



Response to Humboldt County Civil Grand Jury Report

Approved by City Council on September 12th, 2018

Grand Jury Report Title: *A Tale of Two Cities: Vacation Rentals in Trinidad, California*

Report Date: June 25th, 2018

Joint Response By: Trinidad City Council and Trinidad City Manager

Discussion

The City of Trinidad and the Trinidad City Manager appreciate the efforts and the important role of the Humboldt County Civil Grand Jury in reviewing local government activity. Our response to the individual findings and recommendations follows below. Before addressing the individual findings and recommendations, the City would like to express some significant concerns about the Grand Jury's process in developing this report. First, the Grand Jury did not interview any City Council or Planning Commission members as part of their investigation. Second, the Grand Jury does not appear to have reviewed or considered a recent (March 2018) report produced by the City Council that considered many of the same issues and resulted in recommendations that are being implemented by the City. Finally, the Grand Jury report speaks broadly about the feelings of the 'community' of Trinidad, but in fact heard from only a few members of the community.

Council Members and Planning Commissioners are intimately familiar with the issues at hand, having heard, considered, and acted on many hours of public input from all sides regarding STR regulations and their enforcement. Their input would have resulted in a broader perspective and deeper understanding of the issues for the Grand Jury to consider.

The Grand Jury would have benefited significantly from reviewing the March 2018 report generated by a Council appointed subcommittee (attached). This committee worked over many months to interview community members and staff, review STR issues and concerns, and produce a report with recommendations on STR implementation and enforcement. This report was reviewed and approved by the Council, and City staff have been working to implement those recommendations since. This Council report reflects a significant effort by the City to consider and address many of the same concerns that were subsequently taken up by the Grand Jury.

Many of the Jury Report Findings refer to the feelings or perceptions of the community, but it is important to note that the Grand Jury apparently did not interview a cross-section of Trinidad residents, but initiated this report in response to concerns raised by a few residents who are very actively engaged in STR issues and have very strong feelings about them. The City represents all residents, and concerns about conflict of interest, frustration, or animosity by even one citizen deserve respect and attention. However, the HCCGJ report, and specifically Findings F2 and F4, would be more accurate if they referred to ‘some residents’ or ‘some members of the community’. In its current form, the City believes the report overstates the breadth and intensity of concern in the community over these issues.

The Grand Jury’s decision to limit interviews of City staff and officials to the City Clerk and the City Manager appears inconsistent with how the Grand Jury has approached other local government investigations. In the 2-year development of Trinidad’s STR ordinance, major input was provided by the City Planner, the City Attorney, and most notably, by extensive community hearings by the Planning Commission and the City Council. The omission of testimony by these staff and officials leaves the City concerned that the Grand Jury did not conduct a fair and equitable investigation, which led to an unbalanced Grand Jury report.

The City of Trinidad would appreciate some response by the Grand Jury about the issues cited in the preceding paragraphs:

- Why was there no apparent consideration of the City-initiated STR review of March 2018 (attached)?
- Why were only two City staff interviewed, while the major work in developing the ordinance and holding community hearings was the responsibility of the City Council, Planning Commission, Planner, and Attorney?

Report Findings and Responses:

F1. Trinidad’s complaint and appeal process has been slow and inconsistent which has led to confusion and frustration among residents.

Partially agree and partially disagree.

Some responses have been slow and others have been resolved quickly. The speed of responses has improved dramatically in 2018. Staff findings in response to complaints have often been appealed, and the appeals process is inherently slow due to the requirements to provide adequate procedural due process for all parties involved and the monthly scheduling of Planning Commission and City Council meetings. The complaint and appeal process involves a very small staff, and appeal hearings are held by our Planning Commission, and City Council, each of which normally meets just once a month. This issue was highlighted in the March 2018 Council report on STR issues, and following those recommendations, the City has implemented a detailed process for complaint response. See Attached.

F2. Lack of compliance to Trinidad’s Short Term Rental Ordinance by some Short Term Rental owners and property managers create frustration and animosity in the community.

Partially agree and partially disagree.

Ordinance violations do create frustration among affected members of the community, however violations and lack of compliance are very much the exception rather than the norm. There are thousands of overnight STR stays in Trinidad each year, and only a handful of complaints resulting from them. STR owners and managers have worked cooperatively with the City to help implement and comply with the STR Ordinance, including revising their rental agreements, reducing the occupancy of their STRs, meeting guests in person, posting required ‘Good Neighbor’ brochures and contracts, and providing and staffing 24/7 call numbers for problems. Violations occur (in general) when the guests staying at the STRs violate the Ordinance, typically by being too loud, or inviting too many visitors. There have been a few cases of difficulties with STR managers not responding quickly enough to complaints, or communicating poorly with people lodging complaints. Those problems have resulted in enforcement actions against the STR managers, and appear to be largely resolved at this time.

F3. Trinidad would benefit in having law enforcement assistance during tourist season to handle immediate violations of the STR ordinance.

Disagree.

The City agrees that law enforcement assistance is necessary, but disagrees with this finding because the City does have law enforcement assistance throughout the year. The City contracts with the Humboldt County Sheriff’s Office, who respond to calls for assistance 24/7 in Trinidad, and are empowered to enforce City Code violations. However most STR Ordinance violations are unlikely to

require or even benefit from law enforcement assistance. Possible exceptions could include a late-night party that the property manager is unable to break up, or a dangerous off-leash dog from an STR guest, or illegal parking that warrants ticketing. However, these are exceptional examples outside of most actual complaints. The STR Ordinance directs complaints to be addressed immediately by the property manager, with follow up from City administrative staff after the fact. The City certainly encourages the public to call the Sheriff's Office for any emergency or public safety situation, or if the property manager is non-responsive and the problem (i.e. late night noise) is ongoing. Consistent with the STR Ordinance, the City does not see the Sheriff's Office as having a primary role in responding to STR complaints unless a public safety threat is present. The STR Ordinance sets forth an administrative enforcement approach using fines and the potential for modification or loss of an STR license.

F4. It is unclear what criteria is used for City Council recusal of those members who own or manage an STR which leads to a perception of conflict of interest within the community.

Partially agree and partially disagree.

City Council members have discussed and explained their rationale for recusal (or non-recusal) on multiple occasions at Council meetings where the issue has arisen. The City Attorney has consistently supported the recusal decisions by affected Council members, citing California law, FPPC regulations and case law. His advice and guidance have been presented in public at the relevant meetings.

Council members who own STRS have recused themselves from decisions involving setting STR regulations or their particular STR interests. For clarity, the City will post public notice of relevant legal criteria for recusal of Council or Planning Commission members.

As noted in the introduction to this response, this Finding, along with Findings F1 and F2 above, refer broadly to the feelings or perceptions of the 'community'. It would be more accurate to clarify that this feeling is held by a few members of the community.

F5. Because there is often no written notification of the results of an appeal, complainants sometimes are unaware if a resolution has been reached.

Partially Agree: Where no notification was provided, the City agrees that is a problem. This issue was addressed in the March 14, 2018, report of the Council's subcommittee, referenced in the introduction.

F6. When properly utilized, Trinidad's Short Term Rental Ordinance provides workable methods for solving problems associated with Short Term Rentals.

Agree.

The City will regularly revisit the STR Ordinance to consider whether changes are appropriate (on an annual basis beginning this November). Having appropriate rules in place can minimize, but does not inherently prevent violations from occurring. Hence the need for effective enforcement in those cases.

RECOMMENDATIONS:

R1. The Humboldt County Civil Grand Jury recommends the city of Trinidad and the citizens of Trinidad follow the steps outlined in Ordinance 2016-03 to solve complaints in reference to Short Term Rentals. This should take place upon receipt of this report. (F1, F2, F6)

This recommendation is being implemented.

This recommendation was being proactively implemented, before the release of the Grand Jury Report. City staff are implementing the Council's subcommittee report (March 14, 2018), referenced above.

That report made detailed recommendations on how best to address complaints.

The complaints (F2) about compliance by STR owners and managers have been addressed, and will be addressed on a case-by-case basis. This is the first year of the current STR ordinance, which was approved by the City Council in 2016 but did not become official until approved by the Coastal Commission in June 2017. In this first year of operation, just one complaint against an STR owner/manager was appealed by the owner to the Planning Commission, where the appeal was rejected, and to the Council, where it was also rejected and the staff finding of a Significant Violation of the STR Ordinance was sustained. The owner has made a number of changes at the affected property and has promised compliance in the future. The process outlined in the ordinance is being implemented, and works.

For F6, the Grand Jury notes that the STR ordinance provides workable methods for solving problems. Those methods include a process for periodic review by the Council and Planning Commission.

R2. The Humboldt County Civil Grand Jury recommends that the city of Trinidad consistently and strictly adhere to Ordinance 2016-03 to manage the short-term rental application and renewal process. This should take place upon receipt of this report. (F1, F2)

This recommendation is being implemented. The next round of STR applications/renewals will occur in the winter of 2018-19 and will strictly adhere to Ordinance 2016-03.

R3. The Humboldt County Civil Grand Jury recommends the City of Trinidad allocate a portion of Transient Occupancy Tax revenue to hire seasonal enforcement staff to deal specifically with Short Term Rental issues by December 31, 2018. (F3)

This recommendation requires further analysis. The City Council will discuss this before December 31, 2018. Staff believe filling the new full time Administrative Assistant position will address adequate staffing for enforcement of the STR Ordinance.

R4. The Humboldt County Civil Grand Jury recommends Trinidad city council members who own or manage Short Term Rentals always recuse themselves when STRs are considered, discussed, or voted upon. Said recusals should be recorded in the meeting's minutes. This should begin immediately upon receipt of this report. (F4)

This recommendation requires further analysis.

The recommendation that "... [affected] council members always recuse themselves when STRs are considered ..." is counter to recommendations by the City Attorney. The City Attorney has provided explicit rationale for when a council member with STR financial interests must recuse, and when that Council Member may participate in STR-related deliberations. Council decisions regarding recusal will continue to be guided by the City's Code of Ethics, the advice of our City Attorney, and the Fair Political Practices Commission. Multiple complaints have been filed with the FPPC regarding STR Council recusal issues and none have resulted in the FPPC determining that Council members were acting inappropriately.

R5. The Humboldt County Civil Grand Jury recommends the Trinidad city manager notify complainants in writing within seven working days of all city decisions on Short Term Rental complaints and appeals. This should begin no later than October 1, 2018. (F5)

This recommendation has been implemented.

Discussion:

The City is notifying complainants "**in writing within seven working days of all city decisions on Short Term Rental complaints and appeals.**" The process of evaluating a complaint, obtaining and reviewing relevant information, and getting to a decision will usually take more than seven days, as noted in our discussion following F5. The terms "decisions on [STR] complaints" used by the Grand Jury should perhaps be replaced by "actions related to [STR] complaints". For a minor complaint, the City Manager is empowered by the STR Ordinance (2016-03) to decide a complaint very quickly, even

within hours. But a decision about a “significant violation”, described in detail in the ordinance (17.56.190 (6.26).R.6), may involve months of hearings, and litigation.

An improved recommendation, being developed by the Council and City Manager, is to implement a process of publicly posting the dates of “actions related to [STR] complaints”. Thus, a single complaint might involve many actions, over months, with each step transparently visible to all. The City Council will recommend the parameters of posting actions in a “timely manner”.

ATTACHMENTS:

- 1) March 18th 2018 Committee Report on STR Ordinance Implementation
- 2) Complaint Response Process outline

Finding for the City of Trinidad Short Term Rental Ordinance, Section 17.56.190

Councilman Jack West

March 7, 2018

Jim Baker and I agreed to work on finding solutions to some of the issues brought forth by residents of Trinidad concerning the City's STR Ordinance. Since most of the complaints to the City of Trinidad came from residents of Ocean Avenue, we decided to concentrate our efforts in this area, hoping to resolve issues there that could be used to solve problems throughout the City. Jim looked carefully at each of the STR's on Ocean Avenue, analyzing the issues with each home. We discussed and I agreed with his findings. I was more concerned with the City offices and their roles working with the community and taking care of STR business.

Parking:

One of the key areas of concern was parking. Homes on Ocean Avenue are bordered by Ocean Avenue and an alley. Either provides possible parking. Since most of the homes have converted garages into bedrooms or rentals, there is little garage parking in the alleys. Therefore, much of the STR parking is on Ocean Avenue. Jim and I spent some time surveying the alley to see if there was room for parking alongside these homes, but still leaving enough room for emergency vehicles. That information has been turned in to the City and needs to be addressed.

Parking is a sensitive issue and problems can clearly be observed by community members. It needs to be one of the top issues for the City. If residents cannot find parking because there are too many exceptions to the parking rules, or the off-street parking is not being utilized, more complaints will be filed. All parking should be carefully regulated with as few exceptions as possible. No rental permit should be dispensed without all parking spaces legally cleared by City staff.

Section 17.56.190 (6.26).M STR Standards defines parking:

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 should be encouraged to take up on-site parking and not to use available street parking of adjacent and nearby properties.

OWTS:

It is the responsibility of the City to make sure the OWTS standards are met for all STR's. The OWTS standards are recorded for every STR, but we found that some standards set for the rentals did not seem consistent. However, these standards are set and inspections are completed by outside staff who make recommendations to the City Manager and Inspector. Some of the STR septic systems are new, so they are given a longer time between services. Older systems may need to be inspected yearly. Since these organizations are the experts, it is important for us to follow their recommendations. There have been complaints about the OWTS regulations, so it seems the standards should be clear for both the City Manager and the community. Section 17.56.190 (6.26).M STR Standards defines septic systems:

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.

Signs:

Signs have been a small concern, but the rules are clear and yet not always followed. Vacation rentals are not required to install signs, but there are rules for those that have signs. Signage needs to be consistent and enforced. Section 17.56.190 (6.26).M STR Standards defines signs:

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.

Applications:

Both Jim and I saw complications with the permit paperwork handed in by applicants. Some of the applications were poorly completed, especially the site plans. Site plans need to be proportional to the home and easy for the City Inspector to follow. Many current site plans are not properly completed. The City Inspector should reject plans he feels are not complete. The City should provide a template and instructions to help the owner through this process. The City plans to make changes to this process in 2019.

Section 17.56.190 (6.26).E defines application requirements:

Application Requirements

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.

Complaints:

Trinidad does not have a large enough staff to take care of problems associated with STR's as efficiently as the community wishes. There are not workers on staff 24 hours per day, and no one working weekends. A sheriff's deputy is not on duty most of the weekend evenings when there may be issues with rental homes. However, the STR Ordinance outlines ways to report issues related to the STR Ordinance. Although a problem with an STR cannot be immediately dealt with by the City staff, there are ways it can be diffused through the STR owner or manager and staff. If this does not satisfy the community, the next step takes much more time and effort. Much of the enforcement falls on the shoulders of the City Manager, who was not solely hired to be the enforcer of ordinances.

We recommend the City Manager delegate responsibilities. There should be a systematic method to complaints that begins with immediate feedback to the claimant. Since the first response is an acknowledgement of the complaint only, it can be done by one of the clerks. The City Manager needs to review the complaint and send it to the staff member that is most qualified to deal with a complaint. With a planner, sheriff's deputy and building inspector on staff, the City Manager should find one of these professionals to follow up on the complaint. The enforcement then is shared among the Trinidad staff.

These were some of the issues we felt the City could consider to ease the workload and help share responsibility for STR issues:

- Be sure all requests or complaints from the community are immediately acknowledged.
Our new staff member is being trained for this process.
- Be sure that the "Meet and Greet" policy is followed (section 17.56.190 (6.26).M).
There needs to be a signature from the owner and the person greeted.
- Make sure all rentals are following the regulations listed in the ordinance.
The City is working to improve this process.
- Define who is responsible for enforcing and clarifying OWTS regulations.
The City is working to improve this process.
- Make sure all requirements for notifying neighbors of nearby STR's are being followed.
The City will be using the new staff member to improve this process.
- Be sure the correct official is taking care of permit inspections or complaints.
The City is working to improve this process.
- Make sure parking is clear for both visitors and STR owners, especially in the alleys.
The City will soon be putting signage in the alleys to maintain a 16' clearance for emergency vehicles.
- Use mediation and/or arbitration as a step to resolve disputes between residents and STR business.
The City is working to improve this process.

Overall Conclusions:

The City of Trinidad is going to have Short Term Rentals as part of the community. This town has been an attraction to people from all over the world and will continue to be a popular tourist area. By ordinance, we allow these rentals under the scrutiny of the City government. Almost all visitors and owners appreciate and respect our community interests, and our vacation rental businesses do a good job of taking care of their rentals and following the rules within the ordinance. However, there will be occasional problems that will cause issues with neighbors. This is unfortunate, but that is why there are methods for the public to file a complaint.

In addition to the Ordinance, we recommend a yearly community meeting with both rental businesses and community members to discuss STR issues. It should be held before new permits are issued and after the STR summer season is completed.

Rules for STR's should be strictly enforced so that there are fewer complaints. STR owners need to understand that the onus of maintaining their businesses responsibly falls on their shoulders, so they need to be cautious to whom they rent. Rentals in the City should be for families and friends, not for public celebrations or parties. STR's are expected to be used much like a family dwelling.

All of us, the citizens, STR owners, vacation rental businesses and City need to work together to make sure the ordinance has a chance to succeed. At this time, members of the community are concerned that the former VDU ordinance was not enforced properly and are putting a lot of pressure on City staff, the Planning Commission and the City Council to increase enforcement. Between the concerns of the citizens and the amount of work being asked of them to enforce this ordinance, the City is having a difficult time effectively carrying this out. My hope is that the community as a whole (vacation rental businesses and owner, citizens and the City) can give this new ordinance time to develop, to give the City time to take care of some of the issues that have plagued the STR business in the past.

We recommend the City Council develop an STR committee to review and update the STR Ordinance, consider methods to help with enforcement, and organize a yearly community meeting. The membership would be decided by the Council, but we would suggest at least one council member, a member of the community and an owner or local vacation rental representative.

Preliminary Findings and Opinions Regarding STR Materials

Gathered by a Trinidad Citizen's Committee

And Specific Findings Regarding Five Specific STRs on Ocean Avenue

by

Councilman Jim Baker

Preliminary findings and opinions regarding STR materials gathered by a citizen's committee including Dorothy Cox, Kathleen Lake et al

A) General Comments and Recommendations

I have the following specific recommendations after reviewing the license applications and citizen's committee notes, and discussing the issues with a cross-section of Trinidad citizens and the broader community:

- 1) The procedure of processing complaints needs to be streamlined to ensure fair and consistent results. A flowchart previously produced by planning commissioners Richard Johnson and Mike Pinske would be a good start toward more efficient structuring of these procedures. A copy of this flowchart is attached to this report.
- 2) The final decision to issue a notice of violation should be made by a committee of individuals which may include the City Manager, instead of the City Manager as the sole decision maker. This diffuses and democratizes the decision-making process to a greater extent and hopefully makes it less subject to criticism and accusation of self-interest.
- 3) I have come to the conclusion that the importance of the STR owner "meeting and greeting" STR guests in a personal manner cannot be overstated in setting the tone for an enjoyable and pleasant stay in Trinidad for guests and neighbors alike. This obligation should be emphasized in the investigation and processing of complaints and consideration of issuing violation notices.
- 4) I think that there should be more emphasis on the obligation as stated in the STR ordinance to engage in mediation in the event of an intractable disagreement between STR owners and neighbors over whether or not a violation of the ordinance has occurred. This should only take place if the normal complaint process has totally failed to satisfy both parties, but would allow a trained, neutral third party to suggest options for coming to a mutually satisfactory conclusion.

These recommendations are by no means exhaustive, but hopefully may serve to stimulate a productive discussion among the City Council, Planning Commission, STR business owners and community members regarding continuing improvement in the implementation process of the City's STR ordinance.

The citizen's committee's complaints and questions focused on the following general areas of concerns:

- a) Inadequate onsite parking spaces.
- b) Inadequate OWTS systems.
- c) Complaints about existence of accessory units on a single parcel sometimes being advertised as separate STRs, illegal second unit conversions, and "multiple households in single family dwellings".
- d) General nuisance complaints such as noise, abusive language and behavior by guests, speeding in alleys, excessive guests overnight, dog issues, etc. as covered under section 17.56.190 (6.26).M (STR Standards) of the STR Ordinance.
- e) Improvements needed in the complaint process itself, including simplifying and more efficiently structuring the process and improving response time.

Onsite Parking

Since adequate onsite parking is a critical issue, especially in clustered neighborhoods like Ocean Avenue, a survey was completed in the summer of 2017 to define the limits of the public rights-of-way on Ocean Avenue and the alley to the rear of the STRs located on the east side of Ocean Avenue. These lines were then superimposed on an aerial map to illustrate the limits of allowable onsite parking per section 17.56.190 (6.26).M.3 of the City's STR Ordinance. The City is currently in the process of determining whether or not alley parking may extend into the 20' alley-right-of way and if so, by how much. This decision will affect future decisions regarding how many off-street parking spaces will be available for each STR application. In addition, hedges and other landscaping extending into the public street right-of-way at 407, 357 and 308 Ocean Avenue have been or soon will be removed to allow for six more public parking spaces. In addition, the owners of 308½ Ocean Avenue have moved a fence and increased the width of the existing onsite driveway by two feet at this legal nonconforming dwelling unit to add another legal onsite parking space. All of these changes will help to alleviate pressure on parking along Ocean Avenue in an area of existing STR clustering.

Section 17.56.190 (6.26).H.2 of the original 2014 VDU ordinance allowed for administrative exceptions for the minimum number of onsite parking spaces required for VDU approval (one space per two occupants). An administrative exception was allowable if the VDU had been in existence for a minimum of two years and could not "feasibly comply" with the ordinance parking requirements. The amended 2016 STR ordinance followed up on this administrative exception clause by stating that "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" in Section 17.56.190 (6.26).M.6.

OWTS Systems

Unless noted otherwise, all of the following STRs have valid OWTS permits, subject to regular maintenance as required by those permits.

Detached Living Spaces and Accessory Units

The Planning Commission will be developing clearer definitions of detached accessory structures on single parcels and permitted uses of such structures in the coming year.

Nuisance Complaints and Processes

This subject is covered in Section 17.56.190(6.26).E.2 (Contact Information) of the STR Ordinance. The limited City staff and lack of redundancy in staff job responsibilities puts real limitations on response time for complaints and public records requests. Realistic strategies for dealing with this limitation need to be developed, clearly defined to the public, and adhered to. I think that dealing with this issue is one of the most important things the City can do to improve our relationship with the public that we serve.

Miscellaneous

The quality and accuracy of the site plans and floor plans on previous STR applications varied widely, from rough hand drawn sketches with no dimensions to CAD or professional draftsman quality renderings which would be suitable for building permit applications or construction drawings. I suggest providing applicants with "sample" site plans and floor plans showing minimum requirements for these documents which will better enable proper inspections to take place. The STR Ordinance minimum requirements are that the drawings be "to scale". This indicates that in the absence of shown dimensions, it should be possible to accurately determine them by scaling them from the drawing.

B. Findings Regarding Five Specific STRs on Ocean Avenue

We confined the findings on specific STR applications to five locations on Ocean Avenue because of the "clustering" effect they were having on this particular neighborhood, thereby magnifying the importance of making certain that their license applications were being reviewed in conformance with the City's new STR ordinance.

1) 363 Ocean Avenue –McCarter

2016-17 license application copies and committee notes superimposed on it indicate that this STR is licensed for three bedrooms and 8 occupants. Inspection performed by John Roberts.

Site and floor plans appear inadequate, including the fact that they contain no dimensions whatsoever. An attic space converted to a children's playroom is not shown on the floor plans.

Site Plan indicates three parking spaces in front of house, parallel to Ocean Avenue. In fact, front yard landscaping extends to the public r-o-w line and there is no existing onsite parking in the front area of the lot. What appears to be a converted garage is located in the rear of the lot. The northeast corner of this garage is 10'11" west of the west r-o-w line of the alley, and the southeast corner is 8'0" west of the line. A fence parallel to the alley and south of the garage is 8'2" west of the line. The width of the lot is 50'. One standard parking space of 8'6" X 18'0" parallel to the alley would fit entirely in the northerly half of this space. If an allowance were given to let the space extend a few inches into the alley r-o-w to allow another parallel parking space in the southerly half of the 50' alley frontage, two legal parking spaces could be accommodated within this area. However, the southerly space would block the entryway into the converted garage structure. According to the City Planner's application checklist, there are no onsite parking spaces available for STR occupants, but an administrative parking exception was granted under the conditions specified in the City STR ordinance.

At the time of the STR license application, an application had been made to the City Planner to allow a converted garage structure in the rear of the property to either be grandfathered in as a legal nonconforming 2nd unit (accessory dwelling unit) or additional living space (detached accessory structure). This cannot be rented as a second STR in addition to the main structure.

The 2017-18 license application indicates that the STR is still licensed for three bedrooms, and specifies a maximum occupancy of 6 adults and 2 children. The site and floor plans still contain no dimensions, and the proportion of the main residence structure shown on the site plan is totally different than that shown on the floor plan. This indicates that one or the other, or both, of the sketches are not drawn to scale. No scale for the sketch is shown on either of the drawings so it is impossible to check the accuracy or square footage of either one without onsite measurement by the City inspector. The location of the septic system is indicated by a single rectangle, without specifying the locations and sizes of the both the leach field and septic tank. I would classify both drawings as schematic rather than "roughly to scale", and encourage the City to include sample site and floor plan drawings with STR application forms in order to provide more guidance to applicants regarding what is expected in this regard. A sample plot plan from the Humboldt County Planning Department is attached to this report as an example. This could be simplified or revised by City Staff to suit Trinidad's requirements for its STR license applications.

The 2017-18 license application, like the one from the previous year, continues to include three parking spaces within the public right-of-way on Ocean Avenue in front of the property as "off street" spaces. This is simply not the case. There may be a maximum of two off street spaces adjacent to the alley in the rear portion of the property, depending upon the City's pending determination of the maximum encroachment of such spaces into the alley right-of-way without inhibiting access of fire suppression vehicles in the course of their work.

2) 381 Ocean Avenue –Sterling

The site and floor plans on the 2016-17 application also appear inadequate, including the fact that they contain no dimensions whatsoever.

This application indicates a one bedroom STR with 2 adults and one child maximum occupancy in the main residence. There is a converted garage structure in the rear of the lot which has been approved by the City as a detached accessory structure without a kitchen, and is rented to a tenant who has access to the kitchen in the main structure which is utilized as the STR on the parcel. This arrangement is memorialized in the STR contract and understood by STR occupants prior to signing the contract. An

appeal was filed before the Planning commission regarding the City determination that the detached structure is a detached living space rather than a detached dwelling unit, and that determination was upheld. Building Inspector John Roberts inspected this structure again in 2016 and in his report to the Clerk and City Manager dated August 31, 2016 found that it was still being utilized as a "detached bedroom with full bath, and a small sitting room with a sink, counter and fridge and that no cooking facilities exist". In an emailed complaint response to members of the neighborhood citizen's committee dated April 26, 2017, City Manager Dan Berman confirmed that it was still being utilized as a "detached living space" which is a permitted use and would be re-inspected along with the main house as part of the current STR application process.

As pointed out by a citizen complaint, an April 2017 advertisement for this STR stated "Off-street parking, located right in front of the house, is available for up to two vehicles during your stay". Although implied by the original site plan indicating two "unofficial" parking spaces in front of the house, in fact there is no room for off-street parking in that area outside of the Ocean Avenue right-of-way, as determined by the 2017 right-of-way survey.

An administrative exception has been granted for one off-street parking space, as allowable under section 17.56.190 (6.26).M .6 of the STR Ordinance. There is one onsite parking space indicated on the STR application and designated "official parking space" on the site plan. In fact, this space is presently being utilized as a patio adjacent to the detached accessory structure, although it could easily be converted to a parking space by removing plants, outdoor furniture, etc. and opening the gate adjacent to the alley. The area fronting on Ocean Avenue on the site plan designated "unofficial parking" is in fact within the public right-of-way. Another area in the rear of the lot adjacent to the alley is shown on the site plan with the same designation. The distance between the rear of the accessory structure and the alley r-o-w varies between 6 and 6 ½ feet, so two legal parking spaces parallel to the alley would be possible in this area if they were allowed to extend about 2 feet into the alley r-o-w. This option is pending a City decision regarding the necessary unobstructed width necessary within the alley at all times for passage of fire fighting vehicles.

The 2017-18 application indicates a one bedroom STR with a maximum occupancy of two adults and two children as allowed in the ordinance, which differs from the 2016-17 stated maximum occupancy of two adults and one child. The site plan appears to be unchanged from the 2016-17 one. My copy of the 2016-17 application does not contain a floor plan. The 2017-18 application does include one, but without any dimensions nor scale. My comments regarding parking at this STR for the previous application continue to apply to the 2017-18 application, as far as I can ascertain, as well as my previous comments regarding the structure in the rear portion of the property

3) 407 Ocean Avenue – previously owned by Reinmans

This residence is under new ownership, but was previously licensed in 2016-17 as a 3 bedroom STR with 6 occupants and 3 off street parking spaces. Although these spaces are not shown on the site plan, they would be in the front driveway and garage, and a single legal onsite parking space at right angles to the alley in the southeast corner of the parcel.. The structure in the rear of the parcel which appears to have once been a garage is set back only 2 ½ feet from the alley r-o-w line. If parallel parking spaces were allowed in this area, they would be encroaching 6 feet into the alley right-of-way. There is one inspection performed by Dan Berman.

The new owner of 407 Ocean, Michelle McHenry, reapplied in time for the 2017-18 licensing period. The new application was for 3 bedrooms as was the previous one. Stated maximum occupancy was for 6

adults and 2 children. The application stated that Ms. Henry was presently occupying the main residence and only intended to rent the "attached suite", which would have a maximum occupancy of two guests under those conditions. The new application indicated a total interior area of 2305 square feet, while the previous one indicated the total as 1800 square feet. This may have been because the new application included the areas of the residence and the rear structure, while the previous one may have only included the main residence. Without any dimensions shown on the application site plan, that could not be determined without a City inspection and onsite measurement.

4) 461 Ocean Avenue –Covney

2016-17 license application indicates that this STR is licensed for two bedrooms and 6 occupants. Inspection performed by Sandra Cuthbertson. Three off street parking spaces are indicated on the application, and shown on the site plan as all being in the front driveway. In addition, there is room in the rear of the parcel for four additional parking spaces. This rear area is adjacent to a legal non-conforming accessory dwelling unit which is not supposed to be utilized as a 2nd STR on the property.

The 2017-18 license application is essentially the same as the previous one, with the exception that the total interior area is listed as 1500 square feet on the latest one, and 2000 square feet on the previous one. The 2017-18 site plan is updated from the previous one to include the floor plan of the accessory dwelling unit in the rear of the property, along with the four legal parking spaces in the northeast portion of the parcel. The floor and site plans for this application are the only ones of those reviewed to show dimensions, with an approximate scale of about 1" = 13', although the scale is not actually shown on the plans themselves.

4) 495 Ocean Avenue –previously owned by Vallee Janes

License application indicates that this STR was licensed for three bedrooms and 6 occupants. Inspection performed by John Roberts. Three off street parking spaces are indicated on the application, two of them in the rear garage and one compact car parallel to the alley adjacent to the garage. This 3rd space would have to extend 3 ½ feet into the alley r-o-w to meet the required width of 8 ½ feet.

This parcel was sold after the 2016-17 license year and so was not eligible for an STR license in the 2017-18 year. This reduces the total number of STRs in Trinidad toward the cap number, as defined by the STR ordinance. When the cap number is reached, it will be maintained at that level.

Councilman Jim Baker

Date

Councilman Jack West

Date

City of Trinidad

Working Draft STR Complaints Procedure

Step 1. Complaint made, acknowledged, and documented on Complaint Form.

Complaints to be made on an official City Complaint Form. Complaints received via phone, email, or other format will be responded to within one working (business) day with an acknowledgment, and a request to please complete the official Complaint Form. The Form will also be available on the City Website. Receipt of the Complaint form will also be acknowledged. Time Frame: Response within one business day.

Step 2. Share complaint with STR Owner. Make Information Requests.

City Staff will review the complaint, share it with the STR manager/owner, and request additional information as needed from all parties. This stage may involve conversations with all parties to clarify what happened.

Time Frame: three days to share complaint and request additional information. City will request that additional information be provided within a week of receipt of the request.

Step 3. Initial Draft Findings. City staff will produce an initial written draft of their determination within one week of receipt of all requested information. That draft will be shared with both parties for review and comment (one week allowed).

Step 4. Final determination. City Staff will produce a final written determination regarding the complaint and share with all parties .

Each complaint, and the progress of these steps in responding to it, will be tracked in a basic spreadsheet as well as a hard copy file.

Example timeline:

Step 1. Complaint received Saturday March 10 via email

Acknowledgment and request for Complaint Form provided Monday March 12. Completed Complaint Form accepted Tuesday March 13th.

Step 2.

City reviews complaint, shares with STR owner/manager, and requests additional information via letter no later than Friday March 16th. The letter provides the manager with one week to respond (by March 23).

Step 3. City reviews information and issues draft determination within one week, by March 30th.

Step 4. After reviewing any responses to draft determination, City issues Final Determination approximately one month from receipt of complaint.