



SAN BERNARDINO COUNTY
PLANNING COMMISSION MEETING MINUTES
County Government Center
Covington Chambers
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415

Thursday, August 8, 2019

COMMISSIONERS PRESENT

Jonathan Weldy, Chair, First District
Ray Allard, Vice Chair, Second District
Michael Stoffel, Commissioner, Third District
Gabriel Chavez, Commissioner, Fourth District
Audrey Mathews, Commissioner, Fifth District

STAFF PRESENT

Heidi Duron, Planning Director, LUSD
Jason Searles, Deputy County Counsel
Suzanne Peterson, Planner II, LUSD
Rosie Griffith, Senior Technician, LUSD
Lupe Biggs, Administrative Assistant I, LUSD

The Planning Commission Meeting of August 8, 2019, was called to order at 9:01 a.m. by Chair Weldy. Chair Weldy led the Invocation and Vice Chair Allard led the Pledge of Allegiance.

1. a. ADVANCE SCHEDULE

The advanced schedule was presented by Heidi Duron, Planning Director, stating the meeting of August 22, 2019, would be cancelled.

b. DIRECTOR'S REPORT

Heidi Duron, Planning Director, stated the applicant for the Daggett Solar Project had requested to move the hearing date and the Countywide Plan has been scheduled on the Advance Schedule.

c. COMMISSIONER COMMENTS

No comments.

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2. PUBLIC HEARING

APPLICANT: County of San Bernardino Land Use Services Department
COMMUNITY: Desert and Mountain Communities/1-3 Supervisorial Districts
PROJECT NO: P201900058
LOCATION: Desert and Mountain Regions
STAFF: Suzanne Peterson, Planner II
PROPOSAL: Development Code Amendment to revise the regulations relating to Short-Term Residential Rentals in Chapter 84.28.
CEQA RECOMMENDATION: Notice of Exemption
EST. TIME: 30 minutes

STAFF PRESENTATION:

Suzanne Peterson, Planner II, presented the staff report to the Planning Commission, which the report is on file with the Land Use Services Department.

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 Title 8 of the County Code (Development Code) to revise the regulations relating to Short-Term Residential Rentals in Chapter 84.28; and
- C. **DIRECT** the Clerk of the Board to file a Notice of Exemption.

COMMISSION COMMENTS:

Chair Weldy asked staff whether stakeholders and residents had the opportunity to give their input on the current draft ordinance and previous versions. Ms. Duron stated the Code Enforcement Division has been involved in working with the community, the Board of Supervisors staff has been in communication with Land Use Services and the constituents in their areas.

The Commission had further questions regarding language in the draft ordinance. Staff spoke and provided answers to those questions.

Ms. Peterson introduced Andy Wingert, Code Enforcement Division Chief. Mr. Wingert noted Phil Salazar, Code Enforcement Supervisor and Sharon Wild, Code Enforcement Officer in attendance.

Ms. Duron presented a discussion draft of the ordinance based on the comments Land Use Services received after the distribution of the Staff Report.

Commissioner Stoffel asked staff for further explanation on parking and parking passes. Mr. Wingert stated that the Code Enforcement Division had received complaints regarding street parking and onsite parking must be provided on the rental property. Commissioner Stoffel asked various questions regarding Accessory Dwelling Units. Jason Searles, Deputy County Counsel, stated Accessory Dwelling Units are regulated by state law and provisions allow local agencies discretion on Short-Term Residential Rentals. Commissioner Stoffel asked additional questions regarding record keeping. Mr. Wingert stated a host would provide records to the County to supply evidence that the owner is making an effort to comply with the ordinance. Commissioner Stoffel asked for further clarification regarding filming and advertising subjects. Ms. Duron stated any permits that apply must be obtained and occupancy regulations must be followed.

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Commissioner Chavez asked questions regarding Transient Occupancy Tax. Mr. Wingert briefly described the process between hosts and County.

Commissioner Mathews stated she shared the same concerns as Commissioner Chavez and Commissioner Stoffel.

Vice Chair Allard asked for clarification on the inspection process. Mr. Wingert responded that any inspections are completed in regards to safety and sanitary housing standards. Vice Chair Allard asked whether there is any income to offset the funds going towards the additional Code Enforcement staff. Mr. Wingert stated the permit fees and renewal fees offset the costs.

PUBLIC COMMENTS:

Darren McGarvie, resident of Joshua Tree, did not have a position on the Project, stating he has invested in a campground in Joshua Tree and is wanting to protect it. Chair Weldy stated Mr. McGarvie's campground does not apply to the draft ordinance. Mr. McGarvie stated he wished to have everyone follow the same rules and guidelines for Short-Term Rentals.

Valya Kindelvich, resident of Joshua Tree, spoke in favor of the Project, stating she is a licensed realtor and owns rental properties. Ms. Kindelvich stated her concerns of pet policies, hosts that do not have insurance, large parties, noise level concerns, glamping concerns, fire safety and the overall safety of the community.

Thomas Fjallstam, resident of Joshua Tree, spoke in favor of the Project, stating he is the organizer of a local vacation rental association and is on the tourism board. Mr. Fjallstam stated business in the area has grown, asked for more time to review the current draft ordinance and added the requirements for mountain and desert areas are different.

Miriam Seger, resident of Joshua Tree, did not have a position on the Project, stating Mr. Wingert has conducted listening sessions with residents and renters. Ms. Seger stated the draft ordinance needs clarification on requirements for the desert and mountain regions, Accessory Dwelling Units, alternative structures and mentioned a concern of more waste water infrastructure.

Clive Wright, resident of Joshua Tree, spoke in opposition of the Project, stating he has concerns that the draft ordinance will ban rentals of Accessory Dwelling Units. Mr. Wright stated there needs to be more supervision on rental properties to lower the risk of dangers to ecosystems and neighbors.

Tanelise Rugaas, resident of Joshua Tree, did not have a position on the Project, stating she rents out a Single Family Residence and a room in her home. She stated concerns of no longer being able to rent out rooms and advises that owners need to be onsite or nearby rental properties. Ms. Duron added clarification that in order to address Accessory Dwelling Units that would require amending another section in the Code.

Jordan Sample, resident of Pioneertown, did not have a position on the Project, stating she has a teepee and trailer rental, and follows occupancy regulations. Ms. Sample stated the rental properties that do not have supervision are the issue and asked for more time to review the draft ordinance before the Planning Commission makes their decision.

Stav Stern, resident of Joshua Tree, did not have a position on the Project, stating he appreciated Commissioner Stoffel's comments. Mr. Stern stated he owns rental property, rents out a room in his home and advertises on Airbnb. He stated the permitting fees take a toll on the owners' earnings that offer shorter timeframes for rental properties.

Bill Gilman, resident of Joshua Tree, spoke in opposition of Project, stating he owns a rental property and has been a host on Airbnb since 2014. Mr. Gilman stated the desert area is different from mountain area and there are differences between owners that follow the rules and owners that do not.

Steve Bardwell, resident of Pioneertown, spoke in favor of the Project, stating the need of regulations on individual rooms and more definitions added for clarification. Mr. Bardwell stated

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Accessory Dwelling Units with supervision should be allowed and revenue from rentals should be directed back into the community.

Laura McConnally, resident of Morongo Valley, did not have a position on the Project, stating there are differences between the mountain and desert areas, issues with response time from owners, and the desert does not have parking issues. Ms. McConnally stated there are issues with RV's staying on vacant land that are not owner-occupied.

Linda Christian, resident of Morongo Valley, spoke in favor of the Project, stating she has 14 rentals on Airbnb and has been hosting Short-Term Rentals for 20 years. Ms. Christian stated she enforces the occupancy regulations and that issues arise when owners are not present. She stated she has liability insurance on all her rental properties and suggested making it a requirement for the safety of neighbors.

Brad Klopman, resident of Yucca Valley, spoke in favor of the Project, stating he has been a property manager since 2014 and is a business owner of a vacation management company. Mr. Klopman asked for more time to review and discuss the draft ordinance.

Bradford Berger, resident of Pioneertown, was not present when called upon and submitted written comments.

Clint Stoker, resident of Yucca Valley, did not have a position on the Project, stating he has homes in Joshua Tree and Yucca Valley. Mr. Stoker stated the language regarding advertising photoshoots and filming needs clarification to coincide with the permit application process, and clarification is needed so that occupancy standards are met.

David Botros, resident of Arcadia, spoke in favor of the Project, stating he owns a rental property and has reservations regarding vehicle record keeping. Mr. Bostros stated the mountain area has a density issue, which is not good for the local economy, tourism, resources and suggested enforcing an age restriction on rental properties.

Scott Rindenow, resident of Lake Arrowhead, spoke in favor of the Project, stating he is the chair of the Lake Arrowhead Municipal Advisory Council and the needs in the mountain and desert are different. Mr. Rindenow stated the current revision fails to place restriction on Short-Term Rental growth. He stated that there has been a decline in school population, economic stability and shortage of full time rentals.

Roberta Dacks-Rindenow, resident of Lake Arrowhead, spoke in favor of the Project, stating she has heard concerns from the Municipal Advisory Council and is concerned for residents that are surrounded by Short-Term Rentals. Ms. Dacks-Rindenow stated there are issues with owners not being present, noise levels, trash, parking and density.

Ione Butler, resident of Los Angeles and Joshua Tree, spoke in opposition of the Project, stating she owns rental property in Joshua Tree and is concerned Accessory Dwelling Unit rentals will no longer be permitted. Ms. Butler stated she is involved with the community of her rental and asked for more time to review draft ordinance before making a decision.

Fletcher Birge, resident of Lake Arrowhead, did not have a position on the Project, stating guests are leaving trash, residents cannot find permanent residency, unaffordable homes, local businesses and schools are being affected, rising gas prices and suggested raising fines for frequent offenders.

Mark Johnston, resident of Joshua Tree, did not have a position on the Project, stating he has owned a rental property for 7 years. Mr. Johnston stated concerns of vague language of inspection process, call response, and supports photoshoots and film with necessary permits.

Konkani Devi "Coco", resident of Joshua Tree, spoke in opposition of the Project, stating Short-Term Rentals are beneficial to the economy, but is a burden to neighbors. Ms. Devi stated the costs of rent have gone up, more traffic on privately maintained roads, more strangers in the community, money is not going back into the community and school enrollment has gone down as a result of Short-Term Rentals.

David Caine, resident from Lake Arrowhead, did not have a position on the Project, stating concerns for the health and safety of occupants, guests and neighbors. Mr. Caine stated density

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controls should be included in the ordinance and listed examples. He also referenced the written comments he submitted and stated full time residents are not able to enjoy their neighborhood. Sean C. Savoboda, resident of Blue Jay, spoke in opposition of the Project, stating more authority should be given to neighbors of Airbnb's and the most common issues are noises. Mr. Savoboda stated school enrollment has dropped in area, school budgets have been impacted, and visitors are damaging roads.

ADDITIONAL COMMENTS:

Mr. Searles added the ordinance is in compliance with regulations for hosting platforms.

Ms. Duron stated the current draft ordinance could return to the Planning Commission on a later date along with amending the code that includes Accessory Dwelling Units with the Commission's recommendation.

Commissioner Chavez stated the draft ordinance answers some questions brought up in public comment, but does not address all the issues.

Commissioner Mathews stated the draft ordinance needs more clarification and to address the concerns mentioned today.

Vice Chair Allard listed some of the comments that stuck out to him.

Chair Weldy recommended returning the draft ordinance to staff to clarify several topics received from public comments. He added that density and school concerns may not be addressed in the ordinance. Ms. Duron stated September 5, 2019 as the date the draft ordinance would return to the Planning Commission.

Vice Chair Allard asked staff if owners are able to display the rules inside their rentals for the visitors that stay. Mr. Wingert stated the rules are supposed to be printed and put inside the unit.

COMMISSION ACTION:

Commissioner Mathews made a motion to return the draft ordinance to staff with the intent to address resident concerns and for staff to make additional recommendations and modifications to the draft ordinance. Commissioner Stoffel seconded the motion. The motion passed with a 5-0 vote.

COMMISSION VOTE

MOTION: Mathews

SECOND: Stoffel

AYES: Weldy, Allard, Stoffel, Chavez, Mathews

NOES: None

RECUSED: None

ABSENT: None

ABSTAIN: None

3. WORKSHOP

Planning Commission Training

STAFF: Jason Searles, Deputy County Counsel

The workshop was continued to the next hearing.

4. PUBLIC COMMENTS:

Chair Weldy opened the Public Comments at 12:06 p.m. Having no requests to speak, Chair Weldy closed the Public Comments at 12:06 p.m.

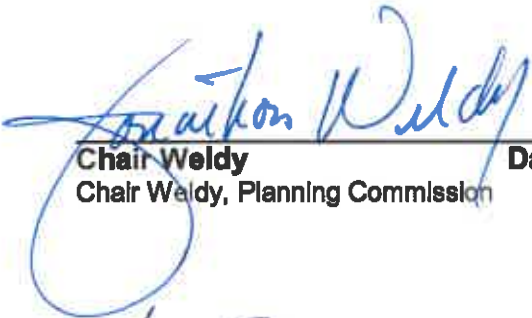
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5. ADJOURNMENT:

There being no further business, Commissioner Chavez made a motion to adjourn the meeting. Commissioner Mathews seconded the motion. The meeting was adjourned at 12:06 p.m.


Chair Weldy

Chair Weldy, Planning Commission

Date


Heidi Duron

Planning Director, Land Use Services Department

Date


Lupe Biggs

Administrative Assistant I, Land Use Services Department

Date