



# CITY OF BIG BEAR LAKE *California*

**MEETING DATE:** January 11, 2021

**TO:** Honorable Mayor Caretto and Members of the City Council

**FROM:** Frank A. Rush, Jr., City Manager

**SUBJECT:** City Manager Comments – Item 2.3

**URGENCY ORDINANCE APPROVING DEVELOPMENT CODE AMENDMENT 2020-103 RELATED TO TRANSIENT PRIVATE HOME RENTALS, ADDING TITLE 4, SECTION 1, TO THE MUNICIPAL CODE RELATED TO VACATION RENTALS, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**ACTION TO BE CONSIDERED**

City Council will consider adopting an urgency ordinance to repeal sections 17.03.310 and 17.03.315 of the Development Code related to transient private home rentals, and replace these regulations with new, temporary regulations in a new Title 4 of the Municipal Code. The proposed new, temporary regulations would amend the City's enforcement protocols for violations of the City's vacation rental regulations to enable the immediate issuance of citations, focus the City's enforcement efforts on the most common and disruptive violations, and significantly increase the penalties for violations.

The urgency ordinance is presented at this time in order to more effectively prevent and resolve behavioral concerns associated with vacation rentals during the City's peak visitation season now underway, which has been exacerbated by an increase in visitation associated with COVID-19. The proposed new, temporary regulations would remain in effect for the next few months while the City develops new, permanent regulations aimed at more effectively regulating the behavior of vacation rental guests in Big Bear Lake. It is anticipated that additional provisions may ultimately be added to the new, temporary regulations included in the proposed urgency ordinance after the receipt of significant public input in the next few months.

**RECOMMENDED MOTION(S)**

Motion to adopt the Urgency Ordinance Approving Development Code Amendment 2020-103 Related to Transient Private Home Rentals, Adding Title 4, Section 1 to the Municipal Code Related to Vacation Rentals, and Finding the Action Exempt from the California Environmental Quality Act.

**RESPONSIBLE STAFF** Larry Vaupel, Director of Tourism Management - Staff Report Attached

**ADDITIONAL CITY MANAGER COMMENTS**

The proposed urgency ordinance is intentionally drafted to simplify the City's regulations, in order to promote a better understanding by City staff, vacation rental guests, vacation rental owners, vacation rental managers, and our residents, and, most importantly, focus the City's efforts on the key concerns associated with vacation rentals.

Practically speaking, the key changes to the City's vacation rental ordinance that would result from the Council's adoption of the proposed urgency ordinance are as follows:

- City staff would be solely responsible for enforcement, would respond as soon as possible to every complaint, and would determine whether a violation has occurred. Under the current ordinance, primary enforcement responsibility is delegated to vacation rental owners / managers, and punitive action is rarely taken.
- The vacation rental owner / manager would still be required to respond if / when summoned by the City code compliance officer, but would not be contacted until City staff is on site and has determined that a violation has occurred. The vacation rental owner / manager response is intended to ensure that the owner / manager fully understands the concerns, can take steps to prevent a repeat violation by the same guest, and can take steps to prevent violations by future guests.
- The proposed ordinance includes fines of \$500 and \$1,000 for violations involving poor guest behavior, and allows the fine to be levied against the guest, the owner, and/or the manager.
- Any music producing devices may be operated indoors only, and the music should not be audible at the property line – at any time of the day or night.
- No parties, weddings, or other large gatherings would be permitted at the vacation rental property unless specifically authorized by the City at least 30 days in advance. Such requests would likely be granted infrequently, and would only be granted if there are adequate plans in place to ensure respectful behavior, guarantee relative peace and quiet, and not be disruptive to the neighborhood.
- All vehicles associated with vacation rental properties, including overnight or daytime guests, would be required to park in the garage or driveway of the property. No on-street parking would be permitted at any time.
- The use of spas or any other outdoor activity that disturbs the peace would be prohibited after 10 pm.
- The City would have the authority to revoke or suspend the vacation rental license after just one violation. In reality, we would expect this authority to be utilized only in extreme egregious circumstances, however, it would send a strong message and provide maximum flexibility for addressing significant concerns. In reality, we would expect to work with the vacation rental owner / manager to resolve concerns, and would likely provide additional chances to resolve ongoing concerns.
- Vacation rental licenses would only be issued for properties owned by individuals and families, and business entities would be prohibited from owning vacation rental properties. Additionally, it would not be possible to offer a leased property as a vacation rental.
- Vacation rental properties would be required to include license numbers in all advertisements, and any vacation rental properties operating without a license would be prohibited from

operating for at least a year (and only if ownership changed in the future) and the owner would be permanently prohibited from securing a vacation rental license in Big Bear Lake.

- The filing of frivolous complaints against a vacation rental would be prohibited, and would subject frivolous complainants to a \$250 fine.
- The City would no longer require the use of exterior signs affixed to vacation rental properties. The specific intent of the new ordinance is to ensure respectful behavior by vacation rental guests (noise, parking, parties), and our ultimate goal is create a neighborhood environment where it is impossible to determine if a home is occupied by permanent residents, a second homeowner, or vacation rental guests. Ultimately, one should not be able to tell the difference.

It is important to note that the proposed urgency ordinance does not include a previously discussed requirement that all vacation rental properties be managed by a professional vacation rental manager with a “brick and mortar” presence in the Big Bear Valley. However, I am hopeful that Council will consider this requirement or some variation thereof when new permanent regulations are approved later this spring. Ultimately, it is imperative that the City’s program foster a cooperative and communicative relationship with engaged vacation rental owners and managers.