



CITY OF
BIG BEAR LAKE *California*

ORDINANCE NO. 2021-495

ORDINANCE ADOPTING MUNICIPAL CODE AND DEVELOPMENT CODE AMENDMENT 2020-103 TO AMEND DEVELOPMENT CODE SECTION 17.25.070 PERTAINING TO RESIDENTIAL PARKING STANDARDS AND AMEND CHAPTER 4.01 PERTAINING TO VACATION RENTALS, AND FINDING THESE ACTIONS TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Big Bear Lake, California (the “City”) is a municipal corporation and Charter City, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City of Big Bear Lake is a four-season resort community where tourists visit to escape everyday urban life in order to enjoy a unique mountain experience, including recreation activities, rest, and relaxation; and

WHEREAS, the City of Big Bear Lake desires to preserve the residential character of neighborhoods that enhance the quality of life for our residents and provide a peaceful retreat for our visitors; and

WHEREAS, the City has a legitimate governmental interest in appropriately regulating the transitory use of residential properties to preserve the long-term residential character of its residential neighborhoods; and

WHEREAS, according to the Big Bear Lake General Plan, the local economy is primarily based on tourism, therefore, a guiding principle of the City of Big Bear Lake is to encourage a year-round, well-balanced economic base while recognizing the importance of tourism in the local economy; and

WHEREAS, due to Big Bear Lake’s status as a resort community that offers unique vacation opportunities for large families, the City desires to maintain the ability for visitors to rent family homes for their vacation accommodations; and

WHEREAS, the City Council adopted Ordinance No. 99-300 on August 9, 1999, establishing regulations for Transient Private Home Rentals (vacation rentals); and

WHEREAS, the City Council adopted Ordinance No. 2007-375 on December 10, 2007, amending the Development Code to include provisions for enforcing regulations on Transient Private Home Rentals (vacation rentals); and

WHEREAS, the City Council adopted Urgency Ordinance No. 2021-488 on January 11, 2021, deleting references to Transient Private Home Rentals from Chapter 17 and adding Chapter 4.01 to the Municipal Code regulating vacation rentals; and

WHEREAS, the protection of public health, safety, and welfare is a primary objective of the Big

Bear Lake General Plan; and

WHEREAS, under Public Resources Code section 21065, adoption of this ordinance is not a project subject to the California Environmental Quality Act (CEQA), and, alternatively, adoption of the ordinance is exempt from CEQA under CEQA Guidelines section 15061(b)(3), the general rule that states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This Municipal Code Amendment does not have the potential to cause a significant effect on the environment; and

WHEREAS, all legal prerequisites to the adoption of this ordinance have occurred.

NOW, THEREFORE, the City Council does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. The City Council hereby finds that, based on the public testimony and substantial evidence in the record, under Public Resources Code section 21065, adoption of this ordinance is not a project subject to the California Environmental Quality Act (CEQA), and, alternatively, the adoption of the ordinance is exempt from CEQA under CEQA Guidelines section 15061(b)(3), the “common sense” rule that states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This Municipal Code Amendment does not have potential to cause a significant effect on the environment.

Section 3. Based on the evidence presented to the City Council, including oral and written agenda reports and public testimony, the City Council finds as follows with respect to the Municipal Code Amendment and Development Code Amendment 2020-103:

1. The Municipal Code amendment is consistent with all other related provisions thereof because the amendment does not conflict with other standards and provisions of the Municipal Code and adding provisions to regulate vacation rentals elsewhere in the Municipal Code is in the City’s best interest.
2. The Development Code amendment is reasonable and beneficial at this time because it will remove any potential conflict arising from legally established gravel parking spaces located on vacation rental properties, and is consistent with the City’s General Plan.

Section 4. Based on the findings and conclusions set forth in Sections 1 and 2, above, the City Council hereby adopts the amendments identified in Attachments A, B, C to this ordinance, which are attached hereto and incorporated herein by reference.

Section 5. The City Clerk shall certify to the adoption of this ordinance. The Clerk shall timely file a notice of exemption under CEQA.

Section 6. If any section, sentence, clause or phrase of this ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council hereby declares that they would have adopted

this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED THIS 16th day of August, 2021.



Rick Herrick, Mayor

ATTEST:



Erica Stephenson, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF BIG BEAR LAKE)

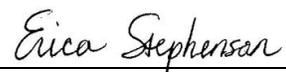
I, Erica Stephenson, City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing Ordinance No. 2021-495 is a full, true and correct original of Ordinance No. 2021-495 of the City of Big Bear Lake entitled:

ORDINANCE ADOPTING MUNICIPAL CODE AND DEVELOPMENT CODE AMENDMENT 2020-103 TO AMEND DEVELOPMENT CODE SECTION 17.25.070 PERTAINING TO RESIDENTIAL PARKING STANDARDS AND AMEND CHAPTER 4.01 PERTAINING TO VACATION RENTALS, AND FINDING THESE ACTIONS TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the Clerk of Said City, all at a regular meeting of the said Council on the 16th day of August 2021, and that the same was so passed and adopted by the following vote:

AYES: Putz, Melnick, Mote
NOES: Lee
ABSTAIN: Herrick
ABSENT: None

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California that the foregoing Ordinance No. 2021-495 was duly and regularly published according to law and the order of the City Council and circulated within the said City.



Erica Stephenson, City Clerk

ORDINANCE ATTACHMENT B

CHAPTER 4.01

Municipal Code Title 4, Section 1, is amended to read in its entirety as follows:

Title 4 Visitor-serving uses and tourism

Chapter 4.01 Vacation Rentals

Section 4.01.010. Purpose

This chapter is intended to provide a procedure to allow the rental of private homes to visitors on a short-term basis as vacation rentals. The city seeks to promote vacation rentals, promote responsible visitor behavior, and protect the residential character of its neighborhoods.

Section 4.01.020. Definitions

For purposes of this chapter, the following words and phrases are defined as follows:

- A. “Agent” means a person or entity, who does not hold any interest in the property and who has authority to act on behalf of the owner
- B. “Bedroom” means a room designed primarily for sleeping that meets the definition of the California Building Codes currently adopted by the city.
- C. “Check in” means the arrival of a guest at a vacation-rental property or agent’s office.
- D. “Home-sharing” or “home-sharing property” means the rental of no more than two bedrooms in a detached single-family unit for a term of 28 or fewer consecutive days while the owner of the unit is present and living in the unit.
- E. “Hosting platform” means a person or entity who participates in home-sharing or vacation rentals by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation. Examples include, but are not limited to, VRBO.com, Airbnb.com, homestay.com and other internet and non-internet based services that facilitate bookings for a fee.
- F. “Owner” means a person or entity, who holds record fee title to the property, except that “owner” does not include the holder of a leasehold interest in the property.
- G. “Responsible party” means the lessee of a vacation-rental property.
- H. “Vacation rental” or “vacation-rental property” means either (1) a residential dwelling unit that is leased for a term of 28 or fewer consecutive days or (2) a home-

sharing property.

Section 4.01.030. License Required

A current, valid annual license issued by the city to the owner is required for each property prior to advertising, offering to lease, or leasing the property as a vacation-rental property. The license shall be posted inside of the vacation-rental property.

Section 4.01.040. Licensing Procedure

- A. An owner shall apply to the city for a license annually for each vacation-rental property and pay a fee established by resolution of the city council. The city shall provide an application form and list of application and insurance requirements
- B. An owner may not hold more than two licenses, except that an owner holding more than two licenses as of September 16, 2021, may renew those licenses unless they have been revoked or not renewed within 30-days of expiration.

Section 4.01.050. Transient Occupancy Tax

- A. Except as provided in Paragraph B below, the owner is responsible for collecting and remitting transient occupancy tax and tourism business improvement district assessments to the city and shall comply with all provisions of Chapter 3.20 of this code concerning transient occupancy taxes.
- B. Beginning January 1, 2022, hosting platforms shall be responsible for collecting all applicable transient occupancy taxes and tourism business improvement district assessments and remitting the same to the city. The hosting platform shall be considered an agent of the host for purposes of transient occupancy tax collections and remittance pursuant to Chapter 3.20.
- C. Owners shall be responsible for submitting transient occupancy tax forms reporting nightly stays and gross receipts even if a hosting platform is remitting the taxes due on their behalf.
- D. Licensees making two or more late submittals in a 12-month period shall not have their license renewed upon expiration.

Section 4.01.060. Operational Requirements

- A. The owner and owner's agent shall ensure that the vacation-rental property complies with all applicable codes regarding fire, building and safety, health and safety, zoning, lighting, and all other laws and regulations.
- B. All guest check-ins must be performed in person by the owner or the owner's agent. The responsible party must be present in person at the check-in. The responsible party must sign a copy of the City's Good Neighbor Policy prior to or during check-

in. A copy of the signed policy shall be provided to the city by the owner or owner's agent upon request. An owner or agent may provide an electronic process for guests to sign and acknowledge the City's Good Neighbor Policy at check-in.

- C. Occupancy of the vacation-rental property shall always be limited to the limit stated on the license. Such occupancy shall not exceed two adults per bedroom, plus two additional adults, not including persons under 18 years of age; but the total number of persons, including persons under 18 years of age, may not exceed one person per 200 square feet of living space or 16 persons, whichever is less. Properties without all the parking spaces that are required by Section 17.25.070 are limited to two adults per parking space provided.
- D. No party, wedding, or other gathering exceeding occupancy limits is permitted without prior written approval by the city manager or the city manager's designee at least 30 days in advance. City approval is discretionary and may be subject to reasonable conditions.
- E. Off-street parking spaces shall be provided on the vacation-rental property sufficient for all vehicles and trailers associated with the vacation-rental property or its occupants in accordance with Section 17.25.070. Parking is allowed only in designated driveways and garages and is not allowed in the yard or street at any time. The maximum number of vehicles at a vacation-rental property at any time is also the minimum number of parking spaces required. Gravel parking spaces approved for vacation-rental properties licensed before January 11, 2021, and originally constructed after January 1, 2004, shall continue to be allowed until January 1, 2026. Properties licensed before January 11, 2021, that do not contain off-street parking spaces shall continue to be allowed until January 1, 2026.
- F. Upon the request of the city, the owner or the owner's agent shall respond in person at the vacation-rental property within 30 minutes of dispatch of notice by the city to correct a violation of this chapter or any other provision of this code.
- G. No radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or other any machine or device for the producing or reproducing of any sound may be operated on the vacation-rental property unless it is within a fully enclosed structure and is not audible at the property line of the vacation-rental property.
- H. Outdoor activity that disturbs the peace and the use of an outdoor spa are prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- I. Each vacation-rental property shall be equipped with no more than one informational sign as described in the registration materials.
- J. Trash may not be stored at a vacant vacation-rental property at any time.
- K. Incessant barking from dogs heard beyond the property line is prohibited.
- L. The owner shall include notice to lessee of the requirements of this section in all leases and post a visible notice at the entrance to the vacation-rental property.

Section 4.01.070. Agency and Certification

An owner may grant authority to an agent to act on behalf of the owner for purposes of fulfilling some or all the requirements of this chapter. The owner shall give prior written notice to the city of any grant of authority to a notice, including the identity and contact information for the agent. The owner shall promptly give the city written notice of any change to any such grant of authority of making such change. The use of an agent shall not excuse the owner from the owner's obligations of this chapter. Agents and owners fulfilling any of the requirements of this chapter shall be annually certified by the city.

Section 4.01.080. Inspection and Audit.

Each owner and owner's agent shall provide the city with access to the vacation-rental property and to such related records, documents, tax returns, and bank accounts at any time during normal business hours as the city may determine are necessary for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled.

Section 4.01.090. Hosting Platform Responsibilities.

- A. Subject to applicable laws, hosting platforms shall, upon written request by the city, promptly disclose to the city each vacation-rental property listing located in the city, the host ID, listing ID, and names of the persons responsible for each such listing, the address of each such listing, the length of stay for each such listing, and the price paid for each stay.
- B. A hosting platform shall promptly remove any listing upon receipt of a take-down notice from the city indicating that a listing violates applicable legal requirements.
- C. A hosting platform is responsible for collecting and remitting transient occupancy taxes and tourism business improvement district assessments on behalf of their hosts beginning January 1, 2022, in accordance with Section 1.01.050 above.
- D. A hosting platform shall require all hosts to include a valid license number in a designated field dedicated to the license number no later than January 1, 2022.

Section 4.01.100. Violations and Penalties

- A. The city may issue an administrative citation to any person who operates a vacation-rental property without a license. The administrative fine for the first citation shall be in the amount of \$5,000.00. Any person operating an unlicensed vacation-rental property shall be permanently ineligible to operate a vacation-rental property in the city, and any property that is operated as a vacation property without the required license shall be ineligible for vacation-rental property license for a period of one year from the most recent citation issued for operating without a license. If the person continues to operate a vacation-rental property without a license, the city may issue an additional administrative citation, with an administrative fine in the amount of \$10,000.00. Any additional violation shall be subject to additional citations with escalating fines provided in a schedule established by the city council

by resolution. A person operating an unlicensed vacation-rental property is liable to the city for the payment of transient occupancy tax in accordance with the provisions of Chapter 3.20 of this code, including without limitation penalties and interest.

- B. For any violation of this chapter that is not subject to subsection A above and D below, the city may impose an administrative fine for the first violation in the amount of \$500.00. The fine for each subsequent violation shall be \$1,000.00.
- C. Each administrative citation for a violation of any provision of this chapter may be levied or assessed against one or more of: the owner, the owner's agent, a hosting platform, and the responsible party. The city may initiate revocation of a license after one violation. Each day that a violation occurs is a separate violation, for which the city may issue a separate administrative citation and fine.
- D. Any person who advertises a vacation-rental property with false occupancy information, offering self-check-in, or without including a valid license number for the property in the advertisement shall pay a fine in the amount of \$2,500.00, and the owner's license may be revoked. The owner's license shall be revoked for a second offense, if not revoked already.
- E. The failure of an owner or the owner's agent to comply with an order of any police officer shall result in the revocation of the license.
- F. The appeal and hearing provisions of Section 1.17.070 of this code apply to any revocation or suspension of a license. In lieu of revocation or suspension of a license, the City Manager, at his or her discretion, may place additional operating conditions on a vacation-rental property.
- G. In addition to, and not in lieu of, any other remedy allowed by law, all remedies prescribed under this chapter are cumulative, and the election of one or more remedies does not bar the city from pursuing any other remedy, whether criminal, civil, or administrative, through which the city may enforce this chapter or address any violation of this code or to remedy any other public nuisance.
- H. Owners and agents must accept all city vacation-rental-related correspondence, including, but not limited to, notices of violation, administrative citations, registration materials, notices of regulatory changes, and transient occupancy tax notices via email delivery. It is the responsibility of the owner and agent to ensure that the email address provided on the license application is active and monitored regularly.

ORDINANCE ATTACHMENT C

VACATION RENTAL ELIGIBILITY TABLE

Zoning District	Improvements on Property	Vacation Rental Eligibility
R-L & R-1 Zones	1 Single-Family Unit	Eligible
	1 Single-Family Unit & Detached Guest House (no kitchen)	Eligible, as one unit combined. Must rent the entire property to same party. No kitchen allowed in Guest House.
	1 Single-Family Unit & ADU**	Not eligible
	1+ Detached Single-Family Units	Only 1 unit is eligible
	1+ Attached Single-Family Units	Only 1 unit is eligible
R-3 Zone	1 Single-Family Unit	Eligible
	1 Single-Family Unit & Detached Guest House (no kitchen)	Eligible, as one unit combined. Must rent the entire property to same party. No kitchen allowed in Guest House.
	1 Single Family Unit & ADU**	Not eligible
	1+ Detached Single-Family Units	Only 1 unit is eligible
	2-4 Attached Single-Family Units	All are eligible
	>4 Attached Single-Family Units Under Single Ownership (Apartments)	None are eligible
	>4 Attached Single-Family Units Under Multiple Ownership (Condominiums)	All are eligible
Commercial Zones (including Village Commercial)	1 Single-Family Unit	Village Commercial = Eligible. Commercial Zones = Not eligible.
	Mixed-use building 1+ Detached Single-Family Units 1+ Attached Single-Family Units	None are eligible.

*Owners of licensed properties as of January 11, 2021 that are not in compliance with the above table can continue to renew license unless it has been revoked or expired more than 30 days.

** No property is eligible for a vacation rental license if the property has an ADU on it, regardless of zone.