



Posted: Wednesday, September 30, 2020

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

The Short-Term Rental Advisory Committee will hold a quarterly meeting on

MONDAY, OCTOBER 05, 2020 at 5:30PM

(The regularly scheduled quarterly meeting was rescheduled due to lack of quorum at the 09/15/2020 meeting)

THIS MEETING WILL BE HELD VIA WEBEX VIDEOCONFERENCE

In accordance with Executive Order N-29-20 this meeting will be held via videoconference, and will be hosted on the **Cisco Webex Platform**. Learn more about Webex here: <https://www.webex.com/>

PUBLIC COMMENT: Public comment may be submitted via email in advance of the meeting, or in an orderly process during the conference. If you do not have access to email and you would like to provide a written statement, please deliver your comment to 409 Trinity Street, Trinidad CA, by 2:00pm, Tuesday, September 15, 2020.

Email public comments to azetter@trinidad.ca.gov Your comments will be included in the public record for the meeting, and will be accepted at any time during the meeting.

HOW TO PARTICIPATE: The City will publish a direct link to the conference, along with the participant code, on the City Calendar page online at <http://trinidad.ca.gov/calendar>

I. CALL TO ORDER/ROLL CALL

(4) Voting Members: **Joe Moran**, Trinidad Bay Vacation Rentals. **Jan Nash-Hunt**, STR Owner. **Dick Bruce**, Trinidad Resident. **Diane Stockness**, Planning Commissioner.

II. ITEMS FROM THE FLOOR

III. APPROVAL OF MINUTES – 06/24/2020

IV. AGENDA ITEMS

1. Discuss Staff Report on STR Status Since June 2020 Meeting to Include: How the Re-opening of STRs Went, Citizen Complaints and Their Resolution, Estimate of the Impact to TOT Due to Reduced Occupancy Caused by the Pandemic.
2. Discuss "Definitions" in the STR Ordinance and the Possible Need to Clarify or Improve Specific Definitions.
3. Discuss/Begin to Develop Recommendations to Send to the City Council/Planning Commission for Possible Amendments to Ordinance During the Upcoming 2 Year Review Process.

V. REQUEST FOR FUTURE ITEMS

VI. ADJOURNMENT

Angela Zetter

Trinidad Administrative Support

MINUTES OF THE SPECIAL MEETING OF THE STR ADVISORY COMMITTEE
WEDNESDAY, JUNE 24, 2020 VIA WEBEX

I. CALL TO ORDER/ROLL CALL (5:33 pm)

Committee Members Present: Bruce, Nash-Hunt, Moran, Stockness
City Staff: Naffah

II. ITEMS FROM THE FLOOR

R. Clompus (Trinidad) stated that while he doesn't observe every post on Nextdoor, an online forum, he has noticed a number of comments made by residents expressing their concern about the lack of masks worn by tourists.

III. APPROVAL OF MINUTES

May 19, 2020

Motion (Moran/Nash-Hunt) to approve the May 19, 2020 minutes as submitted. Passed (4-0). Passed unanimously.

IV. AGENDA ITEMS

1. Discuss Staff Report on the "Re-opening" of STRs and Hotels in the City and How This Process is Proceeding:

Committee Member Discussion:

City Manager Naffah advised that out of 30 STRs, 28 have submitted reopening plans, and all of which have been approved and certified by the County and City. He further discussed how multiple emails have been sent to property managers regarding masks requirements. He explained that these emails included information such as advising that masks are required in all public spaces, except when within a distance of more than 6 feet outside. Additionally, the City sent an email that included a poster with information regarding mask requirements. It was made clear in the email that it is mandatory to display this sign (or something similar with the same information) posted on site. Furthermore, another email was sent to all businesses that included mask requirement information.

Committee Chair Bruce discussed how the lack of enforcement creates an environment where individuals (residents and visitors alike) are expected to comply without monitoring. He opined that this lack of enforcement makes the community rely on the use of peer pressure or refusal of service at businesses. He also echoed R. Clompus' (Trinidad) comment regarding citizens' use of Nextdoor to discuss their concerns/frustrations in regards to lack of mask use. Bruce questioned if there is anything else the City can do to promote safety. Naffah explained that the City has been granted extra shifts from the Humboldt County Sheriff's Department for enforcement.

Planning Commissioner and Committee member Stockness voiced that she is glad to hear that the City has received additional resources. She also discussed the need for signs regarding mask and social distancing requirements. Naffah responded explaining that a sign was proposed, but was voted down by the City Council because it did not fit the City's sign ordinance. He advised

that despite this, he has been working with the County and other cities about getting signs along the freeway. He noted that he wants three signs at the entrances into Humboldt County. Stockness stated that tourists are integral to the City's economy, but opined that tourists need to follow the rules. Committee member Nash-Hunt questioned if Naffah has noticed a mask (lack-of) problem. He advised that during the week (Monday - Thursday) he observes most people wearing masks.

Public Comment

None

Committee Member Discussion

No final comments.

2. Discuss Ordinance Violations and Develop a Possible Fine Structure for Specific Violations to be Included in the Good Neighbor Contract or Good Neighbor Brochure:

Committee Member Discussion

Committee Chair Bruce briefly went over the STR ordinance and discussed how specific penalties for specific violations can be integrated into the good neighbor contract. Planning Commissioner Stockness was in favor of the inclusion of fines.

It was also clarified that the good neighbor brochure is a shorter version of the good neighbor contract, and must be placed at all STR locations. However, the contract doesn't need to be present onsite. Committee member Moran clarified for the Committee that the good neighbor brochure and the good neighbor flyer are one in the same. Planning Commissioner Stockness advised that the flyer was originally called the good neighbor brochure, but was changed. Bruce suggested changing it back to the good neighbor brochure.

A discussion occurred between Committee members on how to list the penalties in the good neighbor contract and brochure, and how to have it posted at each STR location in order to make the visitor aware of the amounts. Committee member Nash-Hunt suggested the fine could be listed in a way that indicates that when the 1st infraction occurs the visitor(s) will be given a warning, but if it's not resolved the fine listed in the brochure will be charged and collected. Bruce advised that the ordinance indicates the suggested fine will start at \$200.00.

Moran voiced that his concern lies with who has jurisdiction on fining a visitor, such as in the case of a parking violation. He opined that it's not a property manager's responsibility to collect a fine for a parking violation, as the City is responsible for enforcing parking codes. Moran did clarify that it is the property manager's responsibility to enforce fines if a violation occurs inside the STR. If the violation occurs on public property, the City is responsible for collecting the fine. Committee member Nash-Hunt agreed with Moran because the property managers can't police what happens outside of the STR property, and added that she is hopeful that if the fines are listed infractions and complaints will be minimal.

Stockness questioned if a deputy can only enforce if he/she is on duty. City Manager Naffah advised that the deputy can only enforce the rules when on duty, but he is hopeful that fines can

be collected without having the deputy getting involved. Naffah advised that the goal is to have the owner/property manager collect the fine because the City does not hold a contractual agreement with the guest(s). In response, Moran reiterated that if a City ordinance is broken the City should collect the fine because it's on City property. Moran added that without law enforcement there is no documentation that a violation occurred. Naffah agreed.

A discussion regarding a security deposit insurance plan occurred.

Public Comment

R. Clompus (Trinidad) questioned if there was an appeal process if an infraction occurred and a fine was collected from the security deposit.

Moran responded that yes there is an appeal process.

Committee Discussion

A brief discussion amongst Committee members regarding an appeal process occurred.

Bruce suggested that the Committee could recommend the City Council modify the good neighbor contract and brochure/flyer, which would assign a minimum \$200 fine to get better compliance. However, he noted the issue is also how to collect the fine. Bruce suggested adding the fine amount under each violation. Stockness added that a fine will make a guest think twice about violating the rules.

Recommendation to list a \$200 fine for violating the rules of conduct in the contract and brochure was made.

Motion (Moran/Bruce) that Committee recommend the City Council add general language to the brochure (under good neighbor guidance) about the \$200.00 minimum fine for violation of the general rules of conduct, and that the City Council add specific language to the contract for each rule regarding the \$200.00 minimum fine while also requiring the guests to initial each rule in acknowledgement. Passed (4-0). Passed unanimously.

Moran advised that the Committee needs to explore the decision making process regarding whose jurisdiction it is to implement the fine, in order to make the decision fair and logical.

3. Per Council Resolution Authorizing STR Committee Purpose – “Analyze Benefits to Visitors,” and Discuss What is Working with the Ordinance as Currently Written:

Committee Member Discussion:

The Committee discussed the benefits to visitors, because as a Gateway City the City of Trinidad provides an opportunity for them to visit the California coast. The Committee discussed the benefits to the City, 1) T.O.T (second highest revenue source), 2) STRs are in compliance with the City's septic ordinances, 3) bolsters the economy for local businesses, and 4) eco-tourism allows for unique businesses to flourish (benefitting both residents and tourists).

Planning Commissioner Stockness made note that another benefit that came from the ordinance is that City residents receive a contact list for all of the STRs.

Committee member Moran made note that the ordinance is working, as there have been few complaints since going into effect. Bruce noted that some residents have indicated they have complaints, but advised that they have given up on notifying the City.

Public Comment

R. Clompus (Trinidad) stated that after examining the City's budget after the recent downturn, due to COVID, it is evident that the City of Trinidad's welfare, from a budgetary standpoint, is linked to STRs. Thus, if the City wants to continue to provide services to residents, TOT revenue is vital.

Committee Discussion

Committee member Nash-Hunt stated she is glad City residents can come to the Committee with concerns and have them addressed prior to going to the City Council.

Commissioner Stockness discussed the changes made due to the pandemic.

4. Discuss Definitions in the Ordinance and the Possible Need to Clarify or Improve Specific Definitions:

Continue at September 2020 meeting

V. Request for Future Items

Staff Report (Results from reopening and TOT status)

Discuss definitions in the ordinance and the possible need to clarify or improve specific definitions.

Discuss recommendations for possible revisions to the ordinance at its next revision date.

VI. Adjournment

Motion (Stockness/Moran) to adjourn. Passed (4-0). Passed unanimously.

Meeting adjourned at 7:35 pm. Next meeting scheduled for Tuesday, September 15, 2020 at 5:30 pm.

Submitted by:

Approved by:

Angela Zetter
Administrative Assistant
(Transcribed via recording)

Dick Bruce
STR Committee Chair



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 9 PAGES

1. Discuss Staff Report on STR Status Since June 2020 Meeting to Include: How the Re-opening of STRs Went, Citizen Complaints and Their Resolution, Estimate of the Impact to TOT Due to Reduced Occupancy Caused by the Pandemic.

Staff Report October 2020

City Manager:

Re-opening of STRs

The reopening plans of the STR's went smoothly. We had good cooperation from the property managers and the owners. Copies of the Reopening Plans that were submitted to the County as well as the Certifications received from the County, were both submitted to the City for our files. In addition, the City requested postage of signage in each STR re: masking and social distancing. 28 of the 30 STR's filed plans and reopened as STR's. Currently one is long-term and the other is not being rented.

Attached is the City of Trinidad's STR contact information list. Those highlighted (#29 and #30) are not being rented as an STR.

Administrative Support:

Citizen complaints (June 2020 to current) and resolutions.

One complaint was received from June 2020 to current. *Please see attached*

Impact to TOT due to reduced occupancy due to COVID-19 pandemic.

The City experienced a loss in revenue for the 4th Quarter (April – June 2020). **The loss in revenue was - 31,482.72.**

Numbers do not include the TOT received from the Trinidad Bay Bed and Breakfast.

- 06/2019 quarter end = \$36,527.87
- 06/2020 quarter end = \$5,345.15
- **Loss in revenue for 4th Quarter = - \$31,182.72**

CITY OF TRINIDAD SHORT-TERM RENTAL LIST & CONTACT INFORMATION

	Address	Name	Max Occ.	Property Manager	24-Hour Contact	Zone
TRINIDAD RETREATS						
1	30 Scenic Dr.	Sea Cliff	6 adults, 2 kids	Hope Morello & Ryan Roberts	707-601-6645	SR
2	80 Scenic Dr.	Scenic Cove	6 adults, 2 kids	Hope Morello & Ryan Roberts	707-601-6645	SR
3	150 Scenic Dr.	Raven House	4 adults, 2 kids	Hope Morello & Ryan Roberts	707-601-6645	SR
4	201 Parker Creek Dr.	Parker Creek Cottage	6 adults, 2 kids	Hope Morello & Ryan Roberts	707-601-6645	UR
5	363 Ocean Ave.	Retro Retreat	6 adults, 2 kids	Hope Morello & Ryan Roberts	707-601-6645	UR
6	807 Edwards St.	Treasure Cove	8 adults, 2 kids	Hope Morello & Ryan Roberts	707-601-6645	UR
7	550 Galindo St.	Sunset Vista	6 adults, 2 kids	Hope Morello & Ryan Roberts	707-601-6645	UR
8	401 Ewing St.	Trinidad Treasure	8 adults, 2 kids	Hope Morello & Ryan Roberts	707-601-6645	UR
9	789 Underwood Dr.	Fisherman's Escape	8 adults, 2 kids	Hope Morello & Ryan Roberts	707-601-6645	UR
10	351 Wagner St.	Pelican's Nest	4 adults, 2 kids	Hope Morello & Ryan Roberts	707-601-6645	UR
11	513 B Trinity St.	Crabber's Cottage	2 adults, 2 kids	Hope Morello & Ryan Roberts	707-601-6645	PD
VACASA						
12	88 Van Wycke	Trinidad Beach Home	2 adults, 2 kids	Charlie Heinberg	707-298-4859, 800-544-0300	UR
13	Trinidad Harbor/1 Bay St.	Seascape House	8 adults, 2 kids	Charlie Heinberg	707-298-4859, 800-544-0300	C
14	528 Hector St.	Whalesong House & Gardens	6 adults, 2 kids	Charlie Heinberg	707-298-4859, 800-544-0300	UR
15	651 Parker St. Apt D	Bouy Bell	4 adults, 2 kids	Charlie Heinberg	707-298-4859, 800-544-0300	UR/PD (2019 in progress)
16	461 Ocean Ave.	Trinidad Village Retreat	4 adults, 2 kids	Charlie Heinberg	707-298-4859, 800-544-0300	UR
17	178 Parker Creek Dr.	Paloma Creek Lodge	10 adults, 2 kids	Charlie Heinberg	707-298-4859, 800-544-0300	UR
TRINIDAD BAY VACATION RENTALS						
18	829 Edwards St.	Harbor House	4 adults, 2 kids	Lynda & Joe Moran	707-845-1144	UR
19	670 Edwards St.	Harbor Moon	8 adults, 2 kids	Lynda & Joe Moran	707-845-1144	UR
20	40 Scenic Dr.	Groth	10 adults, 2 kids	Lynda & Joe Moran	707-845-1144	SR
21	381 Ocean Ave.	Starfish	2 adults, 2 kids	Lynda & Joe Moran	707-845-1144	UR
31*	565 Trinity St.	Trinity House	4 adults, 2 kids	Lynda & Joe Moran	707-845-1144	PD
INDEPENDENTS						
22	818 Van Wycke	Crows Nest	2 adults, 2 kids	Karen Hicks	707-599-1156	UR
23	816 Van Wycke	Boathouse	4 adults, 2 kids	Casey Van Alten	707-498-4852	UR
24	130 Scenic Dr.	Osprey House	8 adults, 2 kids	Gabriel Adams	707-499-6473	SR
25	607 Parker St.	Seabreeze	6 guests	Gabriel Adams	707-499-6473	C
26	894 Underwood Dr.	Sunset House	8 adults, 2 kids	Arlene Miller	707-502-7631	UR
27	652 Underwood Dr.	Pilot Rock Cottage	2 adults, 2 kids	Steve Ladwig	707-845-5942	UR
28	363 Trinity St.	Fern Alley	2 adults, 2 kids	Amanda Gates	707-832-9686	C
29	407 Ocean Ave	Ocean Retreat	6 adults, 2 kids	Michelle McHenry	619-347-0378	UR
30	396 Wagner St.	"C" Lilly Cottage	4 adults, 2 kids	Adora King	916-813-4442	UR

See Trinity House, managed by Trinidad Bay Vacation Rentals

Revised Contact List Effective: August 21, 2020

[Print](#) | [Close Window](#)

Subject: FW: STR Complaint

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>

Date: Wed, Sep 30, 2020 4:47 pm

To: <azetter@trinidad.ca.gov>

Attach: FOF and TBVR letters.pdf

From: Trinidad City Manager [mailto:citymanager@trinidad.ca.gov]

Sent: Tuesday, September 29, 2020 5:28 PM

To: 'Kathleen Lake'

Cc: 'dgrover@trinidad.ca.gov'; 'Diane Stockness'; 'Jack West'; 'Richard Bruce'; 'Cheryl Kelly'; 'Richard Clompus'; 'Richard Johnson'; 'Tom Davies'; Steve Ladwig (sladwig@trinidad.ca.gov)

Subject: RE: STR Complaint

Kathleen:

Compliance with Meet and Greet: Attached are the letters that we sent on Friday, September 25th, to the parties that you had reported with the self check-in lockbox. Both parties who manage the three STR's had contacted me after the initial letters were received by them. Compliance is the key desired outcome, and one party that managed two of the STR's was in full compliance. In addition to the lockbox, they are performing meet and greets of at least one occupant on the day of their arrival per the STR standards. The other party with one STR will comply by performing the meet and greet on the day of arrival, and we will follow up with them to verify. Angela is going through both AirBnB and VRBO to check all STR's that may have this check-in feature, and to verify compliance with the meet and greet policy. Fines will follow if there is non-compliance after notification.

Complaint Process: To have consistency through the complaint process, all complaints need to be filed through the City Clerk's office. I know you are a stickler for procedure, and the complaint process has been in place long before I began. The city's website states that "the Clerk's office is the hub for providing services to the City residents.... and the general response to citizen inquiries all originate at the Clerk's office in Town Hall." The Citizen Compliant Form, dating back to 2014, needs to be the process for formally filing complaints with the city. The form is easily accessible to all residents on the city's website. Upon receipt by the City Clerk's office (Gabe and Angela), a timely response of receipt of the complaint will be forwarded to the resident. STR complaints will be handled by both/either Angela and/or myself and responded to accordingly thereafter. I totally agree with your comment that "a thank you to the community member for bringing the issue forward is a way to assure that any issues or perceived issues will be addressed and that community input is valued."

Firm: In your reaction to my statement: *"I am looking into hiring a firm that specializes and can assist with compliance"*, you state: *"I am not interested at all in hearing that the City would consider throwing more of our tax dollars, and administrative time, into the management of STR's."* *With all due respect, I said assist with compliance, not management of STR's.* The best enforcement is by achieving compliance.

I disagree with your statement that "we are top heavy with City Staff now." As City Manager, I know daily our challenges in keeping up with the city's operations let alone trying to be proactive in our efforts.

In regard to your statement that: "the residents of Trinidad are not obligated to continue to fund the costs of the STR industry", rather the STR industry generates significant income for the city well in excess of any expenditures.

The firm that I wish to hire/and the software they provide will assist in data collection and compliance including tracking reservations and comparing that to TOT revenues. This is certainly worth a trial basis of one year, and the cost of \$500 is very reasonable and will come out of TOT and the STR industry itself (besides possibly generating additional revenue that could potentially cover and exceed its cost).

Sincerely,
Eli

Eli Naffah
City Manager
City of Trinidad
(707) 677-3876
P. O. Box 390
Trinidad, CA 95570

From: Kathleen Lake [mailto:klakeslp@gmail.com]

Sent: Monday, September 21, 2020 5:31 PM

To: Trinidad Manager

Cc: dgrover@trinidad.ca.gov; Diane Stockness; Jack West; Richard Bruce; Cheryl Kelly; Richard Clompus; Richard Johnson; Tom Davies

Subject: Re: STR Complaint

Trinidad City Manager,

In regards to your response and the issues that I brought forth to you regarding multiple STR's and their apparent non compliance on 9/4/2020, I (in black) have responded to your comments (in blue) below:

"I felt that my response was timely since I had worked only 4 days before I responded. STR compliance and complaints are important to the City. I am looking into hiring a firm that specializes and can assist with compliance. The letters that we sent on Thursday are attached, and we will follow up with the properties to determine compliance."

This may seem like a timely response to you when you compare my email/issue to your schedule. However that is unreasonable. Residents do not have access to your schedule. Residents expect and deserve a reply within a day or two that their complaint/issue has been received, and with a note from you regarding what your determination regarding the issue is and including the reasons for your decision. If you have not yet rendered a decision, then please state when a decision will be likely and make assurances that you will continue to keep them/us in the loop as to the outcome. (Also, a thank you to the community member for bringing the issue forward is a way to assure that any issues or perceived issues will be addressed and that community input is valued.) This is reasonable and it is what the residents need. STR complaints/issues are not reserved, or subject to, staff availability. Complaints/Issues most often actually occur on the weekends or after working hours. Staff being out of the office should not affect a timely response. That must change. Without any **real time enforcement** available to residents, the City Council has agreed many times that residents need a **response within a day or two**, from the City Manager, with a follow up regarding how the issue will be resolved. Putting the onus on the residents to wait, or assume the complaint was read or acted upon, is unreasonable. Residents who are already taking their own time to report issues (acting as the front desk for these businesses) and then waiting for two weeks to understand what your process is, is unfeasible and unfair. This process you describe (2 weeks) appears arbitrary as (I have never seen that written as a policy nor has it been agreed upon) does nothing to protect the health and welfare of the people of Trinidad. Most issues are discussed on the street, but are not brought forward to the City, in our small town of less than 300 people. This is due directly to these problems that we continue to encounter. And this is the primary reason that residents do notify the City of issues/file complaints. "Timely" is not two weeks. No timely response from the City Manager is unacceptable. If you have reviewed the Grand Jury report, from two years ago, you would be aware that this issue of "no timely response" is not new. Waiting for 10-14 days to get a response is unreasonable and must change. The process you have suggested is a very ineffective enforcement process and procedure and would not support public input or concern.

"I am looking into hiring a firm that specializes and can assist with compliance."

As I have shared with you before on several occasions, I am not interested at all in hearing that the City would consider throwing more of our tax dollars, and administrative time, into the management of STR's. These are NOT our businesses and we have spent time and money as a City creating ordinances, Committees, increasing City Manager and City Clerk staff time, as well as hiring a full time Administrative Assistant to "enforce" and manage renewals and issues for STR's. We are top heavy with City Staff now. An audit of STR time for these issues was requested by both the STR committee and the City Council. That audit has never been made public. This is apart from the recent audit request by the City Council regarding STR nightly stays. The residents of Trinidad are not obligated to continue to fund the costs of the STR industry and their flagrant violations of the ordinance. This ordinance is "on your honor" I am told. All STR's were notified in the licensing process of the Meet and Greet requirements. To find them in violation should not be a "warning" to come into compliance and then wait and see if that works. (Who is paid to monitor this and how often is it done?) They have been notified, in writing, with the application and that should be sufficient to find a significant violation. Anything otherwise just adds to the cost of staff time, residents' frustrations with the violations being repeated, and the STR's remaining unaccountable for their businesses. The costs of this business management needs to be paid for by the businesses and not the taxpayers of Trinidad. I do not support hiring any additional staff or "firms" to manage these businesses. And I will not support an increased City tax with this proposal on the table for how those tax dollars would be spent.

"The letters that we sent on Thursday are attached, and we will follow up with the properties to determine compliance."

I would like to know when a determination for my complaint is finalized. This matter is appealable to the City Council. Therefore, we must have a clear and transparent public process. Despite three emails now, I still have no idea when I might know your decision in this matter. Not providing your decision or any process or timeline for when that might be obtained halts and obstructs the public process. Your administrative decisions affect all of us as community members. These decisions have a significant impact on the lives of the residents of Trinidad, and the law provides for a system of appeal. I know of other residents who filed complaints with you back in March and have not had any updates regarding the outcome of their complaint despite multiple inquiries into the matter. I would like to be informed of the outcome as soon as possible.

"Any formal complaint filed with the City Clerk's office is responded to within a certain number of days, usually within 2 weeks. It depends on the nature of the complaint, and the amount of research or response from the affected parties necessary to answer the complaint."

First of all, my understanding is that STR complaints are NOT filed with the Clerk due to conflicts of interest (Clerk is a manager of STRs). This was also addressed in the Humboldt County Civil Grand Jury report, at the City Council, Planning Commission and STR Committee. The City Clerk was reported by a property owner last Fall in a public meeting, to have falsified STR application materials in a prior year. This was on a property that he managed, and it was stated that this happened when the Clerk crossed out bedrooms and marked them as "storage" on the application, to assure that the property would meet the needed septic requirements. The City Clerk continues as property manager for STR's in Trinidad. As per a conversation with you last fall, you assured me that the City Clerk was not "handling" STR's any longer and therefore this issue was no longer a conflict of interest. STR complaints have historically been filed with the City Manager for years, due to this problem. A flow chart with your understanding of the STR complaint process is necessary for everyone for clarification and agreement. Why would it take two weeks to get a response that a complaint was received?

"Other actions may need to be taken if the STR's do not comply."

In making this statement one can only assume that because a STR business would most likely comply after being called out for accountability, that they would therefore not be held accountable by the City, for their blatant non compliance. Why would a resident bother to file complaints or notify you of issues if your decisions were based on this sort of inaction. If the STR business license has a signature that states that the business will follow the ordinance and they do not, why does the City waste the resident's time and taxpayer's dollars to "let them know" that a "complainer" has complained and now they must stop their illegal practice? This process does not support the residents in town, or the STR's that follow the ordinance. This is a waste of time and money.

Again, the enforcement and oversight of the STR ordinance was never vetted, and it has never served the needs of the community. Many residents have spoken out for years regarding this issue and it appears to me that when a complaint comes into the City, the actual process for that complaint has never been solidified. Again, the process appears arbitrary. In actuality, the inconsistent process appears to have continued for

many years and meanwhile the City continues to claim that no STR complaints exist in Trinidad. The false narrative continues to be that at least the ones that may exist are just the people "who are complainers" and they do not deserve a response anyway. It appears to be the City staff opinion that STR's are a benefit to the City and follow all of the rules at all times. "If they don't, we (City) will continue to "remind them" and fix the situation so that they do not need to follow the ordinance for things that they don't like, like their out of compliance signs, or the meet and greet requirements, or the occupancy restrictions, or the Covid restrictions or.... That is our job."

The situation is very unfortunate for those of us who choose to live and work here, did not buy our homes in a commercial zone, but continue to have commercial enterprises next door for the benefit of TOT. All to enable the City to hire more City Staff (not additional public works personnel but additional staff to support and manage the STR's). Municipalities are established to serve the people.

Last year we discussed this letter (in the link below), in your office. You were unhappy with the publication as I recall. In my opinion, nothing has changed from the time that I submitted this letter, and the public has continued to not be served.

<https://madriverrunion.com/letters-to-the-editor-june-5-2019/>

Thank you,

Kathleen Lake

On Sat, Sep 19, 2020 at 5:56 PM <citymanager@trinidad.ca.gov> wrote:

Kathleen:

Attached are the letters that we sent, and below are my responses to your questions. I take STR's seriously and that's why during the COVID shutdown I closely monitored compliance 24/7, and took files with me on my days off to assure compliance with health and safety requirements.

Take care,
Eli
Eli Naffah
City Manager
City of Trinidad

From: Kathleen Lake <klakeslp@gmail.com>

Sent: Thursday, September 17, 2020 9:31 AM

To: Trinidad City Manager <citymanager@trinidad.ca.gov>

Cc: dgrover@trinidad.ca.gov; Diane Stockness <diane.stockness@gmail.com>; Jack West <jandjwest@yahoo.com>; Richard Bruce <rmbruce67@gmail.com>; Tom Davies <tdavies@suddenlink.net>; Cheryl Kelly <cherogo@outlook.com>; Richard Clompus <rclompus@mac.com>; Richard Johnson <rfjbr@gmail.com>

Subject: Re: STR Complaint

I asked for the following and you did not address my questions.

Were other STR properties also identified by the City, as being in violation?

We are in the process of reviewing all of the STR's to determine any others that may be out of compliance.

Your lack of a timely response and the fact that my questions were not fully addressed appears to indicate that addressing/responding to residents is not a

priority in regards to STR complaints. initially I wrote:

“ I would like a response for actions that the city has taken in the matter and an expected timeline for resolution. ”

I felt that my response was timely since I had worked only 4 days before I responded. STR compliance and complaints are important to the City. I am looking into hiring a firm that specializes and can assist with compliance. The letters that we sent on Thursday are attached, and we will follow up with the properties to determine compliance.

I am interested in understanding your STR complaint process and responses to the public.

Any formal complaint filed with the City Clerk's office is responded to within a certain number of days, usually within 2 weeks. It depends on the nature of the complaint, and the amount of research or response from the affected parties necessary to answer the complaint.

Are the letters that you're sending notices of significant violation?

No, they are letters to garner compliance. Repeated or ignored violations become significant.

Are the letters your final determination for the properties that I identified?

No, we are trying to get a response to determine if in fact there is a violation and to get compliance.

Please forward copies of the letters sent (PRR) by the City. I would like understand the actions the City is taken and the expected outcomes for the complaints that I filed.

Copies of the letters are attached. We are trying to assure they are compliant, and if not, then to get compliance. Other actions may need to be taken if the STR's do not comply.

Thank you,
Kathleen

On Sep 16, 2020, at 6:21 PM, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Kathleen:

I drafted a letter which Angela prepared to be sent tomorrow to the three STRs. I have been in the office for only four days since you sent your original email. I returned to the office today after taking Monday and Tuesday off for a short family trip.

Eli
Trinidad City Manager

Eli Naffah
City Manager

City of Trinidad
(707) 677-3876
P. O. Box 390
Trinidad, CA 95570

From: Kathleen Lake [mailto:klakeslp@gmail.com]
Sent: Wednesday, September 16, 2020 12:07 PM
To: Trinidad Manager
Cc: dgrover@trinidad.ca.gov; Diane Stockness; Jack West; Richard Bruce; Tom Davies; Cheryl Kelly; Richard Clompus; Richard Johnson
Subject: Fwd: STR Complaint

Dear Trinidad City Manager,

It has been almost two weeks now that I sent in this STR complaint. I have had NO response at all from the City. This ongoing problem with STR enforcement of the ordinance is completely unacceptable and very ineffective as a manner of supporting the health and safety of our City. I have heard you claim many times that there are NO complaints. This repeated inaction by the City has created a problem of no enforcement at all. And no recourse for residents who have problems/concerns.

I would like a response for actions that the city has taken in the matter and an expected timeline for resolution.

Thank you,

Kathleen Lake

On Fri, Sep 4, 2020 at 12:58 PM Kathleen Lake <klakeslp@gmail.com> wrote:

It has come to my attention that many STR's in Trinidad are being advertised as "self-check-in". Others clearly state that a "meet and greet" is required.) This is a violation of the STR ordinance. This issue has recently been reviewed by the City Council and the decision upheld that during the Covid-19 Pandemic the Meet and Greet portion of the STR ordinance would continue to be in effect.

Enforcement of the STR ordinance in the past has been lacking. This is a significant violation in my opinion for all STR's that are advertising in this manner. I have not reviewed all the websites or properties, but the city must do its due diligence and assure that the obligation to residents is being followed. The city has assured the residents many times that websites are being reviewed to assure advertisements match the ordinance, however again here is another situation where the residents are in the position of assuring that the city is taking responsibility for the city's STR program.

Here are photos and links to three properties that are currently being advertised in this manner.

Harbor House

https://www.airbnb.com/rooms/43415131?source_impression_id=p3_1599248990_lIiC%2BqWqUc5rC2eV

Groth House

[https://www.airbnb.com/rooms/26139716?
source_impression_id=p3_1599248336_7UZft5i2IVQb%2BuoW](https://www.airbnb.com/rooms/26139716?source_impression_id=p3_1599248336_7UZft5i2IVQb%2BuoW)

Fern Alley

[https://www.airbnb.com/rooms/20057215?
source_impression_id=p3_1599248886_kBrTU6IyRlr6IduY](https://www.airbnb.com/rooms/20057215?source_impression_id=p3_1599248886_kBrTU6IyRlr6IduY)

Thank you,
Kathleen Lake

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DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 13 PAGES

2. Discuss "Definitions" in the STR Ordinance and the Possible Need to Clarify or Improve Specific Definitions.



ORDINANCE 2016-03

AN ORDINANCE OF THE CITY OF TRINIDAD
REPEALING EXISTING SECTION 17.56.190 AND ADDING A NEW SECTION 17.56.190 AND
AMENDING SECTION 17.56.060 OF TITLE 17 OF THE TRINIDAD MUNICIPAL CODE
(REPEALING EXISTING SECTION 6.26 AND ADDING A NEW SECTION 6.26 AND
AMENDING SECTION 6.06 OF THE COASTAL COMMISSION CERTIFIED ZONING
ORDINANCE)

The City Council of the City of Trinidad does hereby ordain as follows:

ORDINANCE 2016-03, SECTION 1: PREAMBLE

The City of Trinidad (hereinafter City) is a small town with a population of approximately 350 people. Historically, most houses in the City accommodated resident owners or long-term renters. Over the last twenty years there has been an ongoing trend wherein many houses in the City have been converted to Short Term Rentals (STRs).

The effect on the City has been a noticeable change within many residential neighborhoods. In the winter, many houses in the City are vacant as STR's are not rented as often in the winter months. In the summer, STR's are occupied by transient visitors, often in higher numbers than a residential home. Tourists are concerned with their recreation and vacation pursuits but do not always display an appropriate level of concern for City residents' right to quiet peace and enjoyment of neighboring property.

By this new STR Ordinance, the City attempts to find an appropriate balance between the interests of the City residents, property owners, STRs owners, commerce in the City, and visitors enjoying the City and the coast. In considering these issues the City Council has made the following findings and determinations after long and careful study of the issues:

* The proportion of homes in the City being used primarily as vacation rentals or STRs has risen from approximately 5 percent of the total dwelling units in the City in 2000 to approximately 18 percent in 2014.

* Short Term Rentals in Trinidad provide significant lodging opportunities for visitors and tourists, who are economically important to the retail businesses and restaurants in Trinidad.

*Transient Occupancy Tax from STRs is a significant annual component of the City's General Fund income.

* Given the City's small size and desirability as a tourist destination, the proportion of homes used primarily as STRs may continue to increase in the absence of regulation.

* STRs have the potential to alter the residential character of neighborhoods with impacts related to traffic, parking, noise, occupancy, septic system capacity, housing availability, real estate prices, neighborhood character, City population, the availability of citizens to participate in the community, and the quality of life in the City for both residents and tourists.

* City residents have raised concern over the impacts caused by STR's and the increased number of homes becoming STR's, and called on the City to find a balance between residential and vacation rental uses.

* High numbers and concentrations of STRs can have negative impacts on coastal resources such as environmentally sensitive habitat areas and public access, and STR use needs to be regulated to minimize impacts.

* A City Ordinance regulating some aspects of STRs went into effect in 2015, but did not address the overall number of vacation rentals in the City.

*The California Coastal Commission (Commission) has oversight of City STR regulations, therefore understanding the Commission's guidance and decisions on these issues is a prudent place to start. The Commission has established that:

- STRs are an allowable use in Residential Zoning,
- STRs serve a benefit to the Coastal Act's goals by providing coastal lodging,
- Cities do have legitimate reasons to regulate STRs.
- Coastal Act section 30213 protects lower cost visitor serving uses, including STRs, and the City has an obligation to accommodate those uses.
- Attempts to ban STRs outright have been overruled based on impacts to visitor services opportunities.
- Limits on the number or proportion of homes used as STRs have been upheld, along with reasonable regulations to address potential nuisance impacts.

* California state law and the City of Trinidad General Plan require the City to maintain a mix of affordability in its residential housing stock, but affordability and accessibility of housing for long-term residents is negatively affected by STRs. Prospective buyers interested in living in Trinidad are competing with buyers interested in the house as primarily an STR investment property.

* Engaged citizens who live in a community are the basic fabric that makes up a community, and too high of a tourist-to-resident ratio in our residential neighborhoods can dramatically alter the health and welfare of the City and its residents.

* At the City Council's direction, the Planning Commission devoted substantial effort over nine months of public meetings to developing this ordinance, and the City Council then further considered changes over four months of public meetings to complete this revised ordinance.

* A cap on the number of STR's allowed in Residential Zones is an appropriate tool to set a balance between the benefits and impacts of Short Term Rentals.

* Regulating the transferability of STR licenses will reduce their impact on real estate prices, and it will help achieve the City's desired balance between STRs and long-term residents

* By establishing standards for visitor behavior and occupancy, the City will mitigate the potential conflict between tourists who want to enjoy their vacations and nearby residents who have a right to the peaceful use and enjoyment of their homes.

* Standards for health and safety will ensure appropriate facilities for tourists.

* Standards for visitor behavior, water use, and occupancy will help the City protect the sensitive coastal resources and environment of Trinidad.

ORDINANCE 2016-03, SECTION 2:

There is hereby added to the Trinidad Municipal Code a new Section, Section 17.56.190, replacing the existing Section 17.56.190 (and hereby added to the Coastal Commission certified Zoning Ordinance a new Section 6.26, replacing the existing Section 6.26), “City of Trinidad Short Term Rental Ordinance,” which shall read as follows:

Section 17.56.190 (6.26) Regulations for Short Term Rentals

Sections:

17.56.190 (6.26).A	Short Title
17.56.190 (6.26) B	Findings
17.56.190 (6.26).C	Purpose
17.56.190 (6.26).D	Definitions
17.56.190 (6.26).E	Application Requirements
17.56.190 (6.26).F	Maximum Number of Short Term Rentals
17.56.190 (6.26).G	Location
17.56.190 (6.26).H	One STR License Per Owner
17.56.190 (6.26).I	Effect on Existing STRs
17.56.190 (6.26).J	License Transferability
17.56.190 (6.26).K	Homeshare STR Licenses
17.56.190 (6.26).L	Resident STR Licenses
17.56.190 (6.26).M	STR Standards
17.56.190 (6.26).N	Tourist Occupancy Tax
17.56.190 (6.26).O	Audit and Inspection
17.56.190 (6.26).P	Dispute Resolution
17.56.190 (6.26).Q	Administrative Standards and Rules
17.56.190 (6.26).R	Violations
17.56.190 (6.26).S	Ordinance Review
17.56.190 (6.26).T	Severability

17.56.190 (6.26).A Short Title

This Section shall be known and may be cited as “City of Trinidad Short Term Rental (STR) Ordinance.”

17.56.190 (6.26).B Findings

The City Council finds that adoption of a comprehensive code to regulate issuance of and standards for Short Term Rental Licenses is necessary to protect the public health, safety and welfare and to strike a proper balance between City residents’ concerns and the rights of property owners, STR owners and operators as well as visitors to the City. The City Council finds the regulation of short-term rental uses through this Ordinance, including its non-transferability provisions, to be a valid exercise of the city’s police power in furtherance of the legitimate governmental interests documented in this chapter.

17.56.190 (6.26).C Purpose

The purpose of this Section is to establish a permitting process, together with appropriate standards that regulate short-term rental of dwellings in the City in order to: minimize negative secondary effects of Short Term Rentals (STRs) on surrounding residential neighborhoods; preserve the character of neighborhoods in which any such use occurs; ensure that STRs are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located; minimize impacts to coastal resources; provide for visitor services in accordance with the Coastal Act; and to ensure STRs are consistent with all other provisions of the General Plan and Zoning Ordinance. This section addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of licenses issued to ensure long-term availability of the affordable housing stock and to ensure Trinidad has enough residents to maintain a viable community. This chapter also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.

17.56.190 (6.26).D Definitions

1. City Manager

"City Manager" means the City Manager of the City of Trinidad or their designee.

2. Dwelling.

"Dwelling" means a single family dwelling, including associated accessory structures, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.

3. Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings, of no more than the maximum allowed occupancy, consistent with normal residential use.

4. Existing STR.

"Existing STR" means an STR that had a valid STR license as of the effective date of this ordinance.

5. Full-time STR

"Full-time STR" means any STR that is not a Homeshare STR or Resident STR.

6. Good Neighbor Contract & Good Neighbor Brochure.

"Good Neighbor Contract" means a document, specific to each STR, prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the contract shall include provisions for maximum occupancy and visitors, off-street parking, noise standards, and penalties for violations. The "Good Neighbor Brochure" is a brief summary of the Good Neighbor Contract, in a form approved by the City Manager, which may include additional information and suggestions for Occupants for minimizing disturbance to neighbors and environmentally sensitive habitat areas. The Good Neighbor Brochure shall be posted or placed in a prominent location inside each STR.

7. Homeshare STR

"Homeshare STR" means a Short Term Rental whereby a homeowner rents out no more than one bedroom in their primary residence and is present on site between the hours of 10PM to 7AM while rented as an STR.

8. Occupant.

"Occupant" within this Section means a person, not a host, owner, guest or tenant, renting or occupying an STR in accordance with this section and staying overnight therein. As used in this Section, 'occupant' does not include up to two children aged 12 or under.

9. Primary Residence

"Primary Residence" means the dwelling owned and occupied as the owner's principle place of residence, where the homeowner lives more than 50% of the year. A person can only have one primary residence at any time.

10. Resident STR

"Resident STR" means a Short Term Rental that is operated less than 60 nights per year and which is the owner's primary residence, but the owner does not have to be in residence while the dwelling is rented as an STR.

11. Responsible Person.

"Responsible Person" means an occupant of an STR who is at least twenty-five (25) years of age, who signs the Good Neighbor Contract and who shall be legally responsible for compliance of all occupants of the STR and / or visitors with all provisions of this Section.

12. Short Term Rental (STR)

“Short Term Rental” (STR) means a rental of any dwelling, in whole or in part, within the City of Trinidad, to any person(s) for transient use, other than (1) a permitted bed and breakfast, (2) ongoing month-to-month tenancy granted to the same renter for the same dwelling, (3) one less-than-30-day rental per year, or (4) a house exchange for which there is no payment.

13. STR Watch List

“STR Watch List” means a list of one or more Short Term Rentals that the City Manager has identified on the basis of good cause, including one or more significant violations, as STRs that warrant a higher level of oversight, scrutiny, review, or monitoring.

14. Transient Use.

“Transient use” means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

15. Visitor.

“Visitor” means someone staying temporarily at a STR, such as guests of occupants, who is not an ‘occupant’ and not staying at the STR overnight.

17.56.190 (6.26).E Application Requirements

1. Initial Application.

- a. Each STR must procure an STR License. No additional business license is required for an STR. The STR License shall identify the existence of an STR at a particular address and declare the type of STR, number of bedrooms rented in the STR and its intended maximum occupancy.
- b. A site plan and floor plan must be submitted along with the STR License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that includes the Good Neighbor Contract and any other forms as required by the City Manager shall also be provided. Applicants for a Homeshare or Resident STR License shall include documentation that the property is their Primary Residence.
- c. At the time of application for a new STR, the dwelling shall be subject to inspection by the Building Inspector. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulations. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. This does not mean that the dwelling has to be brought into conformance with current building codes unless, in the opinion of the Building Inspector, the work is necessary to protect public health and safety.
- d. Each application for an STR License shall be accompanied with proof of general liability insurance in the amount of one million dollars combined single limit. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they can be held responsible for the behavior of their occupants and visitors in accordance with this Section.
- e. The City will notify all property owners within 300 feet of an STR property of the STR License within 10 working days of its issuance or re-issuance. This notice shall be combined with the distribution of contact information required in subsection 2.c below. STR License information, including, but not limited to, license number, address, maximum occupancy, Local Contact Person and 24-Hour Contact Phone Number, will also be posted on the City’s website.
- f. Upon initial application for an STR License, the City shall provide all STR licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to

environmentally sensitive habitat areas, water resources, and septic systems from the short term rental use of the residence. Such protective measures include, but are not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. Contact Information

a. Local Contact Person (LCP).

Each STR must designate a Local Contact Person on the STR License form. That person may be the owner or the property manager. The LCP may designate a temporary LCP for a specific rental night(s); that designation must be reported to the City at least 24 hours before the rental date. The LCP, or their temporary designee, must live within 20 miles of Trinidad and be able to respond personally to an STR concern within 30 minutes.

b. 24-Hour Contact Phone Number.

A 24-hour Contact Phone Number is required for each STR. The 24-hour Contact Phone Number shall be prominently placed for the occupants' use inside the STR. Any change to the 24-hour Contact Phone Number shall be promptly posted within the STR and provided to the Trinidad City Clerk at least 15 days prior to any change. A temporary LCP designee shall utilize the same Contact Phone Number as the LCP.

c. Distribution of Contact Information.

The name of the LCP and 24-hour Contact Phone Number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 300 feet of the STR, and posted on the City's website within 10 business days after the issuance or reissuance of an STR License for the STR.

The contact information sent to neighbors may include further instructions in the case that a response from the LCP is not forthcoming. If there is an emergency or complaint, and the LCP does not respond within a reasonable period of time, concerned persons will be encouraged to report an emergency through the 911 emergency calling system or the Police or Sheriff's Department for other complaints. It is unlawful to make a false report or complaint regarding activities associated with an STR.

3. STR License Renewals

STR licenses shall be renewed annually. Renewals must be submitted by February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year.. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal application. Existing STRs that have not had an initial inspection as required by §17.56.190.E.1.c will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of an STR License for an existing STR will be approved as long as all applicable standards are still met unless or until such time as the license is revoked pursuant to §17.56.190.R.4 (6.26.R4, *Revocation*) or 17.56.190.M.14 (6.26.M14, *Minimum Activity*) or until the STR license expires pursuant to 17.56.190.J (6.26.J, *License Transferability*) or if it is voluntarily withdrawn.

4. Appeals

Appeals of staff determinations or decisions in accordance with this section shall be appealable per section 17.72.100 (7.14) except that STR License decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding section

17.72.100.D (7.14.D), fees for appeals of STR License decisions shall be set by resolution of the City Council.

5. Fees

Fees for initial applications and renewals for each type of STR shall be set by resolution of the City Council.

6. Application Wait List & Lottery

It is the City's intention to maintain no more than 19 Full-time STR Licenses and 6 Resident STR Licenses in the UR Zone and 6 Full-time STR Licenses in the SR Zone. When an STR license becomes available within one of those limits, the City will hold a lottery to allocate that STR License. The City will maintain a waiting list, for each type of STR License by zone as needed, of property owners who are interested in obtaining an STR License for their dwelling. A property owner may place his or her name on the waiting list at any time, but only once per property. The City will randomly draw a name from the waiting list for the appropriate type of license and zone. If the property meets the applicable location standards (§17.56.190.G (6.26.G)), that owner will have 45 days to submit a complete STR License application, along with any other associated license or permit applications (Use Permit, OWTS Operating Permit, etc.) that may be required. If the property owner does not obtain an STR License within 90 days, or if the property does not meet the applicable location standards, the City will draw another name from the waiting list for that zone and STR type.

17.56.190 (6.26).F Maximum Number of Short Term Rentals

In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, no new Full-time STR licenses shall be issued by the City if the total number of Full-time STR Licenses would exceed 19 in the UR Zone and 6 in the SR Zone, with no limit in other zones. An additional 6 Resident STR Licenses shall be allowed in the UR Zone, with no limit in other zones. Additional Resident STR Licenses may be granted in the UR Zone with approval by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 (Sections 7.06 - 7.18) of the Zoning Ordinance.

17.56.190 (6.26).G Location

STR's are permitted only in legally established dwellings within any zoning district. Each separate STR must obtain its own, individual STR License. There shall be no more than one STR per parcel.

No new STR within the UR zone shall be located where it shares a property boundary with a property containing another STR within the UR zone.

Either of these location standards may be modified through an exception approved by the Planning Commission pursuant to the Conditional Use Permit findings and procedures of Chapter 17.72 (Sections 7.06 7.18) of the Zoning Ordinance. Such an exception shall only be valid as long as the associated STR license is maintained.

17.56.190 (6.26).H One STR License Per Owner

No new STR license shall be issued for a property in the UR or SR Zone if the owner already holds another STR license unless there are fewer than the maximum number allowed pursuant to §17.56.190.F (6.26.F) and no other names are on the wait lists. This limitation shall not apply to renewals of existing STR licenses.

17.56.190 (6.26).I Effect on Existing STRs

Existing STRs, in excess of the number allowed in §17.56.190.F, or that do not meet the location requirements of §17.56.190.G (6.26.G), shall be allowed to continue to operate under an STR license as long as the permit is renewed in accordance with §17.56.190.E.3 (6.26.E.3) unless or until such time as the permit is revoked pursuant to §17.56.190.R.4 (6.26.R.4, *Violations*) or 17.56.190.M.14 (6.26.M.14, *Minimum Activity*) or until the STR license expires pursuant to 17.56.190.J (6.26.J, *License Transferability*).

17.56.190 (6.26). J. License Transferability

An STR License is issued to a property owner for a single location. The STR License shall be revoked when the license holder sells or transfers the real property which was rented pursuant to the STR License except as provided below. For purposes of this section, “sale or transfer” means any change of ownership during the lifetime of the license holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse, or transfers on the owner’s death to a trust which benefits only a spouse for the spouse’s lifetime, or lifetime transfers between spouses. If the owner is a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity, then “sale or transfer” shall mean a change in 50% or more of the shareholders or members or partners or beneficiaries. A license holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited liability partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. Upon the transferor’s death or the sale or transfer of his or her interest in the entity to another person, the STR License held by the transferor shall be revoked.

17.56.190 (6.26).K Homeshare STR Licenses

Homeshare STR Licenses allow owners, in their Primary Residence, to rent up to one bedroom as an STR, and the owners must be present at night as host during STR use. Homeshare STRs are subject to all the provisions of this ordinance (section) except the following:

- 17.56.190 (6.26).F Maximum Number of Short Term Rentals
- 17.56.190 (6.26).G Location
- 17.56.190 (6.26).H One STR License Per Owner
- 17.56.190 (6.26).M.14 Minimum Activity

17.56.190 (6.26).L Resident STR Licenses

Resident STR Licenses only allow STR use up to 59 nights per year. Resident STRs are subject to all the provisions of this ordinance (section) except the following:

- 17.56.190 (6.26).M.14 Minimum Activity

17.56.190 (6.26).M STR Standards

All STRs will be required to meet the following standards:

1. Transmittal of Rules and Good Neighbor Contract

Prior to rental of an STR, the Responsible Person shall be provided with a Good Neighbor Contract, consisting of a list of rules and responsibilities, in a form approved by the City Manager. The Responsible Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, occupants can be fined by the City, lose their security deposit and / or be evicted. In addition, the STR owner or manager, or designated LCP shall meet at least one occupant on the day of their arrival in order to ensure that the rules are understood, and that the occupants have represented themselves correctly. A Good Neighbor Brochure, summarizing the Good Neighbor Contract shall be placed or posted in a clearly visible location within the STR.

2. Noise.

Occupants of STR properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 pm and before 7:00 am should be contained within the STR and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any City noise standards or ordinances.

3. Number of Occupants. The maximum number of occupants allowed in an STR shall not exceed two persons per bedroom plus two people (e.g., a two-bedroom STR may have six occupants), less any residents, tenants, hosts or caretakers living onsite while it is rented. Except that in the UR Zone, on lots less than 10,000 sq. ft. in area, the maximum occupancy is two people per bedroom (e.g. a two bedroom STR in the UR zone may have four occupants). In the SR Zone, if the STR has a total

floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

4. Visitors.

The number of visitors to an STR shall be limited to not more than the allowable occupancy of the STR at any time. For example, if the maximum occupancy is 6, then no more than 6 visitors are allowed. Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

5. Guest Registry

The STR owner or manager shall maintain an occupant and vehicle register for each tenancy of the STR. The register shall include the names and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for City inspection upon request.

6. Off-Street Parking.

An STR must provide at least one off-street parking space for every two occupants allowed in the STR pursuant to Section 17.56.190 (6.26).M.3. The off-street parking space(s) shall be entirely on the STR property. STR owners/managers shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system. STRs that were previously granted a parking exception by the City may continue to operate under that exception as long as they maintain their STR license in good standing. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

7. Water Use.

To prevent overloading of septic systems, each STR shall be operated in a manner to ensure that the occupancy and use of an STR shall not result in annual domestic water use greater than that associated with the non-STR use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the STR License and application materials to allow for verification that the STR water use did not exceed allowable volumes as described above.

If the City determines that the STR use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the STR owner/manager shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the STR.

8. Septic System.

Each STR's owner or property manager must provide proof that the septic system for the structure in which the STR is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City Manager, shall be posted in each kitchen and bathroom in the STR.

9. Appearance and Visibility.

The outside appearance of the STR structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160 (6.16)). The STR shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

10. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size may be attached to the STR structure or placed immediately adjacent to the front of the STR structure. The purpose of the sign is to notify the public that the structure is or contains an STR. The sign must provide the 24-hour Contact Phone Number for complaints, and a business telephone number for persons seeking information on the STR. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

11. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the STR.

12. Traffic.

Vehicles used and traffic generated by the STR shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

13. Tenancy.

The rental of an STR shall not be for less than two successive nights.

14. Minimum Activity.

A Full-time STR shall be rented for a minimum of 60 nights per year in order to maintain an STR License. If the STR owner / manager fails to document rentals of at least 60 nights per year, the City Manager may determine that license is inactive and ineligible for renewal.

15. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Volunteer Fire Department siren and real emergencies shall be included.

17.56.190 (6.26).N Tourist Occupancy Tax

The letting, leasing, or other contractual use of an STR is subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each STR owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190 (6.26).O Audit & Inspection

Each owner and manager or representative of any owner shall provide access to each STR for inspection and any records related to the use and occupancy of the STR to the City at any time during normal business hours with at least 24 hour notice, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

17.56.190 (6.26).P Dispute Resolution

By accepting an STR License, STR owners agree to act in good faith to resolve disputes with neighbors arising from the use of a dwelling as an STR, including engaging in mediation, at owners' expense. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

17.56.190 (6.26).Q Administrative Standards and Rules

The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Section for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Section. In particular, the City Manager will establish administrative procedures for complaints. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk and posted on the City's website.

17.56.190 (6.26).R Violations

1. Penalty

It is unlawful to violate the provisions of this Section. Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 (7.20) of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these STR regulations by way of nuisance abatement action pursuant to Chapter 8.12 of the Municipal Code. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Fines

- (a) The City Manager shall be authorized to impose administrative penalties for the violation of any provision of this section or ordinance in an amount not to exceed a maximum of \$1000 per day for each continuing violation, except that the total administrative penalty shall not exceed \$100,000 exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations.
- (b) In determining the amount of the administrative penalty, the City Manager may take any or all of the following factors into consideration:
 - (i) The duration of the violation;
 - (ii) The frequency, recurrence and number of violations, related or unrelated, by the same violator;
 - (iii) The seriousness of the violation;
 - (iv) The effect the violation may have upon adjoining properties;
 - (v) The good faith efforts of the violator to come into compliance;
 - (vi) The economic impact of the penalty on the violator; and/or
 - (vii) The impact of the violation on the community.
- (c) In most cases, initial fines will start at \$200, with higher amounts reserved for exceptional situations like repeated violations, failures to promptly correct violations, or deliberate violations of this Section.

3 Property Watch List

Upon a determination of good cause including but not limited to one or more significant violations, the City Manager may impose additional or special standards or requirements for (1) the determination or placement of properties on the Property Watch List; (2) placement or imposition of special conditions or performance standards for Owners, Owner's Agents, Local Contact Persons, and their affected STRs on the Property Watch List; and (3) and removal of an STR from the Property Watch List.

4. Revocation

If the STR owner or property manager is deemed by the City Manager to be negligent in responding to a complaint more than two times in a 12-month period, or if more than two documented, significant violations, defined below, occur in any 12-month period, the STR License may be revoked. No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the Local Contact Person as set forth in the STR application. Revocation may be temporary or permanent depending on the nature and number of the violations.

5. Appeals

Appeals of City Manager determinations or decisions regarding violations, penalties, and fines shall be appealable per Section 17.72.100 (7.14), except that such determinations and decisions are not appealable to the Coastal Commission because they do not constitute a Coastal Development Permit. Notwithstanding Section 17.72.100.D (7.14.D), fees for appeals of violation and penalty decisions shall be set by resolution of the City Council.

6. Significant Violations

Complaint as used in this subsection means the need or requirement to contact the Local Contact Person to rectify a situation that is disturbing to a neighbor or resident. Complaints, and their resolution, must be reported to the City Clerk's office by the Local Contact Person within two business days of being received.

As used in this subsection, significant violation is a situation where the Local Contact Person is either unable or unwilling to rectify the situation within 30 minutes, and / or when public safety personnel must be called to assist in resolving the situation, or that causes substantial disturbance to the neighbors or neighborhood.

Examples of significant violations include, but are not limited to:

- (i) Failure of the local contact person, owner or manager to respond to a complaint within 30 minutes.
- (ii) The inability of City staff or the Sheriff's Dispatch to reach a contact person.
- (iii) Failure to maintain or provide the required guest registry.
- (iv) Violation of the STR maximum occupancy, parking, noise and other requirements as set forth in Section 17.56.190.H (6.26.H).
- (v) Failure to notify City staff when the contact person or contact information changes.
- (vi) Failure to pay fees or TOT in accordance with this Section.
- (vii) Providing false or misleading information on an STR License application or other documentation as required by this Section.
- (viii) Violations of state or County, or City health regulations
- (ix) Repeated minor violations and / or complaints

Examples of acceptable documentation of significant violations include, but are not limited to:

- (i) Copies of citations, written warnings or other documentation filed by law enforcement.
- (ii) City file information.
- (iii) Advertisements for the STR
- (iv) Signed affidavits and / or photographic evidence from neighbors or other witnesses
- (v) Other documents which substantiate allegations of significant violations.

The City Manager shall have the authority to determine what constitutes a significant violation, as necessary, to achieve the objectives of this Section. A list of all such additional significant violations shall be maintained and on file in the office of the City Clerk and such offices as the City Manager designates.

7. False Reports and Complaints

It is unlawful to make a false report to law enforcement or City officials regarding activities associated with short term rentals.

17.56.190 (6.26).S Ordinance Review

This ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

17.56.190 (6.26).T Severability

Should any subsection or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ORDINANCE 2016-03, SECTION 3:

Revise Chapter 17.56, Section 17.56.060, Home Occupations, (Article 6, Section 6.06, Home Occupations) to read, in context, as follows:

17.56.060 (6.06) Home occupations

Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, or bookkeeping, ~~rooming and boarding, of not more than two persons, including tourists,~~ shall be permitted as an accessory use to any dwelling subject to the following conditions:...

PASSED, APPROVED, AND ADOPTED this 1st day of November, 2016.

Ayes: West, Fulkerson, Miller, Baker, Tissot
Noes: None
Abstain: None
Absent: None

Attest:

Approved:

Gabriel Adams
City Clerk

Dwight Miller
Mayor

First Reading: ***Tuesday, November 01, 2016***

Second Reading: ***Wednesday, November 09, 2016 - Passed unanimously.***



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 0 PAGES

3. Discuss/Begin to Develop Recommendations to Send to the City Council/Planning Commission for Possible Amendments to Ordinance During the Upcoming 2 Year Review Process.

Ordinance 2016-03 is provided as supporting documentation for Discussion Agenda Item #2 (13 pages)