



## MEMORANDUM

**To:** Trinidad Planning Commission

**FROM:** Trever Parker, City Planner

**DATE:** July 5, 2016

**RE:** VDU Agenda Item (July 7)

I do not have much new to report for this meeting, which will be a continued discussion of the ordinance amendment, focusing on five topics: definition(s) of different types of VDUs/STRs, cap(s), buffer(s), transferability and enforcement. However, I wanted to help you start putting together your recommendations to the Council. You have talked about using a table similar to that used for the Council recommendations to the Commission. I have started a possible template below. I have included draft recommendations that have been discussed thus far, but most have not been voted on, and so this is still very much a draft.

ISSUE	PLANNING COMMISSION RECOMMENDATION	KEY REASONS	VOTE
Should there be any limit or cap on VDUs?	Yes	<ul style="list-style-type: none"> <li>Too many existing VDUs</li> <li>Change community character</li> <li>Neighborhood conflicts</li> <li>Decreased affordability</li> </ul>	NA
Cap Details – How many, and what mechanism.	Fixed number by zone and City-wide total: <ul style="list-style-type: none"> <li>UR: 19</li> <li>SR: 6</li> <li>Total?</li> </ul>	<ul style="list-style-type: none"> <li>Similar reasons as above</li> <li>UR = 15% of developed lots (does not include second units)</li> <li>SR = 20% of developed lots</li> </ul>	4-1
Density / buffer restriction*	100 ft. from property lines (not voted on)	Reduce clustering	NA
Treat partial owner-occupied (or hosted*) differently?	Hosted and non-hosted is the distinction in the current amendment.	Having a host present on the property reduces the likelihood of nuisance impacts	NA
Require 'activity' on License?	60 days activity (nights rented) per year.	To ensure STRs (VDUs) are providing the intended benefits to visitors and providing TOT revenue.	NA
License Term	Annual to 5 years has been discussed.		NA

ISSUE	PLANNING COMMISSION RECOMMENDATION	KEY REASONS	VOTE
Transferability of Permits	Not transferable except for specific exceptions for immediate family (spouse, kids) and family trusts.	To provide for attrition (transferability may not be a big issue if permit terms are limited)	NA
If a cap goes into place that is lower than current VDU #, how do we get there?	Possibilities discussed: <ul style="list-style-type: none"> <li>• Attrition</li> <li>• Limit permit terms (2-5 years)</li> </ul>	Balance speed and fairness	NA
How do we manage a waiting list for permits?	<ul style="list-style-type: none"> <li>• First come first serve is in the current amendment.</li> <li>• A lottery is also being discussed</li> </ul>	Fairness	NA
Other Issues*:	Enforcement is the big issue, but there is a long list of other, mostly minor, amendments that have been added.		NA

\*Not part of the Council recommendation table

The following is a very brief list of the changes that have been made to the ordinance thus far (in the order in which they appear in the ordinance):

- A variety of definitions have been added and amended
  - Dwelling, good neighbor brochure, event, existing STR, host, hosted STR, occupant, responsible permits, STR, non-hosted STR, STR watch list
- A requirement for building inspections has been added along with a requirement to do upgrades per the building inspector's recommendations (not necessarily to code)
- Acknowledgement and agreement by owners to run their VDUs in accordance with the ordinance
- Removal of the hold harmless agreement requirement.
- Increase in the neighbor notification requirements
- Change in the date of the annual renewals to Feb. 1
- Presumption of annual renewal if standards are met
- Addition of a license wait list (currently first-come, first-served)
- Stricter standards for the local contact
- Cap
- Grandfathering provisions
- Buffer in the UR zone
- Stricter standards on other uses of the property
- Reduced occupancy within the buffer
- Additional parking standards

- Guest registry
- Reduction in the allowable number of visitors
- Minimum rental activity requirement
- Specific requirements for the transmittal of rules to renters and a requirement that the managers meet them onsite upon arrival
- City Manager allowed to enact additional administrative standards
- Provisions for a property watch list
- Additional details on the complaint process.
- Specific examples of significant violations
- Revision of the home occupation rules to eliminate the allowance to rent space to two tourists without a permit

Another part of your recommendations could be specific staff reports, ordinances, minutes, etc. that you want the Council to review. They have access to all of the documents, and I will provide them a summary. But let me know if there is something that you particularly want the Council to review. Otherwise I will work with Mike and Dan on what to give to the Council.

While looking for transferability language, I reviewed Pacific Grove's ordinance again. I just wanted to remind you about it, since it addresses many of the issues Trinidad is trying to address. Of particular interest for the current discussions may be the "license denial or revocation" and "penalties" sections near the end of the ordinance.

However, I did not find any transferability language that seemed to do what you have indicated that you want. I think we will need some help from the City Attorney to draft that. I think your recommendation is specific enough to send to the Council without the actual language though.