



## MEMORANDUM

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**TO:** Trinidad Planning Commission

**FROM:** Trever Parker, City Planner

**DATE:** March 8, 2016

**RE:** March VDU Agenda Item

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### Ordinance Amendment

So I have made changes to the ordinance based on input from the subcommittees. I have incorporated some of the suggestions into the ordinance language where there was clear and unambiguous guidance. I did not incorporate suggestions where I felt more guidance was needed, or if it conflicted with other suggestions or if it conflicted with previous discussions or input. I included some notes in italics in the draft ordinance amendment to provide a little further information. As attachments, I included the subcommittee suggestions that were submitted and a couple of more maps with distance buffers for the UR zone.

Note that I did not change every use of VDU in the existing ordinance, since too many tracked changes can make a document difficult to review. I also did not change the subsection numbering, because that will take some time and is likely to change again. I do think that some reorganization of the ordinance subsections could be beneficial for clarity.

### Questions for the City Attorney

I would like to work on a list of questions to submit to the City Attorney. We have discussed several of them already.

Transferability: There seems to be a general consensus that VDU licenses should not be transferable from one entity to another. Unless licenses have a maximum term / expiration date, then this is really the only way to reduce the number of VDUs to get within a cap or distance restriction within a reasonable period of time. My understanding is that with the community property laws of California, if a spouse dies, but it not listed as an owner on a deed, it would still not be considered a change in ownership. However, inheritance by children would, unless the property is already in a trust. This has been a somewhat controversial topic, even though it is a common limitation in other ordinances. And I want to ensure that the Commission agrees with this direction. Then I

would inquire to the City Attorney as to how to ensure this. The two examples I am considering are the one from Mendocino that is in the current draft of the ordinance, and the much longer one from Cannon Beach. Both examples were provided in the January staff report.

Fines & Infractions: Does the City code currently allow VDU guests to be issued infractions with associated fines? Realistically, what violations can this be done for?

Fines: Can the City fine owners and / or managers?

Deposits: Can the City require a deposit from VDU owners to be used for fines or enforcement issues?

Suggested language: Does the City Attorney have any suggested language to add to the ordinance to implement the above?

### Data Issues

I also wanted to provide you with the census data that I talked about at the last meeting in writing as requested, and to try to clarify the point I was making. I was not trying to be argumentative. But the City needs to base its decisions on facts and data rather than anecdotes and opinions. This will become particularly important if the City is going to be considering significantly curtailing VDUs. For example, only allowing owner-occupied VDUs in residential areas as is being requested would essentially be equivalent to a ban on VDUs. They are not the same type of use at all, and there is only one that I know of in existence that would qualify. The Coastal Commission's letter of February 10, 2016 made it clear that such a requirement is not likely to be certified. In order to get something like that through the Coastal Commission (and potentially courts), the City would have to have very solid justification for it in the form of substantial and specific data. And it is not the City's responsibility to prove that VDUs are (or are not) a problem.

Such information can include some statements of personal experience and opinions of community members. But it would also need to include some numerical and statistical type data to show how VDUs are negatively impacting the community. It could also include expert opinion and analysis, such as information from a local real estate agent. It could include a log (e.g. dates, addresses, etc.) of issues or complaints. It could be data from old and new reports or policies or narrative from City planning documents. There are any number of options, but the more data the better.

I used the census data as an example, because we recently prepared a Housing Element for the General Plan update, and I had remembered some of that data because it had been so surprising. It should be noted that there are some anomalies in this data due to Trinidad's small size. One of the big changes between 2000 and 2010 was the increase in housing units from 225 to 252.

One explanation for that could be that Trinidad Trailer Courts is now classified as a mobile home park with permanent residents rather than an RV park with transient residents. Also, most of the financial data is not available for the 2010 census, and the Census Bureau is reporting estimates (American Community Survey) that are less reliable for small communities. This makes sorting and interpreting the data difficult. (See the December 2013 draft Housing Element for additional discussion.)

	1980	1990	2000	2010
Population	379	362	311	367
Children (under 16)	57 (15%)	58 (16%)	25 (8%)	56 (15.3%)
Working age (16-64)	249 (66%)	219 (60%)	214 (68.8%)	240 (65.4%)
Retirees (65 and over)	73 (19%)	85 (24%)	72 (23.2%)	71 (19.3%)

I have presented the example above, because it is simple and straightforward data that doesn't require much interpretation. There are many other examples that could probably be used to support both sides of the VDU argument. However, in general, the census data does show a trend of increasing home prices, decreasing population, increasing vacancy rates, decreasing affordability and increasing average age of the population from 1980 to 2000. However, these trends mostly reversed or stabilized between 2000 and 2010, while at the time VDUs increased from 3.4% to 18.5% of the housing stock (based on staff's count of 205 units). Correlation does not equal causation, and there are larger factors influencing housing prices and affordability in Trinidad. It is common sense that the increase in VDUs exacerbates these problems, but it is not necessarily the cause. Staff would welcome additional data and evidence provided by the community to support their assertions. It should help everyone make better decisions. Right now, I don't think the City has the data to adequately support major restrictions on VDUs such as a ban or requiring them all to be owner-occupied, but that is also a question for the City Attorney and Coastal Commission staff.



**ORDINANCE 20##14-01**

**AN ORDINANCE OF THE CITY OF TRINIDAD  
AMENDING ~~DDING~~ SECTION 17.56.190 ~~TO OF~~ TITLE 17 OF THE TRINIDAD MUNICIPAL  
CODE (~~ADDING~~ ~~AMENDING~~ SECTION 6.26 ~~OFTO~~ 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.**

**#. Dwelling.**

**A single family dwelling, or a dwelling unit within a duplex or multi-family dwelling, not to include mobile homes in a mobile home park.**

- 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 maximum occupancy and visitors, off-street parking, minimizing noise, establishing quiet hours, ~~and~~ minimizing disturbance to neighbors and environmentally sensitive habitat areas, and penalties for violations.

## 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.

### #. Existing STR.

An STR that had a valid VDU license as of the effective date of this ordinance.

### #. Homestay.

An owner-occupied dwelling in which no more than two bedrooms are rented for transient use to up to four occupants total, not including residents, and in which the owner also stays overnight in the dwelling while it is rented. Residents plus occupants shall not exceed two people per bedroom, plus two people.

### #. Host

A long-term resident that lives on the property, either in the Short Term Rental, or in another legal dwelling unit on the property, and who sleeps on the property while the STR is being rented, and who is responsible for overseeing or managing the STR while it is being rented.

### #. Hosted Short Term Rental

A Short Term Rental with a Host.

## 3. Occupant.

"Occupant" within this Section means any person who exercises occupancy of a ~~Vacation Dwelling Unit (VDU) Short Term Rental~~, 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.

*(This definition seems overly complicated. It came from the definition of tourist in the TOT ordinance. And as is, complicates occupancy requirements if there is a caretaker or other residents living in the VDU. However, I have also included provisions for that possibility in other sections as well.)*

### #. Responsible Person.

Means the occupant of an STR who is at least twenty-five (25) years of age and who shall be legally responsible for compliance of all occupants of the STR and / or visitors will all provisions of this Section.

## 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. Short Term Rental/Vacation Dwelling Unit.

"Short Term Rental/Vacation Dwelling Unit" (STRVDU) means a dwelling without a host, which is rented for transient use, and no one but the occupants and visitors of the occupants live in the dwelling while it is rented for use as a short term 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.

~~Short Term Rentals may include the use of accessory structures associated with a residence (e.g. garages, game rooms, etc.), but accessory structures that are not legal dwelling units shall not be, by themselves, a short term rental. 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, such as guests of occupants, 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.

a. 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.

b. 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.

c. At the time of application for a new STR, the dwelling shall be subject to inspection by the building official. The purpose of the inspection is to determine the conformance of the dwelling with the Uniform Building Code (date) and Zoning Ordinance. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Official to conform with applicable codes.

d. 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. In addition, the applicant shall sign an acknowledgement that they will operate the STR in accordance with all applicable rules and regulations, including this section, and that they will be held responsible for the behavior of their occupants and visitors.

e. 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.

f. 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. STR License information,

including license number, address, maximum occupancy and 24-hour contact, will be posted on the City's website.

g. 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-STR License Renewals.

STR licenses shall be renewed annually on February 1. New STRs that received a license after October 1 do not need to renew their license until the February after the license has been in place for a year. 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. Existing STRs that have not have an initial inspection as required by §17.56.190.D.1.c will be subject to such an inspection.

Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City of Trinidad that there is a presumption that an application for renewal of a STR License for an existing VDU will be approved as long as all applicable standards are still met 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) or if it is voluntarily withdrawn.

*(This section mentions staff review of complaints as part of the renewal process. This should probably have more detail if that is to be the case, such as if a property has had over a certain number of complaints, only a provisional license will be granted. There is more discussion of provisional licenses or a license watch list in the violations and enforcement section.)*

## 3. License Transferability.

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

## 4. Application Wait List

It is the City's intention to maintain ### VDU Licenses. When an STR license becomes available, the City will accept a new application for a VDU License. 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.

## 53. 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 205 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 Maximum Number of Short Term Rentals**

In order to preserve community character and an appropriate balance of residential, commercial and visitor-serving uses, the total number of STR permits issued by the City pursuant to this Section shall not exceed 30.

**17.56.190 (6.26).FE Effect on Existing Vacation Dwelling Units.**

~~Existing VDUs, 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). 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).GF Location.**

~~VDU's STR's are permitted only in legally established dwelling units within any 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 unless a Use Permit is approved by the Planning Commission.~~

Within the Urban Residential (UR) zone, no new STR shall be located within ### foot radius around another existing STR. Distances shall be measured from the closest property line of the existing STR, to the closest property line of the property containing the proposed STR. This location standard can be modified through Planning Commission approval of a Use Permit.

*(Note that these location exceptions are the only added exceptions in the ordinance. The only existing one was for parking. These exceptions will allow for the continued (or new) use of VDUs that are not causing problems but don't meet these new requirements. The use permit findings should work well for VDUs since they focus on neighborhood compatibility and address issue of noise, traffic, lighting, etc.)*

**17.56.190 (6.26).GH 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. No additional occupancy of the dwelling (with the exception of the property owner and private, non-paying guests) shall occur. An STR shall only be used for the purposes of occupancy as~~

an STR or as a full-time occupied unit. No other use (e.g. home occupation, temporary event, homestay, etc.) shall be allowed on the site.

### **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). less any residents, hosts or caretakers (define one or more of these). 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. Occupants will be required to utilize onsite parking prior to utilizing offsite and on-street parking as part of the rental contract but are not allowed to park onsite in undesignated parking spaces. Occupants and visitors shall be encouraged to not take up all of the available street parking of adjacent and nearby properties.

*(Note that the intent of these additions is to minimize parking impacts, but the second part would not be enforceable.)*

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.

*(Should parking exceptions have a more formal process or require Planning Commission approval? Technically this section is probably no longer applicable because all existing VDUs have already been dealt with.)*

#### #. Guest Registry

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

#### 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 of 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 the allowable occupancy persons, including occupants, per parcel of the STR~~ 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 in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

#### 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. Minimum Activity.

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

*(This requirement could go here or up in the license process section)*

132. 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 ~~for~~ shall post the Good Neighbor Brochure in a clearly visible location within the VDU.

143. 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.

##. Transmittal of Rules

Prior to rental of an STR, the Responsible Person shall be provided with a list of rules and responsibilities, in a form approved by the City Manager. The Responsible Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, they can be fined by the City, lose their security deposit and / or be evicted.

*(Note that the idea of security deposits will have to be reviewed by the City Attorney and probably more added to the violations section to implement it.)*

**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 & Inspection**

Each owner and agent or representative of any owner shall provide access to each VDU for inspection 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) [the referenced section could also use a possible amendment]

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 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.

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

*(Would it be clearer to have these definitions in the definition section? Should provisions for a 'property watch list' (as used in Palm Springs) or other type of provisional / probationary license be included?)*

As used in this subsection, significant violation is a situation where the Local Contact Person is either unable to unwilling to rectify the situation within a timely manner, and / or when public safety personnel must be called to assist in resolving the situation. 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.
- (#) Failure to maintain or provide the required guest registry.
- (iii) Violation of the STR 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 and / or photographic evidence 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.

### **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.

Lisa Espejo  
Planning Commissioner  
City of Trinidad, CA  
February 15, 2016

***DRAFT HOSTED, AND NON-HOSTED VACATION DWELLING UNIT/SHORT TERM RENTALS  
DEFINITIONS***

**Homestay Short Term Rental (HSTR)**

A single-family, or multifamily dwelling unit, including condominiums, duplexes, guesthouses, and townhouses, but not including apartments, or manufactured homes in a mobile home park, where the person of ownership of the dwelling unit lives on site throughout the hosted stay of occupants in their home for compensation for more than two, but less than thirty (30) consecutive calendar days for the purpose of transient use.

**Short Term Rental (STR)**

A single-family, or multifamily dwelling unit, including condominiums, duplexes, guest houses, and townhouses, but not including apartments, or manufactured homes in a mobile home park, where the person of ownership of the dwelling unit is not on site throughout the stay of occupants in the dwelling unit for compensation for more than two, but less than thirty (30) consecutive calendar days for the purpose of transient use

## VDU's

- 1) Change name to City of Trinidad Short Term Rental Ordinance (STR)
- 2) Add STR Type 1 (Hosted)
- 3) Add STR Type 2 (Un-Hosted)
- 4) Add Visitor
- 5) Add Renter
- 6) Add Host

### VISITOR:

- a) A person visiting an STR during the day but not staying overnight
- b) Visitors are not allowed in STR's between 10:00PM and 8:00AM

### RENTER:

- a) The party renting an STR, of not more persons than allowed by the STR permit.

### HOST:

- a) A property owner, or his designated adult agent (at least 25 years of age) who resides on a parcel of land that has a current STR permit and is in residence when any renters are present

## All STR 's

- a) Short Term Rental, for vacation or otherwise
- b) Not allowed if less than 2 nights stay
- c) 2 to 30 days
- d) Defined as one single legal dwelling unit per parcel (ea) so if there are two or more legal units on a parcel a maximum of one Type 1 or one Type 2 STR
- e) Not allowed in Mobile Homes in parks
- f) Can include the use of garages or sheds as part of the STR
- g) Non Transferable, permit expires upon sale or transfer of ownership of the property for all future property owners. Current owners can sell the property with an STR in place. New owners must apply for the permit in their name within 90 days of close of escrow.
- h) Cannot be owned by a publicly traded company.
- i) If owned by a private corporation, permit expires if there is new majority stock holder.
- j) One off-street parking space per 2 occupants. Exceptions with Planning Commission approval only.
- k) Renter must use all the designated off-street parking before using street parking
- l) Renter is allowed to have up to 12ea day time Visitors (or fewer as defined by the property owner)
- m) A property owner can rent or trade one dwelling unit per parcel, once per year for up to 30 days without becoming subject to this ordinance and without becoming subject to TOT.

- n) Each STR must have a sign no less than 2 SF, no greater than 3 SF
- o) Initial building inspection of STR prior to first issuing STR permit. Property owner to bring property of to current Fire & Life Safety standards, current Public Health Standards. Not required on subsequent renewals.
- p) The STR owner is liable for all City incurred costs, including attorney fees, for any enforcement action against them where they are found to be at fault.

#### Type 1

- a) Must have a Host living on the property, and in residence during occupation of renters
- b) The Host may reside in a separate legal dwelling unit on a Type 1 rental parcel
- c) Must have a permit. Limit of 20 each permits citywide
- d) No distance limits.
- e) No minimum number of rentals per year
- f) \$500 Initial Fee (based on 10 hrs staff time), \$300 annually thereafter. Payment must be received by the City & all conditions met 60 days prior to issuance, renewal date.
- g) Subject to TOT.

#### Type 2:

- a) For the sole use of the renter and renters visitors (or property owner when not rented)
- b) 300 ft from the center point of one Type 2 parcel to center point of the next Type 2 parcel (or less with Planning Commission approval) in the UR zone. No distance restrictions in other zones.
- c) Non-conforming distance requirement is grandfathered in until permit is not renewed, or is revoked or the property is sold.
- d) Must have a permit. Limit of 30 ea permits citywide
- e) Must rent the property a minimum of 100 nights per year or license cannot be renewed
- f) \$600 Initial Fee (based on 12 hrs staff time) , \$400 annually thereafter. Payment must be received by the City & all conditions met 60 days prior to issuance, renewal date.
- g) Subject to TOT
- h) Waiting list to get a permit is first come first serve. City to issue a new permit to the first person on the list. Must act upon within 90 days or the next person on the list gets selected.

Remove "Room & Board" from Home Occupations, refer to STR ordinance.

**Recommendations for changes regarding enforcement to the VDU Ordinance and related documents:  
17 Feb 2016**

**M. Pinske/R. Johnson**

Revise the Good Neighbor Brochure to include:

Off street parking – Add statement that only off street parking spaces can be used. If there are additional guest or visitors, they must park in legal public parking spaces and car pool to the VDU. No large group of cars in front of the VDU.

Visitors – the number of visitors to a VDU shall not exceed the specific number of persons as shown in the VDU approved permit.

Include information regarding if any rules are broken, guests can be fined by the City, lose their security deposit and be evicted. Infractions of any noise, parking, visitor rules will not be tolerated.

Suggest adding words and tone similar to Indian Wells brochure that takes a firmer stand against violations.

Revise the Permit Application Form to include:

Add phrase to certification paragraph that states that City holds owner/manager responsible for the behavior of the guests. (this is no different than any other home owner in the City and “that I will operate this Vacation Dwelling Unit in accordance with Ordinance 2014-01 of the City of Trinidad.”

Increase annual renewal fee to level that will cover all administrative costs to the City. (Currently renewal is \$60 x 40 VDU renewals = \$2400. Seriously doubt that covers all admin costs.

24-hour Emergency Contact: change to 20-mile radius of Trinidad and require response within 30 minutes (either by telephone or personal contact with guests). Require that owner/manager follow up with person who complained to inform them of the status and outcome of their complaint. Require owner/manager to file complaint information with City within 24 hours.

City needs to develop and distribute clear Compliant Process. High priority! Suggest pictorial diagram showing responsibilities of City, Owner/Manager, Person filing complaint, follow-up and disposition activities. Distribute to neighbors with contact information and post on City Web site. Periodically review complaints as part of City Council staff report. Reference to 17.56.190.L Violations.

City should consider hiring or subcontracting an individual with express purpose to administer VDU process including licensing, recording keeping, administering and follow-up for complaint process. Use licensing fees and TOT to pay for individual.

Revise VDU Rental Agreements- Ensure all rental agreements include the following and reference in Ordinance:

Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner’s agent shall personally review the Good Neighbor Brochure with all available guests to ensure all guests understand and are willing to comply with the requirements. Provide space to initial for

compliance. The owner/agent shall provide a copy of the Good Neighbor Brochure to the occupants and/or shall post the Brochure in a clearly visible location within the VDU

Revise the VDU Ordinance as follows:

17.56.190B para. 1 – Add VDU site specific information on number of allowable guests, allowable visitors, allowable off- street parking. Include information regarding if any rules are broken, guests can be fined by the City, lose their security deposit and be evicted. Infractions of any noise, parking, visitor rules will not be tolerated.

17.56.190 G Non-permitted uses. Add there shall be no gatherings larger than the combined number of guests/visitors allowed at the specific VDU. This includes weddings, receptions, and other types of parties.

17.56.190.L Add the following after the first paragraph:

Add the definition of a Violation

A Compliant is defined as a requirement or need to contact the owner/manager to rectify a situation that is disturbing to a neighbor or resident. Complaints must be reported to the City within 24 of being received by the owner/manager.

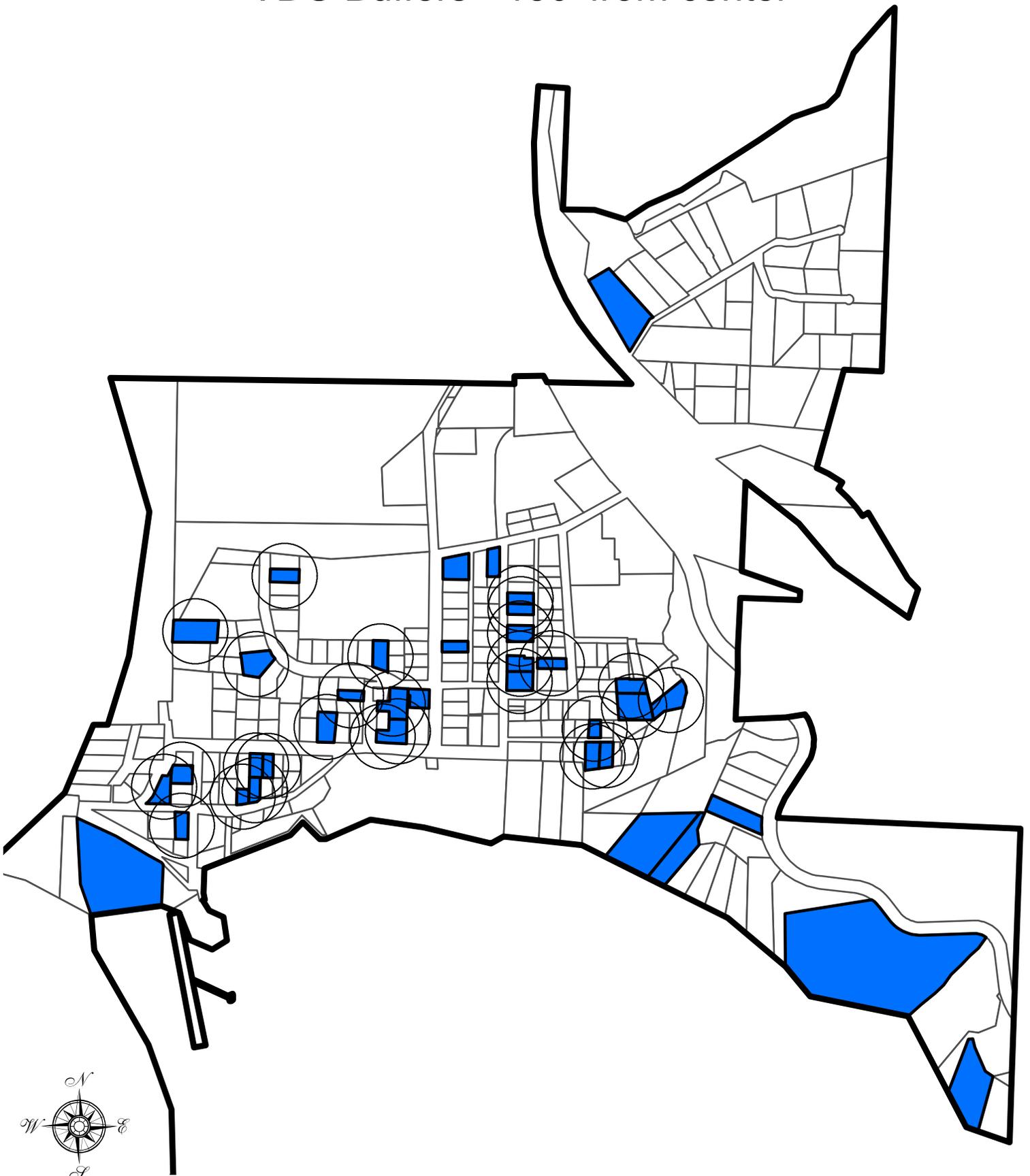
A significant violation is defined as a situation where the owner/manager is either unable or unwilling to rectify the situation and or when public safety personnel must be called to assist in resolving the situation. Significant violations must be reported to the City within 24 hours of the complaint and owner/manager must provide corrective action to the City to prevent future occurrences of the same or similar issues.

Consider for possible inclusion in Ordinance:

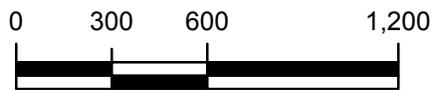
17.56.190.B Definitions para 2: Number of people should be changed from 20 max to a number that can be accommodated by each specific VDU. That is, some VDU's may only have ten guests (example) for gatherings due to parking issues or proximity to neighbors. No VDU can have more than 20 people at a gathering.

Consider feasibility of adding the following: Suggest that each owner/manager provide a deposit to the City to cover potential costs associated on the part of the City to resolve any significant violations due to complaints. If owner/manager is determined to have violated any part of the ordinances, deposit can be forfeited to cover the extraordinary costs to the City. Deposit (less expenses) is returned when property ceases to be a VDU.

# VDU Buffers - 150' from center



[www.trinidad.ca.gov](http://www.trinidad.ca.gov)



1" = 600 feet

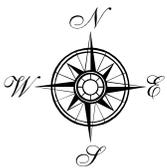
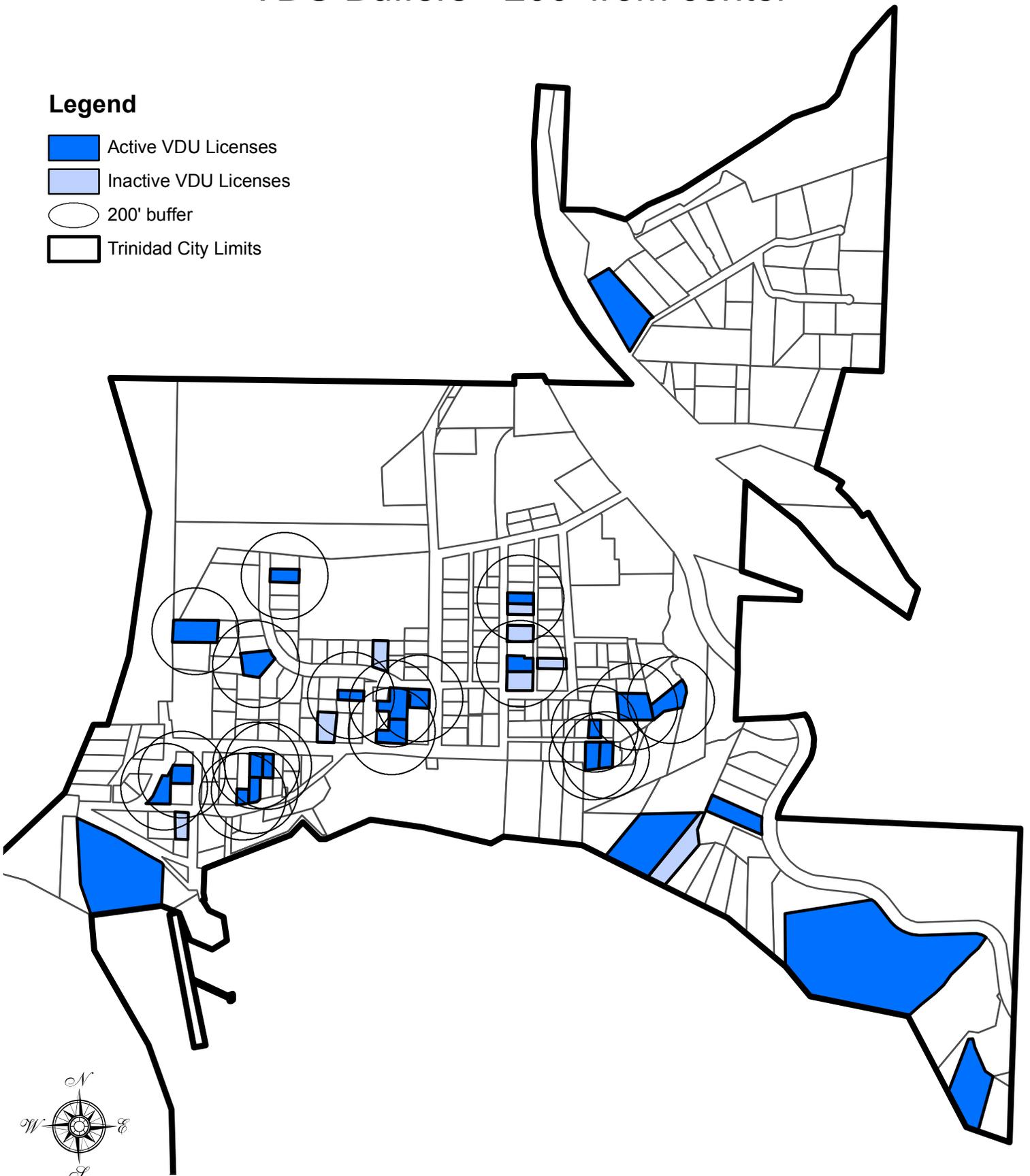


1/15/16

# VDU Buffers - 200' from center

## Legend

-  Active VDU Licenses
-  Inactive VDU Licenses
-  200' buffer
-  Trinidad City Limits

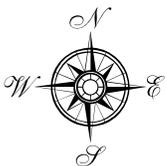
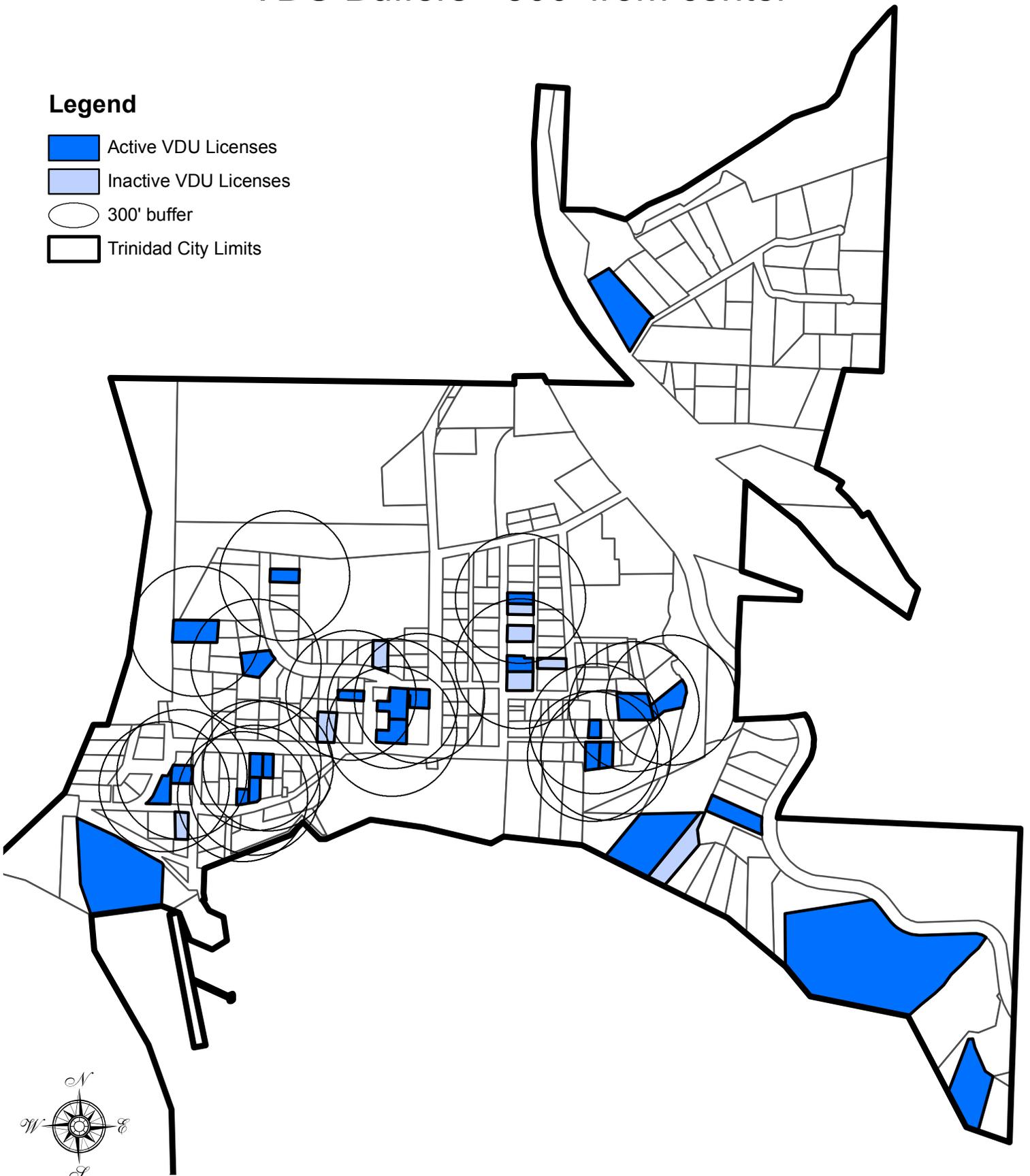


1" = 600 feet

# VDU Buffers - 300' from center

## Legend

-  Active VDU Licenses
-  Inactive VDU Licenses
-  300' buffer
-  Trinidad City Limits



[www.trinidad.ca.gov](http://www.trinidad.ca.gov)

0 300 600 1,200



1" = 600 feet



3/11/16