



MEMORANDUM

To: Trinidad Planning Commission
FROM: Trever Parker, City Planner
DATE: June 10, 2016
RE: Reinman Appeal

Mike Reinman is appealing the City's Manager's determination that a significant violation occurred at a VDU that he manages located at 461 Ocean Ave. The incident took place the weekend of March 11 and 12. There were complaints from two neighbors filed with the City that describe the incident in detail, which have been included in the packet. The City Manager's letter to Mike Reinman and property owner dated May 9, 2016 explain the reasons for his determination that what occurred was a significant violation of the VDU ordinance. Note that the appellant did not provide materials for the packet, but will likely provide something at or prior to the meeting.

Section 17.72.100 of the Zoning Ordinance allows affected parties to appeal staff determinations to the Planning Commission within 10 working days of being notified of the decision. Mike Reinman filed an appeal on May 20, 2016. Likewise, the Planning Commission's action in this matter will be appealable to the City Council.

The existing ordinance does not provide a lot of guidance as to what is a significant violation; it is only mentioned in the ordinance in one subsection. But it does allow a VDU license to be revoked if a property has more than two significant violations in a year. This incident would be the first significant violation for this property. Based on the existing ordinance, the Planning Commission will have to decide either: 1) it agrees with the City Manager's decision and then deny the appeal; or 2) if the Planning Commission agrees with the appellant, then the appeal would be upheld and the City Manager's determination nullified. The existing ordinance language, from §17.56.190.L.2 (Violations) is below:

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.



May 9th, 2016

Mike Reinman
89 E. 15th St.
Arcata, CA 95521

Michael and Gail Covney
9 Hemlock Dr.
Greenwich CT 06381

Re: VDU Ordinance Violation at 461 Ocean Ave on March 11th 2016

Dear Mr. Reinman,

Withdrawal of April 20th Violation Letter

This letter serves to rescind and withdraw my April 20th letter to you regarding this incident, and to replace that letter with this one.

VDU Ordinance Violation

I have made a determination that the events of March 11th at the vacation rental you manage at 461 Ocean Ave. qualify as a significant violation of the City's VDU Ordinance, as detailed in section 17.56.190 of that Ordinance.

This decision is based on the information available to the City including but not limited to the number and nature of the complaints received from neighbors, the accounts of the individual who rented the property that night, the fact that the VDU was hosting an 'event' as defined in the City's VDU Ordinance, and your failure to supply the City with a copy of the rental agreement for that night after two separate requests for that information.

The City received multiple complaints regarding the events of the evening of March 11th at the VDU at 461 Ocean Avenue. In brief, the complaints described:

- Many cars and people arriving to this home between 9 and 10:30 pm on that night,
- An extended period of noise and confusion in the street as many carloads of guests tried to find parking, unload, and the like.
- Multiple (>5) cars associated with this event still present on the street the next morning.
- 15-20 people arriving at the home that evening, and a similar number departing the next morning.

- Conversations with two different RCVR staff who acknowledged to the neighbors either directly or indirectly that the house was over the allowed occupancy that night, and they were helping the occupants find different accommodations for the next evening.

In following up from these initial complaints, I spoke with an event organizer (Robert Gale) who stated that:

- Approximately 15 people spent the night at the home; and
- He was responsible for the problems as he had failed to book enough accommodations for an event associated with the 'Weed for Warriors' non-profit organization.

After the City sent the April 20th letter notice of violation which was focused on the occupancy violation, Mr. Gale contacted the City to provide a new account stating that after he left at 11:30 pm, most of the other guests went elsewhere, so the overnight occupancy limit was not exceeded. They then regrouped at the home the next morning as part of their weekend event. That version is consistent with the account provided by Mr. Reinman. In this revised account it appears that Mr. Gale was not a direct witness to the number of people who spent the night.

Regardless of the number of overnight occupants, the actual disturbance to the neighborhood that prompted the complaints to the City involved the late arrival of more than 15 people in multiple cars, talking in the street, trying to find parking, and unloading. Based on the disturbances reported by the neighbors, there was a violation of the Noise standards in the Ordinance at 17.56.190 (6.26).H 9.

I asked Mr. Reinman twice via email for a copy of the rental agreement for that night, with the goal of directly contacting additional individuals who booked the house, but that agreement was not provided to the City. This is a violation of the Audits requirement in the Ordinance at Section 17.56.190 (6.26). J Audits.

These guests and occupants were gathering as part of an organized event of the Weed for Warriors non-profit organization. That event is the reason there were so many guests and/or occupants at the home. The large gathering on Friday evening at the home appears to be a part of this event. This is a violation of Section 17.56.190 (6.26). G Non-Permitted Uses

In conclusion, ensuring that VDUs do not create a nuisance or disturbance to the neighbors and neighborhoods around them is one of the primary purposes of the Ordinance. It is clear from the record that there was a disturbance to the neighborhood, and the combination of factors described above lead staff to conclude that this is a 'significant violation' of the Ordinance.

This home is in a quiet residential neighborhood with small lots, closely spaced homes, and limited street parking. I encourage you to consider what policies and processes you can put in place as manager to avoid the use of your properties for events, and to avoid a loud and late night arrival of so many cars, occupants, and their guests.

I realize it is a challenge for VDU managers to police the activities of your guests and you may not have been aware that this rental was part of an organized event, or that so many people were going to arrive at this late hour to the home. Nevertheless, the responsibility for compliance with

the VDU Ordinance rests with the VDU owner and manager. I appreciate that you and your staff responded to the property upon notification of problems, and that you have been open and interested in discussing a range of solutions with City staff to prevent similar occurrences going forward.

This is the first significant violation finding at this property. The VDU Ordinance provides that if more than two significant violations occur in any 12 month period, the City can impose additional conditions, up to and including the revocation of the VDU license for this property. Any such action would go before the City Council for consideration.

You have the option of appealing this administrative decision. To do so you must notify the City of your appeal within ten working days of receipt of this letter. That appeal would be considered by the Planning Commission, and their decision could be appealed to the City Council.

Please feel free to call me at 677-3876 or email me at citymanager@trinidad.ca.gov if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Daniel Berman". The signature is fluid and cursive, with the first name "Daniel" and last name "Berman" clearly legible.

Daniel Berman
City Manager

cc (by email) : City Planner Trever Parker
 City Attorney Andrew Stunich
 Trinidad Planning Commission
 Trinidad City Council

Complaint : 461 Ocean Ave.

From: "Dorothy Cox" <crabby2@suddenlink.net>
To: scuthbertson@trinidad.ca.gov, citymanager@trinidad.ca.gov
Cc: "Jack West" <jandjwest@yahoo.com>, "Lisa Espejo" <knowskateboardingintrinidad@gmail.com>, cliff@poulton.net, diane.stockness@gmail.com, rfjbrr@gmail.com, jjbakers@gmail.com, DAWinnett49@gmail.com, pinske@suddenlink.net, juliefulkerson@mac.com

The VDU at this address was SO out of compliance on March 11-12. There were many, many people and cars after 10:00 p.m. and even over the noise of a very rainy, stormy night we could hear the cars, the shouting as people jockeyed for a position to park and enter the house. Ocean Avenue had cars on both sides and down the middle of the street looking for a place to park.....

This morning, March 12, still saw at least 5 cars after 9 a.m.

I decided that I needed to meet the people that were staying there so I could see what to expect again tonight. I headed across the street sometime after 10 a.m. The cars were gone, but I hoped someone was there that I could speak with. No one answered the door. I then went to Valle's home, knocked on the door and met the new renter there. We had a real nice visit, and I asked him about the noise and traffic Friday night and Saturday morning. He said that his lady friend did say that there was music being played loudly during the evening and that there seem to be a lot of people coming out of the house in the morning and walking in different directions. I made a call to the number on my info sheet for this VDU and spoke with Samantha. I kindly told her my concerns, asked about the specifics as she was aware, and asked what the neighbors could expect tonight. She told me she manages properties in other areas and really couldn't address the occupancy at this home in Trinidad. She said she would refer my questions to Dori. About an hour later she called again to say that Dori was aware of the over occupancy and that " other arrangements would be made " for the excess guests. She also pointedly said that ordinances allow up to 20 guests before 10 p.m.

Not too long later Dori sent me a text asking for my email address so she could address my questions and concerns. I was wondering why she didn't just pick up the phone and call me directly and then she did call.

I asked the same questions, expressed the same concerns and she pointedly, but politely told me that the VDU can have up to 20 guests and 6 overnight guests are allowed. (as if these magic numbers make the neighbors more understanding). I said that last night far exceeded those numbers. She said that they were making arrangements to have other accommodations tonight for the excess.

Again we come back to the issues of : " why do we even have to deal with these problems," " when a party reserves a VDU and they sign an agreement, how do these extreme problems happen", and " other than repeat complaints, how will these issues EVER get resolved"

Looking into the details of the occupancy for this particular VDU we find no less than three different numbers.....the Internet ad says " sleeps 5", the paperwork we have says " can accommodate 8" and Dori say " no more than 6". I can tell you there easily were 15-20 "guests".

These problems turn the neighbors into continuing complainers.

Dan and I are going to a " unemployed commercial crab fishermen's dinner " tonight and expect to return home about 10 p.m. I was assured by Dori that no more than 6 people will be occupying the house across the street and that

there would not be " guests" after this hour. If this is not the case and there is an abundance of cars and noise, we WILL call the sheriff. Please, put yourself in our place...look at your neighborhood and tell me you would be happy in your home with the issues we have with transient neighbors. The clientele coming and going from this house were not " vacationers" looking to enjoy our small seaside town. These are not the people we are comfortable with in our neighborhood. A few were seen walking away this morning with knapsacks on their back....as if this VDU was a place where friends were staying and they were just "flopping" . So we never know who or what is in our neighborhood. Please consider this an official complaint from us.. Something has to change....

Sent from my iPad

Sent from my iPad=

appeal

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov> 06/09/16 14:47
To: "Parker, Trever" <trever@streamlineplanning.net>
Attachments: Redwood Coast Vacation Rental violations today at 461 Ocean Ave..msg (17.1 kB); Complaint : 461 Ocean Ave..msg (5.3 kB);

Hi Trever,

Unless you think I'm really missing something, all I really see the need to put in the packet for my side of the appeal is the final letter to Mike, and the two attached emails that are the original complaints received. Maybe the ordinance itself.

As I see it, it is a judgment call by me in the end. I feel like the letter, combined with the complaints, gives the Commission the appropriate background for how I came to my decision.

Let me know.

Dan

Daniel Berman
City Manager
City of Trinidad
(707) 677-3876
(707) 498-4937 mobile
P. O. Box 390
Trinidad, CA 95570

From: Tom Davies & Kathleen Lake [mailto:tomd.kathleenl@gmail.com]

Sent: Saturday, March 12, 2016 10:18 AM

To: julie Fulkerson; Dwight Miller; Dave Winnett; Jack West; Joan & Jim Baker; Mike & Ann Pinske; Richard Johnson; Lisa Espejo; Diane Stockness; Cliff Poulton; Dan Berman Trinidad City Manager; sandra cuthbertson

Subject: Redwood Coast Vacation Rental violations today at 461 Ocean Ave.

Redwood Coast Vacation Rental violations today at 461 Ocean Ave.

Last night around 9pm we heard lots of car doors slamming, dogs and traffic in the street. We went out front to see what was going on. It was raining, the street was full of cars, people stopped in the street, asking "where to park?" We asked/directed one guy not to park in our parking space. There were MANY people there, we only saw men, mostly between the ages of 25-35. Some with dogs, we heard the F bomb more than once. We did not want to deal with it. The street was full. At least 5 cars parked at the house. Later, around 10:30pm the cars doors were still being slammed and parking still trying to be figured out.

We went to bed wondering what was happening, very unsettled, who were all of these people? Was this a party? But given our ordinance of allowing up to 20 guests, we really did not want to delve into it on late rainy Friday night. It was ridiculous and we felt unsafe.

This morning at

7:30am when I got up, all of the cars were still there. People were milling about, some leaving, one with Washington plates that I had asked to park elsewhere the night before was leaving.

Around

8:00am we could see even more people out front, 15-20. Way over the amount for occupancy for this vacation rental.

We called the provided number for this vacation rental. The phone was answered by Jesse and it seemed as if we had woken him up. I asked if this was RWCR, the person seemed to be confused, and he said yes. I told him that there appeared to be too many [people.at](#) the rental next door to me. I gave him the information and our concerns. He said that he would get someone out there. I asked him if he needed my name, number? He seemed annoyed.

8:30 Jesse called back. He stated that there was a wedding last night in Trinidad. He asked if I knew about this. He said that these people didn't want to drive home, they came to the this rental. He went on about how this wedding problem was wedding problem was solved by people sleeping at this vacation rental. I asked if they had rented the house at all or if it was a spur of the moment decision, he seemed unclear about that. Then restated that they had "rented accommodations." I asked what this had to do with the occupancy overages and parking issues that I reported. He asked me "How do you know that there are too many people over there. What were you doing peeking in the windows? " I told him that I was insulted by that comment and that we could currently see people outside in the front. We can see them out the window. He continued with the statement of people needing a place to sleep. I asked him if someone was coming out. The conversation got really ugly and I hung up on him. He apparently did not want to deal with it and thought that his wedding explanation would appease us.

8:45 Jesse called back. He said that he was wrong about the wedding. He now reported that it was a "Senior citizen veterans event" that was held at the house. (The people staying at the house are obviously not senior citizens, most appear to be in the their 20's and 30's.) He said that the party was contacted and that the people were dispersing now. Jesse apologized for his previous remark and stated he was not the property manager, that he just trying to take care of this problem remotely, and was in Eureka. I asked if these people were going to be allowed to stay again tonight? He did not know. I asked if he would find that out and get back to me. He agreed to do that.

9:15 Jesse called back and apologized for the "event" that happened at the rental. He stated that the "event" will not be held at that vacation rental again tonight, as they are moving to a different rental location.

He stated that the tenants were in violation of the rental contract and that they were not supposed to have more than two cars there and that they were over occupancy with how many stayed the night. We asked how many would be staying tonight. He then proceeded to state he didn't know the occupancy of the unit but that the renter knows that they violated the rental agreement. He then asked us what the City Ordinance stated. When asked repeatedly how many people would allowed to be there tonight he could not answer the question. He kept stating the he did not know the occupancy allowance and sorry for the inconvenience. If you have any more problems tonight let us know. End of conversation.

This was our morning living next door to Vacation Rentals. These are commercial businesses in residential zones with out any management but the neighbors. Who will be there tonight? Looks like a great night again tonight. At the time of this posting 10:15 am there are still four cars parked at this rental. This is not the way we planned to spend our Saturday morning. This is not right.

Please let us know if you need additional information.



MEMORANDUM

To: Trinidad Planning Commission
FROM: Trever Parker, City Planner
DATE: June 10, 2016
RE: VDU Agenda Item

I do not have much new to report for this meeting, which will be a continued discussion of the ordinance amendment, focusing on four topics: cap(s), buffer(s), transferability and enforcement.

As requested, I have provided you with some updated maps. The City has not yet logged all the VDU license renewal applications, so I could not use that as a list. Therefore, I used the 34 existing FY15/16 licenses. The maps include: 1) a zoning map showing all the licensed VDUs, with 100' buffers, measured from the property lines, for the VDUs in the UR zone; 2) existing licensed VDUs with 150' buffers measured from the property lines in the UR Zone; and 3) existing licensed VDUs with 200' buffers measured from the property lines in the UR Zoe. No other new information was requested by the Commission.

However, you did want to review some information from past packets related to the current topics. Everyone stated that they still had their previous packets, so I did not include the information in anyone's packet except for Laura, where I included the materials from prior to her appointment. If you do need new copies, you can download from the City's website, or request them from Gabe.

- The City Council's original recommendations were included in a table in the October (continued to Nov. 4) staff report. Because that table is relatively short, but important, I have copied and pasted it to the back of this memo.
- Attachment 1 of the January staff report provides sample language from a variety of VDU/STR ordinances that may be useful to review again.
- General information about code enforcement was included in the Feb. 4 meeting packet.
- The Coastal Commission's letter was included in the packet for the regular February meeting (2/17).
- The enforcement subcommittee recommendations from Commissioners Pinske and Johnson were in the March packet.
- The Palm Spring Municipal Code chapter on administrative citations and penalties was included in April meeting packet as an attachment to the City Attorney memo.
- Transferability options were summarized in the regular May meeting packet.
- A noise ordinance and administration citations section from Indian Wells Code was also included in the regular May meeting packet.

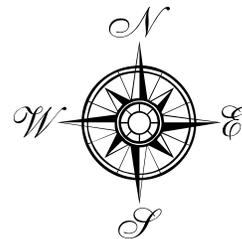
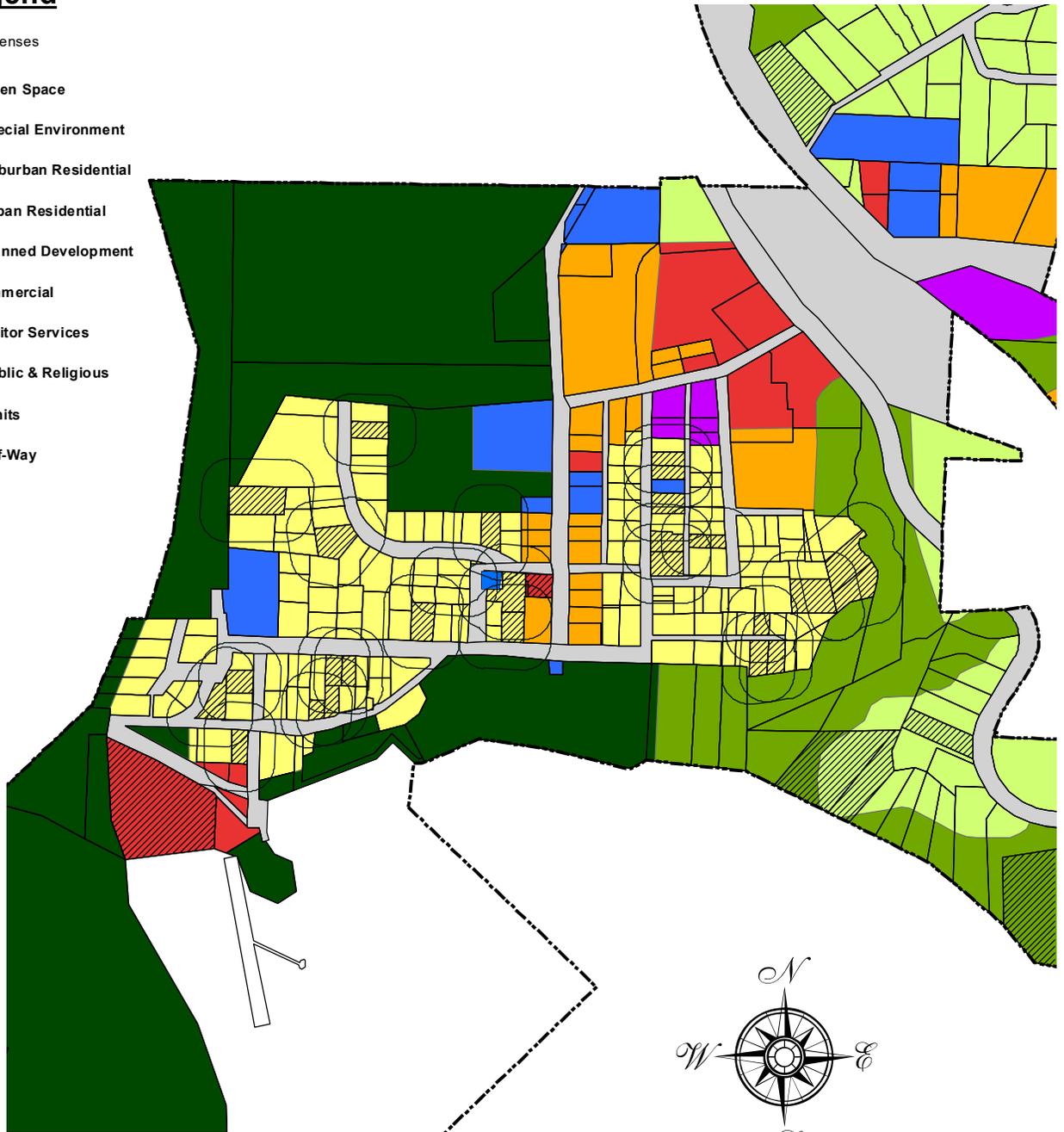
ISSUE	COUNCIL RECOMMENDATION	POSSIBLE ALTERNATIVES
Should there be any limit or cap on VDUs?	Yes	Yes or No
Cap Details – How many, and what mechanism.	Fixed number in the range of 20 to 30 (approx. number of current active permits)	% of housing stock Absolute number By zoning type By area of the City (neighborhood) By distance from nearest other VDU Absolute ban in residential zones
Treat partial owner-occupied differently?	This came up as part of the discussions, but was not voted on.	Owner-occupied at least part of the year (how long?) vs. absentee owners
Require ‘activity’ on License?	Yes (4-1) – 0 to 60 days activity (nights occupied) per year.	Y or N; (City to define ‘activity’ (x dollars, or x nights of use, or....))
License Term	Annual (5-0) – but renewal guaranteed assuming on-going compliance with the VDU Ordinance	Some other term? Longer term, but when it expires, you go back to the waiting list?
Transferability of Permits	Not Transferable (needs input from City Attorney)	a) Fully transferable, can be moved to another house with updated application, can be bought and sold... b) Runs w property, transferable to new owner with change in ownership (via sales and / or inheritance) c) Not transferable – expire upon change in ownership– limited one year license specific to owner and property.
If a cap goes into place that is lower than current VDU #, how do we get there?	Attrition (5-0) – We move towards a lower number as licenses are not renewed, or end with changes in property ownership	a) Gradual via attrition b) Abrupt shift – only issue new cap-based number of licenses at next annual renewal date. This would require developing a process to select who gets a permit. (Based on lottery, or seniority, or...?)
How do we manage a waiting list for permits?	First come first serve	a) Lottery of all interested parties at time of availability. b) Keep a ranked ‘first come first served’ list, new parties go on the bottom. c) Bidding process
Other Issues:	Not specifically discussed by the Council. Staff have identified some sections of the existing ordinance that may need clarification.	a) Definition of VDU b) Location and number c) Enforcement d) Other?

Land Use & Zoning

(updated 6/10/16)

Legend

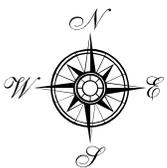
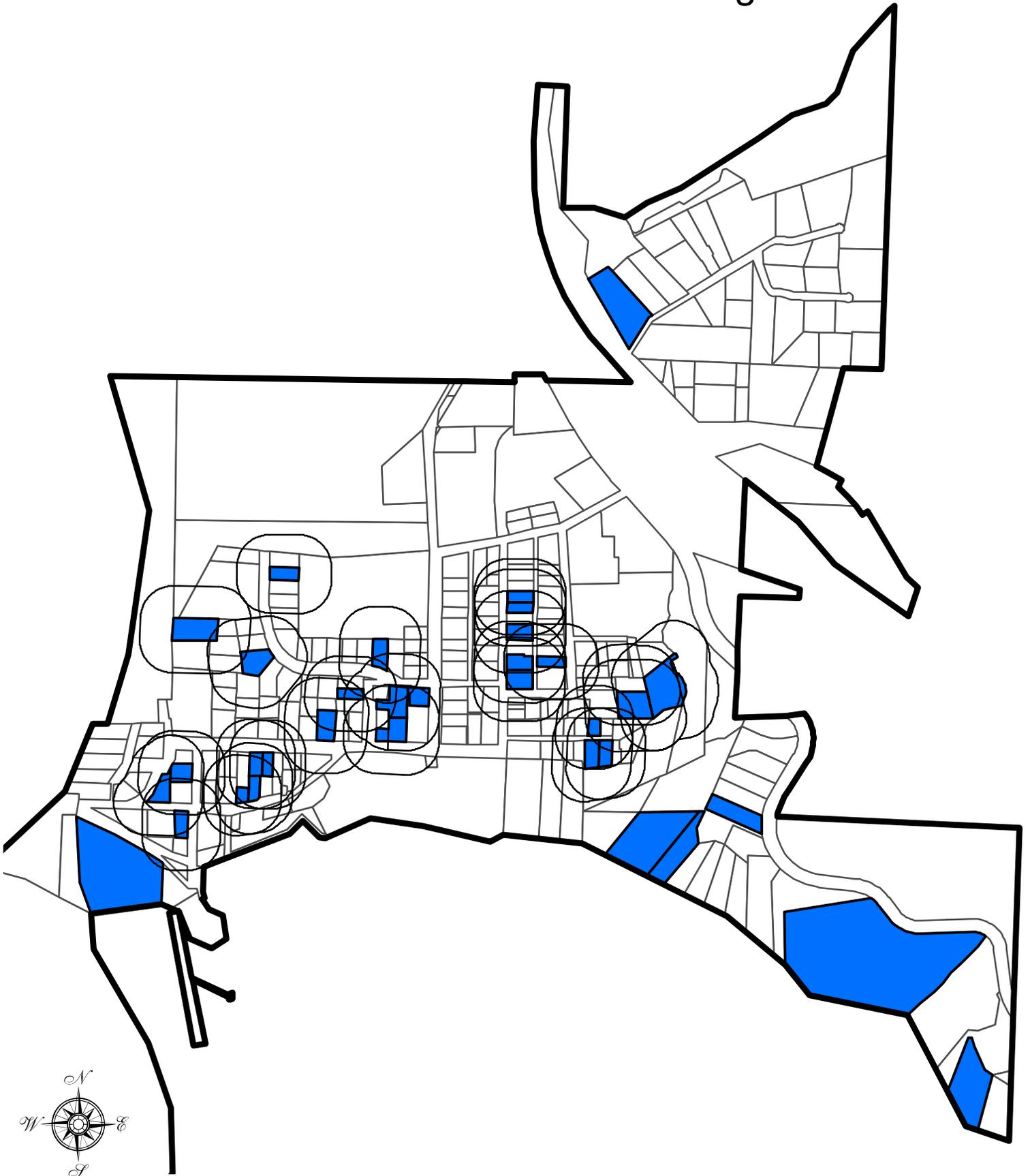
-  VDU Licenses
-  OS - Open Space
-  SE - Special Environment
-  SR - Suburban Residential
-  UR - Urban Residential
-  PD - Planned Development
-  C - Commercial
-  VS - Visitor Services
-  PR - Public & Religious
-  City Limits
-  Right-of-Way



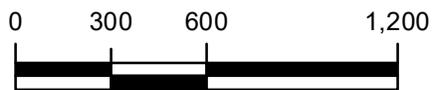
1 inch = 600 feet

This map for display purposes only.
For an official Land Use determination see Plate 1B
of the General Plan (July, 1978)

VDU Buffers - 150' from edge



www.trinidad.ca.gov

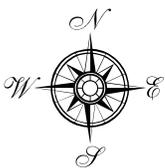
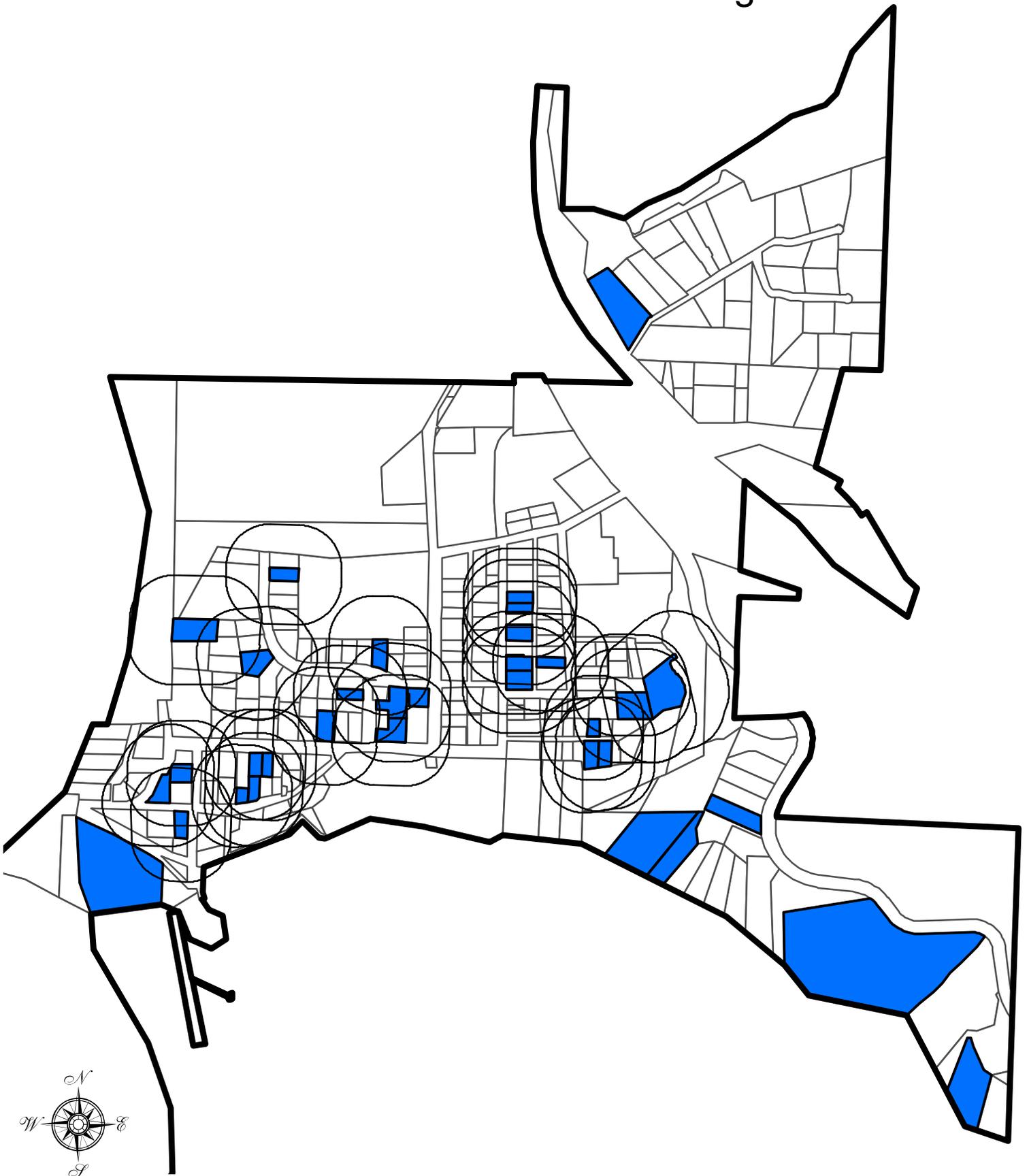


1" = 600 feet



6/10/16

VDU Buffers - 200' from edge



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1" = 600 feet



6/10/16