



Interoffice Memo

DATE: August 30, 2019

PHONE: (909) 387-4739

FROM: SUZANNE PETERSON, Associate Planner
Land Use Services Department

SP

TO: HONORABLE PLANNING COMMISSION

SUBJECT: CONTINUED PLANNING COMMISSION HEARING RELATING TO SHORT-TERM RESIDENTIAL RENTALS AND ACCESSORY DWELLING UNITS (AGENDA ITEM #2)

The Planning Commission meeting held on Thursday, August 8, 2019, presented a proposed amendment to the County Development Code (CDC) amending the regulations related to Short-Term Residential Rentals (STR)(Chapter 84.28). Public comments received in response to the proposed amendments revealed a number of concerns from STR owners and from those living in close proximity to STRs. Following public testimony, the Planning Commission asked staff to revisit the proposed amendments and requested additional consideration of clean-up language related to the public concerns on various topics. Subsequently, staff has reviewed all public comments (written and verbal) and is proposing additional changes be made to address a number of the public concerns. Below is a summary of the questions and concerns along with newly proposed changes to the STR regulations.

Accessory Dwelling Units. Currently, Accessory Dwelling Units (ADUs) are not allowed to be used as STRs. (CDC § 84.01.060(c).) Many members of the public felt this restriction was unreasonable because ADUs are typically the least problematic rental units, especially when a property owner or caretaker is an on-site occupant. Staff is recommending that Chapter 84.01: Accessory Uses and Structures be amended to allow ADUs to be permitted as STRs in the Mountain and Desert Regions, provided that one of the units is occupied by the owner or agent. (CDC §§ 84.01.060(c) and 84.28.040(a).)

Advertising. The language originally proposed regarding advertising prohibited STR owners from advertising the STR for any unpermitted use. The revised proposed language provides clarity by specifying that only uses that are permitted or could be permitted are acceptable advertisement. (CDC § 84.28.070(d)(1).)

Pet Restrictions. In order to address concerns regarding pets, the updated proposed amendment includes a section with regulations regarding animals. The proposed regulations would require dogs to have a valid license issued by either the County or other applicable licensing agency, impose restraint and control restrictions for animals, and state noise restrictions. (CDC § 84.28.070(l)(1)-(3).)

Record Keeping. Many STR owners and property managers felt that the proposed record keeping requirements would be too onerous or burdensome. After extensive research of other jurisdictions, staff felt that the proposed record keeping requirements are appropriate. However, to provide further clarification this section was modified and removed the vehicle information requirements (CDC § 84.28.070(b).)

MEMO TO PLANNING COMMISSION – CONTINUED PLANNING COMMISSION HEARING 9/5/2019
AGENDA ITEM #2
AUGUST 30, 2019
PAGE 2 OF 2

RECOMMENDATION: That the Planning Commission:

1. **DIRECT STAFF TO PREPARE AN ORDINANCE** amending Title 8 of the County Code to make the amendments to the Development Code as recommended in the staff report and attachments.
2. **RECOMMEND** the following actions to 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 Accessory Dwelling Units in Subsection 84.01.060(c); and
 - C. **DIRECT** the Clerk of the Board to file a Notice of Exemption.

| | |
|---------------|---------------------------------------------------------------------|
| Attachment A: | Proposed Development Code Chapter 84.28 (Red-lined with highlights) |
| Attachment B: | Proposed Development Code Section 84.01.060(c) (Red-lined) |
| Attachment C: | Planning Commission Staff Report for August 8, 2019, Agenda Item #2 |



Interoffice Memo

DATE: September 5, 2019

PHONE: 387-4739

FROM: **SUZANNE PETERSON**, Planner
Land Use Services Department

TO: **HONORABLE PLANNING COMMISSION**

SUBJECT: **AGENDA ITEM 2: AMENDMENT TO SHORT TERM RENTALS PROJECT NO. P201900058
- COMMENTS RECEIVED AFTER AUGUST 8, 2019 MEETING**

Staff has received additional comments regarding the above-referenced project. The correspondences are attached for your consideration.

Houston Sams – Received on August 9, 2019:

Hello,

I am a mother and wife from Los Angeles. Three years ago we were able to purchase a home in Yucca Valley that we would like to retire in someday soon.

Many of our friends have relocated to the area full time and we intend on joining them. Until we can make that a reality, for financial reasons we rent our home

3 weekends a month to guests. We use the home once a month for ourselves with our son and friends that we bring to the area.

We are not rich. This income does not make us wealthy, it merely helps to cover the costs of maintaining a home with a pool.

So, we employ local pool technicians, a local cleaner and we spend on local restaurants and entertainment.

We love the area and know all of our neighbors.

I bring lemons to my senior neighbor who relocated to YV from Ventura last year. We are invested in ways that go well beyond money.

HERE ARE MY ISSUES:

1. The guests who rent our home tend to be from NYC and frequently rent a car at LAX and arrive around 10 pm or later. The car/permit portion of your ordinance makes it near impossible to gain that type of information on a Friday night at 10 or 11 pm after a guest has traveled for 7 or more hours to reach our home.

Many times I will wake up just to check the security camera and make sure they are not bringing more guests than allowed. While rare, when this happens we only have our community for feedback and help.

2. The fees associated with your proposal are unusual and extremely shocking for us. Like many people in Los Angeles who work only under contract work, we don't have a regular income. We pay for health insurance out of pocket each month. We have endured the increase in property taxes from the sewer project of which we have not seen the benefits of yet.

I understand there are property owners who have purchased many properties in the area and operate six-figure businesses by capitalizing of the area, that is not us.

I employ you to understand that you are affecting the lives of hard-working individuals, not just corporations.

3. Having a home with a pool requires additional responsibility and guests should be required to be 25 years of age to rent a "pool home." The platform in which we advertise will only support that if Yucca Valley makes it the law. Please consider this as part of your ordinance. I expect it will cut down on the disruptive pool party issues that I hear about.

Kindly,

Houston Sams

Lisa Alva Becker – Received on August 9, 2019:

Hello Ms. Peterson,

Thank you for your efforts in standardizing the short-term rental policies for Joshua Tree.

As I was not at the public meeting, I may be presenting a redundant concern with this, but I believe there would be more to be gained for the county and property owners by allowing some types of ADU's where there is at least an acre of land and supporting infrastructure, such as additional septic and power supply. How can I add this suggestion to the record?

Thank you again,

Lisa Becker

Eric Mueller – Received on August 9, 2019:

Good morning Planning Department staff. My name is Eric Mueller and I live in Pioneertown

Thank you for holding this public hearing.

I'd be very surprised if one hour is sufficient to hear all the testimony needing to be presented today. This gives me a nagging feeling that these changes to the Development Code, regarding short term rentals, might be being railroaded.

Having only 3 days notice to study these proposed changes and have the possibility to coordinate community efforts of dissemination and thoughtful input seems entirely inadequate.

Nonetheless, here we are. I have a couple questions of the Department:

First, was the lightest hand of regulation considered or the heaviest hand? In other words, were the interests of those most affected by MORE and MORE regulation considered? Was the idea of "as little as possible" part of your equation?

Secondly, given that the short term rental business has become a pillar of the economy here in the Morongo Basin, was protecting the Bohemian nature of this community's attractiveness that brings tens of thousands of visitors here, even considered?

I get an uneasy feeling reading these draft proposed changes that these factors weren't considered. Mostly what I sense is more expensive bureaucratic hoops to jump through even after many heretofore unwritten laws are withdrawn. This may set up unintended obstacles for the many small time operations that have created income for themselves in this remote area of the County.

Alternative structures such as trailers and tents, which are most attractive to our guests, are apparently written out carte blanche. Is this the case?

The size, or acreage, of a rental property and, a sliding scale of permissible uses, is ignored. My personal interest as a wedding venue as well as short term rental, on large acreage, seems constrained. When Ms. Teri Rehhal visited my place last year, she stated that my ability to host weddings should be able to be accommodated with a simple "B and B" license as opposed to an odious Conditional Use Permit. I certainly hope that has been covered under the heading of "approved County issued permit". I see no link to that matter in this document.

All said, I support your regulations that would require closer and local oversight of rental properties. Absentee ownership and property speculation have done nothing good for the honest home buyer's market.

We look forward to your heightened sensitivity to the issues that matter most to us in these, the world famous, Joshua Tree environs.

Thank you

Stephanie Smith – Received on August 13, 2019:

Hi Suzanne,

I've owned and operated two short term rentals in Joshua Tree since 2010. They both are 'Rec Cabins' not SFRs. Each is very successful -- booked literally every night. And one is considered a Joshua Tree tourist attraction, and a top 10 California Airbnb. It has been featured in the New York Times, Vanity Fair and other national publications.

My partner Jay and I run these rentals ourselves and check in every single guest. We've never had a complaint.

There is talk in the community that simply because these rentals are Rec Cabins they will be immediately shut down when the new short term rental ordinance is adopted.

I recognize there is a lot of 'grey area' in this situation, and that Rec Cabins and other alternative structures are 'not included in this ordinance'. But my understanding has been that Rec Cabins would be addressed in a future ordinance (or in an amendment to the adopted ordinance), and that we could continue to rent them out while that process unfolded.

If this is suddenly not the case -- if in a matter of weeks or a month both cabins will be 'illegal' -- then my partner and I will lose our entire business and sole income source in very short order.

I'd appreciate any insight you could give us into this situation. It is extremely stressful and there is a lot of miscommunication being shared locally.

Thank you for your time,

Stephanie Smith

Stephanie Smith – Received on August 29, 2019:

I wonder if I might add another comment regarding the short term rental ordinance... :)

This one relates to not allowing ADUs to be used as short term rentals. I understand that CA never intended ADUs as short term rentals, which would undermine the whole idea of them as affordable/supplementary housing. But because the greater Joshua Tree area is so different from the dense cities ADUs were intended for, maybe the County would make a special consideration for the desert?

Mostly because of our large lot size and intense need for tourist infrastructure, I feel like we could accommodate ADUs differently in the area. For example, a cleaner/caretaker could live in an ADU and manage the larger SFR on the same site as an airbnb. This would create affordable housing for the support staff in the area, who struggle to find housing. This is one example of how ADUs might be used, and there are probably more.

I strongly support the new ordinance as it brings much needed regulation. But at the same time I believe we will loose some Airbnbs along the way. Folks who can't afford the fees, don't want the hassles, or aren't legal under code. My guesstimate is we might lose as many as 30 - 40%.

Because we have very few hotels in the area, and those are primarily along Hwy 62, flexibility around ADUs is crucial, I believe, to maintain the amount of desirable tourist infrastructure in the area.

My two cents!

Thanks so much Suzanne,

Stephanie

Amritakripa Watts-Robb – Received on August 19, 2019:

Dear Ms. Peterson,

I hope this email finds you well and that I am not too late to weigh in on the county's plans for determining the future of short term rentals, events and camping in the High Desert.

My family has enjoyed living in Joshua Tree for close to 15 years and yet the last 2 or 3 years particularly it has felt as though the peace and quiet we have enjoyed in this beautiful place has been turned on its head with the increased number of homes that have been converted into B&B's, hipcamp locations and, worst of all, event venues.

We live adjacent to a B & B that started to host outdoor weddings last year and have consequently been exposed to a barrage of lights, loud music, rowdy wedding guests, trespassers, traffic congestion on our dirt roads and even bulldozing of our property.

I do understand the need for people to make a living and sometimes that may mean having to rent out a room in their own home. However, overt exploitation of the desert for the purpose of purely profiting from this special environment is going to ruin the environment in short order.

My main concerns that I would like to see being taken into consideration with the finalization of regulations would include:

Protection from noise and disturbance of residents of the neighborhood

Low light and low noise ordinance (none after 10 pm)

No large events on non-county maintained roads

The threat of loss of license to operate as a business for repeat offenders

Protection for the native wildlife - especially in areas that are adjacent to the National Part

A complaints hotline so that problems can be addressed promptly

Outdoor fire restrictions

I understand that my neighbor has a non-permitted wedding planned for September 12th and I would not be surprised if there are more plans for the rest of the year now that we are heading into the cooler season. Is there anything that I can do to stop this?

Thank you so much for taking the time to read this and please let me know if i can provide anything further.

Yours sincerely,

Ms. Watts

Amritakripa Watts-Robb – Received on August 29, 2019:

Dear Suzanne,

I just wanted to send a note concerning a fire at one of the Airbnb rentals in the Joshua Tree highlands this afternoon. It has long been a concern of mine that should there be a fire in an area like this with its dirt roads which, in many spots, are single lane only, compounded by the presence of a large number of people who don't necessarily know the area, we could have a major tragedy on our hands. As it was this afternoon there were multiple explosions at this house. The guests staying next door at Cindy Beck's house had to cut two young girls out of a barbed-wire fence as they were trying to escape the flames. They then had to rescue an older man who had received 3rd degree burns to his hands and arms. The guests were unable to drive the man to the hospital because they had burst their tire on the roads on the way in so one of our friends took him and his daughters to the High Desert Hospital. I do not know at this point if anyone else was injured. This is the house in question and I believe Cindy has experienced a number of problems from this particular neighbor.

It concerns me greatly when I am looking at the statistics for Joshua Tree to see that in the 2010 census there were less than 7,500 residents in this small desert town with limited infrastructure. Today when I look at airbnb there are over 1,000 rental properties listed. It is hard to imagine what a devastating effect this is having on this precious and fragile treasure of an ecosystem that is truly unlike anywhere else on the planet.

Tonight I am grateful to the fire department and for their rapid response and I am praying that there will be some real guardrails laid out that will provide protection for the residents and visitors, the flora and fauna, the starry desert skies and for the future of this special place. Once destroyed, it would be impossible to regain what has been lost and we are desperately looking to find leaders who can see with a long term vision so that those who come after us are able to enjoy the beauty that we have been blessed to know.

Thank you for lending your ear and I look forward to hearing from you.

Sincerely yours,

Kripa

Ikeke Robertson – Received August 19, 2019:

Hi Suzanne,

I reviewed the Short-Term Residential Rentals regulations, I am very concerned that some of the clauses as drafted would have a negative impact on STR hosts and the economic situation of others in the community. I have set out my comments below and relevant sections:

1. Parking §84.28.060 (d) The requirement for parking passes would be onerous and in any case completely unnecessary as we have ample parking here in the desert.
2. Record keeping §84.28.070 (b) - The requirement for record keeping of all rental unit occupants and vehicle descriptions is impractical and it would be very difficult for hosts to be in compliance. I have been to various hotels and have never been asked to provide this level of detailed information. Moreover, many hosts here in the desert have noted how difficult it is many a times to get information out of guests. How is a host expected to enforce this where the guest fails to cooperate or gives inaccurate information?
- 3 Accessory Dwelling Units § 84.28.040 - This provision excludes accessory dwelling units as a short-term residential rental unit separately from the primary dwelling unit. First, I think there is an advantage to having a host residing on the same property as there will be less likelihood for noise or other nuisances to the neighborhood. Secondly, many people rely on this type of STR as their livelihoods and this would negatively impact those hosts and their livelihoods.

I implore you and your team at the county office to please take these into serious consideration in formulating the next draft of the ordinance.

Kind regards,
Ikeke Robertson

Lindsay Hollinger – Received on August 28, 2019:

I wish to submit my comments on the proposed Short Term Rental (STR) Ordinance.

I am a resident of Joshua Tree and I own two homes, both in unincorporated areas of San Bernardino County.

First, some general comments:

Short Term Rentals are a large and important part of our economy in the high desert. There is a lack of “traditional” lodgings (hotels) and short term rentals help make up the difference and allow visitors and tourists to stay, enjoy, and spend money in the high desert. We accommodate positive tourism experiences, create jobs (such as cleaning, property management, maintenance, and repairs), and support the county with transient occupancy tax. We are an integral part of the fabric of the Morongo Basin Community. Limiting rentals and placing undue burden on hosts, owners, property managers and guests will drastically effect our economic health. We depend on this crucial revenue stream, and this ordinance as drafted stands to harm the economy of the high desert and all of it’s businesses, not just STRs.

I understand the need for regulation to make a safe experience for hosts, guests, and the neighbors that co-exist with STRs, and I want to cooperate with this process.

I feel it is important that the ordinance have safety as its primary goal, and not place undue burden on the community and hosts. I also feel that this process should be more public, with more notice given about when hearings are taking place and when the comment period is.

I would like to comment specifically on these sections of the draft ordinance:

§ 84.28.070 (B) Record Keeping

This record keeping requirement places a heavy burden on hosts and guests, and is frankly, impossible. It is a n overreaching requirement.

As hosts, we have no way to ensure this information can be collected accurately as booking platforms have no way to collect it and we must message and seek it individually from guests. For guests, plans can change and often visitors are using rental cars so they cannot know ahead of time what their vehicle information will be.

§ 84.28.070 (C) Registration

This registration requirement is impossible to comply with. Obtaining a signed document back from a guest is near impossible. On booking platforms, guests must acknowledge rules and regulations in order to proceed with their reservation. I suggest the language be amended that this acknowledgement contain the necessary rules and information, and acceptance of booking on the platform is sufficient as a binding acknowledgement by the guest.

Record keeping of guests is done by the booking platform, and if needed the county can obtain the records from the platforms with cooperation of the owners.

§ 84.28.050 (e) Appeals

10 days is not enough time to file for an appeal. At minimum this should be 30 days.

§ 84.28.070 (f) (1) Conditions of Operation- call response

Should be amended to include “owner, property manager, or owner’s designated representative” I employ a property management service that is available 24/7 to field calls, resolve issues, check the property, and respond to complaints. They are a representative of me and should be able to fill this role and subsequently contact me as the owner if I am needed.

Fees: as far as I could find, these are the fees proposed. I have included them here in case they have changed. This listing should be included as reference in your ordinance documentation that is available to the public.

16.0215C Land Use Services Department - Development Review - Code Enforcement/Fire Hazard Abatement.

(E) Short-term private home rental permit:

(I) Initial permit application \$667.00

(II) Biennial renewal \$401.00

(III) 50% of Biennial renewal may be submitted annually with a \$23.00 processing fee.

(5) Appeal to the Planning Commission for Sections 16.0215C(a)(4)(A) through (E) \$1,333.00

(6) Surrounding property owner notification where renotification is required \$490.00

(7) Public request for vehicle abatement and removal plus actual cost of removal \$344.00

(8) Special inspection \$286.00/hour

First, this should be included in the ordinance document.

Second, these fees are too expensive and not affordable at all. This is an unbearable burden for hosts. My proposed, reasonable costs are as follows:

I) 300.00

II) 300.00

5) 500.00

6) 100.00

8) special inspection: 150.00/hr

Thank you for taking the time to review and include my comments in this process.

Sincerely,

Lindsay Hollinger

Kathy Baugh – Received August 29, 2019:

Dear Supervisor Rowe,

The proposed changes to the current STR Code for the mountain communities came to our attention through the Community Advocates of Big Bear group. As ten-year full-time residents of Big Bear City, my husband and I noticed substantial changes for the better with visitors' behavior when the current code went into effect in June of 2017. We appreciate the County's efforts in managing all of the issues the transient rentals have brought to our area and would like, at this time, to add just a couple of points we request you pass on to Land Use Services, in hopes that that this suggestions will be incorporated to the STR Code when updated.

Point 1: STR Density

At the May 23, 2017, County Board of Supervisors meeting, Supervisor Josie Gonzales asked what would be done in regards to limiting the density of STR housing. Per the draft copy, it does not appear that even now, more than two years later, this issue is even being addressed. When we moved to Big Bear in 2009, there was one rental within a one-block radius of our cul-de-sac located house; now there are 14 which bring just under 200 people and 85 cars nearly every weekend and definitely every holiday, and that's if the visitors honor the current occupancy and vehicle limits. Even though zoned R-1, these rental homes are NOT being used as any normal house would be; the ones in our area are still being booked by multiple families and groups for large get-togethers. Limiting the housing density would lessen and/or eliminate many of the enforcement issues.

The draft states that "the County will promote increased capacity to serve tourists," but the current over-density of STRs in the Big Bear area is making it beyond difficult for people who work in the local stores, shops, the resorts and service industries to find housing now. A long-term rental is now a 4-month rental. If the County is not going to restrict the rental density, where will the workers live? Perhaps the STRs could be restricted to certain areas/streets (which is what Mammoth Lakes has done), which could provide more long-term rental housing and leave some areas for local residents STR-free.

Point 2: No Penalty for Repeat Offenders

Neither the current code nor the proposed draft code address the repeat offender issue for a specific property address, which does nothing to prevent further incidents. We would like to see some sort of Not-Allowed-to-Rent provision if there are 3 or more code violations within a 6-month period (for example); this could be combined with a cash sanction which would mean more revenue for the county but which means very little on its own, when the houses are bringing in as much as \$1200 per night. All 14 of the rentals in our immediate area are owned by out-of-area owners who do not have the vested interest in the neighborhood as we residents do, do not have to deal with the rental issues that we do, nor are those same owners able to vote for SB County board members and issues.

Point 3: §84.28.070 Conditions of Operation

Under (f) Loud and Disturbing Noise, Point (1): "Such types of noises or actions causing noises include, but are not limited to, yelling, shouting..."

If the word "profanity" could be added, that would be great! We have had to deal with monthly outdoor basketball games from a rental half a block away, and even with our house closed up and TV on, the groups' foul-language exclamations over every shot, whether good or bad — what our neighborhood has come to refer to as "f-bomb basketball" — continues to be an issue.

Regarding the draft, we are extremely happy, having had burned fireplace wood and ashes dumped onto our own property by renters over the years, that no solid fuel outdoor fires of any type will be allowed and that the additional day-use guests provisions could be eliminated.

Sincerely,
Kathy and Jim Baugh

Katie Callan – Received on September 2, 2019:

Hello,

Thank you for responding to my prior email regarding my concerns pertaining to the STR application and requirements for the Desert Region.

I have read the latest revision of the ordinance from August 30, 2019.

My question pertains to the following:

§ 84.28.060 Occupancy Standards.

(a) Compliance with Uniform Codes and Other Laws. At the time of issuance of a short-term residential rental permit and thereafter, the short-term residential rental unit shall be 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.

Can you be more specific as to what EXACTLY these various codes are? What are the code TITLES, CHAPTERS, etc. Can you provide a link to each code for reference? What are the "other applicable uniform codes"?

I have tried unsuccessfully to find the accurate current codes for existing structures for 2019. As most STR properties in the Desert Region were built in the 1950s and 1960s and have been preserved to maintain their historic integrity, how will these structures fit into the proposed regulations and requirements to obtain a STR permit?

Thank you in advance for providing the correct and current code information and/or links for California Building and Fire Codes, and clarification on what are the other codes mentioned for 2019.

-Katie C.

Pamela Goodchild – Received on September 3, 2019:

Greetings Ms. Patterson,

Please find my 2 cents weighed in on the following.

I will be at the meeting, however, I will not be speaking since there are so many others expressing my same opinion.

Pertaining to #1, this seems fair and reasonable.

1. "(a) A short-term residential rental unit owner may use a single-family dwelling unit as a short-term residential rental unit only if such owner has a current valid short-term residential unit 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 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."

Pertaining to #2, I believe all animal control issues and laws amended should be dealt with through the County agency only, not attached to the updates currently in motion with the relating to short-term residential rentals. And, I believe short term Animal laws for vacation rentals should follow the same laws as what Businesses that provide short term hotel/motel rentals abide by. I disagree with the following.

2. "(g)(l) Animals. (1) License. No person shall have, keep, or maintain any dog on the property of a short-term residential rental unit 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 unit 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 is in charge of a person competent to restrain the dog, or is properly restrained and enclosed in a vehicle, cage or similar enclosure. (1)(3) Noise. It shall be unlawful for any person owning or having control of any animal to be allowed to create excessive noise in violation of subdivision (h) of this section."

Pertaining to #3, This charge I believe should be included in the fee that is paid for the permit.

3.

§ 84.28.050 Application Process. (8) A fee amount to cover an initial inspection and one additional inspection, as set forth in the schedule of fees in Division 6 of Title 1 of the County Code. If further additional inspections are required, then the owner or applicant shall be required to pay additional inspection fees.

Pertaining to #4, I would suggest that the electronic version of compliance with the responsible booking person would be sufficient as an "In Person" registration is usually not an option. And, I disagree with a separate permit for a particular type of usage such as a party, or a wedding, a photo shoot, etc. that should be between the property owner and renter.

"(c) Registration. The short-term residential rental unit owner, as defined in § 84.28.030(g), shall administer registration prior to allowing occupancy of the rental unit. The registration shall include review of the short-term residential rental unit regulations with at least one adult renter of the rental unit. At the time of such registration, the renter shall be provided a complete written or digital copy of the rental unit rules and regulations, as well as disclosure of the penalties associated with violations. The registration material shall advise the renter of the occupancy and vehicle/parking limitations, responsibility to avoid nuisance behavior, and that the use of the rental unit for commercial activity, 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 an acknowledgement to be signed by the renter as having read, understood and agreed to all provisions. Registration materials shall be preserved for the term of the short term residential rental unit permit, and shall

be provided to the County, when requested, to confirm compliance with short-term residential rental unit 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 regulations, the conditions of operation of the short-term residential rental unit permit may be amended by the County to require in-person registration."

I can not find the area that speaks to having the Driver's License and Car License plates, however, I suggest that getting an electronic copy of the appropriate Identification from the booking person be sufficient and that the Car License plate is unnecessary.

Thank you for your time and consideration.

Kindly,

Pamela Goodchild

Kevin Duffy – Received on September 3, 2019:

Hi Suzanne,

Thanks again for all your hard work on moving this forward and for patiently incorporating so many of our suggestions.

Nonetheless, I still have three final comments and suggestions that follow. Please note these are based on long experience hosting and using on-line platforms to rent, as well.

1. 84.28.060 Occupancy Standards

Large groups lead to lack of responsibility, code violations and environmental degradation and damage to endangered wildlife, plants, and water resources in our fragile desert environment.

The maximum number of occupants in sections 3, 4, 5 and 6 is excessive. Occupancy in STVRS should be capped at 8, regardless of the size of the parcel.

Day use in excess of the number of occupants should be required to obtain the appropriate event permit.

(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 10 EIGHT persons.

(4) Notwithstanding the allowances per Subdivision (b) above, on parcels smaller of less than one-half acre, the maximum occupancy of a short-term residential rental unit, including day-use guests, may shall not exceed 12 EIGHT persons.

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

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

2. 84.28.070 Conditions of Operation

(c) Registration

This section is still onerous, unfortunately. I've used online platforms to rent short term throughout the US and abroad and have never been obliged to complete paperwork, with the exception of Portugal, which unlike California, is not home to Silicon Valley and is not known for being a technologically advanced economy. I'm concerned that excessive paperwork can negatively effect visitors' experience, in turn leading to decreased earnings for the hospitality industry in the County, as well as decreased TOT earnings for the County.

At the least, I suggest adding language to the following section:

The registration material shall contain a space for an acknowledgement to be signed by the renter as having read, understood and agreed to all provisions OR ALLOW THE RENTER TO ACKNOWLEDGE THE PRECEDING BY EMAIL.

(f) (1) Call Response

The definition of "agent" isn't clear, so I suggest adding the following language so that agent isn't restricted to licensed real estate agents only, as may have been the case before the advent of on-line platforms

(1) The short-term residential rental unit owner or agent OR REPRESENTATIVE DESIGNATED BY OWNER, shall be personally available by telephone on a 24-hour basis and maintain the ability to be physically present at the property within one hour in order to respond 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.

Thanks again for all your hard work and diligence.

Best,
Kevin

Jonathan Hume – Received on September 3, 2019:

Hello Suzanne, Clair and your respective Teams:

I'd like to express my opposition to the current language and intent of Section 84.28.040 of the most recent ordinance draft on regulation of short-term residential rentals.

This is regarding short-term rental of ADUs. I have excerpted the relevant summary and draft language below.

Let me address two points where the proposed approach falls short:

1) "An On-Site Owner Will Respond More Quickly to Complaints" at ADUs

County staff is proposing that short-term rental of ADUs be permitted only when the owner or agent resides on the property. The rationale for this proposed limitation appears to be that by residing on the property, an owner could more promptly respond to any noise or unwanted guest behavior.

However I want to point out that the ordinance draft already addresses this concern more than adequately, by requiring that owners or their agents respond on-site within one hour to any substantive complaint.

This being the case, when it comes to ADUs, there is no solid "fast complaint response" rationale for owner or agent occupancy associated with ADUs.

2) No Exemption for ADUs on Large Parcels

Many parcels in the Desert Region are larger than 2 acres. There are even many 5 and 10 acre parcels. Such parcels can easily accommodate short-term rental of both a primary and secondary dwelling (ADU) with essentially zero impact on neighbors; as well as negligible impact on the region's long-term rental market.

Given how common such situations are in the Morongo Valley and the Desert Region, it seems clear to me that large parcels (e.g. >2 acres) should be exempt from any restriction, including owner occupancy, on short-term rental of ADUs.

* * *

I will gladly admit to some degree of self-interest in this matter. Although we live in the Desert Heights area, north of 29 Palms, for almost four years now my wife, Patty and I have hosted an ADU (guest house) as well as a primary house in the Friendly Hills area of Joshua Tree. We are on a sizable parcel. We get along well with our Joshua Tree neighbors and we seek to be of service to the community. Do we make a bit of money on the ADU? Yes we do. (And the county does too, via the TOT which we've gladly paid over the years.) But mainly we do it to share the place we love. At our guest house we know of at least two marriage proposals (!) which our guests have told us about, and we have received scores of personal notes (not just reviews) from guests thanking us for letting them stay there. It's a very special place and we'd like to be able to continue to share it.

Thanks,
Jonathan and Patty Hume

Clint Stoker – Received on September 3, 2019

ISSUE 1: ADU - Should not restrict rental of units on a short term basis more than they can be rented long term.

§ 84.28.040 Permit Required. (a) A short-term residential rental unit owner may use a single-family dwelling unit as a short-term residential rental unit only if such owner has a current valid short-term residential unit permit and complies with the requirements of this Chapter and other applicable provisions of the County Code and other laws. ~~If there is more than one dwelling unit on a parcel,~~ 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 legal residential accessory structure may be permitted as a short-term residential rental. ~~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.~~

ISSUE 2: Registration - Too vague as to digital alternatives.

(c) Registration. The short-term residential rental unit owner, as defined in § 84.28.030(g), shall administer registration prior to allowing occupancy of the rental unit, ~~either in person, email or using services provided by the hosting platform.~~ The registration shall include review of the short-term residential rental unit regulations with at least one adult renter of the rental unit. At the time of such registration, the renter shall be provided a complete written or digital copy of the rental unit rules and regulations, as well as disclosure of the penalties associated with violations. The registration material shall advise the renter of the occupancy and vehicle/parking limitations, responsibility to avoid nuisance behavior, and that the use of the rental unit for commercial activity, 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 an acknowledgement to be signed by the renter as having read, understood and agreed to all provisions. ~~Acceptance of rules and regulations and penalties on a hosting platform shall also be considered an approved acknowledgment in lieu of a signature.~~ Registration materials shall be preserved for the term of the short term residential rental unit permit, and shall be provided to the County, when requested, to confirm compliance with short-term residential rental unit 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 regulations, the conditions of operation of the short-term residential rental unit permit may be amended by the County to require in-person registration.

Clint