



Posted: Monday, January 06, 2020

NOTICE AND CALL OF A MEETING OF THE
SHORT-TERM RENTAL
ADVISORY COMMITTEE

The Short-Term Rental Advisory Committee will meet on
THURSDAY, JANUARY 09, 2020 at 5:30PM
in the Civic Club Room located at 409 Trinity Street.

- I. **CALL TO ORDER/ROLL CALL**
(3) Voting Members: Joe Moran, Trinidad Bay Vacation Rentals. Jan Nash-Hunt, STR Owner. Dick Bruce, Trinidad Resident.
- II. **ITEMS FROM THE FLOOR**
- III. **APPROVAL OF MINUTES – 12-03-19**
- IV. **AGENDA ITEMS**
 - 1. Review and correct "Recommendations from STR Advisory Committee" that was pulled from City Council agenda (agenda item #5) of December 11, 2019 due to errors.
 - 2. Continue discussion on how to improve enforcement/compliance with STR Ordinance as currently written and suggest possible cost effective changes to Ordinance in next revision.
 - 3. Discuss Staff report from City Clerk on how 2020 renewal process is going.
 - 4. Per Council resolution authorizing STR Committee purpose- "analyze benefits to visitors", discuss what is currently working with the ordinance as currently written.
 - 5. Identify and prioritize future agenda items.
- V. **REQUEST FOR FUTURE ITEMS**
- VI. **ADJOURNMENT**

Gabriel Adams
Trinidad City Clerk

MINUTES OF THE SPECIAL MEETING OF THE STR ADVISORY COMMITTEE
TUESDAY, DECEMBER 03, 2019 AT TRINIDAD TOWN HALL, 409 TRINITY STREET

I. CALL TO ORDER/ROLL CALL (6:05 pm)

Committee Members Present: Bruce, Nash-Hunt, Lake
Committee/Alternate Members Absent: Cox, Moran
City Staff: Naffah, Zetter

II. ITEMS FROM THE FLOOR

Commissioner Lake stated the minutes indicate there was a discussion about how the Committee is not subject to the Brown Act, and explained that the adopted resolution states the Committee will hold meetings in accordance with it. City Manager Naffah responded to Lake stating the Brown Act will be followed. Lake continued to discuss the necessity of transparency and email etiquette. Lake requested the zoning for all STRs.

Committee member Nash-Hunt responded to Lake advising not all members are as versed as others, when it comes to proper protocols, so educating one another is beneficial. However, she raised concern that the Committee is behind because members are being nick-picky.

III. APPROVAL OF MINUTES

September 11, 2019 (continued from October meeting)

Motion (Lake/Nash-Hunt) to approve the September 11, 2019 minutes as amended. Approved (3-0). Passed unanimously.

Updated sentence "Bruce suggested that a cover letter be added to the permit application...working on the permit" to "Bruce suggested that a cover *sheet* be added to the permit application...working on the permit." (Agenda Item 3, page 3).

Removed sentence "Bruce advised that using a cover sheet will cover regulations B & C in violations." (Agenda Item 3, page 4).

October 22, 2019

Motion (Nash-Hunt/Bruce) to approve the October 22, 2019 minutes as amended. Approved (2-0, 1 abstention). Lake abstained.

Updated sentence "Bruce also made mention, as the Brown Act has...only an advisory committee" to "***City Manager Naffah*** also made mention, as the Brown Act has...only an advisory committee." (Agenda Item 2, page 2).

Updated sentence "Moran suggested adding a few definitions...possibly make amendments" to "Moran suggested ***examining and clarifying definitions***...possibly make amendments." (Agenda Item 5, page 4).

IV. AGENDA ITEMS

1. Review draft "Permit Application Cost Recovery Timesheet," draft "STR Permit Cost Tracking Timesheet" and draft "Permit Application Fee Structure" that were recommended at September 11, 2019:

Committee Member Discussion:

Committee Chair Bruce stated he based the documents off forms he used for Caltrans. He advised he reviewed the documents with City Staff, who provided comments and minor corrections. He clarified that the STR Permit Cost Tracking Timesheet is to track any additional fees that are in addition to the \$300.00 license fee. He stated the Permit Application Fee Structure document is draft language.

Lake stated she was in favor of the draft language, but had questions regarding the other two pages. She advised she prefers working with spreadsheets, and presented an example she composed to the Committee. Nash-Hunt questioned if it would be entered by hand, and staff responded that it would be. Bruce reminded the Committee that the license fee and the cost of additional staff time spent need to be separate. Lake advised she would like all information on one sheet. The Committee agreed that a spreadsheet would be a good process to use. Bruce advised that the STR Committee has now given samples/examples to staff, as they are only recommendations. He stated ultimately it is up to staff, as it is administrative.

Bruce questioned who is setting the annual cost of the license. Naffah confirmed the City Council sets the annual cost. A discussion ensued regarding the change in the fee over time, as \$300.00 was not the original fee. Bruce advised that if the Committee is in agreement, regarding the language of the fee structure, it can be modified as the price changes. Bruce advised that the City must collect enough to cover the cost, and offered the idea that if it is cheaper to process a renewal, the price could be lowered.

Motion (Bruce/Lake) that per the resolution passed by the Committee at the Sept 11th meeting, the Committee is submitting the following language to the City Council for the City of Trinidad's STR application fee structure, and that it be included in every STR permit application Passed (3-0). Passed unanimously.

2. Debrief of November 19th joint Council, Planning Commission, and STR Committee meeting. Next steps?:

Committee Member Discussion

Nash-Hunt stated she felt the meeting was overall positive, but she would have liked more community input. She advised it was beneficial having the three groups together communicating. Bruce advised it seemed there was clear direction from the City Council that they are looking suggestions, not just a list of problems. Specifically, the Council wants recommendations on how to resolve the problem(s). He explained that at this time the Committee has not come up with constructive solutions. Lake agreed it was beneficial having everyone in the same room, but was disappointed the mayor did not recuse himself because he has a STR. She stated she felt it was a conflict of interest violation. She suggested it be taken up with the attorney, and that it needs to be further taken to the FPPC. Bruce suggested it is possible he did not recuse himself, as no decisions were being made. Lake further went on to advise that STR applications need to be streamlined, such as having a binder for each property. There was an overall agreement that it is beneficial for staff if the process is streamlined. Nash-Hunt questioned what information classifies as private vs public. City Manager Naffah provided an explanation.

Motion (Lake/Bruce) to recommend having a main file for each STR property (including: prior applications, complaints, correspondence, etc.) to be easily accessible to the public, Planning Commission, STR Advisory Committee, and City Council. Passed (2-0, 1 abstention.) Nash-Hunt abstained.

3. Discuss suggestions for Council on how to improve enforcement/compliance with Ordinance as currently written and possible changes to Ordinance in next revision:

Committee Member Discussion:

Bruce advised that Committee member Cox had suggested getting STR owners into compliance, before enforcement.

Bruce provided a list of suggestions.

1. At the October 22nd meeting, STR Property Manager and owner M. Reinman suggested making tenants responsible for the fines. Bruce suggested a separate \$1000.00 deposit held by the City, in addition to M. Reinman's suggestion. This deposit would be held until checkout, and if no complaints were made, it would be refunded. If complaints were made, the deposit would be used to pay for an investigator and any additional accrued fees that are a result of the complaint(s). Lake questioned the legality, and suggested getting the attorney's input. City Manager Naffah advised he doesn't envision the City being able to enforce the deposit, or hold it. Nash-Hunt advised that she has never had to pay an additional security deposit while staying in rentals at other locations. Naffah suggested dropping the deposit from \$1000 to \$500, because it is more reasonable. Bruce advised it does not impact affordability. Nash-Hunt advised the pressure is already on the owner, as there are fines up to \$100,000.00, plus if there is a problem she would switch property managers. Nash-Hunt stated that ultimately what needs to be determined is who is responsible.
2. Bruce advised that City Council member Davies stressed that meet and greets are extremely important, as it reinforces guest responsibility. Nash-Hunt stated a meet and greet did help at her property, but in many cases it is excessive, thus if it is going to happen it should only be with 1st time renters. Bruce advised a meet and greet is necessary. Lake stated meet and greets are the only enforcements in place. Naffah reminded the Committee that if someone misrepresents themselves they will be fined. Bruce stated that it is important that a meet and greet occur, even if it is the next morning. Nash-Hunt disagreed.
3. Bruce suggested having either the administrative assistant or a public works employee take a half day to examine the signs. He advised they could take pictures and measure them if necessary, upon doing so also send a notice with a fine to the owner. Lake advised that a variety of STRs are out of compliance, and yet the City Building Inspector has signed off on granting a permit. Naffah advised that it is relatively doable, and proceeded to read the ordinance,

specifically the section on the purpose of signs. Bruce advised if the City begins enforcing the ordinance, people will comply. Nash-Hunt advised signs are not one of the large issues regarding STRs, thus are not a high priority.

4. Bruce suggested holding a “best practices meeting,” which was initially suggested by property manager, J. Kitchen. The meeting should be with City Staff and Property Managers. Naffah was in support, but Lake suggested a meeting wouldn’t be transparent enough. Naffah advised the purpose is not to discuss the ordinance, but instead just to facilitate discussion on what is working for them in terms of managing the properties. Nash-Hunt stated having communication between the City, property managers, and owners would be beneficial.

Motion (Nash-Hunt/Lake) to extend an additional 10 minutes. Passed (3-0). Passed unanimously.

Motion (Lake/Nash-Hunt) to recommend to the City Council adding a \$1000.00 extra security deposit, enforcing meet and greets except for repeat guests, getting all signs in compliance during license renewal, and hold a best practices meeting where the ordinance is not discussed with the City Manager and property manager. Passed (3-0). Passed unanimously.

The four items brought forward by Committee Chair Bruce will be brought before for the City Council to improve compliance. No motion was made.

4. Discuss potential ramifications when improvements are made to STR’s without permits:

Committee Member Discussion:

Lake discussed the ordinance, and questioned why the motion made in 2015 wasn’t being upheld. Bruce advised it should be.

Agenda item was tabled.

5. Discuss “what is working” with the ordinance as currently written:

Agenda item was tabled.

6. Discuss definitions as currently written in the ordinance. Should any be clarified, added, or deleted?:

Agenda item was tabled.

V. Request for Future Items

Bruce suggested the following as the next order of the agenda at the next meeting:

- Continue Agenda Item 3.
- Get a report from staff on how the STR license renewal process is going.
- Discuss “what is working.”
- Discuss potential ramifications, when improvements are made to STR’s without permits.

Quarterly meeting dates were chosen for the months of January, April, September, and November.

VI. Adjournment

Motion (Nash-Hunt/Bruce) to adjourn. Passed (3-0). Passed unanimously.

Meeting adjourned at 8:06 pm. Next meeting scheduled for January 9, 2020 at 5:30 pm.

Submitted by:

Approved by:

Angela Zetter
Administrative Assistant

Dick Bruce
STR Committee Chair



DISCUSSION AGENDA ITEMS 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

1. Review and correct "Recommendations from STR Advisory Committee" that was pulled from City Council agenda (agenda item #5) of December 11, 2019 due to errors.

(insert year) STR PERMIT NUMBER (insert permit#) COST TRACKING TIMESHEET

To be used to track all staff activities throughout the year that are not related to the review or issuance of the annual STR Permit

CITY CLERK

ADMIN ASSISTANT

BLDG INSPECTOR

PLANNER

ENGINEER

CITY MGR

PUB WORKS/OTHER

DRAFT

STR PERMIT APPLICATION COST RECOVERY TIMESHEET

CITY CLERK

ADMIN ASSISTANT

BLDG INSPECTOR

PLANNER

ENGINEER

CITY MGR

PUB WORKS/OTHER

DRAFT

CITY OF TRINIDAD STR PERMIT APPLICATION FEE STRUCTURE

The minimum fee for processing a City of Trinidad STR Permit application for both initial and annual Permit renewals is set at \$300. However, in order to fully cover the cost to the City of incomplete or complicated applications, all staff time associated with processing the application will be tracked in ¼ hour increments at actual staff costs. A cover sheet will be attached to the front of the application and staff will date, briefly notate their billable activity, and initial their time spent each time they work on the application. Upon completion of the application review process, the actual cost of staff time spent in processing the Permit will be calculated and if it exceeds the base rate of \$300 the overage will be billed to the Permittee. Upon payment of the balance due the Permit will be issued.

DRAFT

Dear Honorable Trinidad City Council:

On the topic of [discussion/decision regarding the appointment of a planning commissioner to the STR committee for 2020](#):

I have stated and will state again that I feel the planning commissioner should be an unbiased representative on this committee and not someone who clearly loathes vacation rentals. The city has stacks of both verbal and written evidence to demonstrate that the planning commissioner currently appointed to this position vehemently opposes STR's. I in fact stepped down from the STR committee myself because of this. I made it clear to both John Graves and Mayor Ladwig from the very beginning that I felt this was a very poor decision by both the planning commission and even worse allowed to stand by the city council. I stated this publicly at several city council meetings. I think it is a travesty that the city has wasted the time and energy of some very respectable STR committee members by continuing to allow the current planning commissioner to participate on this committee. The aggressive and rude behavior demonstrated by her at the joint planning commission/city council meeting toward an STR owner should have been enough to get her removed. I believe there have been numerous ethics violations made by this commissioner that have been largely ignored. I strongly encourage yet again that another more appropriate planning commissioner be selected to serve on this committee.

Below is my detailed response to the STR Advisory Committee Recommendations.

1. [Set up a separate City deposit requirement for STR's. Suggest a deposit of \\$500 - \\$1000 to be held by STR/Property Managers.](#)

Does the city not garner enough in the form of permit fees and TOT taxes to require adding yet another form of revenue from STR's in the form of a deposit requirement? Has the city been burdened by unpaid fines from STR's since the ordinance was passed? Have STR's not demonstrated an ability to pay possible fines? The answer to these questions is **NO, NO, NO!** The city has had few if any significant violations in the past 2 years since the STR ordinance was passed. Asking STR's to collect a large security deposit would be an undue burden. Most STR's either utilize a Damage Protection Insurance or Damage Protection Fee not security deposits. Once again the city is ill informed on common and best practices of STR's. It is not up to the city to determine how STR's fines will be paid. What is important is determining WHO is responsible for the fines, the guests vs. the STR owner or manager. IF, the manager has attempted to mitigate a violation and the guest continues in violation then it is the GUEST who should be fined. Guests have already had to sign the Good Neighbor Contract so are well aware of the rules. IF, a guest violates the ordinance and the manager is contacted and does NOT attempt to mitigate the issue then the STR owner/manager should be fined

2. [Meet and Greets required for at least first-time renters, unless regular repeat customers.](#)

"Enhance the positive experience for tourists" is actually written into the STR Committee's Resolution. As I've mentioned numerous times in past meetings "Meet and Greets" are unwarranted and are not meant to be a "Positive" experience for tourists. It was designed to be a punitive meeting to try and catch "bad" tourists in the act! There is ZERO evidence to demonstrate that this practice is effective. There is ZERO ability for the city to enforce this practice. Trinidad Retreats manages 11 vacation rentals. We were unable to do any "Meet and Greets" in person at the properties despite some

attempt. However, we had no complaints (other than lights which is not a condition of the ordinance) nor significant violations. This is because we do an excellent job at screening our guests, require guests “click” that they’ve read our Tenant Contract which includes the “Good Neighbor Contract” when booking online, require the “Good Neighbor Contract” and guest registry be completed before driving directions and lock box codes be given. Upon arrival, the cover of our “Welcome Binder” then reminds guests of the # of occupants allowed at the home and the # of the visitors allowed. It also asks guests to contact us within 24 hours of arrival. It contains the STR Ordinance brochure required by the city. Our “Meet and Greet” is performed via phone contact the majority of the time. By the time the guests have arrived to the home they have seen and should have read the STR rules **three** times! It is not welcoming to show up to review the rules once again. I believe the “meet and greet” wasn’t meant to be a friendly situation like it sounds. I believe it was developed from someone who hates STR’s and wanted a police state type of encounter where the STR managers are supposed to count guests, cars, check id’s, see if a guest appears fit for the rental. 99% of STR guests are good people coming to visit our Redwoods. Those 99% are going to follow the rules, and they do without a “meet and greet” to shove the rules down their throat for the 4th time. The 1% or less, are the bad apples who lie to STR managers/owners about their plans, sign the contract anyway and are going to violate the rules regardless of a “meet and greet”. This is unfortunate but true. Requiring such a meeting that is near impossible to accomplish with travelers varied schedules is simply NOT warranted for this less than 1% of well over 4000 stays during the traveling season! Please remove this condition from the ordinance. It is not needed and not enforceable. What has the city done to create a “positive experience for tourists”?

3. Enforce STR Sign regulations...

How many signs are out of compliance of the 25 - 27 STR’s? This is an easy thing for the city to enforce and should have been dealt with long ago. The city inspector should clearly see if a sign is in violation upon the city inspection. However, the city should also be enforcing the Sign Ordinance as a whole not just STR signs.

4. Set up Best Practices meeting for Property Managers and Independent STR Owners, along with a representative from the city.

Thank you! This would be a very welcome meeting and long overdue.

I appreciate the STR committee’s time and attention however I find it rather out of touch that the STR committee has chosen 3 recommendations that really haven’t been demonstrated on any level with any data to prove these are issues: signs, meet and greets and fines. Instead they have ignored addressing the complaint process as a whole which was discussed at the joint CC/PC meeting. They have also not included complaints that seem valid and easy to remedy like dog issues, or houses that repeatedly end up with more guests or visitors past quiet hours than allowed. The ordinance includes the city manager being able to put a property on a “Watch List”. The ordinance could easily tighten up its rules regarding pets, # of dogs allowed, if fencing should be required, etc. These same rules should then be governed by the city’s general leash law requirements. Houses that seem to get repeat complaints with too many dogs could be lose their “dog friendly” status. Houses that violate # of occupants or visitor rules could have their occupancy limits decreased or # of visitors allowed decreased IF the city manager feels this is warranted.

As a whole, I find the city has spent an inordinate amount of time, money and staff energy on STRs for over a decade now. In my opinion the STR ordinance is one of the only ordinances that actually is enforced via the strict permitting process. The city is still way out of compliance for the OWTS

ordinance which has significant public health ramifications and the sign and view ordinances are also almost never enforced. How about the general plan? Is that in compliance? I would like to see Trinidad's mayor and city council follow do what I just saw happen at an Arcata City Council meeting. Identify the real issues in their city and prioritize them and put the other issues to rest. It is time for Trinidad's government to say we have dealt with STR's and now we need to focus on water, OWTS, safety and any other much more significant issues!

Respectfully,

Jonna Kitchen, Trinidad Retreats Owner



DISCUSSION AGENDA ITEMS 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 0 PAGES

No supporting documentation



DISCUSSION AGENDA ITEMS 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

3. Discuss Staff report from City Clerk on how 2020 renewal process is going.

City Clerk Staff Report

STR 2020 License Renewal Update:

- Applications were sent out in late December.
- The application checklist has been simplified with a N/C (No Change) checkbox for many of the common documents submitted, alleviating the burden on the applicant to submit the same items over and over each year, and freeing up the City from having to manage volumes of paperwork.
- As of January 06, approximately 13 of 31 have been received.
- Site inspections have been scheduled for most of the complete applications. The goal is to have them all complete by the end of January.
- Approximately (5) OWTS renewal permits expire on or before February 29 that are tied to STR renewal applications. All 5 have either submitted new inspection forms or are in the process of getting completing the inspection process.



DISCUSSION AGENDA ITEMS 4-5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 0 PAGES

No supporting documentation