

Second Supplemental Staff Report – VDU Cap January 20, 2016 Regular Planning Commission Meeting

Overview

At the December 3, 2015 Planning Commission meeting, some progress was made toward addressing the set of issues needing to be addressed in order to institute a cap on the number of VDUs as identified by the VDU Committee, City Council and staff. The direction that was generally given by the Commission was for staff to provide sample language for a cap on the total number of VDUs, with an additional distance or density restriction in the UR zone. There was also a request for some sample language for grandfathering in existing VDUs. Enforcement was also a topic of primary interest to both the Commission and the public.

There are still a number of other issues that need to be addressed, but the Planning Commission expressed an interest in seeing some sample language at this point. As I reviewed other ordinances, the easiest thing was to just copy and paste whole sections that addressed identified issues into a new document. I also copied and pasted a few sections that addressed issues that may not have been previously brought up but that I thought the City may want to consider. That document (Attachment 1) is not really well organized, but does provide several examples of different ways to address similar issues. I have attached that document to this staff report, because I think it will be useful in your consideration of the issues in Trinidad.

However, I also wanted to more formally present some sample language where there has been some clear direction given to staff. Therefore, I have broken down the following information and ordinance excerpts by the same list of issues included in the original staff report (Oct. 21, 2015). In many cases there were multiple examples of ways to address these issues and so I included those in Attachment 1 for consideration. In other cases, I did not have any appropriate examples from other ordinances. For each issue I have provided some additional background information as well. The sample ordinance language is separated from the staff report by boxes. I noted where the language came from, but have put it into section numbers or ?? for new sections that correspond with Trinidad's existing VDU ordinance. In many cases, I have actually amended the existing language, using track changes for the edits so that it makes sense in the context of Trinidad. I have attached Trinidad's existing VDU ordinance for reference (it is the final version even though it still states 'draft' in the watermark.)

Definition of VDU

The definition of VDU was not on the VDU Committee's or Council's list of issues, but I added an "other" to the list for Planning Commission consideration. There are a few places in the existing ordinance where staff has identified a need for clarification. In addition, there is also room to add some provisions / ideas from other jurisdictions in order to improve the existing ordinance since it is being amended anyway. The definitions section is also where the City might start to address the issue of hosted homestays / individual room rentals as something different from a VDU, which has been brought up by the Council and the public (Attachment 1). Seasonally owner-occupied VDUs have also been suggested to be treated differently.

The current definition of VDU has been problematic, and needs to be clarified. It was based on a definition that is found within the City's TOT ordinance. The problem that has been encountered with the existing definition is that it is broad and ambiguous, especially when considering the

limitation allowing only one VDU per parcel. It was unclear how that language should apply to properties with multiple units. The City Attorney has provided the opinion that, under the current definition, detached units could not be rented out together as one VDU, but that attached units could be. This interpretation has not been satisfactory to everyone. Therefore, staff would propose amending the definition to clarify exactly what the City wants to see. The definition included below would not allow attached or detached units to be rented together as part of one VDU. Language could be added to allow more than one VDU on a parcel with approval of a Use Permit or other kind of exception (example provided below).

The definition included below was modeled after the County of Santa Cruz. Because the definition includes the term ‘dwelling unit’, it incorporates that definition from the Trinidad Zoning Ordinance (§17.08.205: "Dwelling unit" means one room, or a suite of two or more rooms in a building designed for, intended for, or used by one family, which family lives, sleeps and cooks therein and which unit has one kitchen or kitchenette.) The sample definition may require new definitions for ‘owner’ and or ‘agent.’

17.56.190.B Definitions

5. Vacation Dwelling Unit

“Vacation dwelling unit” means a dwelling unit, (other than manufactured homes in a mobile home park), where the owner /agent does not live in the dwelling unit while it is rented for use as a vacation rental and no one but the renter of the vacation rental dwelling and guests of the renter live in the dwelling unit while it is rented for use as a vacation rental and the entire dwelling unit is rented for the purpose of overnight lodging for a period of not more than 30 days other than (1) ongoing month-to-month tenancy granted to the same renter for the same unit, (2) one less-than-30-day rental per year, or (3) a house exchange for which there is no payment.

Where there are multiple legal dwelling units on a site, the owner / agent may live in one of the dwellings that is not being rented as a vacation dwelling unit. Renting of individual rooms does not constitute use of a dwelling as a vacation dwelling unit. Vacation dwelling units may include the use of accessory structures associated with a residence (e.g. garages), but accessory structures that are not legal dwelling units shall not be, by themselves, a vacation dwelling unit.

Total Cap

There seemed to be general agreement on a City-wide numerical cap.

17.56.190.?? Number of VDUs Allowed

In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, the total number of VDU permits issued by the City pursuant to this Section shall not exceed ##.

Neighborhood Cap

17.56.190.F Location

VDU’s are permitted only in legally established dwelling units within the Special Environment, Suburban Residential, Urban Residential, Commercial, and Planned Development zoning districts. ~~VDUs are also permitted in a legally established Accessory Dwelling Unit subject to meeting the requirements of this Section.~~ Each separate VDU must obtain its own, individual VDU License.

There shall be no more than one VDU per parcel unless a Use Permit is approved by the Planning Commission.

Within the Urban Residential (UR) zone, no new VDU shall be located within ### foot radius around another existing VDU. These same distance applies to other types of visitor-serving accommodation (i.e. Bed and Breakfast or **Homestay**.) Distances shall be measured from the closest property line of the existing VDU, and/or other visitor-serving accommodation, to the closest property line of the property containing the proposed VDU. This location standard can be modified through approval of a Use Permit.

I added the Commercial zone to the list of zones where VDUs are allowed. The C zone was included in the City's original ordinance, but the Coastal Commission requested the change to avoid conversion of caretaker type units in non-residential zones. At the time, so many changes to the ordinance were being requested by Coastal Commission staff that this one did not get heavily scrutinized. However, there are two existing VDUs within the Commercial zone that are probably in ideal locations and situations for VDUs, at least in terms of neighborhood character. These include the apartment above the Eatery (which is lived in by the owner during the off season), and the Seascape House in the harbor area. I believe those fit under the existing ordinance because they are "legally established Accessory Dwelling Units."

I also added some language to this section requiring a certain distance between VDUs in the UR zone as requested at the last meeting. This language was taken almost directly from San Luis Obispo County. I have included some maps for you showing what various distances might look like. Distances can be measured from the property line, or from the center of a property to account for larger parcels. The distance restriction from other visitor service uses does not have to be included.

I highlighted the term "homestay" because it is not currently considered a separate use from a VDU under Trinidad's current regulations. This would be similar to a 'hosted accommodation' or similar term seen in other ordinances. Many communities regulate short-term rentals in which the owner lives on-site differently from non owner-occupied VDUs.

Finally, I added some language that allows exceptions to these standards to be granted with approval of a use permit. The existing VDU ordinance does not have any allowance for exceptions to the standards. This is something that is commonly allowed in other jurisdictions and was also suggested by the City Attorney. This allowance provides for appropriate exceptions to be considered on a case-by-case basis where VDUs are not causing problems.

Minimum License Activity

The Council was mostly in favor of this, but the Planning Commission has not weighed in. I have not found an example of this requirement in the ordinances I have reviewed, and so have not provided any draft language at this time without further guidance.

License Term

The City Council expressed a preference for an annual permit term with renewal guaranteed as long as all required standards are still met, which is consistent with the language below. As an alternative, Cannon Beach OR had a similar requirement for VDUs in existence when the ordinance was adopted. (Their ordinance instituted a cap at the number already in operation.) However, for

new VUD licenses, they enacted a 5-year expiration term and then that permit goes into a lottery once it expires; the existing license holder is not eligible for the lottery. This would spread the opportunities for VDUs around and discourage VDU investors / speculators. Cannon Beach also allows only one VDU license per property owner in Attachment 1.

17.56.190.D

2. Renewal

VDU Licenses shall be renewed annually. The fee for annual renewals for subsequent years shall be set by resolution of the City Council. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal application.

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 VDU, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of a VDU License for an existing VDU will be approved as long as all applicable standards are still met.

Transferability

There was general agreement by the Council that permits should not be transferable as long as that would be legal. That restriction seems to be fairly common in VDU regulations, and I found several examples. The strictest option would be to have the permit completely non-transferable, but I did provide some alternatives in Attachment 1. One alternative option that might be worth considering would be Cannon Beach’s allowance for property transfer to a spouse. Considering community property rights in CA, spouses would probably be owners in some form anyway, so that may not be necessary. There is also an example, from the City of Napa, that allows transfer of a VDU license to a new owner.

17.56.190.?? Transferability

Zoning Permits shall run with the landowner and shall automatically expire upon sale or transfer of the property.

Grandfathering / Attrition

This is another category where there has been general agreement that existing VDUs would be allowed to continue to operate even if they would not conform to more recent standards such as a cap or distance restriction. Note that attrition language may only be necessary if the cap is set at or below the existing number of VDUs. But it would also address existing VDUs that would not meet a new distance restriction. I have not found an ordinance that capped VDUs at a number less than that existing at the time the ordinance was adopted, so I did not have a good example of this kind of language for attrition. But I think the language below would cause attrition to occur naturally as permits expire through property sales, revocations or if an owner chooses not to renew.

17.56.190.E Effect on Existing VDUs

Existing VDUs (*may need a definition*), in excess of the number allowed in §17.56.190.??, or that do not meet the minimum distance between VDUs in the UR zone as required by §17.56.190.F, that hold a valid VDU license issued by the City, shall be allowed to continue to operate under that VDU license as long as the permit is renewed in accordance with §17.56.190.D.2 unless or until such time as the permit is revoked pursuant to §17.56.190.L (*violations*) or (*refer to license activity requirement if included*) or until the VDU license expires pursuant to (*refer to property transfer*).

Waiting List

The final issue addressed by the City Council was how to deal with a waiting list of people who want a VDU license if a cap is implemented and no more licenses are available. Most people (public and Council) favored a first-come-first-serve wait list, which is what is included in the sample language below. However, there were some suggestions to prioritize the list of those requesting VDU permits such as giving registered Trinidad voters or owner-occupied VDUs preference. Most examples from other ordinances were based on first-come-first-serve. But Cannon Beach has a random lottery (see Attachment 1). A prioritized list would have to be tailored to Trinidad's priorities and discussed further.

17.56.190.D**4. Application Wait List**

It is the City's intention to maintain ### VDU Licenses. When a VDU License is revoked pursuant to §17.56.190.L (*violations*) or (*refer to license activity requirement if included*) or until the VDU license expires pursuant to (*refer to property transfer*), the City will accept a new application for a VDU License as follows. The City will maintain a waiting list of property owners who are interested in obtaining a VDU License for their dwelling unit. A property owner may place his or her name on the waiting list at any time. Names will appear on the waiting list in the order in which they are received. When an opportunity for a new VDU License arises, the City will select the first name from the waiting list. That person will have 90 days to submit a VDU License. If the person so selected does not obtain a VDU License within 180 days, the next name will be selected from the waiting list.

Other issues

I already addressed the definition of VDU above. One of the other issues that keeps coming up is that of enforcement. The existing VDU ordinance refers to other City code sections dealing with violations. Section 17.76.050 of the zoning ordinance that is referred to is outdated and only refers to misdemeanors, which are crimes and so have to go through the legal criminal process. The nuisance abatement process is also referenced in the VDU ordinance. The City does have a relatively recent and robust nuisance abatement ordinance. However, that process generally takes a substantial amount of time (at least a few weeks), and so is not adequate for complaints such as noise, parties and traffic. Another option would be to allow for violations to be considered infractions, and, as I understand it, a ticket could be issued by a police officer. Section 1.08.010 of the Municipal Code does include this provision. However, without a police presence at night and on the weekends, this probably still has limited usefulness. In addition, the VDU ordinance can not refer to code sections that have not been certified by the Coastal Commission without certifying those sections of the code.

But I think the most powerful enforcement tool is the option for the City to revoke VDU licenses, particularly if a cap is enacted. That also really puts the onus on VDU owners and managers to ensure their renters do not violate the rules. There will still likely be a few isolated incidents, but parties occur at a long-term rentals and owner-occupied residences as well. With VDUs, there will be a 24-hour contact person with an obligation to respond in a timely manner. The City's existing VDU ordinance allows revocation of a VDU license after more than two significant violations occur in a 12 month period. However, significant violations are not well defined.

17.56.190 (6.26).L Violations**1. Penalty**

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. *[I think that as part of this amendment, this section of the zoning ordinance should also be updated and amended to include infractions.]* Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these VDU regulations by way of nuisance abatement action. 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. Revocation

If the VDU owner or property manager is deemed by City staff to be negligent in responding to a ~~emergency situation~~ 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 VDU License may be revoked. ~~Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement.~~ 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 VDU application. Revocation may be temporary or permanent depending on the nature and number of the violations.

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 a timely manner [timely manner may need to be defined]
- (ii) The inability of City staff or the Sherriff's Dispatch to reach a contact person.
- (iii) Violation of the VDU maximum occupancy, parking, noise and other requirements as set forth in Section 17.56.190.H.
- (iv) Failure to notify City staff when the contact person or contact information changes.
- (v) Failure to pay fees or TOT in accordance with this Section.
- (vi) Providing false or misleading information on a VDU License application or other documentation as required by this Section.
- (vii) Violations of state or County, or City health regulations

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 VDU
- (iv) Signed affidavits from neighbors or other witnesses
- (v) Other documents which substantiate allegations of significant violations.

3. It is unlawful to make a false report to law enforcement regarding activities associated with vacation rentals.

Attachment 1 – Sample Ordinance Language

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January 20, 2016 Regular Planning Commission Meeting

The following consists of excerpts from VDU ordinances that address issues that have been identified by the VDU Committee, City Council, Planning Commission, staff or public that I thought would be worth considering. I have categorized them by issue. All the text below are direct quotes except for where I identified what jurisdiction the language came from or made notes in brackets.

Purpose

The purpose of this chapter is to protect the character of the city's residential neighborhoods by limiting and regulating the transient rental occupancy and the vacation home rental occupancy of dwelling units. In the adoption of these regulations, the city finds that the rental of dwelling units for periods of thirty days or less has the potential to be incompatible with surrounding residential uses. Therefore, special regulation of dwellings used for transient rental occupancy or vacation home rental occupancy is necessary to ensure that these uses will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located. [Cannon Beach, OR]

Definitions

“Vacation rental” means a single-family dwelling unit, duplex, or triplex (including condominium and townhouse units, but not including apartments or manufactured homes in a mobile home park), where the owner/operator/contact person/agent does not live in the dwelling unit while it is rented for use as a vacation rental and no one but the renter of the vacation rental dwelling and guests of the renter live in the dwelling unit while it is rented for use as a vacation rental and the entire dwelling unit is rented for the purpose of overnight lodging for a period of not more than 30 days other than (1) ongoing month-to-month tenancy granted to the same renter for the same unit, (2) one less-than-30-day period per year, or (3) a house exchange for which there is no payment. Where there are multiple dwelling units on a site, the owner / operator / contact person / agent may live in one of the dwellings that is not being rented as a vacation rental. Renting of individual rooms does not constitute use of a dwelling unit as a vacation rental. Habitable accessory structures, nonhabitable accessory structures, second units constructed under the provision of SCCC 13.10.681, 13.20.107, or 13.20.108, and legally restricted affordable housing units shall not be used as vacation rentals. [Santa Cruz County]

“Vacation rental means any transient occupancy use for which the City has issued a vacation rental permit pursuant to this Section. The term “vacation rental” shall be used to include all vacation rental businesses operating pursuant to a “2009 Permit,” all “hosted accommodation” vacation rentals and all “non-hosted accommodation” vacation rentals. [City of Napa]

“Hosted Accommodation” means a vacation rental business for which the owner resides at the vacation rental unit, and the owner sleeps at the vacation rental unit while it is being rented, and no more than two bedrooms are rented for transient occupancy pursuant to this section. [City of Napa]

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“Responsible Person” means the occupant of a Vacation rental who is at least twenty-five (25) years of age and who shall be legally responsible for compliance of all occupants of the unit and / or their guests with all provisions of this Chapter and / or this code. [Palm Springs]

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To preserve town character and maintain the town as a residential community with limited commercial services, the County shall maintain, at all times, for new vacation home rentals or single unit rentals approved subsequent to the effective date of this section, a ratio of thirteen (13) long term residential dwelling units to either one (1) single-family rental or vacation home rental. The County shall not require any reduction in the number of vacation home rentals or single unit rental in existence on the date of certification by the Coastal Commission of this section. [Mendocino]

Cap

The number of vacation rental permits issued pursuant to this Section shall not exceed 41 non-hosted accommodations and 60 hosted accommodations. [City of Napa]

Distance Restriction

In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 100 feet of another parcel with a residential vacation rental and/or other visitor-serving accommodation. Distances shall be measured from the closest property line of the property containing the vacation rental and/or other visitor-serving accommodation to the closest property line of the proposed residential vacation rental unit. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required. [SLO County]

Distance Restriction

Within all residential land use categories, no residential vacation rental shall be located within (1) 200 linear feet of a parcel on the same side of the street as the vacation rental; (2) 200 linear feet of the parcel on the opposite side of the street from the vacation rental; and (3) 150 foot radius around the vacation rental. These same distances apply to other types of visitor-serving accommodation (i.e. Bed and Breakfast or Homestay.) Distances shall be measured from the closest property line of the existing residential vacation rental unit, and/or other visitor-serving accommodation, to the closest property line of the property containing the proposed residential vacation rental unit. This location standard can be modified through Minor Use Permit approval when a Development Plan is not otherwise required. [SLO County]

Density Restriction

In the Live Oak Designation Area and the Seacliff / Aptos Designated Area, no new vacation rental shall be approved if parcels with permitted vacation rentals on the same block total 20 percent or more of the total parcels on that block that allow residential use... In addition, not more than 15 percent of all the parcels that allow residential use ... may contain vacation rentals. (“Block” means the properties abutting both sides of a street extending from one intersecting street to another or to the terminus of the street.) [Santa Cruz County]

Per Parcel Limit

Only a single residence, and legally established guest house meeting current standards shall be used as a vacation rental. Only one (1) tenant shall be allowed on-site at any given time: second

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residences or accessory structures shall not be leased, subleased, rented or sub-rented separately from the main dwelling. Parcels containing multiple residences or habitable structures may only be used as vacation rentals subject to the granting of a Use Permit, except that two residences or structures may be used when the total number of guestrooms does not exceed five (5.) Tents, yurts and RVs are not allowed as a part of a vacation rental. [Sonoma County]

Max # of Tenancies

Rental of a residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied unit. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site. [SLO County]

One Rental Agreement Per VDU

Only one rental agreement per vacation rental unit shall be in effect at any one time. [City of Napa]

One VDU Per Owner

No person shall be issued a new transient rental permit who holds another transient rental permit. Converting or replacing a transient rental business license that exists on the effective date of said ordinance into or with a transient rental permit is not considered the issuance of a new transient rental permit. For the purposes of the chapter, “person” means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a natural person, or where the natural person has transferred his property to a trust where the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit that has a transient rental permit. If the owner is a business entity such as a partnership, a corporation, a limited liability company, a limited partnership, a limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such a person can have an ownership right, title, or interest in no more than one dwelling unit that has a transient rental permit. [Cannon Beach]

No other uses allowed

No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied unit. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site. [SLO County]

Inspections Required

At the time of application for a new transient rental permit pursuant to Section 17.70.020(F), or a new vacation home rental permit the dwelling unit shall be subject to inspection by the building official or his designee. The purpose of the inspection is to determine the conformance of the dwelling with the requirements of the Uniform Housing Code, 1988 Edition. Prior to the issuance of the transient rental permit or the vacation home rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the Uniform Housing Code.

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Beginning on July 1, 2005, and each year thereafter, there shall be a reinspection of twenty percent of the dwellings that have a transient rental permit so that, over a five-year period, all dwellings that have a transient rental permit will have been reinspected. A condition of granting the annual transient rental permit, where a dwelling has been reinspected, is that the owner of the dwelling shall make any necessary alterations to the dwelling required by the building official pursuant to the Uniform Housing Code. The required alteration shall be completed within thirty days of the building official notification of the required alterations. A failure to complete the alterations within the specified time period may result in the revocation of the permit pursuant to the procedure of Section 17.77.050(B)(7). [Cannon Beach]

Guest Registry

The property owner or the designated local representative shall maintain a guest and vehicle register for each tenancy of the transient rental or vacation home rental. The register shall include the names, home addresses and phone numbers of the tenants; the vehicle license plate numbers of all vehicles used by the tenants, and the date of the rental period. The above information must be available for city inspection upon request; failure to maintain or provide the required information constitutes a violation and is grounds for a penalty pursuant to Section 17.77.050. [Cannon Beach]

Permit Term / Renewal

Each vacation rental permit issued pursuant to this Section shall be subject to an annual permit review. No later than one year after the effective date of the permit, and no earlier than 275 days after the effective date of the permit, the owner shall submit to the Director the annual inspection fee along with all of the information set forth in this Subsection 17.52.515(H), documented in a form acceptable to the Director. For the purpose of this Subsection, "effective date" is as defined by Subsections 17.52.515(D)(8) and 17.52.515(1); and the first "effective date" of each 2009 Permit shall be April 1, 2016, unless otherwise specifically documented on the 2009 Permit. [City of Napa]

1. The owner shall pay the annual inspection fee established by City Council resolution based on the City's estimated reasonable costs to perform the annual inspections identified in this Section. The owner shall document compliance with the requirements of Subsection 17.52.515(E)(3).
2. The owner shall document compliance with all requirements of the Business License Ordinance (Chapter 5.04 of this Code).
3. The owner shall document compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.20, particularly Section 3.20.060, of this Code). The owner shall also document each date on which the vacation rental was rented during the previous term of the permit. If the owner fails to document rentals of at least ten days during the permit term, the Director may determine that the permit is inactive and ineligible for approval of an extended term.
4. The owner shall identify any notice of violation or concern (including any compliance order or citation issued by the City, or any concern or complaint identified by a neighbor) issued for the vacation rental use during the permit term, and shall document how the violation or concern has been addressed. If the Director determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, or welfare, the Director may determine that the permit is ineligible for approval of an extended term.

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5. The owner shall document that written notice was provided to property owners within 500 feet of the vacation rental unit, with the information required by Subsection 17.52.515(D)(7).

Following an annual permit review (pursuant to Subsection 17.52.515(I-9):

1. If the Director determines that the permittee is in compliance with all requirements of this Section and the permit, the Director shall provide written notice to the permittee that the permit term is extended for one year, and the notice shall identify the newly established "effective date" of the permit.
2. If the Director determines that the permittee has failed to comply with this Section or the permit, the Director shall either: (a) notice a public hearing of the Planning Commission pursuant to the criteria of Subsection 17.52.515(D)(5), or (b) provide written notice to the permittee that the term of the permit is expired.
3. Upon expiration of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.

Renewal

Commencing on July 1, 2005, any person who is permitted to engage in the rental of a dwelling for vacation home rental occupancy pursuant to Section 17.77.030(A) shall have obtained a revocable vacation home rental permit before the rental of the dwelling for vacation home rental occupancy. Application for such a permit shall be made upon suitable forms furnished by the city. The permit is valid for one year, or the remainder of the fiscal year in which the permit is issued, and must be renewed annually. Renewal of the permit requires a complete permit application and fee no later than on July 1st for the fiscal year commencing with that date. If a complete application and applicable fee has not been received by the city by August 1st of the applicable fiscal year, the vacation home rental occupancy of the dwelling unit shall be conclusively presumed to be discontinued and the city shall commence the revocation of the permit pursuant to the procedure described in Section 17.77.050(B)(7). [Cannon Beach]

Permit Term / Expiration

The maximum period of time that a person may hold a transient rental permit obtained by means of random selection, as described in subsection F of this section, is five years. At the end of the five-year period, a new a transient rental permit holder will be selected by means of random selection as described in subsection F of this section. [Cannon Beach]

Transferability

Permits for a single unit rental or a vacation home rental shall not be transferable in any way. [Mendocino]

Transferability

Zoning Permits shall run with the landowner and shall automatically expire upon sale or transfer of the property. [Sonoma County]

Transferability

A vacation home rental permit is issued to a specific owner of a dwelling unit. When the permit holder sells or transfers the real property, the new owner shall apply for and receive a vacation home rental permit before using the dwelling as a vacation home rental. [Cannon Beach]

Transferability

Each vacation rental permit issued in accordance with this Section shall be personal to the owner to whom the permit is issued, and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this Subsection. Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, that is not transferred in accordance with this Subsection shall be void, and shall constitute a violation of this Code. [City of Napa]

1. A Hosted Accommodation Vacation rental Permit shall not be transferred by any person.
2. A Non-Hosted Accommodation Vacation Rental Permit may be transferred by the permitted owner to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions set forth in this Subsection. No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the Director has approved the transfer of the permit in accordance with this subsection.
 - a. Prior to the expiration of the permit, the permitted owner shall submit to the Director a written notice of intent to transfer the permit to the purchaser.
 - b. Prior to the expiration of the permit, the purchaser shall submit to the Director all submittals and fee payments required pursuant to...
 - c. The Director shall evaluate and process the purchaser's application for approval, conditional approval, or denial, in accordance with the criteria set forth in...

Transferability

A transient rental permit is issued to a specific owner of a dwelling unit. The transient rental permit shall be revoked when the permit holder sells or transfers the real property which was rented pursuant to the transient rental permit except as provided below. For purposes of this section, "sale or transfer" means any change of ownership during the lifetime of the permit 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. A permit holder may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited 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 transient rental permit held by the transferor shall be revoked. [Cannon Beach]

Wait List

It is the city's intention to maintain ninety-two transient rental permits. When a transient rental permit is revoked pursuant to subsection E of this section, 17.77.040(A)(1) or 17.77.050, the city will accept a new application for a transient rental permit as follows. The city will maintain a roster of property owners who are interested in obtaining a transient rental permit for their dwelling unit. A property owner may place his or her name on the roster at any time. When an opportunity for a new transient rental permit arises, the city will select a name from the roster by means of a random selection. The person so selected will have one hundred eighty days to obtain a transient rental permit. If the person so selected does not obtain a transient rental permit within

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one hundred eighty days, a new name will be selected from the roster by random selection. [Cannon Beach]

A person who held a transient rental permit obtained by means of random selection as described in subsection F of this section, may not be considered for a new permit in the next lottery following the end of that permit's five-year period. [Cannon Beach]

Wait List (order of consideration)

Applications for ... vacation home rentals shall be considered and acted upon in chronological order from the date the application is received... [Mendocino]

Wait List

On or before January 1, 2017, and at least once per calendar year thereafter, the Director shall establish and update, in writing, a waiting list of applicants for a vacation rental permit, and a list of available permits (one set for hosted accommodations, and one set for non-hosted accommodations). [City of Napa]

1. Applicants included on the waiting list will include each application selected pursuant to Subsection 17.52.515(D)(2) for which: (a) a permit was not issued, and (b) the application was not denied pursuant to Subsection 17.52.515(D)(4). The order of applicants on the initial waiting list shall be as set forth in Subsection 17.52.515(D)(2).
2. The list of available permits shall identify the number of permits that are unissued or no longer in effect (based on expiration, termination, or lapse).
3. To the extent there are one or more permits identified on the list of available permits, the Director is authorized to evaluate permit applications, and process the applications for approval, conditional approval, or denial, in accordance with Subsection 17.52.515(D).
4. If the Director determines that additional applications are warranted (based on a comparison of the number of applicants on the waiting list to the list of available permits), the Director shall issue a written notice inviting applications for vacation rental permits, which shall be published and processed in accordance with Subsections 17.52.515(C) and 17.52.515(D). Any applicants selected by the Director in accordance with this Subsections 17.52.515(G)(4) and 17.52.515(D)(2) shall be added to the waiting list beginning with a number higher than the highest number on the waiting list.

Complaints

Complaints about possible violations of these standards should first be directed to the local contact person. If the local contact person is unavailable or fails to respond, the complaining party should contact the County Sheriff s Department (Dispatch). Sheriff Dispatch will attempt to reach the local contact person. If Sheriff Dispatch is unable to reach the local contact person because the contact person is not available or because current contact information has not been provided to the Sheriffs Department, the Sheriffs Department shall inform County Code Enforcement staff.

During normal business hours, complaints may also be submitted to County Code Enforcement staff. County staff will attempt to reach the contact person or will visit the property as appropriate. Complaints about alleged violations shall be documented by a County Code Enforcement Officer. County staff shall prepare a written report which describes the nature of the violation, when it occurred and how it came to the attention of County officials. In some

cases, a report may also be written by the Sheriff's deputy responding to the complaint. [SLO County]

Complaints / Violations

[Palm Springs 5.25.070 Operational requirements and standard conditions]

- (g) The Owner, or his or her agent, shall, upon notification that the responsible person, including any occupant and/or guest of the Vacation Rental unit, has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of provisions of the Municipal Code or any state law, shall promptly respond in a timely and appropriate manner to prevent a recurrence of such conduct by those occupants or guests. For the purpose of this Subsection (g) and Subsection (h) below, the phrase "in a timely manner" shall mean each of the following three components:
- (i) the use of reasonably prudent business practices to contact the Responsible Person within fifteen (15) minutes by telephone for a first incident reported from the Hotline;
 - (ii) in-person contact within forty-five (45) minutes for a first call from the Hotline if contact with the Responsible Person is not made by telephone and for each subsequent or successive incident during a Rental Term;
 - (iii) report back to the Hotline of the disposition and handling of the reported incident within forty-five minutes of each call from the Hotline.

[Note that Responsible Person is defined as: "an occupant of a Vacation Rental who is at least twenty-five (25) years of age and who shall be legally responsible for compliance of all occupants of the unit and/or their guests with all provision of this Chapter and/or this code."]

(h) Failure of the Owner or his or her agent to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the Vacation Rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this Chapter. It is not intended that the Owner, agent, or local contact person act as a peace officer or place himself or herself in an at-risk situation.

(i) [trash]

(j) [registration certificate and conditions]

(k) The Owner shall provide each occupant of a Vacation Rental with the following information prior to occupancy of the unit and/or post such information in a conspicuous place within the unit:

- (1) The name of the managing agency, agent, rental manager, local contact person, or Owner of the unit, and a telephone number at which that party may be reached on a twenty-four-hour basis;
- (2) The maximum number of overnight occupants and the maximum number of daytime occupants permitted to stay in the unit;
- (4) Notification that the amplification of music outside of the dwelling unit or otherwise audible at the property line is a violation of this Chapter;
- (5) Notification that the occupant may be cited or fined by the City and/or immediately evicted by the Owner pursuant to state law, in addition to any other remedies available by law, for creating a disturbance or for violating other provisions of this Chapter;

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- (6) Notification that failure to conform to the occupancy requirements of the Vacation Rental unit is a violation of this Chapter;
- (7) A copy of this Chapter of the Palm Springs Municipal Code, as may be amended from time to time.

- (n) The City Manager shall have the authority to impose additional standard conditions, applicable to all Vacation Rental units, as necessary, to achieve the objectives of this Chapter. A list of all such additional standard conditions shall be maintained an on file in the office of the City Clerk and such offices as the City Manager designates.
- (o) Notwithstanding the provisions of Subsection (n) above, upon a determination of good cause, the City Manager may impost 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 Vacation Rentals on the Property Watch List; and (3) and removal of a Vacation Rental from the Property Watch List.

[Note that Property Watch List is defined as: “one or more Vacation Rentals the City Manager has identified on the basis of good cause as properties that warrant a higher level of oversight, scrutiny, review or monitoring.”]

(p) [reasonable accommodation]

- (q) The City Manager shall have the authority to establish administrative rules and regulations consistent with the provisions of this Chapter for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the requirements and the provisions of this Chapter. A copy of such administrative rules and regulations shall be on file in the Office of the City Clerk.

Violations

[Palm Springs 5.25.090 Violations]

(a) Any person who uses, or allows the use of, residential property in violation of the provisions in this Chapter is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this Chapter. Violations are punishable pursuant to Sections 1.01.140 and 1.01.150 and the administrative citation provisions of Chapter 1.06 of the Municipal Code, except that the fine for a first violation shall be two hundred fifty dollars and each subsequent violation shall be five hundred dollars.

(b) Notwithstanding the provisions of Chapter 1.06, any citation or pre-citation or courtesy notice issued for violations specified in this Section may provide for a reasonable compliance date or time of less than fifteen calendar days but at least thirty minutes from the date or the time the citation or pre-citation notice is given if, due to the nature of the violation, a shorter compliance period is necessary or appropriate, as determined in the reasonable judgment of the city official issuing the citation or notice.

(c) Upon the fourth or subsequent violation in any twenty-four month period, the City Manager may suspend or revoke the Vacation Rental registration certificate for a Vacation Rental unit. The appeal and hearing provisions of Chapter 1.06 shall apply to any revocation or suspension of a permit.

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(d) Any person who fails to timely register a Vacation Rental or pay any fee or charge provided in this Chapter within the time required, shall pay a penalty in the amounts established by the City Council by resolution. Such penalty may also include interest from the date on which the fee or charge became due and payable to the City until the date of payment.

(e) The remedies provided for in this Section are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of this code or other public nuisance. (Ord. 1848 § 2, 2014; Ord. 1748 § 1, 2008)

Violations

It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties (including fines) and process for addressing a violation of this section are set forth in Chapter 23.10 of this Title (Enforcement). Additional penalties for violation of this section may include revocation of the Zoning Clearance and Business License. Violations that will cause the processing of Zoning Clearance revocation include:

- (1) Failure to notify County staff when the contact person, or contact information, changes.
- (2) Violation of the residential vacation rental tenancy standards as set forth in Subsection d.
- (3) Violation of the residential vacation rental maximum occupancy, parking and noise requirements as set forth in Subsections e, i and j.
- (4) The inability of County staff or the Sheriff's Dispatch to reach a contact person.
- (5) Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations of Subsection o, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Zoning Clearance. Signed affidavits by members of the community may be used to verify violations. Revocation of the Zoning Clearance shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing. [SLO County]

Violations

It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 19.01 SCCC, Enforcement of Land Use Regulations. If more than two documented, significant violations occur within any 12-month period a permit may be reviewed for possible amendment or revocation. Evidence of significant violations includes, but it not limited to, copies of citations, written warnings, or other documentation filed by law enforcement; copies of homeowner association warnings, reprimands, or other association actions; a permit holder providing false or misleading information on an application or renewal application; evidence of violations of state or County health regulations; evidence that a permit holder is delinquent in payment of transient occupancy taxes, fines or penalties; evidence of non-responsive management or that appropriate signage has not been maintained in compliance with this section; verified neighbor complaints of noise or other disturbances; or other documents which substantiate allegations of significant violations. In the event a permit is revoked based upon a review under this section, no application by the person or entity from whom the permit was revoked shall be filed for a vacation rental permit on the same parcel within two years after the date of revocation, without prior consent of the Board of Supervisors. [Santa Cruz County]

Violations – Revocation

4. In addition to the penalties described in subsections (B)(1) and (B)(3) of this section, the following sanctions will be imposed:
 - a. For the first two violations within a twenty-four-month period, the sanction shall be a warning notice.
 - b. For the third violation within a twenty-four-month period, the sanction shall be a suspension of the permit for thirty days.
 - c. For the fourth violation within a twenty-four-month period, the sanction shall be a suspension of the permit for ninety days.
 - d. For the fifth violation within a twenty-four-month period, the sanction shall be a suspension of the permit for one hundred eighty days.
 - e. For the sixth violation within a twenty-four-month period, the penalty shall be a revocation of the permit.
5. The city shall provide the permit holder with a written notice of any violation of subsection (A)(4) of this section that has occurred. If applicable, a copy of the warning notice shall be sent to the local representative.
6. Pursuant to subsections (B)(4)(b) through (d) of this section, the city shall provide the permit holder with a written notice of the permit suspension and the reason for that suspension. The permit holder may appeal the suspension to the city council by filing a letter of appeal with the city manager within twenty days after the date of the mailing of the city manager's order to suspend the permit. The city manager's suspension shall be stayed until the appeal has been determined by the city council. The city council shall conduct a hearing on the appeal within sixty days of the date of the filing of the letter of appeal. At the appeal, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may uphold, modify, or overturn the decision of the city manager to suspend the permit based on the evidence it received.
7. Pursuant to subsection (B)(4)(e) of this section, the city shall provide the permit holder with a written notice that it intends to revoke the permit and the reasons for the revocation. The city council shall hold a hearing on the proposed revocation of the permit. At the hearing, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may determine not to revoke the permit, attach conditions to the permit, or revoke the permit.
8. A person who has had a transient rental occupancy permit or a vacation home rental permit revoked shall not be permitted to apply for either type of permit at a later date.
[Cannon Beach]



ORDINANCE 2014-01

**AN ORDINANCE OF THE CITY OF TRINIDAD
ADDING SECTION 17.56.190 TO TITLE 17 OF THE TRINIDAD MUNICIPAL CODE (ADDING
SECTION 6.26 TO THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE),
AND AMENDING SECTIONS 17.56.160 AND 17.56.180 OF THE TRINIDAD MUNICIPAL
CODE (AMENDING SECTIONS 6.16 AND 6.18 OF THE COASTAL COMMISSION
CERTIFIED ZONING ORDINANCE)**

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

ORDINANCE 2012-01, SECTION 1:

There is hereby added to the Trinidad Municipal Code a new Section, Section 17.56.190, (and hereby added to the Coastal Commission certified Zoning Ordinance a new Section 6.26), "City of Trinidad Vacation Dwelling Unit Ordinance," which shall read as follows:

Section 17.56.180 (6.26) Regulations for Vacation Dwelling Units

Sections:

17.56.190 (6.26).A	Short Title
17.56.190 (6.26).B	Definitions
17.56.190 (6.26).C	Purpose
17.56.190 (6.26).D	Application Requirements
17.56.190 (6.26).E	Effect on Existing Vacation Dwelling Units
17.56.190 (6.26).F	Location
17.56.190 (6.26).G	Non-Permitted Uses
17.56.190 (6.26).H	VDU Standards
17.56.190 (6.26).I	Tourist Occupancy Tax
17.56.190 (6.26).J	Audit
17.56.190 (6.26).K	Dispute Resolution
17.56.190 (6.26).L	Violations—Penalty
17.56.190 (6.26).M	Violations—Revocation
17.56.190 (6.26).N	Ordinance Review

17.56.190 (6.26).A

Short Title.

This Section shall be known and may be cited as "City of Trinidad Vacation Dwelling Unit Ordinance."

17.56.190 (6.26).B

Definitions.

1. Good Neighbor Brochure.

Good Neighbor Brochure. "Good Neighbor Brochure" means a document 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 brochure shall include provisions for off-street parking, minimizing noise, establishing quiet hours, and minimizing disturbance to neighbors and environmentally sensitive habitat areas.

2. 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 20 people or less consistent with normal residential use.

3. Occupant.

"Occupant" within this Section means any person who exercises occupancy of a Vacation Dwelling Unit (VDU) or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days, or less, counting portions of calendar days as full days. Any such person so occupying space in a VDU shall be deemed to be a tourist until the period of 30 days has transpired. As used in this Section, "occupant" does not include children aged 5 or under.

4. 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 30 consecutive days, or less.

5. Vacation Dwelling Unit.

"Vacation Dwelling Unit" (VDU) means any structure, accessory structure, or portion of such structures, which is contracted for transient use. As used in this Section, the definition of "Vacation Dwelling Unit" encompasses any structure or any portion of any structure which is occupied or intended or designed for occupancy by tourists for dwelling, lodging or sleeping purposes, and includes any home or house, tourist home or house, mobile home or house trailer at a fixed location except when located within a mobile home park or RV park, or other similar structure or portion thereof. "Vacation Dwelling Unit" does not include home exchanges or a short-term rental one time in a calendar year.

6. Visitor.

"Visitor" means someone staying temporarily at a VDU, but that is not an "occupant" and not staying at the VDU overnight.

17.56.190 (6.26).C Purpose.

The purpose of this Section is to provide for the renting of single- and multi-family dwellings, and accessory dwelling units, for periods of thirty consecutive days or less, as transient visitor accommodations, consistent with all other provisions of the General Plan and Zoning Ordinance, and to ensure that Vacation Dwelling Units are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

17.56.190 (6.26).D Application Requirements.

1. Initial Application.

Each VDU must procure a VDU License. Existing VDUs must obtain a VDU License within 3 months of the adoption of this ordinance. A VDU License issued pursuant to this Section shall also serve as a business license for rental activity pursuant to Chapter 5.04 of the Trinidad Municipal Code. The VDU License shall identify the existence of a VDU at a particular address and declare the number of bedrooms in the VDU and its intended maximum occupancy.

A site plan and floor plan must be submitted along with the VDU 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 addresses the requirements of this Chapter shall also be provided.

Each application for a VDU License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single limit and an executed agreement to indemnify,

defend and hold the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of a VDU.

An initial VDU License Fee, as set by resolution of the City Council, will be charged for the first year of each VDU's operation.

The City will notify all property owners within 100 feet of a VDU property of the VDU License within 7 days of its issuance or re-issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection 3.b below.

Upon initial application for a VDU License, the City shall provide all VDU 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 vacation rental use of the residences. Such protective measures include, but 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. VDU License Renewals.

The fee for annual renewals for subsequent years shall be set by resolution of the City Council. Any changes to the site plan, floor plan, allowable occupancy, or rental agreement shall be submitted along with the license renewal.

3. Contact Information.

a. Local Contact Person.

Each VDU must designate a local contact person on the VDU License form. That person may be either the owner or the property manager, and that person must live within 25 miles of Trinidad so that he/she can respond personally to an emergency.

b. 24-Hour Emergency Contact Phone Number.

A 24-hour emergency contact phone number is required for each VDU. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the VDU. Any change to the emergency contact number shall be promptly provided to the Trinidad City Clerk and posted within the VDU.

The emergency 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 100 feet of the VDU within 7 days after the issuance or reissuance of a VDU License for the VDU.

The emergency contact information sent to neighbors may include further instructions in the case that a response from the 24-hour emergency contact number is not forthcoming. If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report the emergency through the 911 emergency calling system or the Police or Sheriff's Department. It is unlawful to make a false report or complaint regarding activities associated with a VDU.

17.56.190 (6.26).E Effect on Existing Vacation Dwelling Units.

Each individual operating a VDU existing at the time the VDU Ordinance is adopted, including those currently holding a valid Trinidad Business License, shall be subject to the requirements of this Section of the Zoning Ordinance upon its adoption. The owner of an existing VDU which does not meet the requirements of this Section will not be issued a VDU License and shall not use the VDU structure for VDU purposes.

17.56.190 (6.26).F Location.

VDU's are permitted only in Special Environment, Suburban Residential, Urban Residential, and Planned Development zoning districts. VDUs are also permitted in a legally established Accessory Dwelling Unit subject to meeting the requirements of this Section. Each separate VDU must obtain its own, individual VDU License. There shall be no more than one VDU per parcel.

17.56.190 (6.26).G Non-Permitted Uses.

There shall be no permitted use of the VDU structure other than occupancy for dwelling, lodging, or sleeping purposes. Use for commercial events or events which are not hosted by the VDU's property owner are not permitted.

17.56.190 (6.26).H VDU Standards

All VDUs will be required to meet the following standards:

1. Number of Occupants.

The maximum number of occupants allowed in a VDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants). Except that in the Suburban Residential Zone, if the VDU 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.

2. Off-Street Parking.

A VDU must provide at least one off-street parking space for every two occupants allowed in the VDU pursuant to Section 17.56.190 (6.26).H.1. The off-street parking space/s shall be entirely on the VDU property. VDU owner/operators 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.

VDUs that have been in existence for a minimum of two years that can not feasibly comply with the parking requirements may apply for an administrative exception. Exception requests shall be made through the City Clerk and shall provide documentation (e.g. receipts or rental contracts) showing both that the VDU has been in active operation for a minimum of two years and the maximum rental occupancy over that period. The request shall include a detailed site plan and justification as to why the required parking spaces can not be accommodated on the site, as well as note where alternative parking is utilized. The City Planner shall only grant an exception to accommodate the documented maximum occupancy over the past two years. The City Planner may deny an exception request or approve the exception for fewer parking spaces than requested if the exception would be detrimental to the public health and safety.

3. Water Use.

To prevent overloading of septic systems, each VDU shall be operated in a manner to ensure that the occupancy and use of a VDU shall not result in annual domestic water use greater than that associated with the non-VDU 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 VDU License and application materials to allow for verification that the VDU water use did not exceed allowable volumes as described above.

If the City determines that the VDU use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the VDU owner/operator 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 VDU.

4. Septic System.

Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU 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, shall be posted in each bathroom in the VDU and the kitchen.

5. Appearance and Visibility.

The outside appearance of the VDU 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 VDU 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.

6. 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 VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

7. 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 VDU.

8. Visitors.

The number of visitors to a VDU shall be limited to not more than 20 persons, including occupants, per parcel at any time. If there is more than one VDU on a property, the 20 person maximum applies to the property, not each VDU. Visitors are not allowed to stay overnight on the premises.

9. Noise.

Occupants of VDU 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 8:00 am should be contained within the VDU 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.

10. Traffic.

Vehicles used and traffic generated by the VDU 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.

11. Tenancy.

The rental of a VDU shall not be for less than two successive nights.

12. Good Neighbor Brochure.

Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and / or shall post the Good Neighbor Brochure in a clearly visible location within the VDU.

13. 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).I Tourist Occupancy Tax.

The letting, leasing, or other contractual use of a VDU is subject to a Tourist Occupancy Tax (“TOT”) and any other mandated taxes. Each VDU 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).J Audit

Each owner and agent or representative of any owner shall provide access to each VDU and any records related to the use and occupancy of the VDU to the City at any time during normal business hours, 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).K Dispute Resolution.

By accepting a VDU License, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU. 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).L Violations

1. Penalty

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 VDU regulations by way of nuisance abatement action. 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. Revocation

If the VDU owner or property manager is deemed by City staff to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented, significant violations occur in any 12-month period, the VDU License may be revoked. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement. 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 VDU application. Revocation may be temporary or permanent depending on the nature and number of the violations.

3. It is unlawful to make a false report to law enforcement regarding activities associated with vacation rentals.

17.56.190 (6.26).M 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.

ORDINANCE 2014-01, SECTION 2:

Append a new sub-section A.7 to Chapter 17.56, Section 17.56.160, Signs, (Article 6, Section 6.16, Signs) to read, in context, as follows:

- A. In all zones the following signs shall be permitted, provided that signs permitted in 2 and 3 below shall be subject to review by the design assistance committee:
 - 1. A residential nameplate bearing the name of the occupant and not exceeding 2 square feet, provided that 3 square feet shall be permitted for a residence with a home occupation...
 - 7. Vacation Dwelling Unit identification signs, as allowed by Section 17.56.190 (6.26).H.5, provided that such signage is not placed in a public right-of-way, and does not rotate, blink, flash, sparkle, or obstruct the visibility of any traffic control sign.

ORDINANCE 2014-01, SECTION 3:

Append a new sub-section B.8 to Chapter 17.56, Section 17.56.180, Parking and Loading Facilities, (Article 6, Section 6.18, Parking and Loading Facilities) to read, in context, as follows:

Off-street parking and loading space shall be provided in all zones in conformity with the following:

- A. Each required parking space shall be not less than 8'6" wide, 18 feet long and 7 feet high, provided that where 6 or more spaces are required up to 50 percent of the spaces may be 16 feet long. Each loading space shall be not less than 10 feet wide, 25 feet long and 14 feet high.
- B. Parking spaces shall be provided as follows:
 - 1. Campground, RV park, motel: 2 spaces plus 1 space per unit.
 - 2. Single-family dwelling and mobile home on a lot: 2 spaces in addition to any garage spaces.
 - 3. Attached dwellings (duplex, townhouse): 1.5 spaces per unit...
 - 8. Vacation dwelling unit: A minimum of one off-street parking space per every two occupants allowed in the VDU unless an exception is granted pursuant to Section 17.56.190 (6.26).H.2

ORDINANCE 2014-01, SECTION 4:

This Ordinance shall take effect upon certification by the Coastal Commission.

Passed, approved, and adopted this 8th day of October, 2014 by the following roll call vote:

AYES:
 NOES:
 ABSTENTIONS:
 ABSENT:

Attest:

Approved:

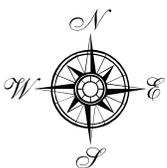
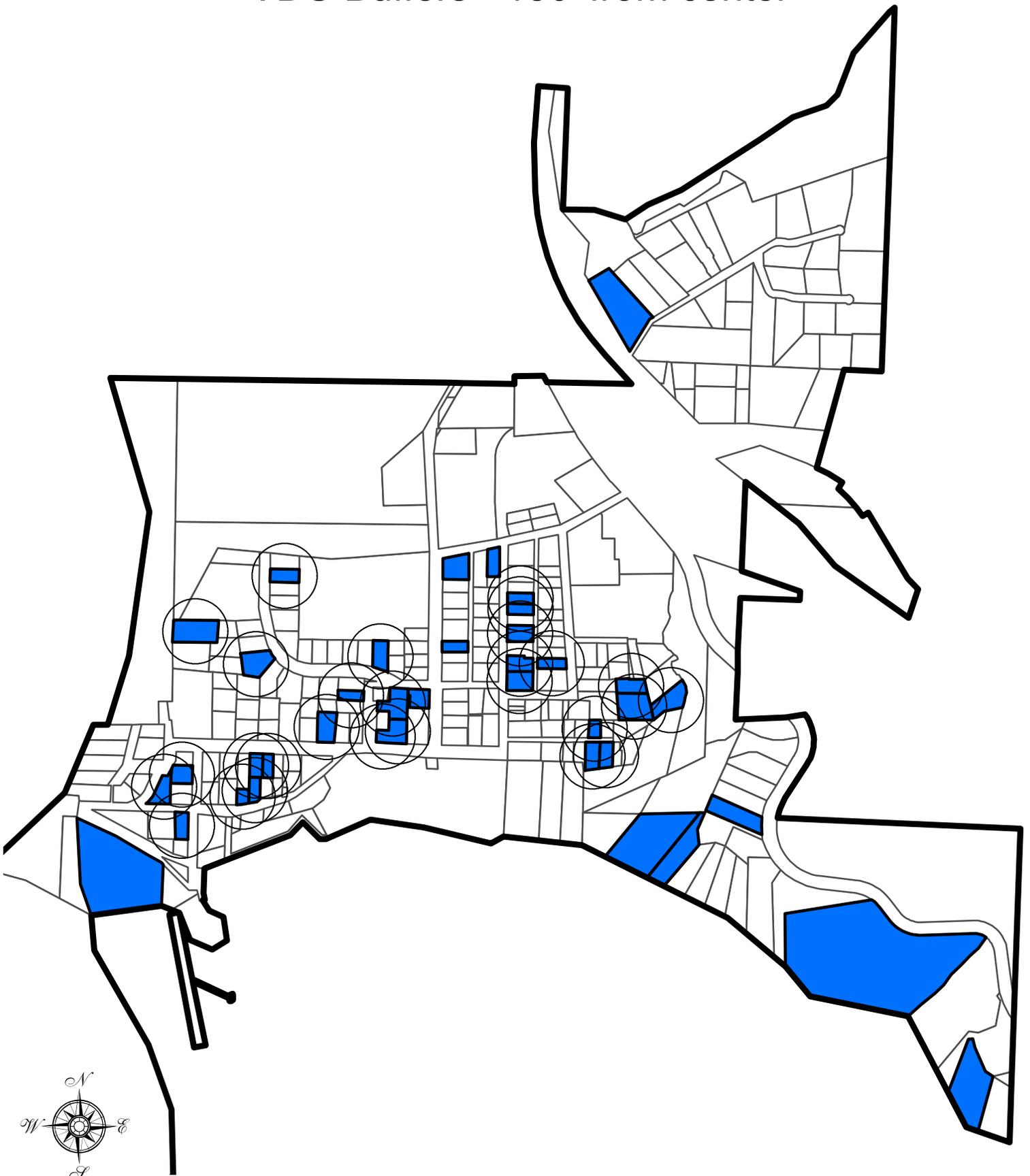
Gabriel Adams
 City Clerk

Julie Fulkerson
 Mayor

First Reading: **Wednesday, October 8, 2014**

Second Reading: **Wednesday, November 12, 2014**

VDU Buffers - 150' from center



www.trinidad.ca.gov

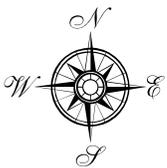
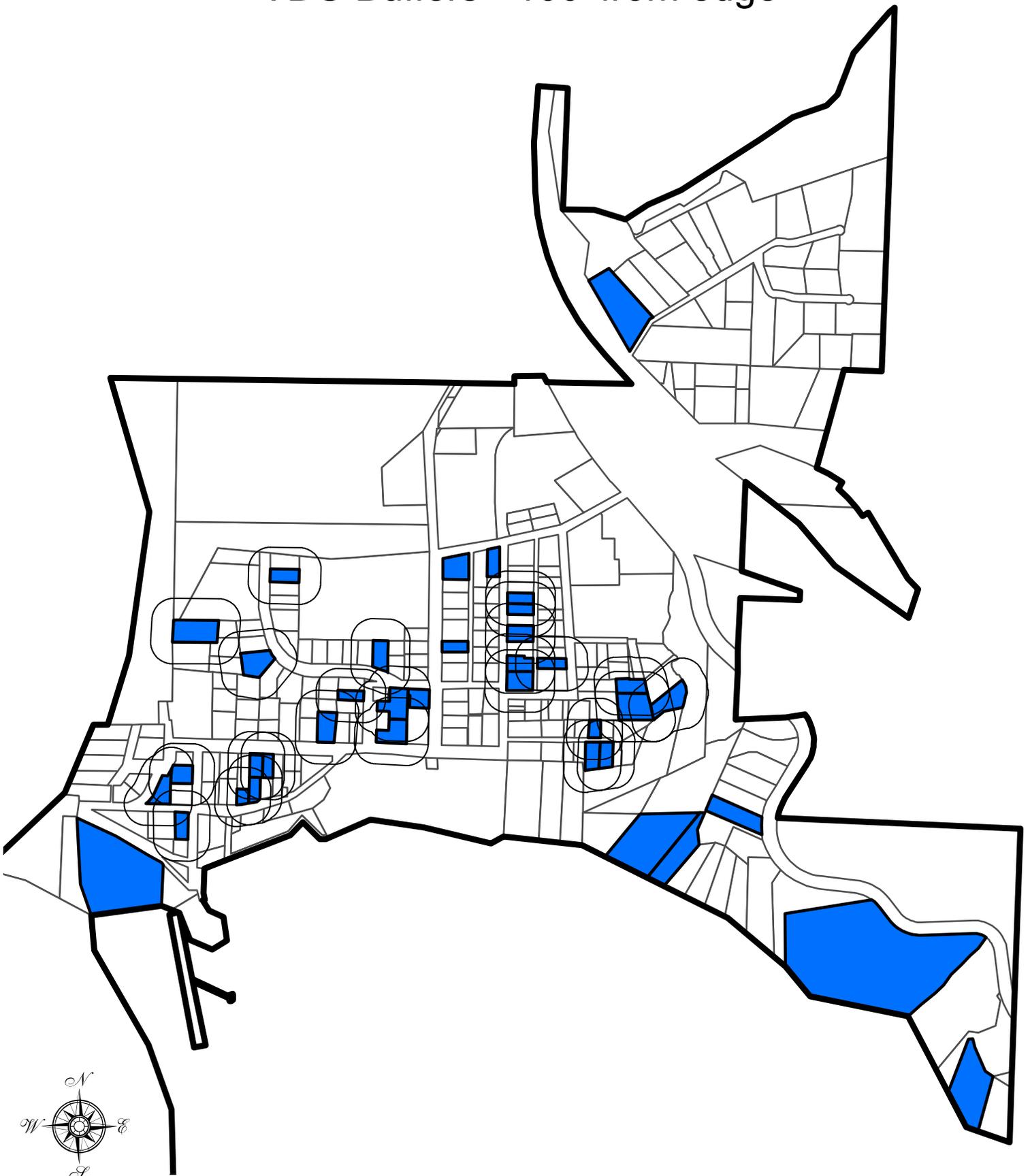


1" = 600 feet



1/15/16

VDU Buffers - 100' from edge



www.trinidad.ca.gov



1" = 600 feet



1/15/16