing Element, Planning Documents (General Plan, Development Code) and Zoning exist to create and protect spheres of opportunity for various scaled activities, protecting and buffering zones from incompatible uses. This maintains balance in a community while meeting its various needs, so that the community may prosper in the present and into the future.

The residential zoning designation exists in order to preserve a neighborhood for housing and to safely maintain the well-being and quality of life for the residents. Zoning establishes a guardrail which protects residential scaled activities carried out by individuals with residential scaled incomes and resources from being "steam-rolled" by commercial interests fueled by the power of their commercial scaled resources.

In the commercial sphere, for a local business to thrive, or even exist, it cannot compete with Walmart for the same piece of land. That is why in SB County we have a "Neighborhood Commercial" zone as distinct from "General Commercial" zone, to buffer incompatible uses and to protect spheres of opportunity for various sized businesses. Residential zones also exist to protect a residential sphere of opportunity for family-scaled home-based businesses. A lodging business in a residential zone, to be compatible with its residential neighbors, must be on the scale of a local business owned by local residents.

Communities should be able to decide if STRs will work for them, and to what extent. They can specify parameters that suit their specific neighborhoods and codify these decisions in their Community Plans and General Plans. Land use distinctions are designated for a reason, and similar distinctions can be written and adopted for short-term rentals, so their benefits outweigh their impacts on a community. There is potentially a good balance to be found.

“Consistency” Oversight

To achieve this ideal planning balance, all Elements, Goals, and Policies of the General Plan and Community Plans, and Implementation in the Development Codes, Zoning, and all Planning Decisions and Actions are legally required to be internally and externally consistent within themselves and with each other. You cannot advocate for housing preservation in one document, and then create the conditions for mass evictions and housing displacement in another.

The Housing Element is a required Element of the General Plan for all jurisdictions. A County or City must have an adopted and certified Housing Element to qualify for housing programs and funds from the State. HCD has oversight and approval authority over jurisdictions’ Housing Element Update and Annual Progress Reports for just this reason: to protect housing.

If a STR Ordinance removes the protective guardrail between zones and directly, or indirectly, gives commercial interests incentive to steam-roll residential community members’ opportunities and causes mass displacement, the Ordinance subverts those protections inherent in zoning. The Ordinance may be in violation of Planning Law and is certainly out of consistency with the Housing Element.

With this clear inconsistency, we question how the State can approve that jurisdiction’s Housing Element until they revise their STR Ordinance into consistency with the Housing Element per the “consistency requirement” encoded in State law.

If a STR Ordinance is currently contributing to significant housing displacement, the HCD has the responsibility to recommend that those jurisdictions place a moratorium on new short-term rental permits, stopping the cycle of decline before it can take full root. A grace period to extend the Housing Element Update deadline would relieve jurisdictions of the threat of funding loss and encourage the timely review of their STR Ordinance so that they can correct any inconsistency and bring the STR Ordinance into balance with the Housing Element.

Points and Recommendations

Please consider these points and recommendations to strengthen the Housing Element Update and Annual Progress Report (APR) requirements in order to achieve more beneficial results:

1. STRs are “lodging” for tourists not “housing” for community members.
2. STRs are not “vacant” houses sitting there waiting for community members to move into. STRs must be a specific category in the Housing Element Update and on APRs, separated from the “vacant” category, so that there is no confusion as to the quantity of housing that is indeed available for homebuyers or long-term renters to find shelter in, in a community. This misrepresentation could mislead those not familiar with the true circumstances, and thus decrease funding opportunities meant to alleviate the very problems the STRs are creating.

3. STRs require their own specific line item in the “Tenure” Table.

“Tourist-Occupied STR Lodging/Vacation Home” could be added on the fifth line of the below Table 2-14 from the “SB County Draft Housing Element 2021- 2029”. 34,555 would be shown in the new line. It is unclear if all those vacation homes are also STRs. The “Vacant (other vacant)” would then represent the reality that there are only 5,000 units (per the text, page 12 to 13, of the Draft Housing Element) sitting vacant for potential housing. This would clarify that a full 25% of the Unincorporated Communities’ housing stock is now lodging, not housing.

As it is now, the vacancy rate looks tremendously high at 31% at first glance*. This is very different from the reality that the actual available vacant housing and rentals rates are around 1 to 2 % each. This shows a very tight and thus inflated market. A healthy optimal “vacancy” rate for housing and rentals is given of 2% and 6%, respectively, established as a guideline to assure there are housing options for both renters and homebuyers of various income levels.

Table 2-14 Housing Tenure and Vacancy in 2019

Housing Tenure/Status	Unincorporated Area		Total County Area	
	Units	Percent of Total	Units	Percent of Total
Owner occupied	62,979	38%	380,281	53%
Renter occupied	32,247	20%	255,760	35%
Total occupied	95,226	20%	636,041	88%
Vacant (unoccupied)	42,261	27%	84,716	12%
TOTAL	137,487	100%	720,757	100%
Vacant (for rent)	1,671	1.0%	10,649	1.5%
Vacant (for sale)	2,311	1.4%	6,710	0.9%
Vacant (other vacant)	39,555	24.1%	67,357	9.3%

Source: American Community Survey, 2019 5-Year Estimates

http://www.sbcounty.gov/uploads/LUS/HousingPlans/HE_PrelimDraft_ComProfile_20210914.pdf

* It seems the % are not correct in this chart. The Owner Occupied is 45% +Renter Occupied is 24% = Total Occupied is 69%. Total Vacant is 31%: The STR Lodging is 25%. Vacant for rent is 1.2%, Vacant house for sale is 1.7%, Vacant Other is 3.6% +/-

4. Account for STRs within a community and/or regional framework, so that the impacts to that specific community are clear and not diluted. The housing/rental/ STR situation in the Mountains does not directly affect the Morongo Basin, so our numbers should be shown separately from the Mountain, the Valley, and the North Desert Region which is many miles away.
5. Current rents and current housing prices must be utilized on the APR form, to determine real world affordability. Affordability is based on what can be earned in that community to pay rent or mortgage, and what the costs of living are there. The standard utilized for measure of affordability in the Housing Element should not assume that all families must be “cost burdened” nor should it assume they must live in an “overcrowded” living situation, per HUD definitions.
6. New construction must declare its use (single family residence, garage, barn, office) when applying for a permit. If the new construction is intended to be an STR, it should be declared as

such. That new structure would be listed on the APR specifically as an STR. If it converts to housing, that change of use can be updated in future APRs or Housing Elements.

7. In order to identify ideal sites for new affordable housing, group sites by community in the Site Inventory of the APR. The sites can then be more efficiently compared and considered alongside the hazards, local conditions, and goals of that community as shown in their General Plan and Community Plan.
8. We encourage OPR/HCD to provide guidance on how jurisdictions can integrate STRs responsibly into their existing community fabric and economies. For example, the balance that may work best for the Morongo Basin could be allowing only resident owned STRs. This would still provide the jobs afforded by the STRs but would slow the bleeding of our precious community-built equity to outside commercial interests. Profits would stay local and get reinvested in other local businesses on a daily basis, as well as engender contributions to sports teams, schools, churches, animal shelters, etc. Local owners, who are directly accountable to their neighbors, tend to have years, if not generations, invested in the community and have the shared interest of protecting their community as do surrounding neighbors. Locally owned STRs create more interesting, “grounded”, character-fueled unique opportunities for tourists of various economic levels.
9. Guidance can assist jurisdictions in analyzing all factors, short-term and long-term benefits and costs, of STRs on the community. Help the communities look at the STRs in terms of maintaining a healthy jobs/housing balance, along with staying within the vision of the community.

Protecting the well-being of their own community’s residents and workforce is the primary responsibility of Cities and Counties. The Department of Housing and Community Development has the authority to act, Cities and Counties have the power to zone, the Attorney General and citizens can litigate for this same protective reason. Planning Law exists to avoid housing disasters and community decline just like our Morongo Basin is now experiencing.

We hope these points offer suggestions in a more positive and productive direction.

Sincerely,

The Morongo Basin Conservation Association

Steve Bardwell, President
David Fick, Vice President
Laraine Turk, Secretary
Cathy Zarakov, Treasurer

Pat Flanagan, Director
Brian Hammer, Director
Sarah Kennington, Director
Janet Johnston, Director

Arch McCulloch, Director
Ruth Rieman, Director
Stacy Doolittle, Director

From: [Gary S](#)
To: [Planning Commission Comments](#)
Subject: Short Term Rental revision Recommendations
Date: Monday, January 24, 2022 1:24:52 PM
Attachments: [STR Code Analysis GSTI 22422.docx](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Hello

I have appended my Comments for your review.
Let me know if you have any questions.

Thank you,
Dr. Gary Stiler

January 24, 2022

RE: Complaints Against and Proposed Revisions to SBC 84.28: SHORT-TERM RESIDENTIAL RENTAL Code

Submitted by:

Gary Stiler, PhD

8524 Little Morongo Rd., Morongo Valley CA 92256

909-362-2016

gstiler@verizon.net

The following data, analysis and subsequent recommendations are localized to Little Morongo Heights. It is however, subject to application in other similar communities and neighborhoods within SBC and throughout California. Given the extraordinary expansion and growth of Short-Term Rentals within the last three years, the following micro-analysis of an isolated community, in an unincorporated portion of San Bernardino County, has wide application to a consideration of similar impacts, analysis and recommendations.

The data herein, has been compiled from available SBC-LUS resources (although much has been sequestered from public access), industry sources (e.g.: AirDNA, VRBO, Airbnb) and from informal interviews with community members and community action groups. Data are presented as estimates.

Background

Little Morongo Heights is a small (6 sq. mi), isolated community north of Hwy 62 in unincorporated Morongo Valley. It is served by two entry roads. It is isolated by SBC flood control structures to the west, undisturbed desert lands to the east, and by the new Sand to Snow National Monument to the north.

Lot sizes range from 1 acre to five acres and most were originally platted as homestead parcels in the 1950. Homes have septic systems and some have wells. Most however, are serviced by SBC Special Water District 70F which provides residents with contaminated water (uranium) delivered through surplus WWII pipes.

The community currently has 59 dwellings. Of these, 45 dwellings are occupied by long-term residents. An additional twenty-eight are operated as STRS (2022). The Heights is predominantly a low to middle income community comprised of retirees, artists and single-income households. While home values have increased, resident average income has not increased. Several investors have purchased acreage and dwellings as STR properties., However, few investors live in the immediate community.

Homes are mostly of mid-century design with flat roofs, overhangs and wood construction. Very few new homes have been built in the last 20 years.

Vegetation is mainly Mohave scrub predominated by Creosote and Yucca. While a number of lots have been scraped, most remain in their natural condition. SBC-DPW Flood Control has constructed and maintains a channel that directs seasonal overflow under Hwy 62 and into Little Morongo Cyn to the south.

While community roads have been offered to SBC-DPW, all remain under private ownership and are maintained by community members. Short term rentals currently number 28 out of 59 total dwellings.

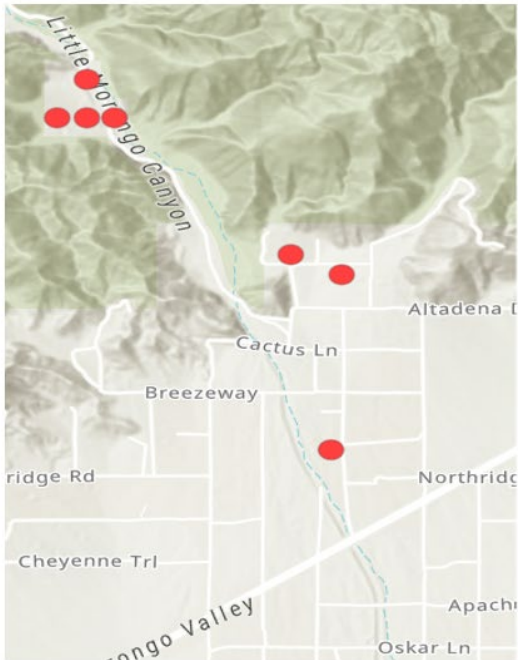
Since 2018, the large influx of STR guests, STR employees and associated vehicular traffic has greatly impacted this community in a number of ways.

The following table summarizes the impacts of STR commercial activities that have been prompted by since 2018. This data is then subject to salient component analysis of the key STR factors that impact Little Morongo Heights. These include Dwellings, Population, Vehicles, Employee & Contractor Vehicles per day, Vehicle Trips per day and Vehicle Trips per Time of Day.

Table 1 Little Morongo Heights: STR Impacts – Dwellings, Population, Vehicles (2018-2022)

	January 1, 2022	STR (2022)		Full Time Resident (2022)		January 1, 2018	STR (2018)		Full Time Resident (2018)	
	Total	#	%	#	%	Totals	#	%	#	%
Dwellings	59	23	39	31	53	48	3	6	45	94
Population	168	60	36	108	64	128	8	6	120	94
Vehicles	86	36	44	46	56	52	6	12	46	88
Employee & Contractor Vehicles/day	52	42	81	10	19	14	4	29	10	71
Vehicle Trips per day	142	46	32	96	68	104	8	8	96	96
	Total	STR		Full Time Resident		Total	STR	Full Time Resident		
Vehicle Trips Time of Day	46	24 hrs		7am-7pm		8	24hrs	7am-7pm		

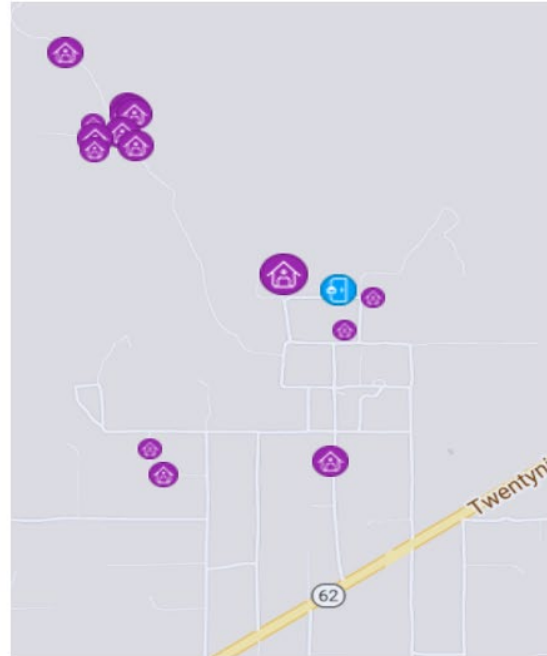
Figure 1. SBC-LUS Screenshot, 7 STRS



1/20/22 SBC-LUS

Source: [Short Term Rentals Public Viewer \(arcgis.com\)](#)

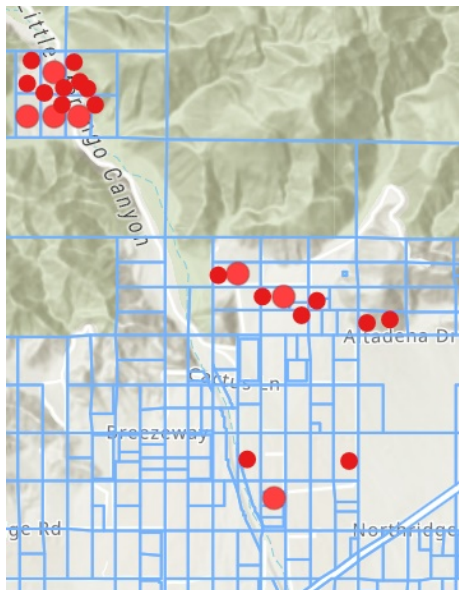
Figure 3 AirDNA Screenshot, 19 STRs



1/20/22 AirDNA

Source: [Airbnb Data on 79 Vacation Rentals in Morongo Valley, CA | MarketMinder \(airdna.co\)](#)

Figure 3 Combined LUS & AirDNA Data, 23 STRs



1/20/22: Permitted, Unpermitted, Advertised STRs

Source: combined LUS/AirDNA Data & unpermitted STRs

NOTE:

The discrepancies noted here, between the LUS and AirDNA data sets is compounded by local knowledge about unpermitted STRs. It is apparent that enforcement personnel have made little to no effort to accurately enumerate and disseminate STR data about Little Morongo Heights to local residents and local governmental leaders (e.g.: BOA).

Is this indicative of a wider problem?

If so, these data are not only being touted as accurate, but are also being made available to the public, to the County BOSs, their staff, to State agencies, local community coalitions, local governments and to the media *throughout San Bernardino County*.

Analysis

Dwellings. In 2018 the total number of occupied residential dwellings in Little Morongo Heights was 48. This included 3 STRs that were owner-occupied. From 2018 to 2022 eleven (11) additional dwellings were constructed or built to accommodate additional STR guests (none of these have been permitted). These structures include four (4) tents, at least three (3) trailers and at least (4) home conversions. As of January 1, 2022 only one (1) STR was owner-occupied. All other STRs were either managed by off-site hosts or by off-site owners.

Population. Estimates of STR guests (i.e.: population) *increased* from 6% to over 39% of the total population of Little Morongo Heights. During this period, as dwellings were converted to STRs and new STRs were being built, the full-time resident population decreased by 30%. The remaining population base has been marginalized to the point that neighbors often lack the ability to coalesce and make meaningful requests of SBC leadership and agencies.

Vehicles. Commensurate with an increase in STR dwellings – and as a result of STR code vehicle allowances (*up to 20 vehicles*) – STR Guest vehicles were allowed to increase by 32% from 2022 data. This figure certainly increases when STRs have day-time visitors, parties and/or unpermitted commercial activities. Increases in vehicular traffic have given rise to commensurate issues: lost guests, speeding, reckless driving, damage to private roads, widening of private roads - erosion of road shoulders, dust, damage to roadside vegetation, dead native animals

Employee Vehicles/day. As the number and complexity of STR Dwellings increased the percentage of total vehicle traffic serving STRs increased by 37%. This increase includes vehicles occupied by STR employees (housekeepers, Hosts, owners) and by contractors (e.g.: pool spa maintenance, construction and repair, communication technology, furniture delivery, water delivery, garbage and trash pickup).

Vehicle Trips per day. This figure is linked to both STR Guest and employee & Contractor round trips. Many STR Guests leave and return multiple times to shop, eat, visit entertainment venues, and explore local points of interest. STR hosts/owners also manage and own other properties throughout the Morongo Basin. They visit, administer, purchase supplies and transport supplies, materials and equipment from STR to STR throughout the Morongo Basin.

Vehicle Trips-Time of Day. While most contractor, housekeeping and administration activities are conducted during normal office hours, many Guests arrive and check in after 8pm. Furthermore, Guests are prone extend their vacation experiences beyond the confines of the STR. Many leave or return to a STR throughout the night and into the early morning hours. Neighborhood complaints include: road noise, excessive dust, lights, speeding, damage to roadside vegetation, transient radio noise, garbage and dead native animals.

Recommendations

#1: Fund Research and Examine Effects: SBCs lack of foresight and planning, as well as SBC Supervisor's last-minute changes to STR Code in 2019, had a devastating effect on the community of Little Morongo Heights – as well as on many other Unincorporated and Incorporated communities across San Bernardino County. Given the increase in STR units from 2018 to 2022, the community of Little Morongo Heights lost long-term residents: families, children, elders and friends. Many were forced to relocate by economic forces imposed upon them by STR investors and investments.

SBC must fund an outside analysis of the effects of the STR explosion on both Incorporated and unincorporated communities within the county.

→Effects on dislocated families and communities

- Were they able to locate comparable housing?
- Have they been economically disadvantaged by being forced to relocate?
- How are local schools and being affected?
- How have STRs changed neighborhoods?

#2 Adjust STR fees.

→*SBC STR Code* appears to be *biased* towards the economics of STR revenue production;

→*None* of the STR **revenue tax** that accrues to SBC can be re-channeled into unincorporated communities like Little Morongo Heights;

→the only **jobs** produced by STRs are *low wage* housekeeping and handyman jobs, without benefits;

STRs must provide all fulltime and part time employees with medical, workman's compensation benefits STR to be taxed 5% of profits for employee retraining and development education. Funds will be directed to local community colleges for tuition, fees and program development.

#3 Address Community Impacts

→ SBC is telling us to **report neighbors** who converted residences to STRS without permits.

→Some STRs have been permitted to host upwards of **twenty (20) guests per day**. Because of the sheer volume of unknown individuals now residing in isolated, rural communities, permanent residents no longer know who their neighbors are *and* are suspicious and untrusting of unknown individuals, Hosts, STR owners and employees;

→Neighbors have had **arguments** with STR hosts, owners, STR Guests, employees and contractors over a variety of issues;

→**Neighbors have been threatened** by STR owners and hosts;

→**Neighbors fear retaliation** from STR owners, hosts and guests if they complain.

#4 Address SBC-LUS Ineffectiveness, Training & Leadership Deficiencies

→ **Complaint procedures are changeable and vague.** *SBC Code Enforcement Officers and SBC Administrators do not provide clarity.*

→**SBC Code Enforcement Officers and SBC Administrators** have been asked to provide resolution procedures, mediate disputes and recommend resolutions – however, they are unresponsive, poorly trained and nearly impossible to contact.

- Officers appear to **engage in follow-up only** with STR hosts and owners;
- Officers do not appear to have community/**complainant response protocols**;
- Officers appear to **view complaints from full-time residents as antagonistic**;
- Officers frequently **exhibit behaviors that indicate 'There's nothing I can do...'**, and signs of **intimidation by their supervisors**;

→SBC LUS/Code Enforcement **online complaint systems are unsophisticated, lack consistency, continuity and have no record-keeping or response mechanisms** available to complainants. *

*Code Enforcement eliminated the '**SBC 311**' reporting system with no public announcement; then Code Enforcement implemented the '**Short Term Rental Complaint Hotline – Deckard Technologies**' with no

public announcement, all phone calls to Code Enforcement are routed through the Hotline with long waiting periods for service; Callbacks from Code Enforcement Officers are rare.

#5 Address SBC Interagency Responsibilities and Funding

- SBC agencies, divisions and leadership (DPW, Special Water Districts, Sheriff, and CEO) are generally **unresponsive**, and offer **No Support protocols** for affected neighbors and community members to follow;
- SBC Sheriff is *unresponsive* and/or **unable to respond to complaints** about speeding, reckless driving and other basic policing responsibilities (Sheriff Deputies must *see* the violation in order to enforce it).

#6 Address SBC-LUS Protocols & Public Interaction Procedures

SBCs actions have created an administrative and legal impasse in *unincorporated communities* that may be impacting *incorporated communities* as well.

- Failure to enforce**: SBC has been engaged in lawsuits with several STRs for over four (4) years without reaching resolution;
- Failure to apply regulations, code and penalties**: STRs are permitted to continue unpermitted operations in lieu of **direct orders** to cease and desist;
- Failure to mitigate nuisances**: STR access in many unincorporated areas is through private roads and along nearby homes -- **complaints about STR-caused dust, vehicle noise and lights, speeding vehicles, heavy equipment, and damage to privately owned roads are not enforced.**

#6 Address Issues of Private Road Burdens on Property Owners

Maintenance of **Private Roads** in unincorporated areas is the responsibility of **underlying owners**. As no support, guidance or fees have been made available to underlying owners.

- **SBC is forcing owners to subsidize STRs.**
- The imposition of *de facto* subsidy requirements upon property owners has also placed said owners in circumstances where **they can be sued by STR** owners and guests for **(1)** failure to maintain, **(2)** loss of revenue as a result of poorly maintained roads and **(3)** damage to vehicles and personal injuries as a result of failure to maintain.
- Numerous private roads have been offered to SBC-DPW however, DPW has declined to accept them.
- DPW tells unincorporated communities to form **Road Districts at their own expense.**

#7 Address SBC's Failure to Maintain County Properties and Adjoining Roadways

Numerous parcels in Little Morongo Heights are owned by SBC. Parcels include those owned by Water District 70F as well as other vacant properties.

All county parcels adjoin unimproved roads. SBC has never made any effort to maintain said roads. Adjoining their properties and those providing access to their Water District facilities.

#8 Address Potential Claims Against and Litigation Involving SBC

Property owners will file claims against SBC and individual administrators for:

- documented and ongoing *non-feasance* and *misfeasance*;
- inability of *SBC legal staff* to resolve STR issues in a timely manner;
- STR contamination of groundwater by overburdened septic systems, well drilling and over extraction of water from subsurface aquifers;

- Lack of oversight of effects of STR development on *cultural resources* – especially in rural communities and on RC parcels;
- failure to mitigate known public nuisances;
- complicity with commercial enterprises (STRs) to damage private roadways and private property;
- engaging in ***de facto taking*** of private property by allowing STRs to damage private properties and threaten owners.
- Failure to enforce established zoning requirements in unincorporated communities (SF/RL).
-

#9 Address the Failure of SBC Divisions to interact and comply Federal a and State agencies regulations, laws and acts

- SBC has consistently failed to mitigate impacts and damage to on adjoining federal, state, County and privately-owned conservation lands, natural and cultural resources on:
 - SBC designated Resource Conservation (RC) properties;
 - Tribal lands, BLM, USFS, Nat Monuments, CA Fish and Wildlife, MDLT, Conservancy properties, etc.

From: [Burnett, Donald S.](#)
To: [Planning Commission Comments](#)
Cc: [Supervisor Rowe](#)
Subject: Fawnskin STR
Date: Tuesday, January 25, 2022 8:32:22 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Sir/madam:

As Fawnskin residents, my wife and I strongly support the petition for the changes in the STR rules for short term rentals proposed by Finlayson-Pitts, Tennyson, and Holden. The out-of-control behavior by many of the renters has been at a minimum a major nuisance and at its worst a safety hazard. The lack of enforcement by the County is noticeable and its response should be upgraded. Significant action by your department is long overdue.

Donald S. Burnett
1249 Ridge Rd.
Fawnskin

From: [Gary S](#)
To: [Planning Commission Comments](#)
Subject: STRs: Privately owned roads in Unincorporated Communities
Date: Wednesday, January 26, 2022 9:06:48 AM

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Issue: Degradation of Private Roads and Property Owner Liability

Background: During the planning of the initial STR Code (2019), the Planning Commission was asked to address effects on *hundreds of miles of privately owned roads*.

As an example, every weekend my property and dirt road is pounded into dust by over 60 STR vehicles, plus employee vehicles and work vehicles.

The 24-hour dust, noise and lights alone are a nuisance, but the damage to the unimproved road surface is terrible.

The worst part is that I and my neighbors *-who all own a little piece of the road -* are (1) responsible for its maintenance and (2) are *legally liable* if a vehicle is damaged, a driver is injured or if a STR owner believes that he is losing business because of the condition of the road!

My neighbors and I have been maintaining our roads for years - at our own expense and with our own equipment - **but we cannot keep up with the volume of traffic going to and from STRs.**

We asked DPW for assistance. They gave us two alternatives:
-- offer our roads to SBC. RESPONSE; most already have been offered but the county is not interested in accepting them;
--- form a Road District. RESPONSE: the community cannot afford to do this.

In effect, by forcing property owners to maintain roads for STRs you have forced property owners to (1) Subsidize STRs that make several thousand dollars every week (*Isn't this socialism?*). And (2) you have placed us all in legal jeopardy (see § 845 below).

I and my neighbors request that you eliminate the financial burdens and unanticipated liability effects upon rural, unincorporated communities like Morongo Valley.

Thank you,

Gary Stiler
8524 Little Morongo Rd.
Morongo Valley, CA 92255
909-362-2016

Note: for further reference following text describes liability issues as described in California

Civil Code § 845.

Legal Issues: Private right-of-way stipulations are defined by California Civil Code § 845. In short, property owners are required to provide right-of-way easements through our private roads for STR customers, employees, refuse collection and contractors. By statute, property owners are also required to maintain those same roads: *'The owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair [CIV § 845(a)].*

Regarding legal responsibilities, CIV §846 warns that this provision *'does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity...'*

And finally, regarding right-of-way mitigation, if property owners feel that a right-of-way privilege is being misused and the road damaged by the passage of STR associated vehicles, work and delivery trucks, heavy equipment, and STR employees - underlying property owners can initiate legal remedies, *however any such actions will come at their own expense.*

Litigious Issues: In essence, the current STR code has placed (1) the real property and assets of contiguous property owners at risk.

And, (2) the current code requires contiguous property owners to subsidize commercial enterprise (STRs) by (a) providing right-of-way of way, and (b) by maintaining those same rights-of-ways for the sole benefit of commercial STRs.

Recommendation: SBC Planning Commissioners Supervisors should act to examine and address salient legal issues related to STR use of contiguous private roads (i.e.: maintenance issues/costs to my neighbors).

From: [Vanessa Wruble](#)
To: [Planning Commission Comments](#)
Subject: feedback on the STR ordinance
Date: Thursday, January 27, 2022 1:49:14 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Hello Commission,

Local Morongo Valley resident here with two STRs.

Our first, and biggest, issue with the current draft:

STR ordinances should benefit those who live in the desert & mountain regions -- local communities -- rather than outside investors or corporations. As this is written, it privileges individuals that can buy multiple parcels versus those of us who have one parcel.

Right now a local with a 5 acre property can refinance and build 2 ADU's to rent as STR's and bring in money for them (as we are doing).

By making it just one, it cuts the locals' ability to increase supply, making it only wealthy investors who can buy more parcels who can add STR's. Even if they are limited to just 2, they'll always find away around it, which locals won't have the time or funds to do.

I'm not sure why there would be a limit of 1 -- or even 2. What does that address? What problem are we trying to solve with these rules? How are we who live on 5 acres and have multiple STR's the problem compared to those who live in town and have entire neighborhoods elbow to elbow with STR's? Shouldn't we be incentivising the large plot owners who live on their land to steward more STR's than the townsfolk who live right next to them given that the demand is there?

Finally, it might be wise to separate out two classes of STRs. People living on their property and doing AirBnB mostly do away with any of the issues that those in the community are concerned about. It's when a house is otherwise empty and there is no on-site oversight that the issues begin.

Best,

Vanessa Wruble

From: [Vanessa Wruble](#)
To: [Planning Commission Comments](#)
Cc: [Supervisor Rowe](#)
Subject: question on redlined ordinance
Date: Thursday, January 27, 2022 9:28:21 PM

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Hi Planning Commission,

I'm going through the redlined version of the document and had the following inquiry:

Can you send me the definition of the bolded below? Is there another document that has more detail or statistics?

" The purpose of this Chapter is to establish a permit procedure, and maintenance and operational standards, for the use of legal residential dwelling units located in the Mountain and Desert Regions as transient occupancies, to ensure the health and safety of occupants, guests, and the surrounding residential neighborhood, **and to minimize negative secondary effects associated with such use.**"

Thanks!!!

From: [Barbara Finlayson-Pitts](#)
To: [Biggs, Lupe](#)
Cc: [Dave Holden](#); [Pete](#)
Subject: Feb 3 Planning Commission
Date: Friday, January 28, 2022 10:46:41 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Lupe:

I am a Fawnskin resident...for 48 years!!... and have been in touch with Supervisor Rowe and her team, Claire Cozad and Danielle Harrington, about STR regulations. We had a good zoom with them in November in which three of us (myself, Peter Tennyson and Dave Holden) presented a petition signed by about 80 Fawnskinners (which is a large percentage of the town) with some suggestions for revisions in the regulations. Supervisor Rowe suggested at that time that we make sure we attend the Planning Commission meeting on this subject, which they have informed us will be this coming Thursday February 3.

We have two questions:

1. Can we attend the meeting in person? If not, assume we can attend by zoom?
2. Are public comments permitted? What is the time restriction?

Of course, we and others will also be submitting written comments.

Thanks for information you can provide on this.

Barbara

From: [H.H](#)
To: [Planning Commission Comments](#)
Subject: Several things to note about the new STR rules proposal
Date: Friday, January 28, 2022 1:46:50 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

1. We want to rent our property out only during winter months. We don't need a year long permit with trash service requirement. We need a seasonal STR permit that will not cost us over \$600. That is a waste our resources. You are coersing us to pay for what we don't need all year round.
2. We do not store any trash outside. We take our guests trash to the dump right away after each check out or the next day. We CAN NOT AND WILL NOT store trash in the trash bin outside as they attract bears and the last bear encounter almost killed me on my property. NO TRASH STORING OUTSIDE!!!! And we don't need to be forced to pay for trash takeout service we NEVER WILL USE, because storing trash outside is DANGEROUS. By forcing trash service pockup on tax payers with its exorbitant fee of \$600, coersing us to store trash outside, you are endangering us. We take our trash to the dump and do not need extra charges for pickup.
3. The requirement of min 2 day rental does not work for guests we host. Our guests stay one night. They check in in the evening after skiing and leave next morning at 10am. Effectively they come to the property just to sleep. 2 day minimum stay will bring guests with more wear and tear on the property, staying there around the clock.
4. Renewing the STR permit annually doubles the application fee. We can not afford paying over \$600 annually. It erases our money we earn to pay taxes and insurance on the property. We don't host guests the whole year, just for several winter weekends/holidays and we don't need county imposed inefficiencies and doubling the permit fees.

From: [Gayle E. Hicks, Ph.D.](#)
To: [Planning Commission Comments](#)
Subject: Short term rental, Fawnskin CA (92333)
Date: Friday, January 28, 2022 8:14:57 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Dear Madams and Sirs,

As a part-time resident of Fawnskin, I have noted what seems as violations (or certainly exploitative behaviors) involving short term rentals near my home. My purpose in purchasing a home in Fawnskin was to avoid the clamor and inconvenience of short term renters; including loud parties, parking on the street, and (at the most extreme) gun use in the canyon. My understanding of the "ABNB" is to rent out extra rooms within an occupied home. In this situation the home owners are present and oversee their rental guests. I don't know if these homes in the Fawnskin area are listed as ABNB or other types of short term rental. Either way, a home near me clearly has no oversight of the renters as some party loudly, including playing loud music that filters into the canyon area where wildlife passes through. These "short term renters" have no respect or consideration of the long term residents, including the wild life.

The area of Fawnskin where my home is, was originally designed as residential. In any other residential area this would not be tolerated by local authorities. This problem needs addressing. If all areas of Big Bear Valley, including Fawnskin, are subject to the disruption of short term renters, where are residents of the Big Bear Valley community to live in peace?

Respectfully,

Dr. Gayle E. Hicks
39722 Flicker Rd.
Fawnskin, CA 92333

From: [Alex Segrest](#)
To: [Planning Commission Comments](#)
Subject: STR
Date: Friday, January 28, 2022 3:08:50 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

After reading the Revised Redline document, I am extremely concerned with the direction the county is taking with STR. This is absolutely going to cripple the 'little' people who have STR to pay their home mortgage. The only ones to survive this will be the BIG Corporates and the land grabbers who have bought in the area to do multiple STR for the purpose of investment.

I am against this kind of government control! Please be reasonable!! The county will lose tax revenue and good citizens who will no longer be able to afford to live here.

Sent by Alex Segrest