

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

June 14, 2022

FROM

DAWN ROWE, Vice Chair, Board of Supervisors

SUBJECT

Interim Urgency Ordinance to Preserve the Status Quo and Establish a Temporary Pause on New Short-Term Rental Permits

RECOMMENDATION(S)

1. Consider proposed interim urgency ordinance to preserve the status quo and establish a temporary pause on the approval of new short-term residential rental unit permits.
2. Make alterations, if necessary, to proposed interim urgency ordinance.
3. Approve introduction of proposed interim urgency ordinance.
 - a. An interim urgency ordinance of San Bernardino County, State of California, to preserve the status quo and place a temporary pause on the approval of new short-term residential rental unit permits.
4. ADOPT INTERIM URGENCY **ORDINANCE No. 4436** (Four votes required).
5. Direct the Clerk of the Board of Supervisors to file the Notice of Exemption. (Presenter: Supervisor Dawn Rowe, Third District, 387-4855)

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

The recommended actions will not result in the use of additional Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

To protect the public safety, health, and welfare, California Government Code section 65858 authorizes a county to adopt an interim ordinance to preserve the status quo and establish a temporary pause on issuing permits for specified land uses that may be in conflict with a contemplated zoning proposal that is being considering or studied. State law also allows for interim ordinances to be adopted on an urgency basis, as needed, to protect the public health, safety and welfare.

Due to the recent increase in permitting and occupancy of short-term residential rentals (STRs) in the mountain and desert communities during the COVID-19 pandemic, the community has expressed increased concern with the number of STRs and behavior of STR guests. In response to community concerns, the Board of Supervisors (Board) adopted Urgency Ordinance No. 4408 on June 22, 2021 (Item No. 136), to increase the fines and penalties for violations of the County's STR regulations. Thereafter, in August 2021, the County's Land Use

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Services Department (LUS) surveyed STR hosts and County residents to solicit areas of concern with STRs as part of a future zoning amendment to the STR program.

The survey performed by LUS yielded over 2,000 responses with the main areas of concern being trash, noise and loss of neighborhood feel. In response, LUS prepared a proposed ordinance to amend the STR regulations (Proposed STR Amendments) that the Board is considering concurrently through an item on the June 14, 2022 agenda. While the Proposed STR Amendments address a number of concerns identified by the community, the community continues to express concern that the proposed amendments do not adequately address the effects of STRs on community character and the availability of housing for long-term occupants. The proposed ordinance is necessary to provide the County additional time to study zoning proposals to increase enforcement efforts, hire additional code enforcement staff, study enforcement activities and zoning proposals of other jurisdictions and implement the updated STR amendments that are being considered on today's agenda.

If adopted, the proposed ordinance would immediately halt issuance of STR permits with two exceptions. Renewals: STR permits expire and must be renewed. The proposed interim ordinance would exempt the renewal of existing STR permits from the temporary pause. Applications in process: The proposed interim ordinance would also exempt STR permit applications that have already been submitted for review before adoption of the interim ordinance. It should be noted that Government Code section 65858 provides for a pause on issuance of permits, but it does not authorize a local agency to reject applications. During the temporary pause, applicants are free to submit applications at their own risk. However, no new permit would be issued while the interim ordinance, and any extension thereto, is in effect. The proposed ordinance would remain in effect for 45 days from the date of adoption.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason Searles, Deputy County Counsel, 387-5455) on June 9, 2022; Finance (Erika Rodarte, Administrative Analyst III, 387-4919) on June 10, 2022; and County Finance and Administration (Paloma Hernandez-Barker, 387-5423 and Robert Saldana, 387-5423, Deputy Executive Officers) on June 10, 2022.

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Public Comment: Dr. Barbara Finlayson-Pitts, Peter Tennyson, Allen Songer, Karrie Alay, Levon Kazarian, Scott L. Rindenow, Roberta Rindenow, Steve Bardwell, David McAdam, Roberta Brada, Janet Johnston, Stacy Doolittle, Patricia Foley, Lori Bloom, Pat Enyart, Theodore Trentman, Rebecca Corona, Ronald Moore, Jennifer Gladysz, Merilee Kuchon, David Fick, Bonnie Hawthorne, Astrid Johnson, Joshua Stalskie, Jonathan Hume, Patty Hume

APPROVED

Moved: Dawn Rowe Seconded: Janice Rutherford
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY  _____
DATED: June 14, 2022



cc: CAO – Hernandez-Barker w/ NOE & Rec.
 File - Supervisors w/ ordinance
JLL 06/17/2022