



Posted: Friday, October 18, 2019

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

The Short-Term Rental Advisory Committee will meet on
TUESDAY, OCTOBER 22, 2019 at 10:00AM
in the Civic Club Room located at 409 Trinity Street.

I. CALL TO ORDER/ROLL CALL

(5) Voting Members: **Joe Moran**, Trinidad Bay Vacation Rentals. **Jan Nash-Hunt**, STR Owner. **Dorothy Cox**, Trinidad Resident. **Dick Bruce**, Trinidad Resident. **Kathleen Lake**, City of Trinidad Planning Commissioner.

II. ITEMS FROM THE FLOOR

III. APPROVAL OF MINUTES – 08-07-19, 9-11-19

IV. AGENDA ITEMS

1. Designate an alternate Chairperson should the STR Chairperson be unable to attend a Committee meeting.
2. Briefing by City Manager and Discussion on purpose and expectations of joint November meeting with City Council and Planning Commission.
3. Discuss impact of STR's on Trinidad neighborhoods.
4. Discuss potential ramifications when improvements are made to STR's without permits.
5. Decide on date of next Committee meeting, request for future agenda items, and prioritize next meeting's main topic(s) for the Committee to discuss.

V. REQUEST FOR FUTURE ITEMS

VI. ADJOURNMENT

Gabriel Adams
Trinidad City Clerk

City of Trinidad
STR Advisory Committee
Minutes of August 7, 2019

Call to order: 6:06 pm

Roll Call: Present were Dick Bruce, Dorothy Cox, Kathleen Lake, Joe Moran, Jan Nash-Hunt

Motion: Amend Minutes of 6-17-19 to include public comments of Alan Grau (motion by Dick, 2nd by Kathleen, passed 5-0)

Minutes of 6-17-19: Motion to adopt minutes as amended (motion by Kathleen, 2nd by Jan, motion passed 5-0)

Agenda Item IV.1: Discussion regarding last 2 years of documented complaints plus undocumented complaints. Complaints at city hall are filed in a complaint book and in the individual STR property file. Some complaints within the 2-year time frame do not appear in the City files, but were brought up in discussion. Fines for violations have been issued by the property manager with a maximum of \$1,000.00. Per the ordinance, fines usually start at \$200 per day. Significant violations should be responded to within 30 minutes by property manager, but there is not evidence that the City has ever issued a fine. Enforcement of the STR ordinance is a concern. Fair and reasonable, usually lacking teeth, and possible lawsuit as a result. Better defined complaint process suggests, i.e. flow charts. Suggestion for fillable forms online and update the complaint process timeline. Signed affidavit and photo evidence, as provided for in the ordinance have resulted in some litigation threats prior to resolution. Some people not making complaints as a result.

Enforcement of the STR ordinance is a concern. Fair and reasonable, usually lacking teeth, and possible lawsuit as a result. Some litigation threats prior to resolution. Some people not making complaints as a result.

Better defined complaint process suggested, i.e. flow charts. Suggestions for fillable forms online and update the complaint process timeline. Signed affidavit and photo evidence suggested as well.

Impacts on the neighborhood of special events such as rehearsals or weddings were discussed. The number of guests is a concern, as well as children and pets. Regular meet and greets are useful in avoiding issues.

Suggest more real-time enforcement. Property managers and city response times need improvement. The use of STR revenues for code enforcement was suggested, and fines should go to the City rather than the property managers.

Motion: Compliance and enforcement of the STR ordinance is key, ordinance not being enforced, and City needs to come up with enforcement process and recommend the City make clear and provide an updated complaint process. (motion by Dick, 2nd by Kathleen, motion passed 5-0).

Agenda Item IV.2: Fee Analysis, cost analysis, bring back to next meeting.

Motion was made/seconded/approved to extend the meeting by 15 minutes.

Public comment:

Public comment received from Daryl and Tina Freeland, in regards to the lack of timely response, as per the ordinance, by property managers, and the City not enforcing the ordinance.

Next meeting: Motion to have a meeting on Wednesday, September 11th (motion by Jan, 2nd by Dick, motion passed 5-0).

Adjourned: 7:50 pm

MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD STR ADVISORY COMMITTEE
WEDNESDAY, SEPTEMBER 11, 2019 AT TRINIDAD TOWN HALL, 409 TRINITY STREET

I. CALL TO ORDER/ROLL CALL (4:38 pm)

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

II. ITEMS FROM THE FLOOR

Committee Chair Bruce stated he may not be able to attend the October 22nd meeting, thus choosing an alternate chairman should be discussed. Planning Commissioner Lake stated that the Committee cannot discuss an alternate because it was not included in the original agenda posted. Lake further stated the agenda for this meeting was not posted correctly, and if staff continues to amend and tweak agendas it puts the City at risk. Zetter, City staff, explained that the amended agenda posted on Monday, was in line with the Brown Act because it is technically a special meeting, thus the agenda only needs to be posted 24 hours before the meeting. Thus, the amended agenda was legitimate. However, per the City Manager due to a complaint, the Committee is to proceed with the original agenda. Thereby, the agenda item, "Designate an alternate Chairperson should the STR Chairperson be unable to attend a committee meeting," has been struck from the agenda.

Lake stated the City Manager is supposed to be a part of the meeting, and requested her comment be on record. She advised that the City has adjusted the City Council meetings to fit his schedule, and the Committee's resolution stated that he is require to be present. Both Bruce and Nash-Hunt read the resolution and could not find where it states that his presence is mandatory.

III. APPROVAL OF MINUTES

June 17, 2019

Motion (Nash-Hunt/Lake) to approve the June 17, 2019 minutes, as amended (Passed 3-0).

August 07, 2019

Motion (Nash-Hunt/Lake) to revise the August 07, 2019 minutes as submitted (Passed (3-0)).

Updates:

Updated "Amend Minutes...public comments of Adam Grau..." to Alan.

Agenda Item IV.1 has been updated as following:

"Discussion regarding last 2 years of documented complaints plus undocumented complaints. Complaints at city hall are filed in a complaint book and in the individual STR property file. *Some complaints within the 2-year time frame do not appear in the City files, but were brought up in discussion.* Fines for violations *have been* issued by the property manager with a maximum of \$1,000.00. *Per the ordinance,* fines usually start at \$200 per day. Significant violations should be responded to within 30 minutes by property manager, *but there is not evidence that the City has ever issued a fine.* Enforcement of the STR ordinance is a concern. Fair and reasonable, usually lacking teeth, and possible lawsuit as a result. Better defined complaint process suggests, i.e. flow charts. Suggestion for fillable forms online and update the complaint process timeline. Signed affidavit and photo evidence, *as provided for in the ordinance have resulted in some litigation threats prior to resolution.* Some people not making complaints as a result."

The motion of Agenda Item IV.1 has been updated as following:

Motion: Compliance and enforcement of the STR ordinance is key, ordinance not being enforced, and City needs to come up with enforcement process *and recommend the City make clear and provide an updated complaint process.* (motion by Dick, 2nd by Kathleen, motion passed 5-0).

Added a motion to extend the meeting an additional 15 minutes, was added after Agenda Item IV.2.

“Motion was made/seconded/approved to extend the meeting by 15 minutes.”

Added public comment before the motion to schedule the next meeting.

Public comment received from Daryl and Tina Freeland in regards to the lack of timely response, as per the ordinance, by property managers, and the City not enforcing the ordinance.

It was noted after the minutes were revised, that there was a lot of information that was missing, and specifics that are helpful were not included. It was requested to make this an agenda item.

IV. AGENDA ITEMS

1. Designate an alternate Chairperson should the STR Chairperson be unable to attend a committee meeting.

Struck from the agenda.

2. Discussion on how to proceed with recommendations to the City Council on findings of the committee.

Bruce stated he requested this item be agendaized, because with the relatively short timeframe the Committee has a substantial amount of work to accomplish. He opined that in order to provide the City Council with an annual report, the outcome of each meeting should have a recommendation. He stated when the Committee composes their annual report to the Council, all concerns should be flushed out. Lake agreed and advised it is a wonderful first step. She voiced that she has been frustrated, because things have been gridlocked. She further stated that the Committee's updates should be referenced in the City Manager's staff activities report. Bruce stated he advised the City Manager to not include the STR Committee's recommendations on the City Council agenda, as their recommendations will be presented at the end of the year. Lake advised she does not want to present an annual report to the City Council, without the STR Committee being mentioned in the staff report throughout the remaining months. She advised she is suggesting the staff report reference what has occurred in the STR meetings. Bruce stated it is up to the City Council, and he doesn't want the Committee to get bogged down trying to change the City's processes. He reaffirmed, again, he is suggesting the Committee come out of the meeting with a recommendation, which will be included in the annual report.

Lake stated the City Council should be updated on what is occurring at the STR Committee meetings in the same way they are debriefed on Planning Commission meetings, as the Planning Commission and STR Committee are both advisory committees. Bruce provided a rebuttal, advising that the Planning Commission and STR Committee are not the same thing, as the Planning Commission is a governing body that makes decisions, not recommendations. Lake opined the Planning Commission is an advisory committee. Both Nash-Hunt and Bruce clarified that the Committee's goal is to develop an annual report, which includes documented recommendations. Lake opined that waiting to have a final report will only delay the problem, so the City Council and public need to be aware of what is occurring with the short-term rentals. Nash-Hunt advised it would be fine to include a small section in the staff report regarding the Committee. Nash-Hunt agreed that it is good to inform the public. Bruce redirected the conversation, as what is being discussed is not the agenda item. He advised the agenda item is about how to proceed with recommendations, not about including information in the staff report. However, he did advise that if the Committee wants, he will consult with the City Manager and discuss their yearning to be included in the staff report. Bruce questioned if the Committee wants him to call the City Manager, and if so if a formal motion needs to be made. Lake confirmed she wants him to reach out to the City Manager. No formal motion was made, and it was agreed on by acclamation by the three Committee members present.

Nash-Hunt advised that Bruce's recommendation to develop at least one recommendation at the end of each meeting is a great idea. Bruce reiterated that what he is suggesting is at each meeting the Committee motions a recommendation, that will then be included in the annual report to the City Council. Lake suggested that if the Committee had an end date, the Committee would be able to confirm what they would like to cover by the time they compose the annual report.

Lake referenced an email sent by Committee member Cox, who stated in her email that at the first meeting it was agreed upon not to have a Vice Chair. Furthermore, at the first meeting it was agreed upon that all future agenda items would be discussed at each meeting. Lake suggested that if the Committee wants a new agreement it needs to be written down.

The Committee agreed on building content for the annual report, by coming out with a recommendation at the end of each meeting, and come up with an item to be discussed upon at the next meeting. The agreement was made by acclamation.

As Cox mentioned in her email, Bruce reminded the Committee that it was an organizational meeting. This organizational meeting included the discussion of the ordinance, and each member brought up a topic that was important to them to discuss. Lake opined it was not an organizational meeting, as it was properly posted. She further mentioned the Trails Committee doesn't have a resolution, but they are a bona fide committee. Nash-Hunt redirected the conversation, stating the Committee is getting into details that they don't need to get into, as they are aware that there are specific issues that need to be addressed. Lake advised that it is necessary to document that the Committee had a brainstorming meeting, what came out of the meeting, and that they discussed on how to proceed with each meeting. Nash-Hunt stated it is important to recognize the Committee has gotten more specific, since the first meeting. Bruce suggested that it be documented that a public meeting was held in January, authorized by the Council, and that it was used as a brainstorming meeting. Bruce further made note that a resolution wasn't passed authorizing the Committee to proceed until after January 2019. Lake mentioned that other advisory committees do not have resolutions. Bruce questioned whether the other committees are chartered to provide an annual report, and intend to present to the Council. Lake confirmed other committees do present to the Council.

Lake questioned what is topic for this meeting. Nash-Hunt confirmed the Committee is discussing on how to proceed with the recommendations. Bruce stated the Committee's motions need to be something of relevance, as they will be brought to the Council. He confirmed that the Committee is going to discuss a fee analysis. Lake mentioned the October meeting, which is scheduled as a joint meeting with the City Council. Bruce advised that he does not know what the reason is for the joint meeting with the City Council.

Motion (Nash-Hunt/Lake) to cancel the meeting on October 22, 2019 with the City Council, and suggest that we meet separately as the STR Committee (Passed 3-0).

Bruce questioned whether it is appropriate to send out a request for possible agenda items for the next meeting to all Committee members. Lake advised to send the email to the City Manager first, and request it be distributed.

3. Discussion regarding the current number of permits, application fee, and fee analysis (staff time spent on STR).

Bruce referred to the Cost of Implementing STR Permit Memo provided by the City Manager and City Clerk. Lake opined the fee analysis memo is missing the STR Committee meetings, complaints, and enforcement aspects. She further stated the City Planner and Grant Administrator should be included. In regards to the information on the memo stating, "A straight-forward, complete renewal application process, based on 33 permits, should cost the City in labor approximately \$150..." Bruce indicated there is no way the City will be able to provide a definite amount, until the City documents every minute a staff person works on the permit. Bruce suggested that a cover letter be added to the permit application, which would be used for documentation when any staff member is working on the permit. Bruce further explained that the time sheet would be attached to the front of the application and each staff member who is involved with the application, will date and initial time spent in quarter hour increments. After this is done, the City will be able to do a cost analysis. The City will then be able to evaluate how long it takes to process a permit and the actual cost. Bruce suggested the flat rate remain the same, but if the list price goes over the \$300 flat rate, then the owner pay the additional amount. Both Lake and Nash-Hunt agreed with his suggestion. Bruce further suggested the extra money can be used for other STR expenses. Nash-Hunt suggested the application include a cover letter where the owner/property manager can sign advising that no changes have been made. Furthermore, Nash-Hunt advised paperwork that has not changed should be kept by the City, which will cut down on the amount of information that has to be

submitted/reviewed. Nash-Hunt further agreed that an extra cost is fair. Lake advised some documents that have been submitted are not complete and yet are being accepted, so the enforcement is lacking. Lake opined that if something hasn't changed, the owners need to sign a document. The Committee agreed that they would like Bruce to propose a cover letter for the time/fees.

Bruce redirected the conversation to discuss the budget document the City Clerk and City Manager provided, before making a motion. Bruce pointed out that the second largest revenue maker is the T.O.T. He stated he had asked the City Clerk how much T.O.T. revenue was brought in from STRs. Bruce indicated that the City Clerk advised that all of the T.O.T. comes from the STRs, except for the Bed and Breakfast. Bruce noted that this information is an indicator that the STRs are providing a substantial amount of revenue for the City, thus a percentage of the revenue can potentially be used for enforcement. He suggested revenue be used for enforcement, because it is the biggest issue that will be presented to the Council. He noted it will probably lead to more staff time. Lake opined revenue is not worth the problems the STRs are causing. She further stated she would never support adding more staff, and until the City has the STR enforcement tightened up, the City must look at the overall impacts. Nash-Hunt stated that the City is not finding solutions, as the City does not have the time. Lake mentioned residents have filed complaints. Nash-Hunt opined that a lot of the complaints are hearsay and can be dramatic.

Motion (Lake/Nash-Hunt) to extended meeting an additional 10 minutes (Passed 3-0)

Bruce confirmed the Committee is in favor of a cover sheet for a fee analysis. Bruce advised that using a cover sheet will cover regulations B & C in violations.

Lake requested that all mailings for STR point of contacts include the zoning information. Furthermore, she stated she wants information regarding the permit caps, and wants a comparison of where the City is in regards with the amount of permits verses last year. She opined the STR Committee/public need the complaint response time information.

Lake stated the City needs to include complaints in the individual STR files. Bruce indicated this would not be included as a part of the cost of the permit, but instead will only keep track of the history of the STR. This will allow the City to review how much the STR itself costs the City on an annual basis.

Motion (Bruce/Nash-Hunt) suggest a staff timesheet be attached to the front of the application and each staff member who is involved with the application, date and initial time spent in one quarter hour increments, and have a second sheet to record additional staff time, complaints, enforcement, etc. in one quarter hour increments (Passed 3-0).

Motion (Lake/Nash-Hunt) the City implement a cost analysis to include staff time spent on updating STR mailing contact information, and a cost analysis for the STR Committee (Passed 3-0).

V. Request for Future Items

Motion (Nash-Hunt/Lake) to meet on October 22nd at 10:00 am.

VI. Adjournment

Motion (Nash-Hunt/Lake) meeting to adjourn.

Meeting adjourned at 8:00 pm. Next meeting scheduled for 10:00 am on October 22, 2019.

Submitted by:

Approved by:

Angela Zetter
Administrative Assistant

Dick Bruce
STR Committee Chair



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

3. Discuss impact of STR's on Trinidad neighborhoods.

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

Subject: Fwd: Agenda Items for Next STR Meeting

From: Richard Bruce <rmbruce67@gmail.com>

Date: Wed, Oct 16, 2019 11:00 am

To: City of Trinidad <cityclerk@trinidad.ca.gov>, "azetter@trinidad.ca.gov" <azetter@trinidad.ca.gov>

----- Forwarded message -----

From: **Richard Bruce** <rmbruce67@gmail.com>

Date: Wed, Sep 25, 2019 at 4:42 PM

Subject: Re: Agenda Items for Next STR Meeting

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

Cc: Jan Nash Hunt <janashunt@gmail.com>, Dorothy Cox <crabby2@suddenlink.net>, Kathleen Lake <klake@trinidad.ca.gov>, <joe@trinidadbayvacationrentals.com>

Hi Eli-

I am currently out of town for my wife's medical procedure so do not have access to my file or the minutes of previous meetings but we have already looked at "what is not working"- lack of a workable enforcement process to address complaints, lack of a noise ordinance that noise complaints can be measured against, distrust between citizen complainants with both City staff and property managers, and several others that I can't remember off the top of my head.

I believe that the Council asked us to look at "what is working" so I would suggest having a discussion about this- Have complaints been reduced since the previous year? Has staff learned and/or are they working on better ways to address concerns/complaints? Has staff developed a process/procedures for handling complaints? Is there a benefit to the City from the TOT that is generated by STRs? Is there an economic benefit to businesses in the City from STRs? I think an examination of these types of things would be useful information for the Council to have.

I will let you know by early next week what my situation is regarding attending the Oct 22nd meeting.

Dick Bruce

On Wed, Sep 25, 2019 at 3:28 PM Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Please provide suggestions for agenda items for the next STR Committee meeting.

Thanks,

Eli

Eli Naffah

City Manager

City of Trinidad

(707) 677-3876

P. O. Box 390

Trinidad, CA 95570

[Print](#) | [Close Window](#)**Subject: Fwd: Agenda Items for Next STR Meeting****From: Richard Bruce <rmbruce67@gmail.com>****Date: Wed, Oct 16, 2019 11:01 am****To: City of Trinidad <cityclerk@trinidad.ca.gov>, "azetter@trinidad.ca.gov" <azetter@trinidad.ca.gov>**

----- Forwarded message -----

From: <klake@trinidad.ca.gov>

Date: Fri, Sep 27, 2019 at 8:58 AM

Subject: RE: Agenda Items for Next STR Meeting

To: Trinidad City Manager <citymanager@trinidad.ca.gov>, Richard Bruce <rmbruce67@gmail.com>, Jan Nash Hunt <janashunt@gmail.com>, Dorothy Cox <crabby2@suddenlink.net>, <joe@trinidadbayvacationrentals.com>

Hi,

It is my position that it would be very important to discuss the impacts (other than the lack of ordinance enforcement) of STR's, on our Trinidad neighborhoods. As the STR ordinance moves forward for City review the California Coastal Commission has requested several studies and additional information that the committee could discuss. I have included a few of the impacts that the community has brought forward. There are many impacts but the following would assist the City in moving forward in the tasks of the General Plan and STR ordinance.

The Coastal Commission stated the following in their July 5, 2019 comments to the City:

Short Term Rental Ordinance review status and consistency analysis The Land Use Element describes the increase in short term rentals (STRs), or vacation rentals, in the community in relation to their effect on residential neighborhoods, acknowledging that the increase in STRs has prompted concerns over their impacts on the community. For example, Section B2 states in part the following: While short-term vacation rentals provide important visitor serving accommodations and economic benefits to the City, an increase in the number and density of short-term vacation rentals have adversely affected the small-town atmosphere of the City and the character of residential neighborhoods.

Agenda discussion/ impacts of STR's on community quality of life:

Housing: the percentage of housing stock available in Trinidad, and the percentage of our housing stock that has been converted to Short Term Vacation rentals. (Water hook ups in Trinidad have been counted and this number along with the current number of STR licenses would provide the data) I know of several local businesses in town that have had long time difficulty finding employees, directly due to the lack of workforce housing in town. The City of Trinidad has housing responsibilities that are state mandated. How are the current number of STR's impacting housing and community, and contributing to the statewide housing crisis? (CCC comments: *we request you analyze and include, but are not limited to, lands planned for visitor-serving uses under the currently-certified LUP...*

Increased housing costs: Trinidad currently has the highest rents in the County. How is the City addressing this for those people who want to work and live here and be a part of our community?

Neighborhood safety: Increased transient traffic in residential neighborhoods. No full time law enforcement to address real time problems issues when they occur creates neighborhoods where neighbors increasingly rely on each other.

Lack of available residents to support the community as public officials, volunteer fire and emergency responders, and other support. Trinidad is impacted by not having residents to support their community. **Trinidad currently has an Insurance Fire Score (ISO) rating of 10.** This directly affects our neighbors, and our neighborhoods as well as our fire insurance costs.

An ISO fire insurance rating, also referred to as a fire score or Public Protection Classification (PPC), is a score from 1 to 10 that indicates how well-protected your community is by the fire department. In the ISO rating scale, a lower number is better: 1 is the best possible rating, while a 10 means the fire department did not meet the ISO's minimum requirements.

Current STR CAP: Overall fairness to those who live and work here. For many of those of us in Trinidad who bought homes in residential neighborhoods and now live next door to commercial mini hotels 365 days/year under the current ordinance we are unable to use our properties in same way as our neighbors who have lucrative businesses next door. is this reasonable?

Traffic and Parking: The California Coastal Commission has requested an *Analysis of adequacy of public parking facilities*. Currently STR licenses are automatically renewed despite no onsite parking available at the home. This directly impacts the neighborhoods and has been an ongoing issue for years that has gone unaddressed by the City. Traffic patterns also push commercial traffic onto local streets including transient traffic.

Additional info.

"While O'ahu's residents have every interest in supporting a strong visitor industry, they cannot do so at the expense of affordable housing in safe communities that provide an acceptable quality of life for residents."

<https://www.travelpulse.com/news/hotels-and-resorts/new-oahu-rental-enforcement-protects-quality-of-life-for-residents.html>

"The multiple negative impacts of short-term rentals on community quality of life are why the county continues to prohibit their use," the county said in a response approved this week by the Board of Supervisors. https://napavalleyregister.com/news/local/napa-county-grand-jury-differ-on-how-to-tackle-illegal/article_1fbc2565-d92e-599d-8ca4-4ff955acc42e.html?utm_medium=social&utm_source=facebook&utm_campaign=user-share&fbclid=IwAR3OI6Nqdg6xG8Hk2sTovuEdHJUcPbtv_rr0IhWICbyPeFhAchEgi8Itr5M

<https://www.epi.org/publication/the-economic-costs-and-benefits-of-airbnb-no-reason-for-local-policymakers-to-let-airbnb-bypass-tax-or-regulatory-obligations/>

Thank you, Kathleen

----- Original Message -----

Subject: Agenda Items for Next STR Meeting

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

Date: Wed, September 25, 2019 3:28 pm

To: ""Richard Bruce"" <rmbruce67@gmail.com>, ""Jan Nash Hunt"" <janashunt@gmail.com>, ""Dorothy Cox"" <crabby2@suddenlink.net>, <klake@trinidad.ca.gov>, <joe@trinidadbayvacationrentals.com>

Please provide suggestions for agenda items for the next STR Committee meeting.

Thanks,

Eli

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