

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

November 5, 2019

FROM

TERRI RAHHAL, Director, Land Use Services Department

SUBJECT

An Ordinance Amending Title 8 of the County Code relating to Short-Term Residential Rentals and Accessory Dwelling Units.

RECOMMENDATION(S)

1. Conduct a public hearing to consider an ordinance amending Title 8 of the County Code to revise the regulations relating to Short-Term Residential Rentals and Accessory Dwelling Units.
2. Make alterations, if necessary, to the proposed ordinance.
3. Approve introduction of the proposed ordinance.
4. Adopt the findings as recommended by the Planning Commission.
5. Read title only of the proposed ordinance; waive reading of the entire text and adopt **Ordinance No. 4371**.
6. Direct the Clerk of the Board to file a Notice of Exemption.
(Presenter: Terri Rahhal, Director, 387-4431)

Hearing Opened

Public Comment: John Naranjo, J. Clint Stoker, Thomas Fjallstam, Susan Burnett, Valya Kindelvich, Michelle Myers

Hearing Closed

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Consideration of this item will not result in the use of Discretionary Funding (Net County Cost). Sufficient appropriation and revenue to complete this action have been included in the Land Use Services Department's 2019-2020 budget.

BACKGROUND INFORMATION

The proposed ordinance would amend the County Development Code (CDC) to provide both substantive changes and clarifications relating to Short-Term Residential Rentals (STR) in Chapter 84.28 and Accessory Dwelling Units (ADU) in subsection 84.01.060 (c). A key component of the proposed ordinance includes the expansion of STRs as a permitted use in parts of the County's Desert Region. The ordinance also contains provisions for the use of ADUs for STRs. Other proposed amendments to the STR ordinance include changes to

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definitions, permit requirements, application processes, occupancy standards, conditions of operation and hosting platform requirements as further discussed in detail below.

Public Input

Code Enforcement staff received comments from residents and met with stakeholders to discuss the concerns with the current STR regulations. The main concern expressed by the public was to ensure that STRs are well-managed. Comments were also received relative to registration requirements, occupancy limits, ADUs, advertising, pet restrictions, record keeping, rental of alternate structures, fees and penalties, parking requirements, and many concerns about complaints and enforcement.

Summary of the Proposed Ordinance

Subsections 84.01.060(c) Accessory Dwelling Units and 84.28.040(a) Permit Requirements – Currently, ADUs may only be rented for a term longer than 30 days. This prevents ADUs from being utilized as STRs. The proposed ordinance would allow ADUs to be rented on a short-term basis in the Mountain and Desert Regions, provided that one or more of the units on the parcel is occupied by the property owner or his or her agent.

Sections 84.28.010 and 84.28.020 Purpose and Applicability – Expands the applicability of the STR permits to include the Desert Region of the County.

Section 84.28.030 Definitions – Adds two new definitions: ‘booking transaction’ and ‘hosting platform’ (CDC §§ 84.28.030(a)-(b)); clarifies definitions of ‘inspections - initial’ and ‘inspections - renewal’ (CDC §§ 84.28.030(c)-(d)); and revises the definition of ‘short-term residential rental unit’. (CDC § 84.28.030(i)).

Section 84.28.050 Application Process – A notification requirement was added to include the phone number for the County’s 24/7 STR complaint line (CDC § 84.28.050(b)(3)(B)). Additional content was added to specify that permits shall be renewed biennially (CDC § 84.28.050(g)).

Section 84.28.060 Occupancy Standards – The maximum occupancy standards were expanded from three to seven categories for determining maximum occupancy, with 20 persons being the maximum (CDC § 84.28.060(c)). Parking standards were expanded to provide clarification that vehicles of renters shall be parked on the property of the short-term residential rental unit.

Subsection 84.28.070(b) Record Keeping – Content added to require records to be maintained in order to prove compliance with the County Code.

Subsection 84.28.070(c) Registration – Content added requiring the STR owner to administer registration prior to allowing occupancy of the rental unit; and Registration materials and acknowledgement must be signed by the renter and kept on file during the term of the permit. Rules and regulations and agreements may be provided in either written or digital format.

Subsection 84.28.070(d) Advertising – Language modified to provide clarification by specifying that only uses that are permitted or could be permitted are acceptable for advertisement.

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Subsection 84.28.070(i) Safety – Safety requirements are added to (1) prohibit outdoor fires in the Mountain Region, (2) require the interior and exterior of a STR to be kept free of hazardous materials, and (3) require spas/hot tubs to be covered and locked when not in use.

Subsection 84.28.070(j) Sanitation – Language added to require that (1) exterior of the rental unit be maintained, and (2) spas and hot tubs be maintained as needed to preserve sanitary conditions.

Subsection 84.28.070(k) Trash and Refuse – Clarification and additional requirements added with separate requirements for the Mountain and Desert Regions.

Subsection 84.28.070(l) Animals – Content added to include regulations regarding animals, including licensing and appropriate controls.

Section 84.28.080 Enforcement – Clarification was added to include hosting platform requirements (CDC §§ 84.28.080(a)-(b)). Content was added to allow the County to issue and serve an administrative subpoena as necessary to obtain specific information regarding STRs (CDC § 84.28.080 (c)).

Planning Commission

The proposed ordinance was considered in a public hearing by the Planning Commission on August 8, 2019, and continued to September 5, 2019. At the first public hearing, numerous comments were received and the Planning Commission recommended that the item be continued to allow staff to address the concerns and issues raised by the public at the meeting. Staff made additional changes and provided clarification regarding issues related to ADUs, advertising, pet restrictions and record keeping. The Planning Commission met again on September 5th to consider the changes and clarifications made to the proposed amendments. In a 5-0 vote, the Commission unanimously recommended that the Board of Supervisors adopt the ordinance.

California Environmental Quality Act (CEQA) Compliance

The proposed ordinance qualifies under the “common sense” CEQA exemption pursuant to CEQA Guidelines Section 15060(c)(2) and 15061(b)(3), which provides that, where it can be seen with certainty that there is no possibility that a project may have a significant effect on the environment, the project is not subject to CEQA.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by (Bart Brizzee, Principal County Counsel and Jason Searles, Deputy County Counsel, 387-5455) on October 8, 2019; Finance (Kathleen Gonzalez, Administrative Analyst III, 387-5412) on October 22, 2019; County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on October 22, 2019.

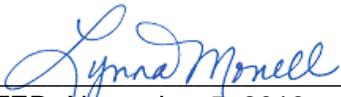
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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED AS AMENDED

Moved: Robert A. Lovingood Seconded: Janice Rutherford
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: November 5, 2019



cc: LUSD-Rahhal w/ NOE & Rec.
File - Land Use Services Department w/ attachments
jll 11/6/2019