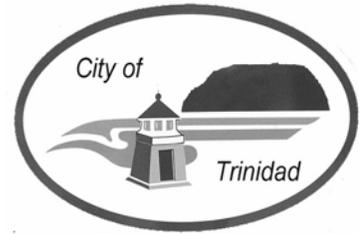


DISCUSSION / ACTION AGENDA ITEM

Wednesday, August 31, 2016



Item: Lake-Davies Appeal of Staff Determinations / Decisions: Appeal of staff decisions to issue VDU licenses to properties with alleged second unit and / or building code violations

Appeal Background: This item was first discussed at the April 20, 2016 meeting and was continued in order to give staff more time to gather information and respond. The appeal, as submitted, is somewhat unusual in the range of issues raised. Staff's interpretation of the appeal is that the primary decisions being appealed are the issuance of VDU licenses to seven specific properties. The basis for the appeal is that the licenses should not have been granted due to alleged violations of the City's Zoning Ordinance and Building Code related to second units. Therefore, staff is focusing on responses regarding those seven properties. A brief description of relevant code sections and how staff determines the existence of a second unit is included at the end of this report. The appellants have submitted several letters and a large volume of supporting information, which has been included in this packet.

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. The appeal was filed on March 8, 2016 after being notified of the City Manager's decision on March 4. The Planning Commission's action in this matter will also be appealable to the City Council.

Appeal Response: The existing VDU ordinance does not require inspections prior to issuing VDU licenses. However, staff did review existing City files for each property and compared that information with what was presented in the VDU applications prior to issuing the licenses. Staff has followed-up on this appeal by more thoroughly investigating each property that is named in the appeal as having an illegal second unit or other code violation that would warrant denial of a VDU License. The information comes from existing City files as well as onsite inspections done by City staff as part of the VDU license renewal process that recently occurred. The responses are arranged in order of the April 16, 2016 appeal letter to the Planning Commission from Kathleen Lake and Tom Davies. The inspection checklists and other relevant information supporting staff's determinations have been attached to this staff report.

363 Ocean Ave

The City first became aware of a potentially illegal garage conversion (to a second unit) on this property in April 2015. It appears that this is also when the current owner became aware of the problem, because the second unit was represented to her as completely legal when she purchased the property. Since that time, she has been very cooperative with City staff in investigating and working towards resolving the situation.

In the meantime, she has also agreed to the City's request to not use or rent the second unit, and it was excluded from the VDU License. The VDU License was not issued until after a significant amount of correspondence with the property owner and her agreement to the stipulation that the back unit not be occupied.

The VDU license that was issued on December 2, 2015 included the following conditions:

- *The approval of a 3-bedroom VDU is conditioned on the detached accessory structure / unpermitted second unit remaining unoccupied due to the fact that it may pose a hazard to public health and safety because the construction has not been inspected for conformance with the UBC by the City Building Inspector and because such occupation would exceed the design capacity of the septic system.*
- *This VDU license is also conditioned on the owner actively working with the City and obtaining approval to bring the unpermitted construction in the detached garage into compliance with City codes within a reasonable period of time.*

Since the VDU license was issued, the owner has provided proof that the unit was represented to her as being completely legal during the purchase. In addition, she has been able to provide compelling evidence that the garage was converted to living space by the early 1980's, and she is still working on obtaining additional information. She also submitted an application to the City on May 23, 2016 for an after-the-fact permit to convert the garage into living space. The current zoning ordinance does not allow creation of a second unit, unless it can be shown that it was established prior to 1980. However, processing that application has been a low priority for staff, and we are waiting to see if she can provide any additional historic information about the second unit construction.

The owner has also submitted a response to the allegation that the back/second unit is still being rented, along with signed affidavits supporting her assertion that it is not. Part of the complaint regarding this property also has to do with the parking exception that was granted. I have attached the exception that was granted, which provides the basis for that decision.

As far as staff is concerned, the property owner is in compliance with her VDU license (both the FY15/16 and the current FY16/17 ones). While an illegal second unit may exist on the property, it is unoccupied, and the owner is actively working with City staff to verify the status and bring it into compliance as necessary.

381 Ocean Ave.

This property has a detached bedroom that was approved by the City back in 1992 as a garage conversion. That approval included several conditions to ensure that it would not be used as a second unit. These included that the space could not have a kitchen and that the space could not be used or rented separately from the main structure (this was before the City used deed restrictions). The owner has tried several times to get the space permitted as a second unit under the State second unit law, but can not for several reasons.

In 2007 the owner applied for additional permits from the City, including an addition to the main structure. The creation of a second unit and concerns about the use of the back bedroom came up again. The previous conditions from 1992 were reiterated and a deed restriction limiting the number of bedrooms on the property was required. The City Building Inspector inspected the back space as part of the building permit in June 2007 and wrote the following assessment: *"In order to address a condition of the building permit, I also inspected the detached building (formally garage). At that time, the building was being used as a sleeping room for Ms. Sterling's caregiver. The caregiver was using the kitchen in the main house; however, she may have had a microwave oven in the detached building. There was a television in the detached building. The owner convinced me that the building was not being rented out as a separate unit; while I was there the caregiver was using the main house."*

The City has not had a complaint about the back space being used as a separate unit since that time, until now. When the VDU License was issued on September 15, 2015, the City had no evidence that there was anything illegal on this property. Certainly it has not had a second unit for the past 14 years as asserted by the appellants (March 3, 2016 email in their supporting documents), because it was inspected in 2007. Note that my comment in another March 3 email referenced in the April 16 letter (also included in the appellant's supporting documents) was actually in regards to 363 Ocean Ave. The reason for the confusion is because my original email was a very long response to some questions from the City Manager regarding the Lake/Davies complaints. He responded to Ms. Lake and Mr. Davies on the same day by moving and editing the text from my email into his email, so my original email became chopped up. This is evidenced by the fact that the sentence referred to starts with a comma.

Unfortunately there was a mix up with the inspection of this address. The VDU renewal application for this year did not include the detached bedroom. Therefore, the Building Inspector only inspected the main structure. In the future it is important to have a policy to inspect the entire residence, even if the VDU includes just a portion of it, in order to ensure second units have not be created in the other portions. Staff is working on trying to get an inspection done prior to the August 31 meeting; the owner has been out of town. However, the fact that it has not been inspected does not impact the fundamental assertion of the appeal that City staff knowingly issued a VDU License to a property with an illegal second unit. If a kitchen has been added since 2007, then the City will pursue that through appropriate enforcement mechanisms.

Further, use of the detached bedroom space (or just the main structure) as a vacation rental, does not necessarily mean it is being used as a separate unit. The detached bedroom could be rented out for transient use just like a bedroom inside the main structure. It would be very difficult for the City to know for sure whether any occupants did in fact have access to the main structure or not, but we have no evidence that it has not been being used in compliance with City permit conditions. And because (assumably) there are no cooking facilities, the use is no different than for a single-family residence.

One question that might come up in regards to detached bedrooms is how that fits with the City Attorney's interpretation that the existing definition of a VDU includes a 'structure,' but not 'structures' plural (see further discussion under 651 Parker Street). This was the basis for him determining, and the City Council concurring, that two detached dwelling units on one property could not be rented or used together as a single VDU as staff had originally interpreted. The VDU definition also includes a reference to a 'home' or 'house.' Common sense tells us that if an entire home is rented as a VDU, that could clearly include any associated accessory structures, such as a detached garage, gazebo, game room, etc. The City would not want to prohibit VDU occupants from using onsite, garage parking spaces for example. The City Manager asked this question about accessory structures of the City Attorney, who responded by email on November 4, 2015. He stated that as long as the structure could not legally be rented out as a dwelling by itself, it could be included in the VDU. I did not attach the City Attorney's email due to attorney-client confidentiality.

407 Ocean Ave.

You may recall that the detached garage, located on the alley at the rear of the property, was converted into an unpermitted second unit around 2005. The City has a long history of trying to work with the owner to bring the unit into compliance. That finally happened in 2013 with the Planning Commission approval of Permit 2013-11A for an "After-the-fact Design Review and Coastal Development Permit to add living space (bedroom / bonus room / bathroom) for the primary residence in an unpermitted 650 s.f. accessory dwelling unit converted from a pre-existing 1,080 s.f. detached garage." The approval of that project was conditioned on a number of things, including bringing all construction up to building code standards to the satisfaction of the Building Inspector. It also required the removal of the stove / oven, kitchen sink, kitchen cabinets and 220V outlets to the satisfaction of the Building Inspector, in order to ensure it could not be used as a second unit in the future. In addition, a deed restriction was recorded for the property limiting it to a single unit and 3 bedrooms (one of the existing bedrooms in the house was required to be converted into an office). Therefore, this property contains detached living space as part of the residence, but not a second unit.

The project also included the following condition: "*A copy of the current rental or lease agreement shall be kept on file with the City and shall include the following stipulations and information: (1) The detached living space is not to be used or rented separately from the primary structure; any tenant must have full access to the common areas of the primary structure; (2) No more than six adults may be living on the property at any one time; (3) A list of the make, model and license plate number of the vehicle(s) of each tenant shall be attached.*" Part of the appeal complaint is that this condition was not being complied with. And that was true for a period a time; the owner belatedly decided that he did not agree with the condition. It took some time for the City to convince him that he had agreed to it, and it was too late to change without amending the entire permit. The owner has subsequently submitted the current information as required by this condition.

The City Manager inspected the property on June 21st 2016, and the inspection checklist is attached. He verified that the floor plan complies with both the VDU application that was submitted and what the Planning Commission approved in 2013. Also note that the quote regarding the “back studio” included in item c of the Lake/Davies April 16 letter was actually in reference to 461 Ocean, which contains a VDU managed by Mike Reinman, the owner of 407 Ocean.

651 Parker St. (4-Plex)

In November 2015, the City Council concurred with the City Attorney’s interpretation regarding the “one VDU per parcel” limitation in the VDU ordinance. Due to the wording of the definition of a VDU (“*means any structure, accessory structure, or portion of such structures, which is contracted for transient use*”) it was determined that two separate dwelling units on one parcels can not be rented together as a single VDU. However, that does not apply to multiple units within a single structure (because a VDU can be a structure or a portion of a structure). Under this interpretation, Mr. Reinman can rent out two of the 2-bedroom apartments together as one 4-bedroom VDU. This issue did take time to resolve, and Mr. Reinman was given a grace period to comply. Currently, two of the apartments are rented to long-term tenants. One is rented as a minimum 30 day vacation rental, and one is a normal VDU. In addition, if the 30 day rental is available, one can rent that apartment in addition to the short term VDU apartment under one contract for a total of four bedrooms. This is reflected in the rental listing:

<https://www.vrbo.com/124223>

Though not related to the issuance of the current VDU license but mentioned in the appeal, Mr. Reinman did inquire to me about removing a wall between two apartments in order to make it more attractive as a single rental. I did inform him that a building permit would be required, but likely not planning review. The property is zoned UR, which is a single-family zone; the multi-unit apartment complex is nonconforming. Reducing the number of apartments would actually make the structure more conforming as to the current zoning. The Planning Commission has proposed rezoning the property to PD (Planned Development) or mixed use in the General Plan update in order to make it more conforming, but the apartments still would not meet the density requirements of that zone. The City’s Housing Element emphasizes single-family housing; there is nothing in either the existing or draft Housing Elements that would be inconsistent with converting the 4-plex into a 3-plex.

652 Underwood

This property is not part of the appeal, but is included in the April 16 letter. The reason a VDU license was not issued for this property at the time was because the application revealed that unpermitted construction had occurred, and so the property owner was required to bring that into compliance prior to the VDU License being issued.

88 Van Wycke St.

The City had not received any formal or written complaints about this property previous to March 1, 2016. As a result of this complaint, the City was made aware that the home, which was approved for construction as a single family residence, had apparently been

converted into a duplex. There was a long-term tenant upstairs, and the downstairs was being rented separately as a VDU. The VDU license was issued for the entire 2-bedroom house. The occupancy of the VDU had been lowered on the booking site to reflect only one bedroom, since one was being utilized by the upstairs tenant. But a kitchenette and additional laundry facilities had been added downstairs at an unknown date. The City Building Inspector toured the property and wrote a letter dated May 5, 2016 (attached) with a list of corrections that needed to be made. The Building Inspector signed off that those corrections were made (including removal of the downstairs kitchenette and laundry). The downstairs is now proposed to be rented as a one-bedroom VDU with no kitchen or laundry facilities. Although the upstairs tenant is not technically a VDU “host,” the intensity of use is no more (in fact almost certainly less) than if the entire house was rented as a VDU, and the upstairs provides housing for a long-term resident.

178 Parker Creek Dr.

This complaint was based on the fact that the owner started having a “host” live on the property to oversee the VDU. The Building Inspector inspected the property on June 2, 2016. The property does have a detached bedroom that is part of the VDU. However, that space has not been converted into a secondary dwelling unit. Several improvements have been made to the residence over the last few years, and appropriate permits were obtained. The residence only has one kitchen within the main structure. No violation exists for this VDU.

789 Underwood Dr.

This house was built in 1986 with an illegal mother-in-law unit downstairs. However, in 2006 as part of a permit application for a small addition, the City first became aware of the illegal unit. The owners were not using the second unit, nor were they aware of its illegality. Rather than require the kitchen to be removed or other alterations made to the downstairs unit, the Planning Commission required the owners to sign and record a deed restriction limiting the property to 3 bedrooms and a single dwelling unit (which is what the septic was designed for). Part of the reason that the second unit was not required to be removed was because the City was starting to discuss developing a second unit ordinance at that time.

The deed restriction also applies to the current owner and the VDU use as well. So the downstairs unit is part of the VDU, but can not be rented separately. The entire residence is rented as part of the VDU, and there are no long-term residents. Just because the VDU has a “private” downstairs, does not mean it has two dwellings. The VDU is rented under a single contract, which means it is occupied by one group of people, and still qualifies as ‘single-family’ use. Another way to think of this is if the house had an outdoor kitchen – some of the group may want to cook outside and enjoy the view, while others may think it’s too cold and windy and prefer to cook inside. Just because some people are cooking outside while others in the group are cooking inside at the same time, does not mean there are two dwelling units. In order to be considered a ‘dwelling’ a unit must have a kitchen. However, there is nothing in Trinidad’s

ordinances that prevent a single dwelling from having multiple kitchens (see code references below).

Other Complaints and Allegations

I also wanted to address some of the other allegations and complaints in the most recent letter (April 16, 2016) from Ms. Lake and Mr. Davies supporting the appeal.

1. The November 10, 2015 letter and map submitted to the City Council (included near the front of the supporting information provided by the appellants) is in no way proof that those properties have second units. Some of them have legal, nonconforming second units; others do not have second units, and some may have illegal second units or ones with unknown status. But the submittal was not a complaint nor was it directed to the City Manager. So to use this to say that the City Manager knew he was issuing VDU licenses to properties with second units is not reasonable. As you can see from the individual property responses above, the City did not issue VDU licenses to any properties with known second units, legal or illegal, without appropriately assessing and addressing the situation.

3.a) I did not add an exception at the request of Mr. Reinman. He was asking about something that had been previously discussed at a public meeting, and that had originally been suggested by the City Attorney.

3.b) This issue first came up in March 2015, just before Coastal Commission certification of the existing VDU ordinance. The City Council held a special meeting on March 9, 2015 to consider withdrawing the ordinance from the Coastal Commission agenda at the request of Mr. Reinman due to what he called an “unintended consequence” of the “one VDU per parcel” language in the ordinance. The Council elected to proceed with the certification and not delay the ordinance, but did want to further consider the issue. At the April 8, 2015 City Council meeting, there was an agenda item to consider revisions to the recently certified VDU ordinance. At that meeting, both the public and the Council expressed support to add an exception to the one VDU per parcel limitation for the apartment 4-plex on Parker Street. The minutes reflect that the Council felt that the location was appropriate for multiple VDUs and that the existing ‘one VDU per parcel’ language was not intended to prevent that situation. The City Council specifically directed staff to work on an amendment to rectify the situation. Staff placed the item on the May 2015 Planning Commission agenda for consideration and proposed narrowly defined language so that the exception would affect the minimum number of properties.

The Planning Commission did not agree with the proposed amendment for a variety of reasons. Staff does not agree that the Planning Commission’s decision was misrepresented to the Council. The Planning Commission’s recommendation to not approve the amendment, along with a number of strongly worded supporting reasons was transmitted to the Council for their June 2015 meeting, and the same wording was approved by the Planning Commission in the minutes for their May meeting. In addition to the Planning Commission recommendation, staff did provide information and

suggestions to the Council for how to move forward with the amendment, since they had unanimously voted to pursue it three months prior. The Council took the Planning Commission's recommendation and did not approve the amendment, but suggested it be included as part of the cap discussion. The entire process took less than four months.

4) The four properties referred to in this comment were 88 Van Wycke, 178 Parker Creek, 381 Ocean and 789 Underwood, all of which have been addressed above. Just because I said that none of those properties had legal second units, does not imply that they all have illegal second units. As far as the City knew at the time, none of them had second units at all.

Relevant Code for Determining a Second Unit

"Dwelling unit" (17.08.250) *"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."*

"Single-family dwelling" (17.08.230): *"means a freestanding building designed for and / or occupied exclusively by one family to include mobilehomes on a foundation which conform to..."*

There is nothing that prohibits a single-family dwelling from having two kitchens. The purpose of defining a 'dwelling unit' as having a kitchen is not to limit the number of kitchens in a dwelling unit, or to define the number of dwelling units by the number of kitchens alone, but to avoid someone being able to rent out substandard housing as a separate dwelling unit.

A "family" (17.08.270): *"means one person; or two or more persons; or a group not in excess of five persons living together as a single housekeeping unit."*

However more recent (than 1980) court cases and state and federal fair housing laws (e.g. Fair Housing Amendments Act of 1988) generally do not allow jurisdictions to define families as related or to put a maximum number on them.

The City's code does not have a definition of kitchen, and I understand the building code definition is pretty generic. Presence of a stove and/or oven is often used by jurisdictions as defining a kitchen. That is typically what Trinidad has used, and it is also consistent with County practice according to City Building Inspector, John Roberts. These distinctions become particularly important when approving living space in detached accessory structures.

There are a number of reasons that one dwelling may have multiple kitchens. Full outdoor kitchens, for example, have become popular. Sometimes an upper or lower story will have a partial kitchen or wet bar installation for convenience. And some people

may want separate cooking facilities if someone has allergies or religious restrictions on what they can eat or how food is prepared.

In addition to kitchens, the following is a list of other limitations that have been discussed in terms of ensuring detached bedrooms do not become second units (but may not be exhaustive).

- Shower: This is a restriction that the County uses along with the no stove policy in detached structures. However, that requirement has generally been rejected in Trinidad because many people want showers in garages or otherwise outside the main house for use after surfing, fishing, hunting, etc. Also, if a detached structure will be a bedroom, then a shower makes sense in that context.
- 220 volt power hook-ups: This would prevent certain appliances from being installed. However, this is also a common feature of workshops and garages, and many detached structures already have them.
- Counters / Cabinets: I have seen some jurisdictions prohibit installation of kitchen type counters and cabinets, but again, this is a common storage / workshop feature that some of these structures already have.
- Sinks: This limitation is used by other jurisdictions. However, this has not generally been required in Trinidad because a utility sink in a workshop, or a wetbar in a game room, make a lot of sense.
- Separate entrance: In the case of a single structure, individual entrances can, and are, used to help determine whether separate units exist.

Since kitchen is not defined in the City's code, determinations can focus on how a building is being used. But kitchen facilities, and others in the list above, are still an important component as to what defines a secondary living unit. Therefore, I think it would be beneficial for the City to have a cohesive and consistent policy as to how second units are defined. I have attached an example from Sonoma County. And I think it would be beneficial for the Planning Commission to consider setting some policy like this in the future.

Staff Recommendation: Review the background information, receive public comment and discuss the appeal. Staff recommends upholding staff's decision and denying the appeal. This action would uphold the issuance of the FY15/16 licenses under appeal and will be an indication that new licenses can be similarly issued, if not already.

Issued Licenses (As of March 8, 2016)

Lic. #	VDU Owner	VDU Address	Date Issued	Second Unit
2	Domb, Anik & George	375 Wagner	08/31/15	Living space (pool house / hobby room) in the detached garage = authorized part of the primary unit and VDU; not a separate dwelling unit
3	Doran, Tim	476 A View	08/31/15	One unit of a tri-plex
5	Gonzalez, James	670 Edwards	08/31/15	None known
6	Gorick, Karen	607 Parker	08/31/15	None - apartment upstairs of restaurant
7	Halkides, Dennis	550 Galindo	08/31/15	None known
8	Henry, Daniel & Connie	80 Scenic	08/31/15	None known
9	Hicks, Karen Snell	818 VanWycke		None known
10	Hunt, Jan Nash	30 Scenic	08/31/15	None known
11	Janes, Valle	495 Ocean	09/01/15	None known
12	Lake, Robert	740 Edwards	09/01/15	None known
13	Lobue, Dr. Ange	528 Hector	09/01/15	None known
14	Miller, Steven & Arlene	894 Underwood	09/01/15	None known
✓ 15	McCarter, Karen	363 Ocean	12/03/15	Yes – unpermitted garage conversion that is not part of the VDU and currently vacant; property owner is working with the City to correct the issue, likely an after-the-fact approval for some kind of living space, but not another dwelling unit.
✓ 16	Reinman, Mike	407 Ocean	09/01/15	Living space (bedroom, living room) in the detached garage = authorized part of the primary unit and VDU; not a separate dwelling unit.
✓ 17	Reinman, Mike	178 Parker Creek	09/01/15	Living space (bedrooms, game room) in several detached structures on the property, which have been inspected by J. Roberts for code compliance = authorized part of the primary unit and VDU; not separate dwelling units.
21	Simmons, Sunny	130 Scenic	09/01/15	None known
22	Smith, Craig	401 Ewing	09/01/15	None known
23	Speigle, Ron	829 Edwards	09/01/15	None known
✓ 24	Urfer, Kenneth Mark	88 VanWycke	09/01/15	The City was just made aware that this home appears to have been converted to a duplex without proper permits. There is a long term rental upstairs and the VDU is downstairs with a 'kitchenette.' The City will be following up, starting with an inspection of the house.
25	VanAlten, Casey, Lore	816 VanWycke	09/01/15	None known
26	Walters, Norlie, Norton	807 Edwards	09/01/15	None known
27	Wright, Barbara	150 Scenic	09/01/15	None known
28	Pennisi / Ferrett	351 Wagner	10/26/15	None known

31	King, Adora	396 Wagner	12/22/15	None known
✓ 32	Sterling, Marilyn	381 Ocean	09/15/15	Living space (bedroom) in detached garage = authorized part of the primary unit and VDU; not a separate dwelling unit.
33	Odom, Tom	881 VanWycke	09/15/15	None known
34	Covney, Gail	461 Ocean	01/20/16	Yes – Legal, nonconforming second unit is not part of the VDU and rented separately to long-term tenants.
✓ 35	Reinman, Mike	651 Parker St	01/26/16	The two upstairs apartments are part of the VDU – the license allows for rental of only one (and not the other), or both combined (to the same renter), but they can not be rented separately.

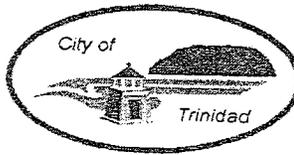
Licenses not yet issued but authorized to operate (while lawyers review issues with indemnity form)

Lic. #	VDU Owner	VDU Address	Issue	Second Unit
18	Rheinschmidt, Rolf	15 Berry Rd	Indemnity	None known
19	Rotwein, Zach & Susan	201 Parker Creek	Indemnity	None known
✓ 20	Rotwein, Zach & Susan	789 Underwood	Indemnity	The house was built with an illegal mother-in-law unit downstairs. However, in 2006, as part of a permit approval for a small addition, the owners, who were not using the second unit, were required to sign and record a deed restriction limiting the structure to 3 bedrooms and a single dwelling unit (what the septic was designed for). That deed restriction applies to the current owner and VDU use as well. So the downstairs unit is part of the VDU, but cannot be rented separately.
*	Trinidad Rancheria	1 Bay St	Septic	Living space (bedroom, living room) in detached structure; authorized as part of the primary unit and VDU; it can be rented with the main structure for an extra charge.

* The only outstanding issue for the Seascape House is the OWTS permit. There is a large and complex "package treatment plant" that serves all harbor uses (restaurant, restrooms, VDU).

Licenses held – not allowed to operate until outstanding issues are resolved

Lic. #	VDU Owner	VDU Address	Issue	Second Unit
NA	Ketchum, Smith	40 Scenic	Various	Yes – there is a small, legal, nonconforming studio unit attached to the main dwelling. The original site and floor plans were difficult to interpret, and the City is waiting for more detailed plans in order to assess the allowed occupancy based on the limited septic capacity. (The house is large with an eclectic layout due to the fact that it was built over time and used as an artist studio.)
NA	Ladwig, Steve	652 Underwood	Unpermitted construction	Living space (bedroom, living room) in the detached garage is currently being permitted. The conversion of a portion of the garage into office space was previously permitted. But additional living space was added without permits, and the space was being used as a bedroom by the owners when the VDU was rented. They are in the process of obtaining an after-the-fact building permit, which will include conversion of one of the bedrooms in the main structure into an office to maintain the number of bedrooms the septic system is permitted for. The detached living space will then be authorized as part of the primary unit and VDU.



VDU INSPECTION * CITY OF TRINIDAD

Tues 6/28 @ 11:00

Inspection Date: _____

Inspected by: [Signature]

VDU Address: 363 OCEAN AVE

APN: _____

Owner's Name: KAREN MCCARTER

Phone: 541-488-6227

Property Manager: TRINIDAD RETREATS

Phone: 834-1312
599-6249

The inspection will take place after all documentation and fees are received by the City. Inspections will be scheduled when the property is unoccupied. Owners or property managers are encouraged to accompany the inspector.

Site Plan:

Yes [] No All structures are accurately shown

Yes [] No OWTS location is accurate

Yes [] No Off street parking is shown correctly

NOTES: 2nd UNIT ON PROPERTY NOT PART OF VDU

USE, APPLICATION TO CITY FOR 2nd UNIT CONVERSION Pending w/ PLANNING

Floor Plan:

[] Yes No Drawing is to scale

Yes [] No Number & placement of bedrooms is accurate

Yes [] No If VDU is not entire property, floor plan indicates accurately which areas are to be used as VDU & areas that will be "shared use"

NOTES: SQUARE FOOTAGE APPEARS ACCURATE

Yes [] No Septic information posted in kitchens & bathrooms

Yes [] No Emergency preparedness information posted in prominent position

Yes [] No VDU signage meets requirements

[No Subject]

Tue 5/24/2016 2:37 PM

From: "KLM"

To: klm@ashlandhome.net



DATE: 5/21/16

TO: Dan Berman, City Manager

FROM: Karen McCarter, VDU Owner - 363 Ocean Ave

SUBJECT: Detached accessory structure

A few weeks ago it came to my attention, that certain individuals were claiming the detached accessory structure located on the same property as my vacation rental unit was currently being used as a rental of some kind. This is not true. This have never been true since I purchased the property in 2009, developed the main 3 bedroom house into a licensed vacation rental home and set up the detached accessory structure as my own personal space for visits to Trinidad.

I do not know why people would lie, but the City is certainly welcome to set up surveillance on that property or drive by every day or occasionally to ascertain the truth. My landscape person does maintain the area around this building, but the building is unoccupied, now even by me as I attempt to bring it into compliance.

To further prove the fact that it has never once been rented by me, I will offer four declarations: from Gail Sanders, Jonna Kitchen, Todd Ellis and myself. I will mail hard copies separately. When you receive these, please include them in my VDU file. I hope this resolves the matter of use of detached accessory structure.

I purchased this property in good faith that both dwelling units were legal. This requirement that both dwellings were legal was a contingency of the purchase and I was assured that they were. I have offered evidence of this to Trevor Parker and she has told me it is compelling but not yet enough to automatically "grandfather in" the second dwelling. I have done considerable research - with past owners, with the county, with Kathy Moley who designed the new septic system, all in an attempt to discover when and who modified this building.

When I purchased this property the detached accessory structure was actually rented to a single woman who worked for the park service (this tenancy was terminated when I purchased so that I could use the dwelling for my visits). The owner who rented to her, Ed Evans, has told me the building was modified before he purchased and again he made the 2nd dwelling being legal a contingency of the purchase. I sent the advertisement information and the lease information to Trevor as part of the first round of trying to prove I did not modify this building, but that it was already modified and in fact was being used as a rental. The City was providing Ed Evans with a license to rent. He believed he had two legal units when he sold this property to me.

Bruce Pettit was the owner before Ed Evans and he has told me that he is the one who modified the building and that it was 1980 or before when he put in a bathroom and a bedroom. This building had its own separate septic system from the main house. I have requested that we put this in writing and I am waiting a response.

Kathy Moley has in her records (as does the County Health Dept.) a drawing showing this separate septic system attached to this accessory building, along with a toilet written into the drawing of the structure. She has explained to me that the question marks on the drawing refer to her question about whether it was actually hooked to the leach line in the drawing, and not whether it in fact existed - it did. It was to be disconnected at the time the new system was put in.

Instead when the new system was put in it was connected to the detached accessory structure as well as the 3

bedroom house. This connection the County approved at the time - in other words, connecting to the accessory building was not in Kathy's plans, but on site it was connected and was in fact approved by the County at that time. This information comes from Kathy and she says she will explain further if there are questions.

Kathy has also written me a letter stating that the current system is adequate for how it has been used - Owner occupied one unit and vacation rental second unit. Further with simple modifications (which I am investigating), she believes the system would handle full time use of both units, 4 bedrooms and 2 bathrooms. I have given a copy of that letter to Trevor Parker. I will include this letter in a separate hard copy mailing of all the information discussed in this email. When received, please put this into my VDU file.

I bought this property with the idea I would retire in Trinidad. I have rheumatoid arthritis and may in the future need a care taker. The back unit - the detached accessory unit - has no steps, which is something I need now with my condition. Even if I am unable to use this set up for myself and a caretaker, it seems to me it could provide affordable housing in the future - should it be grandfathered in as is. I am a landlord in Ashland, Oregon and I believe in affordable housing and keep my homes affordable. I will submit a couple of letters from current tenants speaking to this issue.

I am willing to make any modifications necessary, to have any inspections required to guarantee this detached accessory building is in compliance with current codes and safe. As per Trevor Parker, I have begun the process of an application/permit for design review and am told I can pull this application if - upon seeing the evidence - the City agrees to accept the accessory structure as being grandfathered in.

The most important point needed to be made is that I did not modify this building in question. And it is not being used or rented. I will continue to do research and when I do receive written confirmation that Bruce Pettit put in the bathroom and bedroom on or before 1980 I will send that to you.

Thank you for your consideration in this matter.

Sincerely,
Karen McCarter

Gail Saunders

From: KLM <klm@ashlandhome.net>
Sent: Thursday, May 19, 2016 12:07 PM
To: Gail Saunders
Subject: declaration

CALIFORNIA DECLARATION

I the undersigned, declare:

1. I was the owner and manager of a vacation rental business called Trinidad Retreats, located in Trinidad, CA until 2010.
2. I was under contract with Karen McCarter between June 2009 and December 2010 to manage her vacation rental home.
3. This home was located at 363 Ocean Ave, Trinidad, CA , had three bedrooms and one bathroom and was called the RETRO RETREAT.
4. There was a detached accessory unit at this property address which was not included in our contract and was not part of the RETRO RETREAT.
5. I never listed for rent or rented out any part of the detached accessory unit on this property during our contract period.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Trinidad, CA on

5/19/2016
Date

Gail Saunders
Signature

Gail Saunders
Print Name



Trinidad Retreats <info@trinidadretreats.com>

Jonna and Reid declaration

1 message

KLM <klm@ashlandhome.net>

Thu, May 19, 2016 at 12:07 PM

Reply-To: klm@ashlandhome.net

To: "info@trinidadretreats.com" <info@trinidadretreats.com>

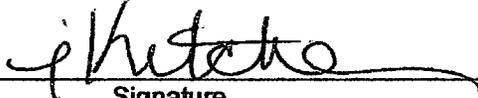
CALIFORNIA DECLARATION

We the undersigned, declare:

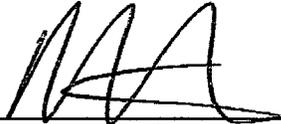
1. We are the owners of the vacation rental business called Trinidad Retreats, located in Trinidad, CA.
2. We have been under contract with Karen McCarter since January 2011 to manage her vacation rental home.
3. This home is located at 363 Ocean Ave, Trinidad, CA , has three bedrooms and one bathroom and is called the RETRO RETREAT.
4. There is a detached accessory unit at this property address which is not included in our contract and is not part of the RETRO RETREAT.
5. We have never listed for rent or rented out any part of the detached accessory unit on this property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Trinidad, CA on

5/20/2016
Date


Signature

Jonna Kitchen
Print Name


Signature

Michael R. Kitchen
Print Name

Karen McCarter declaration

Fri 5/20/2016 3:05 PM

From: "KLM"

To: klm@ashlandhome.net



From: "KLM" <klm@ashlandhome.net>
Sent: Friday, May 20, 2016 3:00 PM
To: klm@ashlandhome.net
Subject: Karen McCarter declaration

CALIFORNIA DECLARATION

I the undersigned, declare:

1. I am the owner of a vacation rental named RETRO RETREAT.
2. This vacation rental consists of one home with three bedrooms and one bath and is located at 363 Ocean Ave., Trinidad, CA.
3. RETRO RETREAT has been in operation as a vacation rental since June of 2009.
4. There is a detached accessory unit at this property address which is not included as part of the RETRO RETREAT vacation home.
5. I have never listed for rent or rented out any part of the detached accessory unit on this property during my ownership from 2009 to present.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Ashland, OR on

5/19/2016
 Date


 Signature

Karen McCarter
 Print Name



Trinidad Retreats <info@trinidadretreats.com>

Todd declaration

1 message

KLM <klm@ashlandhome.net>

Thu, May 19, 2016 at 12:07 PM

Reply-To: klm@ashlandhome.net

To: "info@trinidadretreats.com" <info@trinidadretreats.com>

CALIFORNIA DECLARATION

I the undersigned, declare:

- 1. I am the handyman and gardener for the property located at 363 Ocean Ave, Trinidad, CA.
- 2. I have been working in this position since 2009.
- 3. In this position I have access to both dwellings on this property and I maintain the yards of both dwellings.
- 4. The back unit has never been lived in by anyone other than the owner Karen McCarter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Trinidad, CA on

5-24-16

Date

Signature

Todd Ellis

Print Name

Letter

Thu 5/19/2016 7:36 PM

From: h kilpat

To: klm@ashlandhome.net



To Whom It May Concern-

Karen McCarter has been our family's landlord for the past 10 years. During these years, she has provided our family with affordable housing in a town that is often unaffordable for young families. Through her self-imposed rent regulation (despite climbing rent rates in our area), she has provided our family with financial stability that has enabled us to finish degrees and pay down debts, all while raising our child in a well-funded school district.

We strongly encourage you to consider allowing Karen to provide affordable housing in your area.

Sincerely,

Holly Kilpatrick and Ryan Folkestad

Sent from my iPhone

5-19-16

To: The City of Trinidad, CA

My name is Carol Johnson and I am writing on behalf of Karen McCarter. I am a former tenant of Karen's, renting homes on two different occasions, once in Fort Jones, CA and then in Ashland, OR between the years of 2006-2012. I was a single mom with 5 children. Karen always charged me significantly lower rent than the going rate at that time in those locations. With affordable housing very difficult to find, I was always appreciative of what Karen did for my family.

Sincerely,

Carol Johnson
2415 Croxley Lane #10
Medford, OR 97501
541-500-1744

McCarter Parking Exception Justification

Ordinance

Section 17.56.190.H.2 requires VDUs to provide one off-street parking space for every 2 occupants allowed in the VDU. However, that section also allows the following exception:

“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, 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.”

Exception Request Applicant Justification

- A parking exception request was made as part of the VDU license application.
- The owner states that the VDU has been in operation since 2009.
- The VDU manager has submitted an activity report that documents that this VDU has been active and rented to parties of 8 on several occasions for the past three years (2013-2015).
- A site plan, photos and dimensions have been provided by the owner. Note that site plans used include that submitted with the VDU license application as well as those submitted as part of the OWTS permit and aerial photos.

Existing Conditions

- The requested maximum occupancy of 8 requires 4 off-street parking spaces.
- It appears that the property can accommodate 0 full-sized (8.5' x 18) parking spaces entirely onsite.
- There was a 2-car garage facing the alley at the rear of the property. However, the garage was converted into an accessory dwelling unit without City approvals by the previous owner, and prior to the property being utilized as a VDU. The current owner will be working with the City to resolve the unpermitted construction as part of the separate process.
- The property is approximately 55' wide, and so there are 3 full-sized parking spaces within the graveled shoulder along Ocean Ave (on-street, but off-pavement).
- There is also enough room for 2 cars to park along the rear of the property on the alley. Those spaces are likely partially within the alley right-of-way, but would be off the graveled travel lane.

Feasibility of Providing Off-Street Parking

- There may be room to provide perpendicular parking in the front yard of the property, but that would also eliminate street parking. It would also eliminate some of the potential reserve leachfield area.
- There may not be room in the rear of the property to provide off-street parking due to existing leachlines.

- Parking will be further addressed as part of the process to resolve the unpermitted construction in the detached garage. Note that the unpermitted construction did not eliminate parking as required by the zoning ordinance. §17.56.180 requires two off-street parking spaces in addition to any garage spaces, but does not require there to be any garage spaces for a single-family residence. So the property was already nonconforming as to parking.

Public Health and Safety

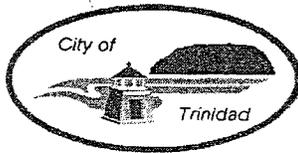
- There is about 30 feet between the detached garage on the McCarter property and the one across the alley, leaving enough room for cars to park on either side of the alley and still leave more than 10' of travel lane open. TMC §10.04.120.C prohibits parking such that it would leave less than 10' of roadway width except in alleys (implying that alleys have no standard and can have even less than 10' of lane).
- Both the City Fire Chief and Sherriff's Deputy have reviewed the parking situation on this alley and have not found it to be a hazard when cars are parked along the alley.
- The City has received complaints about parking on Ocean Ave. and in the alley, but not specific to this particular property.
- Both the property owner and VDU manager have stated in writing that they have never received any complaints about parking at this property (or other violations).

City Planner Determination

- The documentation required for granting an exception has been submitted.
- It may or may not be feasible to provide off-street parking on this property. Parking will be more specifically reviewed as part of the after-the-fact permit application for the unauthorized construction in the garage.
- Parking along Ocean Ave. (3 spaces) and parking along the alley (2 spaces) will not result in a public safety hazard.
- Parking exception for the requested 4 spaces is hereby conditionally granted (see below).

VDU Permit Extra Conditions

- The parking exception is only good for the term of this license and will be reviewed again as part of the license renewal once the unpermitted construction is resolved and if any parking related complaints about this VDU are received by the City.
- The parking exception is conditioned on the 4th (and 5th) occupant vehicle(s) using the alley parking at the rear of the property rather than taking up additional Ocean Ave. parking. This shall be reflected in the rental agreement, a revised copy of which shall be submitted to the City.
- The approval of a 3 bedroom VDU is conditioned on the detached accessory structure / unpermitted second unit remaining unoccupied due to the fact that it may pose a hazard to public health and safety because the construction has not been inspected for conformance with the UBC by the City Building Inspector and because such occupation would exceed the design capacity of the septic system.
- This VDU license is also conditioned on the owner actively working with the City and obtaining approval to bring the unpermitted construction in the detached garage into compliance with City codes within a reasonable period of time.



gk

VDU INSPECTION * CITY OF TRINIDAD

Inspection Date: Tues 6/28 @ 12:00 Inspected by: [Signature]
 VDU Address: 381 Ocean APN: _____
 Owner's Name: Marilyn Sterling Phone: _____
 Property Manager: RCUR + owner Phone: _____

The inspection will take place after all documentation and fees are received by the City. Inspections will be scheduled when the property is unoccupied. Owners or property managers are encouraged to accompany the inspector.

Site Plan:

- Yes [] No All structures are accurately shown
- Yes [] No OWTS location is accurate
- Yes [] No Off street parking is shown correctly

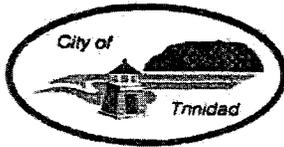
NOTES: VDU MAIN STRUCTURE ONLY

Floor Plan:

- [] Yes No Drawing is to scale
- Yes [] No Number & placement of bedrooms is accurate
- Yes [] No If VDU is not entire property, floor plan indicates accurately which areas are to be used as VDU & areas that will be "shared use"

NOTES: SQUARE FOOTAGES APPEAR ACCURATE (VDU MAIN STRUCTURE ONLY)

- Yes [] No Septic information posted in kitchens & bathrooms
- Yes [] No Emergency preparedness information posted in prominent position
- Yes [] No VDU signage meets requirements



VDU INSPECTION * CITY OF TRINIDAD

Inspection Date: Xmas 6/21 @ 1:00

Inspected by: Ren

VDU Address: 407 Ocean APN: 042-062-12

Owner's Name: Mike Reinman Phone: _____

Property Manager: RCUR Phone: _____

The inspection will take place after all documentation and fees are received by the City. Inspections will be scheduled when the property is unoccupied. Owners or property managers are encouraged to accompany the inspector.

Site Plan:

- Yes [] No All structures are accurately shown front & back
- Yes [] No OWTS location is accurate
- Yes [] No Off street parking is shown correctly

NOTES: _____

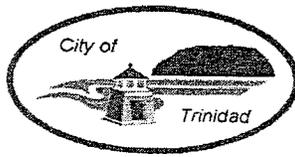
Floor Plan:

- Yes [] No Drawing is to scale
- Yes [] No Number & placement of bedrooms is accurate
- [] Yes [] No If VDU is not entire property, floor plan indicates accurately which areas are to be used as VDU & areas that will be "shared use"

NOTES: _____

- [] Yes No Septic information posted in kitchens & bathrooms
- [] Yes No Emergency preparedness information posted in prominent position
- [] Yes [] No VDU signage meets requirements

*Requesting provisional licence
long term tenants currently in place*



VDU INSPECTION * CITY OF TRINIDAD

Harbor Heights

Inspection Date: 6-2-16

Inspected by: [Signature]

VDU Address: 651 PARKER ST APN: _____

Owner's Name: MIKE & HOPE REWMAN Phone: 496-8746

Property Manager: REDWOOD COAST VACATION RENTALS Phone: 601-1938

The inspection will take place after all documentation and fees are received by the City. Inspections will be scheduled when the property is unoccupied. Owners or property managers are encouraged to accompany the inspector.

Site Plan:

Harbor Heights CD

Yes [] No All structures are accurately shown

Yes [] No OWTS location is accurate

Yes [] No Off street parking is shown correctly

NOTES: _____

Floor Plan:

Yes No Drawing is to scale

Yes [] No Number & placement of bedrooms is accurate

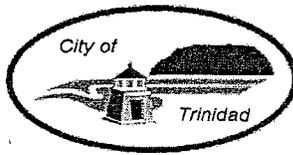
~~[] Yes [] No~~
NA If VDU is not entire property, floor plan indicates accurately which areas are to be used as VDU & areas that will be "shared use"

NOTES: _____

Yes [] No Septic information posted in kitchens & bathrooms

Yes [] No Emergency preparedness information posted in prominent position

Yes [] No VDU signage meets requirements



VDU INSPECTION * CITY OF TRINIDAD

Inspection Date: 6/23 Thurs @ 10:00 Inspected by: [Signature]

VDU Address: 88 Van Wycke APN: _____

Owner's Name: Urfer Phone: _____

Property Manager: Reinnar RCVR Phone: _____

The inspection will take place after all documentation and fees are received by the City. Inspections will be scheduled when the property is unoccupied. Owners or property managers are encouraged to accompany the inspector.

Site Plan:

- Yes [] No All structures are accurately shown
- Yes [] No OWTS location is accurate
- Yes [] No Off street parking is shown correctly

NOTES: _____

Floor Plan:

- [] Yes No Drawing is to scale
- Yes [] No Number & placement of bedrooms is accurate
- Yes [] No If VDU is not entire property, floor plan indicates accurately which areas are to be used as VDU & areas that will be "shared use"

NOTES: DRAWINGS ARE ADEQUATE SQ FOOTAGE APPEARS ACCURATE

- Yes [] No Septic information posted in kitchens & bathrooms.
- Yes [] No Emergency preparedness information posted in prominent position
- ~~[] Yes [] No~~ VDU signage meets requirements NONE

Refer * EMAILED TO REINMAN

ADD TO 88 VAN WYCKE
VDU FILE

5/26/16 reply due

6-23-16 All Correction
MADE. JR

5-5-16

To: Mike Reinman (Agent)

88 Van Wick

Trinidad 496-8746

SUBJECT: VDU application for 88 Van Wycke, Site inspection results, and recommended ways to fix non compliant items.

From: John Roberts

Building Inspector

498-4858

Mike,

Following are my findings and recommended fixes:

1. The submitted application and floor plan for the VDU is not consistent with what is actually there. Additional sleeping rooms have been created, unit has been configured to be used as two units under a common roof.
 - a. Provide a current floor plan view, show use of all areas.
2. Exiting from the upstairs is not Code Compliant. Exit is through garage when door at bottom of stairs to lower unit is locked from the downstairs unit.
 - a. Remove all locks from door at stairway to the lower floor. (a door knob lock is acceptable if accessed from the upper level stairway side. This is to preclude blocked exiting from the upstairs through the lower area and to the front door.

3. Two kitchens exist one upstairs and one down stairs
 - a. Remove microwave attached to bottom of cabinets on lower level.
4. Two laundries exist one upstairs and one down stairs
 - a. Remove one laundry complete.

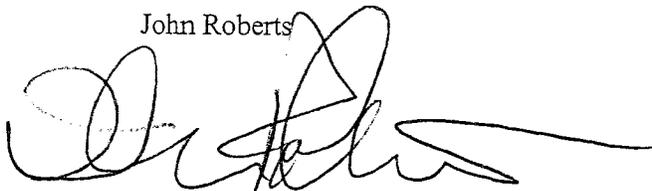
The VDU application must be corrected and resubmitted with a corrected floor plan view. At this time an additional walk through inspection will be required to verify floor plan accuracy.

The above items must be adequately addressed within 15 days of receipt of this notice. If a response is not received in the time indicated, the issue will revert to a violation and be processed as such which will include the appropriate fees and penalties for that process.

I requested you to provide a new floor plan view in more detail showing the current configuration of use at the subject property. Since this item has not been provided, the City is proceeding with the information currently on file

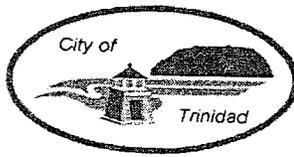
In the intrim the VDU in question is not currently in compliance with the submitted license application or floor plan submitted for use of each area. A new license submittal and doc's will need to be submitted for review and approval.

John Roberts

A handwritten signature in black ink, appearing to read 'John Roberts', with a long horizontal flourish extending to the right.

Building Inspector

Cc: City Manager, City Clerk, Admin Ass, file



VDU INSPECTION * CITY OF TRINIDAD

Inspection Date: 6-2-16 Inspected by: [Signature]

VDU Address: 178 PARKER CK APN: _____

Owner's Name: MIKE & HOPE REINMAN Phone: 496-8746

Property Manager: REDWOOD COAST VACATION RENTALS Phone: 601-1938

The inspection will take place after all documentation and fees are received by the City. Inspections will be scheduled when the property is unoccupied. Owners or property managers are encouraged to accompany the inspector.

Site Plan:

- Yes [] No All structures are accurately shown
- Yes [] No OWTS location is accurate
- Yes [] No Off street parking is shown correctly

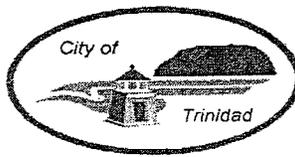
NOTES: _____

Floor Plan:

- Yes [] No Drawing is to scale
- Yes [] No Number & placement of bedrooms is accurate
- Yes [] No NA If VDU is not entire property, floor plan indicates accurately which areas are to be used as VDU & areas that will be "shared use"

NOTES: _____

- Yes [] No Septic information posted in kitchens & bathrooms
- Yes [] No Emergency preparedness information posted in prominent position
- Yes [] No VDU signage meets requirements



VDU INSPECTION * CITY OF TRINIDAD

Inspection Date: 6/2/16 Inspected by: J. C. [Signature]

VDU Address: 789 Underwood APN: _____

Owner's Name: Susan Potvin Phone: 677-0594

Property Manager: Trin Retreats Phone: 834-1312
599-6249

The inspection will take place after all documentation and fees are received by the City.
Inspections will be scheduled when the property is unoccupied. Owners or property managers are encouraged to accompany the inspector.

Site Plan:

Yes [] No All structures are accurately shown

Yes [] No OWTS location is accurate

Yes [] No Off street parking is shown correctly

NOTES: _____

Floor Plan:

Yes [] No Drawing is to scale

Yes [] No Number & placement of bedrooms is accurate

Yes No If VDU is not entire property, floor plan indicates accurately which areas are to be used as VDU & areas that will be "shared use"

NOTES: _____

Yes [] No Septic information posted in kitchens & bathrooms

Yes [] No Emergency preparedness information posted in prominent position

Yes No VDU signage meets requirements

no signage per owner request

Definition of a Kitchen and Determination of a Dwelling Unit

PURPOSE

This policy provides guidance to PRMD staff as to the allowable design and use of an accessory structure and in determining the number of kitchens within a dwelling unit. It shall be used when reviewing permit applications, checking plans, investigating complaints and inspecting buildings. The provision of a kitchen is one of the primary factors used to determine whether a structure is considered to be a dwelling unit and for determining the number of units within a structure or allowed on a given site. These guidelines shall be used by all staff in determining whether a building contains a kitchen and is an allowable dwelling unit.

GENERAL

The Sonoma County General Plan and Zoning Ordinance limits allowable residential densities (units per acre) in all zoning districts and allows additional dwelling units, such as second units, agricultural employee units, and farm family units, in some areas. Dwelling units are defined in the zoning code as “*a permanent building or portion thereof including manufactured and mobile homes designated or used exclusively as the residence, sleeping room or quarters with kitchen facilities which constitutes an independent housekeeping unit, for one (1) or more persons*”. Efficiency dwelling units can be as small as 220 square feet. Similarly, the Building Code defines a dwelling unit as “*A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation*”.

This policy should be used in conjunction with Policy 1-4-1, *Definition of a Bedroom* in determining whether a structure or portion of a structure is considered a *dwelling unit* that must conform with the allowable density under the General Plan and Zoning Code or other applicable zoning requirements (e.g., second units). A *dwelling unit* must also conform to applicable septic system standards.

A non-commercial structure, or portion thereof, shall be considered a *dwelling unit* if it contains a kitchen as defined herein, and an area that constitutes a bedroom as defined in Policy 1-4-1. In most cases, a structure with a full bathroom will be considered as having a bedroom pursuant to Policy 1-4-1. Structures that meet this definition will be considered a *dwelling unit* regardless of how they are labeled on the plans (e.g., pool house, cabana, recreation room, guest house, studio, etc.). Where an additional dwelling unit cannot be allowed, the design of an accessory structure can be modified to eliminate the bedroom or kitchen facilities that constitute a dwelling unit.

AUTHORITY

Chapter 26, Sonoma County Code. Currently, the Sonoma County Code does not include a definition of a kitchen, but a kitchen is one of the determining features in the definition of a dwelling unit. Since dwelling units are limited by the allowable density and zoning standards, the definition of a kitchen is important in making the determination about whether a structure is a *dwelling unit* under the code.

Chapter 2 of the Sonoma County Code authorizes staff to record the conditions of approval of an issued permit.

PROCEDURE

PRMD staff shall determine whether an area is a kitchen and whether the structure is a *dwelling unit*. This determination shall be based on the design of the physical facilities rather than the proposed use or how the area is labeled on the plans. Staff shall use the following criteria.

DEFINITIONS

- A. **Kitchen.** A kitchen means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains one or both of the following:
1. Cooking appliances or rough in facilities including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills or microwave ovens or similar appliances, 240 volt electrical outlets or any gas lines.
- OR
2. A sink less than 18 inches in depth with a waste line drain 1-1/2 inches or greater in diameter AND a refrigerator exceeding five (5) cubic feet in capacity or space opening with an electrical outlet that may reasonably be used for a refrigerator exceeding five (5) cubic feet in capacity.
- B. An approved kitchen may have more than one sink, stove, oven or refrigerator in the same room.
- C. **Wet Bar.** A single sink with a waste drain line no greater than 1-1/2 inches in diameter and an under counter refrigerator no greater than 5 cubic feet in size with cabinets and/or counter top area not exceeding 6 lineal feet. A wet bar shall not include a refrigerator in excess of 5 cubic feet in size or a kitchen sink greater than 2 square feet in size or a gas or electric range, stove top and/or oven (but may include a microwave oven).

EXCEPTIONS

Notwithstanding the criteria above, the following shall not be considered to be a kitchen:

- A. Gas lines and/or electrical outlets of 240 volts in a residential garage, barn, workshop or similar structure, if an operable garage door is provided and the space is unconditioned as defined in the adopted model codes. A garage may contain a refrigerator or freezer but cannot contain any cooking appliances.
- B. One laundry room in a dwelling unit. The laundry room may include utility hook-ups for gas or electric laundry appliances and may include a utility sink with a sink depth 18 inches (18") or greater and/or a full size refrigerator or freezer. A laundry room shall not contain cooking appliances.
- C. An "outdoor kitchen" that is placed in an unenclosed area that may be roofed but is open on at least two sides and exposed to weather.
- D. Any room where the director of PRMD or his/her designee determines that the room, by its design, clearly cannot reasonably be used as a kitchen. In considering whether a room is a kitchen that would designate a structure as a dwelling unit, the director may also consider but not be limited to, whether or not the structure has a full bathroom and/or potential sleeping area pursuant to Policy 1-4-1. When an exception is made per #4 above, it shall be documented by a Zoning Permit application and a "Notice" on the subject parcel shall be placed in PRMD's permitting computer system so that anyone researching the parcel is aware of the determination. A Deed Restriction and/or an Agreement may be required to be signed by the property owner and recorded to inform future property owners of restrictions on the use of a building and future permit requirements for any change in use.

An electrical outlet of 240 volts in capacity or a gas outlet including "rough-in" openings that provide for future installation of any kitchen facilities described in Section "A" above must receive planning approval/clearance prior to building permit issuance or final inspection. The criteria noted above shall be used to determine if the structure is an allowable use, if it constitutes a dwelling unit, and/or if it requires a deed restriction and agreement. Kitchen facilities described in Section "A" above, including "rough ins" may be allowed in structures that meet the criteria for a second unit and are designated and permitted as such, even though the structure is not used as a dwelling (i.e. allowing a gas line, refrigerator and sink in a workshop or artist studio or allowing a stove, refrigerator and sink in a pool house). The deed restriction/agreement will be binding on all successors in interest and will limit the use of the structure as permitted.

ATTACHMENTS

Sample Deed Restriction and Agreement

Approved by: /s/
Tennis Wick, Director

Lead Authors: Jennifer Barrett, Dean Parsons
DeWayne Starnes, Ben Neuman

<input type="checkbox"/>	Make available on Intranet only	<input checked="" type="checkbox"/>	Make available on Intranet and Internet
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April 16, 2016

To: Trinidad City Planning Commissioners

Re: Appeal of City Managers Decisions to permit illegal dwellings as vacation rentals.

From: Kathleen Lake and Tom Davies
435 Ocean Avenue
Trinidad CA

Pursuant to California Public Resources Code Section 30803 (a) Any person may maintain an action for declaratory and equitable relief to restrain any violation of this division, of a cease and desist order issued pursuant to Section 30809 or 30810, or of a restoration order issued pursuant to Section 30811. On a prima facie showing of a violation of this division, preliminary equitable relief shall be issued to restrain any further violation of this division.

No bond shall be required for an action under this section.

(b) A court may stay the operation of the cease and desist order after it provides notice to the commission and holds a hearing. Any such stay may be imposed or continued only if it is not against the public interest.

The City Manager of the City of Trinidad has a long history of deliberate indifference in not investigating or otherwise policing ordinance violations and in fact in multiple instances has granted permits for vacation rental businesses/properties that do not meet Municipal code/ordinance requirements. This has created harm, and health and safety issues, to neighbors and neighborhoods . For years, residents of City of Trinidad have complained to law enforcement and city officials regarding problems with vacation rentals and illegal second dwellings. The response is always the same: City leaders do not acknowledge the problem or complaints, or promise to do something, and then do little or nothing.

The City Manager's complicity, illegal policies, and deliberate indifference amounts to illegal municipal exclusivity. City Manager, Dan Berman tolerates the unlawful activity of property owners and property managers of vacation rentals, against property owners that do not have vacation rentals or provide the City of Trinidad with Transient Occupancy Tax. City Manager Dan Berman considers residents that do not own or operate vacation rentals "problems" and "complainers". Residents who seek relief from problems with vacation rentals, ordinance violations suffer exclusion from the city's public processes and are therefore unable to have quiet and peaceful enjoyment of their property and homes.

Severe and blatant misrepresentation of information regarding current permits and "working with" vacation rental property managers and owners has been initiated by City Manager, Dan Berman and the City Planner, Trever Parker. The administrative record obtained from public record requests show historic disinterest in investigating and prosecuting complaints or adhering to ordinances when permitting Trinidad properties as vacation rental businesses. This has

created a situation where complaints go unacknowledged and/or addressed. Vacation rentals are allowed to operate without enforcement of City ordinances creating health safety problems and direct harm to the neighboring residents. This also denies residents of Trinidad their state and federal constitutional rights. Unless this Planning Commission grants the relief we seek we will be irreparably harmed in that we will be deprived of both the aesthetic enjoyment of our homes and environmental protection of the natural resources in this part of the California Coastal Zone.

- 1) Over the past year we have requested, multiple times, from the City, both in person and in writing, explanations for how multiple dwelling units were being permitted. We shared information with the City Manager, the City Council and City Planning Commission regarding our concerns:
 - a) November 10, 2015 submittal to City Council, written and verbal concerns regarding the "interpretation of one VDU per parcel. Included map of our neighborhood with properties we knew had more than one dwelling. Staff Report stated "licensing itself is a primary mechanism in achieving compliance. Remaining ten applicants either fully licensed or formally noticed to halt operation until they are fully licensed ...by December 9th." This did not happen and multiple properties, unbeknownst to the City Council, Planning Commission, or community were in fact permitted vacation rentals with illegal dwellings. These illegal dwellings were known by the City Manager and he denied having this information to the community on multiple occasions appearing to obstruct the flow of information.
 - b) On February 25, 2016, following multiple requests to the City that were ignored and not responded to, we made a public records request for a list of all properties with vacation rental licenses and their status as it relates to second dwellings.
 - c) Public records request was provided on March 7, 2016, and showed multiple properties that were provided valid vacation rental licenses despite illegal second dwellings units, several of which were occupied by long term rentals.
- 2) Some administrative history of properties permitted:
 - a) **363 Ocean Ave:** October 28, 2015, the City was made aware of the illegal second dwelling. November 2, 2015 the City stated to the owner that "VDU operations must STOP until resolved. Parking exceptions for 4 cars were requested for an occupancy limit of 8 transient occupants with 2 day minimums. Despite numerous complaints from neighbors regarding parking issues on Ocean Ave this property was allowed to continue operations continuously, was granted parking exceptions for 4 cars. The City Planner stated to the Property Manager on November 19, 2015 "All we need is parking available not that they will actually use it." Residents were never consulted in the process. Neighbors have stated that the illegal second dwelling unit continues to be occupied. Jonna Kitchen did state to the City Planner that a "large blue truck is routinely parked partially in front of 363 Ocean and it appears to belong to a neighbor. " This was another clear indication of the impact of parking on Ocean Ave and in the alley behind

Ocean Ave that the Planner and the City Manager intentionally allowed. To our knowledge the owner made no attempts to correct the illegal unit and continues to use it as a second dwelling. We have notified the City Manager of this issue in person and he has failed to take action. This property should not have parking exemptions for 4 vehicles when no parking is available off street, and should not be allowed to operate with illegal second units.

- b) **381 Ocean Ave** March 3, 2016 City Planner to City Manager “we acknowledged that there is an illegal second unit...”
- c) **407 Ocean Ave:** January 13, 2016, email from City Manager to Sandra Cuthbertson “ For the Ocean Street home the license and cover letter needs to clearly state that only the main house is the VDU and not the back studio”. This home is NOT ALLOWED to have a back studio. IT also has MANY nuisance complaints over the years and nuisance abatement procedures were enacted for failure to comply with City Ordinances. This property continues to defy regulations stipulated by the City to provide tenants names and vehicle licenses. This property should not have a vacation rental license.
- d) **Parker Street four plex.** The City Manager and Planner have spent an inordinate amount of City time and money to create exceptions for this property. The property manager was noticed last fall to stop renting two vacation rentals on this single family dwelling parcel or a “significant violation” would be incurred. The City Manager and Planner have continued this year to create exceptions for this property by creating options for the property manager to remove walls and create one dwelling. This directly impacts our affordable housing element as noted in several correspondences. Last week we filed a citizen's complaint again with the City, as per the process, for advertising two units as vacation rentals. As of 4/17/16, we had not received a response to the complaint from the City Manager. This property has been in violation of the ordinance. The City Manager has not acted in good faith to the public to follow municipal code or the General Plan. Instead he has created a situation where City administrative time and enforcement is subsidized by the taxpayers without recourse to the public.
- e) **652 Underwood Ladwig:** Not offer a vacation rental permit due to unpermitted construction. **Why was this one an EXCEPTION and NOT permitted when the others were?**
- f) **88 Van Wycke:** Vacation Rental with long term tenant. Converted into a duplex with LT tenant upstairs and vacation rental downstairs. March 3, 2016 email from City Manager to Mike Reinman: “I’m talking with Trever about whether there is a possible path to calling this a “hosted VDU within a single family home, rather than a duplex. Here the City Manager again clearly attempts to create exceptions for this property manager to continue to allow illegal dwelling units.
- g) **Paloma Lodge:** Continues to operate with multiple dwelling units as per the stipulation of a caretaker living on the premises at the vacation rental.
- h) **789 Underwood:** Illegal Mother In Law converted with after the fact permit, continues to have a kitchen. Clearly operating as a full dwelling and not adjusted

as other after the fact illegal second dwelling in Trinidad where the kitchen was required to be removed (i.e. 407 Ocean Ave.)

3) Staff making policy and negotiating with property managers outside of public process for spot zoning and exceptions:

- a) February 22, 2016 City Planner responds to vacation rental owner and property manager Mike Reinman's request to create a Conditional Use permit for adding more than one vacation rental and states that as per his request "I included a provision for obtaining a use permit for VDU's that may not meet the location standards (e.g. one per parcel, or minimum 100 ft. distance between VDUs).
- b) On June 29, 2015, in preparation for the City Council meeting, Dan Berman requests information from the City Attorney. The City Manager and City Planner had worked for over 8 months to get an amendment to the VDU ordinance passed for Mike Reinman to have an exception to the one VDU per parcel for his four plex. They stated in multiple public meetings and in correspondence to the CCC that this ordinance issue was an unintended consequence. The administrative record actually showed that this was not an unintended consequence and the City Planner and City Manager had provided incorrect information to both the City Council and City Planning Commissioners regarding exceptions for one VDU per parcel. A May 2015 vote by the Planning Commission to NOT move forward with an amendment was intentionally misrepresented to the City Council at the June CC meeting. The City Planner and City Manager presented information to the City Council after they had CHANGED draft ordinance language and then presented these changes falsely as something the City Planning Commission had agreed to. This problem was also noted, responded to, and not approved by the City Council. The City Manager requested information from the attorney stating "staff made some changes to the language in the draft ordinance so the version on the agenda tomorrow is slightly different than the version the Planning Commission received and discussed. ...we thought it made sense to change the language to address a specific concern staff identified. Are we OK process wise?" **This is a clear action and issue by the City Manager creating policy, outside of procedures, for the benefit of property managers and thereby creating direct harm to the public.**

4) The City Planner stated on March 4, 2016 in regards to vacation rental questions from us that "NONE of the four properties have legal permitted second dwelling units." However, the City Manager continues to allow them valid vacation rental permits.

In Summary: We have also reported multiple dwelling units, unpermitted structures in use as vacation rentals, noise and parking issues, and other ordinance violations such as illegal advertisement over the past year to City Manager, Dan Berman. Under the permitting requirements of the LCP, the construction of a structure is also development that is within the power of the City to address, and which requires authorization under the LCP, or if lacking, would be a violation of the LCP as well. This along with the evidence that the City Manager has

continually negotiated with property managers and owners has allowed these violations to continue.

At this time we respectfully request the following:

The Planning Commission declare that the City Manager, in his representative capacity, to have engaged in unlawful municipal exclusion by their policies, and/or long standing practices, and in deliberate indifference towards neighbors rights under the laws of the Trinidad, California, the United States and/or the United States Constitution unlawfully excluded neighbors, from their right to the enjoyment of their property and homes on the basis of their status as non vacation rental owners and operators.

1. The Planning Commission issue a directive requiring City Manager, Dan Berman to investigate complaints against vacation rentals, and act on these complaints as per city process and code compliance.
2. With respect to a declaration of the rights and responsibilities of the City of Trinidad with respect to the California Coastal Act. Specifically, we seek a declaration from the Planning Commission that the City Manager's actions as set forth in this Appeal Complaint are continuing violations of the California Coastal Act.
3. With respect to our Municipal Code, General Plan and legal process we request immediate and permanent relief mandating the City Manager to refrain from any further actions with property managers and owners of vacation rentals without first complying with the provisions of the Trinidad Municipal Code and the California Coastal Act
4. Request that the the City Manager require all vacation rental properties to cease operation immediately that have not obtained lawfully issued Coastal Development Permits.
5. The Planning Commission award such additional or alternative relief as may be just, proper and equitable.

April 13, 2016

To: Trinidad City Council

Re: request for additional information

Appeal of City Manager's Decision (pursuant to Section 30600.5) in the permitting of business licenses for Vacation Rentals that have not met City Ordinance Requirements or Building Code Compliance.

In addition to the letter and supporting documents previously submitted this is additional information as per the City's request, for the Appeal of the City Manager's decision to permit residential homes with illegal second dwelling units, as vacation rentals.

We have listed several properties below.

From Dan Berman 3/6/16

· Where the City has found illegal/unpermitted dwelling units, or other unpermitted construction, we have, and are, addressing them. That starts with an inspection to determine the situation on the ground. If work was done without permits, or work needs to be done to comply with the law, then it will involve requiring the owner to enter into the permit process. That goes through the Planning Commission public process. This often involves requiring removal of kitchen facilities so that what was built as an illegal second dwelling unit is converted to legal additional living space for the main house. We may require a deed restriction to permanently ensure that there cannot be two dwelling units, limit bedrooms, etc.... This process will not increase the number of bedrooms beyond what zoning allows based on septic system and lot size and zone. This process is not specific to VDUs, the City has been addressing these type of problems, in this manner, for many decades.

First - None of these properties have two legal permitted dwelling units.

789 Underwood –The chart clearly states that there was an illegal dwelling unit (downstairs apartment) built here, and the City, through a public permit process 10 years ago, forced the owners to agree to permanent deed restrictions that it could not be used as such, and also limiting total bedrooms to the original 3 that were permitted. Therefore the VDU is the entire house, including that part of the house. In spite of the extra living space provided by the downstairs, occupancy is limited based on the three bedrooms. There are not two legal units here. It can't be used as two separate units. It's not being used as two separate units. I don't

understand what problem you see remaining with this property. It's a three bedroom house, being used as a VDU. The illegal unit was resolved in 2006.

Response from us:

<https://www.youtube.com/watch?v=TKoE8zvUiRo>

*On this advertisement for Fisherman's Escape in states **Private Downstairs with Kitchen**. Code states this means **ILLEGAL SECOND DWELLING** permitted as a vacation rental. It is frustrating to us when you keep saying that extra living space downstairs is legal, if it is a single family dwelling then it should not have a kitchen. If it has a kitchen, and it does, then it is an **ILLEGAL** dwelling unit.*

178 Parker Creek. – As it says in the table we provided, the City is not aware of two dwelling units here. The fact that they may have a long term resident/host on site does not automatically mean there are two dwelling units. A tenant can share the house with vacation renters. I was encouraged the manager was taking this step partly in response to problems with loud parties at this rental, and subsequent city enforcement actions. I hope it helps. If you have specific knowledge of two dwelling units, i.e. two distinct spaces with their own kitchen and bedroom(s), please confirm and we'll follow up accordingly.

Response from us:

Our understanding is that there are two kitchen areas on this property and that this property is actually two dwellings and the city is fully aware of a caretaker who lives on the property and that it is also used as a business for a vacation rental.

381 Ocean – This home has a detached structure in the back with a bedroom and bathroom. That structure, combined with the main structure, make up the one legal dwelling unit on the property, with two bedrooms total. My understanding is that the deed and permit conditions, which date back to the 1990's, allow a tenant/boarder if and only if they have access to the main house kitchen, as the detached back bedroom does not have one. Again, home sharing of a single dwelling unit is allowed, like you renting out a portion of your home. I agree this is difficult to enforce – the City can't really know perfectly whether a back tenant uses the main house or not. We can inspect to make sure the past permit conditions are being respected, i.e. there is still no kitchen in the back unit.

88 van wycke – this came to my attention last Tuesday, partly as a result of your previous information request, so thank you for that. The upstairs has a long term tenant and downstairs is a VDU. The VDU application to the City seemed to indicate that the entire home was a VDU. I have already had multiple conversations with Trever and the property manager, and

contacted the owner. We are scheduling a home inspection as soon as possible. Until that is done I can't say whether there are two dwelling units there or not. If there are, we will require the owner to work with the City to correct the situation. If the downstairs doesn't have a kitchen, it may be allowable under city rules to have a VDU downstairs and a tenant upstairs, in one legal dwelling unit, if water use, septic, etc.. is OK. We'll see what the home inspection reveals, and what our Planner says based on that inspection.

Response from us:

As we have stated prior, this back garage unit also has a kitchen. It has been rented as a separate vacation rental unit for years AND the City is fully aware of this as they collected TOT taxes on Hidden ALLEY COTTAGE. it is either two legal dwelling units or an ILLEGAL dwelling unit.

Known Permitted Vacation Rentals w/ Illegal Second Dwelling Units

Lic.#	Address	Second Unit	Action Requested from the City.
15	363 Ocean	Illegal second unit. The back unit is reported to have a long term tenant by adjoining neighbors.	Business license must be revoked.
16	407 Ocean Currently rented Long Term	Unknown As a LONG TERM RENTAL Owner has not met or fulfilled City Requirements to provide tenant names and vehicle licences	Business license must be revoked.
17	178 Parker Creek Currently has LONG TERM TENANT/CARETAKER IN SEPARATE DWELLING AND IS RENTED AS A VACATION RENTAL. TWO DWELLING UNITS.	Illegal second unit. As per the website and conversation w/ City Manager this property currently has a "caretaker/host" residing on the property in a separate dwelling. Clearly understood by the City Manager	Business license must be revoked.

		who is aware of this situation and that a caretaker lives in a separate dwelling on the property.	
24	88 VanWycke Current has LONG TERM TENANT AND IS RENTED AS A VACATION RENTAL. TWO DWELLING UNITS.	Illegal second unit.	Business license must be revoked.
32	381 Ocean Currently has LONG TERM TENANT IN THE BACK COTTAGE AND IS also RENTED AS A VACATION RENTAL in main houses. TWO DWELLING UNITS.	Illegal second unit. <u>Hidden Ally Cottage</u> City records of collected TOT tax for converted dwelling unit for the past 10 years. Front house was used as owner occupied resident for years and back unit was vacation rental. Currently has long term tenant in the back dwelling unit.	Business license must be revoked.
35	651 Parker St	Illegal second unit. Currently advertised as Bell Buoy and Harbor Heights. With 2 night minimums.	Business license must be revoked.
20	789 Underwood	Illegal second unit Two dwelling units. Kitchen, bedroom and bathroom downstairs.	Business license must be revoked.

Interpretations and determinations as to all ordinance provisions is an administrative duty assigned to the City Manager and/or any delegated staff under his direction per Trinidad Municipal Code sections 2.07.060 and 2.07.080. Per section 7.14 of the Zoning Ordinance of the City of Trinidad, entitled "Appeals:"

In the case of any variance, conditional use permit, design review permit, coastal development permit, or denial of a proposed change in the Zoning Map by the Planning Commission, and in the case of any ***order, requirement, decision or other determination made by any city employee***, the procedures for appeals shall be provided herein:

A. Administrative actions appealable. *Any person aggrieved by a determination, interpretation, decision, decree, judgement, or similar action taken by a city employee under the provision of this ordinance may appeal such action to the Planning Commission within 10 working days of being notified of the decision.*

B. Planning Commission or Hearings Officer actions appealable. Actions, or appellate determinations of the Planning Commission may be appealed to the City Council by those interested persons who have communicated their comments at the Planning Commission or Hearings Officer hearing.

C. City Council actions appealable. Actions, or appellate determinations of the City Council representing the approval or (*sic*) a coastal development permit pursuant to section 7.12 may be appealed to the Coastal Commission for the reasons cited, and if the subject property is located within the area described in Section 30603 of the Public Resources Code. Requirements for appealing decisions shall (*sic*) be as provided in the Coastal Commission Regulations.

Tom Davies and Kathleen Lake on Behalf of Saving Trinidad Neighborhoods

Tom Davies and Kathleen Lake
435 Ocean Avenue
Trinidad, CA 95570

March 29, 2016

Trinidad City Council
Miller, Mayor
409 Trinity Street
Trinidad, CA 95570

Re: Appeal of City Manager's Decision (pursuant to Section 30600.5 and Public Resources Code section 30802) in the permitting of business licenses for Vacation Rentals that have not met City Ordinance Requirements or Building Code Compliance.

Trinidad City Council,

We are property owners in Trinidad and are currently appealing the decision of the City Manager Dan Berman to the City of Trinidad. We are seeking relief from the decision to permit illegal vacation rentals. We believe the City Manager has failed to maintain and apply objective, written, ascertainable standards resulting in arbitrary and capricious administration of the Trinidad City Ordinances by permitting vacation rentals that do not comply with the VDU ordinance, zoning ordinance or building codes. We have concluded that the city manager acted unreasonably, arbitrarily, without good faith and in breach of the duty.

The City Manager's decision in the permitting of these vacation rentals were not supported by findings that applicants met the ordinance or building code requirements. This is a requirement that the City Manager has continued to fail to meet. The City of Trinidad must set forth findings to bridge this gap between the evidence and ultimate decision or order the City Manager to revoke all business licenses to property owners who are in direct violation of City Ordinances and building code compliance. This decision is clearly abuse of the City Manager's discretions and is established by substantial evidence in the light of the whole record in this case.

We believe this question is one of public right. The object of this appeal is to procure the enforcement of a public duty. We believe that we do not need to show that we have any legal or special interest in the result of this appeal. It is sufficient that we are interested as citizens in having the laws executed and the duty in question enforced. We are standing to challenge an illegal policy even if the suit becomes moot or even if

this challenges a portion of the policy that does not apply to us. The City of Trinidad has a ministerial duty to follow the law, and is currently breaking it.

We challenge this administrative decision due to:

- A. error of law
- B. decision not supported by findings
- C. findings not supported by evidence

Following multiple public record requests for disclosure of these outcome of these permits we finally received notification by the City Manager of his decisions, on March 4, 2016. His correspondence confirmed that he had authorized VDU permits for several properties that did not meet ordinance or building code laws and also had illegal second dwellings. Throughout the administrative record it is clear that Trinidad City Staff negotiated with Property Managers/Owners to make arrangements, it appears, to permit these properties as a support to the "city and the manager/owners". In these negotiations the city was represented by the city manager and city planner. Ultimately, it appears that the city and property managers have formulated a proposal to benefit both the city and property managers/owners with the issuance of these permits. The TMC and other laws were not upheld in the process.

At the November 2015 City Council meeting, the city council heard a report from the city manager regarding outstanding VDU applications. The city council recommended that all future permits would be met with full compliance. This City Council decision was not upheld by the City Manager's in his decisions following this meeting.

Please see attached documents that support the administrative record that the City Manager and the City Planner did negotiate with Property Managers. The City Manager was fully aware of applications for parcels with illegal second units and other ordinance and code violations prior to permitting them. The city manager did approve non compliant properties with clear operating permits as Vacation Rentals.

Please find the attached documents in the following packets:

1. Correspondence from the past year from us to the City Manager, City Council, City Planner and Planning Commission, requesting information regarding multiple dwellings on vacation rental parcels and how those were being permitted. We stated the fact that many properties with VDU applications were also properties that had more than one dwelling unit. May 2015 to current date. (pages 1-27)
2. Correspondence between Property Managers, City Manager and City Planner that constitute negotiation to change policy of "one VDU per parcel" without proper legal process or procedures. June 2015-December 2015. (pages 1-20)

3. Correspondence between the city manager, city council, and city attorney that clearly show violations of process and transparency with the issue of one VDU per parcel, July 30th 2015. (pages 1-52)

We have been notified by the City Manager that this appeal will be agendized on at the April City Council meeting. We would be happy to meet with you to respond to any inquires or questions regarding this appeal or the appeal process.

Thank you,

Tom Davies

Kathleen Lake

Ordinance language that may apply to this appeal. *(This is not updated ordinance language but rather old language supplied by the city on the city website.)*

2.07.060 Powers and duties.

The city manager shall be the administrative head of the government of the city under the directions and control of the city council except as otherwise provided in this chapter. He/she shall be responsible for the efficient administration of the affairs of the city that are under his/her control. In addition to his/her general powers as administrative head, and not as a limitation thereon, he/she shall have the following duties and powers:

A. Law Enforcement. It shall be the duty of the city manager to see that all laws and ordinances of the city are duly enforced, and to see that all franchises, licenses, and permits granted by the city and contracts entered into by the city are faithfully performed and observed.

17.53.150 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 manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this chapter are being fulfilled. [Ord. 2011-02 § 1, 2011].

17.53.060 Effect on existing vacation dwelling units.

Each individual holding a valid Trinidad business license for a VDU existing at the time the VDU ordinance is adopted shall be subject to the requirements of this chapter upon its adoption. The owner of an existing VDU which does not meet the requirements of this chapter will not be issued a business license and may not use the VDU structure for VDU purposes. [Ord. 2011-02 § 1, 2011].

17.53.070 Location.

NOT permitted in Commercial zones. A VDU may be allowed in a legally established accessory dwelling unit. Each separate VDU must obtain its own, individual business license. There shall be no more than one VDU per parcel. [Ord. 2011-02 § 1, 2011].

Chapter 1.08

GENERAL PENALTY

Sections:

1.08.010 Violation – Penalty.

1.08.010 Violation – Penalty.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be guilty of a misdemeanor, unless the violation is made an infraction by ordinance.

B. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor for violation of an ordinance of the city is punishable by a fine of not more than \$1,000, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

C. Any person convicted of an infraction for violation of an ordinance of the city is punishable by:

1. A fine not exceeding \$100.00 for the first violation;
2. A fine not exceeding \$200.00 for a second violation of the same ordinance within one year;
3. A fine not exceeding \$500.00 for each additional violation of the same ordinance within one year.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he shall be punishable accordingly. [Ord. 90-204 § 3(B), 1990].

Chapter 17.76

ENFORCEMENT – VIOLATION – PENALTIES

Sections:

17.76.010 Previously issued permits.

17.76.020 Enforcement.

17.76.030 Conflict with other regulations and private agreements.

17.76.040 Public nuisance.

17.76.050 Penalties.

17.76.010 Previously issued permits.

Except as specifically herein provided, it is not intended by this title to impair or interfere with any permits previously adopted or issued relating to the erection, construction, establishment, moving, alteration or enlargement of any buildings or improvements. [Ord. 166 § 7.23, 1979].

17.76.020 Enforcement.

All employees of the city vested with the duty or authority to issue permits shall conform to the provisions of this title and shall issue no permit, certificate or license for uses, buildings, or purposes in conflict with the provisions of this title; and any such permits, certificates or licenses issued in conflict with the provisions of this title shall be null and void. It shall be the duty of the city engineer to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. (Ord: 166 § 7.19, 1979).

17.76.030 Conflict with other regulations and private agreements.

Where conflict occurs between the provisions of this title and the building code or other regulations effective within the city, the more restrictive of any such regulations shall apply. It is not intended that this title shall interfere with or abrogate or annul any easements, covenants, or other agreements not in effect; provided, however, that where this title imposes a greater restriction upon the use of buildings or premises than are imposed or required by such agreements, the provisions of this title shall control. [Ord. 166 § 7.22, 1979].

17.76.040 Public nuisance.

No person shall violate any provision or fail to comply with any of the requirements of this title. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title and/or any use of property contrary to the provisions of this title shall be, and the same is declared to be, unlawful and a public nuisance, subject to the city's nuisance abatement procedures and penalties set forth in Chapter 8.12 TMC. [Ord. 2004-04, 2004; Ord. 166 § 7.21, 1979].

17.76.050 Penalties.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this title shall be guilty of a misdemeanor

and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment in the county jail of the county of Humboldt for a term not exceeding five months, or both. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm, or corporation and shall be punishable as herein provided. [Ord. 166 § 7.20, 1979].

Chapter 17.54

ACCESSORY DWELLING UNITS

The city recognizes the importance of a suitable living environment for all residents. The State Legislature has declared that accessory dwelling units (ADUs) are a valuable form of housing in California. It is the intent of the city to permit ADUs, in conformance with state law, subject to standards that will ensure the units contribute to a safe living environment for all residents while protecting the water quality in and around Trinidad. The purpose is to provide flexibility in housing options, an opportunity for the development of small rental units, to provide relatively affordable housing for low- and moderate-income individuals and families, to provide economic support for resident property owners and to provide rental units for the elderly or disabled while still maintaining the small town, residential character of the city. [Ord. 2010-04, 2010].

17.54.020 Definitions.

“Accessory dwelling unit” or “ADU” means any residential dwelling unit which provides complete independent living facilities on the same building site as a legal single-family residence, including permanent provisions for living, sleeping, cooking, eating, and sanitation, as defined in Government Code Section 65852.2(i)(4).

“Primary unit” means the primary, existing legal single-family residential dwelling unit which provides complete independent living facilities for one or more persons. [Ord. 2010-04, 2010].

17.54.030 Location.

One ADU may be located on any residentially zoned site which either contains a primary unit or which is undeveloped, but there is a concurrent application for a primary unit. ADUs are not required to meet the density requirements of the

general plan or zoning ordinance. A detached ADU is not considered an accessory building or accessory use. [Ord. 2010-04, 2010].

17.54.040 Permits required.

A. Establishment of an ADU requires a permit from the city.

B. Any application for an ADU that meets all standards in TMC 17.54.070 shall be approved ministerially without discretionary review or public hearing.

C. A use permit shall be required in accordance with this chapter and Chapter 17.72 TMC for establishment of an ADU which does not meet all the development standards contained or referenced in this chapter. [Ord. 2010-04, 2010].

17.54.050 Permitting procedures.

A. Step One – Submittal. Applications for ADUs shall be submitted to the city clerk’s office on a city of Trinidad ADU application. The City shall provide information on submittal requirements along with the application.

B. Step Two – Noticing. Notification for any pending ADU permit shall be provided to neighboring properties and interested persons in accordance with TMC 17.72.130. Notice shall be provided at least seven days prior to any determination by the city planner on a ministerial permit or planning commission on a use permit. If anyone submits evidence that shows that the project will not meet the development standards of TMC 17.54.070 to the satisfaction of the city planner, then a use permit shall be required to be granted by the planning commission.

C. Step Three – Issuance. A ministerial permit shall only be issued for an ADU if the application conforms to all the specific standards contained in TMC 17.54.070 and only after making the three findings below. For ADUs that do not meet the standards contained in TMC 17.54.070, in addition to the findings required for granting a use permit in TMC 17.72.070, the following findings shall also be required from the planning commission. The decision of the city planner and/or planning commission may be appealed in accordance with TMC 17.72.100.

- 1. The ADU is compatible with the design of the main unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and will not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.**

2. The ADU will not tend to change the character of or cause a concentration of such units sufficient to change the characteristic of the residential neighborhood in which it is located.

3. The ADU is consistent with the Trinidad zoning ordinance and policies of the general plan, including that it will not cause significant blockage of coastal views from public viewing points and has been designed to minimize view blockage from adjacent residences. [Ord. 2010-04, 2010].

17.54.060 Existing ADUs.

A. Nonconforming ADUs.

1. Legal, nonconforming ADUs, those established prior to the certification of the city's zoning ordinance in 1980, shall maintain their nonconforming status and shall be subject to all the nonconforming regulations in Chapter 17.64 TMC (Nonconforming Uses and Structures), unless a permit application for an ADU is approved by the city planner or planning commission for that unit. If such permit is granted, then the ADU shall no longer be considered nonconforming and shall be subject to all the regulations of this chapter.

2. Units that cannot meet all the development standards of TMC 17.54.070 may be granted an exception if, in the opinion of the planning commission, findings 1 and 2 of TMC 17.54.050(C) can be made and all feasible measures to meet the development standards have been made. A use permit is required to be approved by the planning commission.

3. Legal, nonconforming ADUs are required to maintain their on-site wastewater treatment system at a level of satisfactory or better according to the city's OWTS management program. If the OWTS receives a performance rating of less than satisfactory, then restrictions on water use and occupancy should be enacted through a formal agreement with the property owners. Monitoring wells shall be installed to ensure that effluent is being adequately treated to prevent water pollution.

B. Illegal ADUs.

1. Owners of illegal ADUs, those that were constructed or converted after 1980 without planning commission approval, have a three-year grace period in which to apply for an ADU permit from the city. In addition to meeting the development standards of TMC 17.54.070 or receiving approval of a use permit, they must also conform to the following requirements:

a. Units must be inspected by the city building official for and upgraded to compliance with health and safety requirements, which may include building permits and fees.

b. Registered ADUs are required to maintain their on-site wastewater treatment system at a level of satisfactory or better according to the city's OWTS management program. If the OWTS receives a performance rating of less than satisfactory, then restrictions on water use and occupancy should be enacted through a formal agreement with the property owners. Monitoring wells shall be installed to ensure that effluent is being adequately treated to prevent water pollution.

c. Units that cannot meet all the development standards of TMC 17.54.070 may be granted an exception if, in the opinion of the planning commission, findings 1 and 2 of TMC 17.54.050(C) can be made and all feasible measures to meet the development standards have been made.

2. If an illegal ADU is not registered within the timeframe set forth above, then when discovered, whether by an OWTS inspection or other means, the city may immediately begin nuisance abatement against the property. [Ord. 2010-04, 2010].

17.54.070 Development standards.

An ADU permit will be issued only if it complies with all the following development standards:

A. Existing Development. A single-family dwelling must exist on the site or shall be constructed on the site in conjunction with the construction of the ADU.

B. Number per Building Site. A maximum of one ADU shall be permitted on any one parcel or lot. ADUs may not be permitted on residential lots already having two or more dwelling units thereon.

C. Unit Size. The second unit must be either attached to the primary unit and located within the living area of the primary unit, or detached from the primary unit and located on the same lot as the primary unit. The floor area of an attached second unit shall not exceed 30 percent of the existing living area of the primary unit or 800 square feet, whichever is less, except that a minimum size of 150 square feet shall be allowed. The total area of floor space of a detached second unit shall not exceed 1,000 square feet.

D. Setbacks. The setback requirements of the zoning district in which the ADU is located shall apply; however, ADUs may be permitted in legally constructed structures located within required rear and side setbacks. A detached ADU shall be at least 10 feet from any building. Rear yard setbacks for ADUs on alleys shall be measured from the centerline of the alley.

E. Height. An attached ADU shall not be greater in height than the primary unit. A detached ADU shall be no greater than 15 feet in height.

F. Lot Coverage and Floor Area. An ADU shall be included in the lot coverage and floor area requirements applicable to the site. Floor area is measured to the outside surface of exterior walls of the living space. Total floor area of both units shall not exceed 2,600 square feet or 30 percent floor-to-area ratio and 25 percent lot coverage.

G. Off-Street Parking. The ADU shall provide one off-street parking space per unit. The parking space may be covered or uncovered and must be of standard size. Required parking may be located within required setbacks, and can be tandem.

H. Permanent Foundation. A permanent foundation shall be required for all ADUs.

I. Architectural Compatibility.

1. The ADU shall incorporate the same or similar architectural features and building materials as the main dwelling unit or dwellings located on adjacent properties and shall be consistent with the city of Trinidad design review and view protection findings.

2. Any exterior alteration or addition to a dwelling on the Historic Resources Inventory shall be consistent with the Secretary of the Interior's Standards and Guidelines.

J. Privacy. The entrance to the accessory unit shall face the interior of the lot unless the accessory unit is directly accessible from an alley or a public street, or if it utilizes the same entrance as the primary unit. Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

K. Utilities. All utilities for detached units shall be installed underground. All ADUs shall have separate utility meters from the primary residence.

L. On-Site Wastewater Treatment System (OWTS). Prior to issuance of a building permit, the applicant shall submit certification by the health department that the existing OWTS is of adequate size and condition to support projected sewage flow for the primary unit and ADU. If the capacity or condition of the existing OWTS is found to be inadequate to serve the existing and proposed units on the property, OWTS shall be replaced or upgraded to meet current standards, at the expense of the applicant.

M. Accessibility. All newly constructed first-floor ADUs shall be adaptable for use by persons with ADA-defined disabilities as follows:

1. The bathroom shall provide minimum clearances as specified for accessible units per California state accessibility requirements, and grab bar blocking shall be installed in the walls.
2. Entry doors shall have a minimum width of three feet.
3. Interior doors shall have a minimum width of two feet 10 inches.
4. Thresholds shall meet California state accessibility requirements.
5. The kitchen shall meet the minimum clearances specified in the California state accessibility requirements.

N. Occupancy. The principal place of residence of the property owner shall be either the ADU or the primary unit. [Ord. 2010-04, 2010].

17.54.080 Deed restrictions.

Before obtaining an ADU building permit, the property owner shall file with the county recorder a declaration or an agreement of restrictions, which has been approved by the city attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

A. The ADU shall not be sold separately from the primary unit.

B. Any conditions required by Chapter 13.12 TMC.

C. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner. [Ord. 2010-04, 2010].

November 10, 2015

From: Kathleen Lake and Tom Davies

To: Trinidad City Council

Re: Interpretation of VDU ordinance "one VDU per parcel"

The City should not allow a "single VDU to encompass two detached dwelling units" and a "single structure such as an apartment, duplex or triplex" ^{NOR SHOULD a} ~~should also fall under only one unit~~ ^{be} being allowed to be permitted. ^{as one VDU}

The fundamental differences in these two interpretations are significant.

Please change the ordinance language accordingly to be legally defensible and to reflect the administrative record.

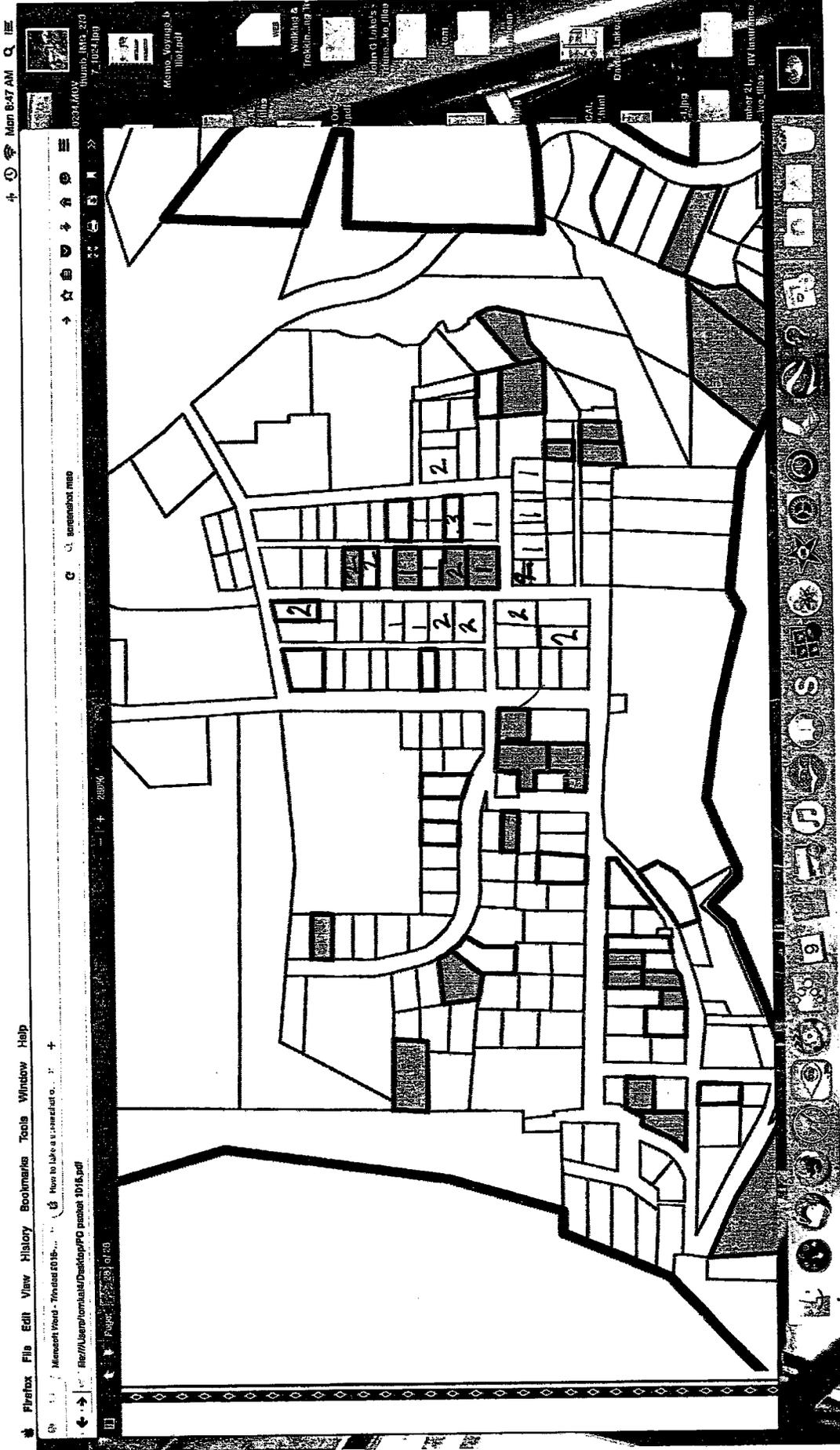
This action would increase consistency and support with the current General Plan by providing increased options for entry level housing. And also, by reducing potential impacts of traffic, parking, noise, water quality, VDU density, and maintaining a greater degree of compatibility with residential neighborhoods.

In response to the staff report statement of "allowing a duplex as a single structure could have both units treated as a single VDU (if truly managed as such)". This interpretation is highly problematic for the following reasons:

- Increased VDU density
- Lack of enforcement
- Negatively affects the availability of entry level, long term, residential housing to support the community. This action would essentially gut neighborhoods of residents and turn our neighborhoods into residential hotels with absentee owners. Neighborhood peace and quiet needs to be a priority.

Thank you,

Tom Davies and Kathleen Lake





DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

3. Discussion/Decision regarding Vacation Dwelling Unit Ordinance Implementation, and request for direction regarding Intent for "1-VDU per parcel" language.

AGENDA ITEM

Date: November 10, 2015

Item: Update on VDU Ordinance Implementation, and request for Direction on Ordinance Intent Regarding "1 VDU per Parcel" language.

Summary:

The City received 38 applications for VDU Licenses for the 2015-2016 Fiscal Year. Many of these applications also included OWTS license applications, as an approved OWTS permit is required for a VDU License.

Applications were received at the height of the vacation rental season, and staff decided to allow applicants to proceed in operating their VDUs while the City reviewed the applications.

Of the thirty-eight applications received, twenty eight VDU licenses have been granted at this time. City staff are working with the remaining ten applicants to resolve a variety of issues, some small and some major. Examples include disagreements about our indemnification language (our attorney is revising it), issues with parking, and septic system documentation and capacity. In some cases, the process revealed issues of unpermitted structures, or conditions of prior permits not being in place. One septic system has received significant upgrades as a result; another property may need to in order to receive their license.

Enforcement

The majority of staff effort to date has gone to processing the applications and working through the challenges therein. A number of the VDUs have not received licenses as a result of potential compliance problems, thus the licensing itself is a primary mechanism in achieving compliance. Staff's goal is to work cooperatively with applicants to implement the ordinance. We have recently issued letters to three applicants who have more significant issues to address requiring that they cease any VDU Operation until they can be issued a license.

Many VDUs are not in compliance with the sign requirements in the ordinance. Staff have provided initial notification with the licenses, and will be following up.

Staff's goal is to have the remaining ten applicants either fully licensed, or formally noticed to halt operations until they are fully licensed, by the next Council meeting of December 9th.

Council Intent Regarding the '1 VDU per Parcel' condition.

One enforcement issue of contention revolves around the Ordinance language that states "*There shall be no more than one VDU per parcel.*" While the sentence itself is clear, the Ordinance's definition of a VDU is less so:

"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."

The interpretation question arises where a single parcel has multiple legal dwelling units, like a duplex, or a main house and a detached 'mother in law' unit. VDU license applicants have proposed that their 'single VDU' encompass multiple legal dwelling units on the same parcel.

Staff believes the simplest reading of 'one VDU per parcel' is that for a parcel with multiple legal dwelling units, only one of them can be used as a VDU. So only one unit of a duplex could be a VDU, or for homes with detached MIL units, the operator would need to license either the main house or the smaller unit.

This interpretation is consistent with the discussions of the Council about impacts to neighbors, as this would reduce the number of VDU guests allowed on a parcel, with all that implies for parking, noise, and other impacts. This interpretation is also consistent with the concerns the Council have expressed about the loss of long term housing as a consequence of homes being converted to VDUs.

However, the City Manager and City Planner have not been confident that the definition of a VDU in the Ordinance prohibits a 'single VDU' from encompassing both the main house and a second (or third unit). Rights not expressly limited are retained by the property owner, and staff have been concerned about triggering a legal challenge if our interpretation, and subsequent enforcement, go beyond what is clearly stated in the Ordinance.

There are two issues – what to do in the short term under the existing language, and whether to amend the Ordinance to be more clear.

First - Staff need to know which of these outcomes the Council wants:

*This should be
an OR situation.*

yes
OR
No

- A. Should the ordinance clearly limit a VDU to a single ~~detached~~ legal dwelling unit? In this case any other legal dwelling units on the parcel could not be part of, or operated together with, the VDU in any way. Nor could they be a separate VDU.
- B. Should the ordinance allow multiple legal dwelling units on a lot to be operated as one VDU? So the 'one VDU' can consist of both sides of a duplex, or both the front house and back unit on a single parcel.

Whichever option Council indicates, staff believes the VDU definition in the Ordinance should be amended to provide a clear and defensible basis to accomplish the Council's intent. Your direction on this issue then goes to the Planning Commission as part of the ordinance amendment process they are engaged in.

Until the ordinance is revised, staff are actively working with our City Attorney to ensure that our interpretation is soundly based in the existing ordinance language, and therefore minimizes legal risk to the City. The City Attorney has recently provided the following guidance to staff:

- A. The VDU definition is clearly about a single structure;
- B. Therefore the City should not allow a 'single VDU' to encompass two detached dwelling units,
- C. But a duplex (as a single structure) could have both units treated as a single VDU (if truly managed as such)

An update from the Attorney will be available at the meeting.

Staff Recommendation:

- 1) Receive Update
- 2) Provide direction to staff and the Planning Commission regarding the desired intent of the 'one VDU per parcel' language.

	A	B	C	D	E	F	G	H	I	J	K
1											
2		Issued License									
3											
4	LIC #	Property Owner	Property Address	Notes	Lic sent						
5											
6	2	Domb, Anik & Goorgo	375 Wagner		08/31/15						
7	3	Doran, Tim	478 A View		08/31/15						
8	5	Gonzalez, James	670 Edwards		08/31/15						
9	6	Gonck, Karen	607 Parker		08/31/15						
10	7	Halleles, Donnis	550 Galindo		08/31/15						
11	8	Henry, Daniel & Connie	80 Scenic		08/31/15						
12	9	Hicks, Karen Snell	818 VanWycke								
13	10	Hunt, Jan Nash	30 Scenic		08/31/15						
14	11	Janes, Valle	485 Ocean		09/01/15						
15	12	Lake, Robert	740 Edwards		09/01/15						
16	13	Lobue, Dr. Ange	528 Hector		09/01/15						
17	14	Miller, Steven & Aitana	894 Underwood		09/01/15						
18	15	McCartar, Karen	383 Ocean		12/03/15						
19	16	Reinman, Mike	407 Ocean		09/01/15						
20	17	Reinman, Mike	178 Parker Creek		09/01/15						
21	21	Simmons, Sunny	130 Scenic		09/01/15						
22	22	Smith, Craig	401 Ewing		09/01/15						
23	23	Speigle, Ron	829 Edwards		09/01/15						
24	24	Ufer, Kenneth Mark	88 VanWycke		09/01/15						
25	25	VanAllen, Casey, Lori	818 VanWycke		08/01/15						
26	26	Walters, Nadie Norton	807 Edwards		09/01/15						
27	27	Wright, Barbara	150 Scenic		09/01/15						
28	28	Pennis / Fennell	351 Wagner		10/28/15						
29	31	King, Adora	396 Wagner		12/22/15						
30	32	Sterling, Marilyn	381 Ocean		09/15/15						
31	33	Odum, Tom	881 VanWycke		09/15/15						
32	34	Covey, Gail	461 Ocean		01/20/16						
33	35	Reinman, Mike	651 Parker St		01/28/16						
34											
35		License not yet issued - allowed to operate provisionally while lawyers review indemnity form issues.									
36											
37	18*	Rheinschmidt, Rolf	15 Bery Rd	indem form							
38	19*	Robwin, Zach & Susan	201 Parker Creek	Indemnity form							
39	20*	Robwin, Zach & Susan	789 Underwood	Indemnity fom							
40		Trinidad Ranchera	1 Bay St	complex septic permit							
41											

Ladwig no permit given

provided March 7, 2016

City of Trinidad**From:** Trinidad City Manager [citymanager@trinidad.ca.gov]**Sent:** Monday, June 29, 2015 12:21 PM**To:** Andrew Stunich; Trever Parker**Subject:** Trinidad legal/planning question

Hi Trever and Andy,

process question re: VDU amendment ordinance

Background for my question:

- Council directed staff to draft an ordinance that would allow multiple VDUs per parcel in specific circumstances.
- That had to go to the Planning Commission before coming back to the Council. (public view).
- The Planning Commission recommended against it.
- City staff are now bringing it back to Council for action, as Council directed us to do.
- BUT - staff made some changes to the language in the draft ordinance, so the version on the agenda tomorrow is slightly different than the version the Planning Commission received and discussed.
- Since the ordinance has been modified since the PC saw it, are we required to take the latest version back to the Planning Commission before going to Council?

Seems like the answer would be in the same rules that dictated the issue had to go to the PC in the first place?

If the PC had recommended approval of specific ordinance language, I wouldn't presume to change it before going to Council. But since they said NO, do not approve at all, and I'm under direction to take it back to Council, we/I thought it made sense to change the language to address a specific concern staff identified.

Are we OK process wise, or did we fumble that and need to have the PC and the CC seeing the exact same version?

Thanks
Dan

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

Prior to the
July CC
meeting. Staff
fully aware of
making their own
policy decisions
outside of
Council
view.

Where is the
response?

12/1/2015

Original

TRINIDAD CITY HALL
FULKERSON, MAYOR
P.O. BOX 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

JULIE

GABRIEL ADAMS, CITY CLERK



ORDINANCE 2015-01

AN ORDINANCE OF THE CITY OF TRINIDAD
AMENDING SECTIONS 17.56.190.F OF THE TRINIDAD MUNICIPAL CODE (AMENDING
SECTION 6.26.F OF THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE)

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

ORDINANCE 2015-01, SECTION 1:

Amend Subsection 17.56.190.F of the Trinidad Municipal Code (and amend Coastal Commission certified Zoning Ordinance Subsection 6.26.F), "Location," which shall read as follows:

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, except that on lots with three or more legally established dwelling units, the number of VDUs may not exceed seventy five percent (75%) of the total number of dwelling units.

ORDINANCE 2015-01, SECTION 2:

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

Passed, approved, and adopted this 12th day of August, 2015 by the following roll call vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

Who paid for this?

Attest:

Approved:

Gabriel Adams
City Clerk

Julie Fulkerson
Mayor

First Reading: **Tuesday, June 30, 2015**

Second Reading: **Wednesday, August 12, 2015**

Zimbra

Cond-Use Permit
FORM R

trever@streamlineplanning.net

Re: Conditional use permit for adding more than one vacation rental on a person

From : Trever Parker <trever@streamlineplanning.net>
Subject : Re: Conditional use permit for adding more than one
vacation rental on a person
To : Mike Reinman
<mgmt@redwoodcoastvacationrentals.com>

Mon, Feb 22, 2016 12:09 PM

Hi Mike,

Sorry, I thought I had responded to this. I don't think we have gotten far enough along in the amendment to really answer your question. In the suggested language I have provided to the Planning Commission, I included a provision for obtaining a use permit for VDUs that may not meet the location standards (e.g. one per parcel, or minimum 100 ft. distance between VDUs, etc.). There are people that will advocate for no exceptions, but I think some limited exceptions are important for VDUs that aren't causing any problems. The exception language has not been specifically discussed yet, but it will at some point.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>
To: "Trever Parker" <trever@streamlineplanning.net>
Sent: Sunday, February 21, 2016 6:37:53 PM
Subject: Fwd: Conditional use permit for adding more than one vacation rental on a person

Hi Trever,

I hadn't had back from you on the below question. Any info on this?

Regards,

Mike Reinman, General Manager (707) 496-8746
Reservationist (707) 834-6555
www.RedwoodCoastVacationRentals.com

----- Forwarded message -----

From: **Mike Reinman** <mgmt@redwoodcoastvacationrentals.com>

Date: Wed, Feb 10, 2016 at 8:15 AM

Subject: Conditional use permit for adding more than one vacation rental on a person

To: Trever Parker <trever@streamlineplanning.net>

Hi Trever, I just wanted to see if this had been presented to the Planning Commission yet as something that could possibly be added into the VDU ordinance changes

Zimbra

trever@streamlineplanning.net

Re: call w Karen mcCarter

From : Trever Parker <trever@streamlineplanning.net> **Mon, Jan 25, 2016 10:32 AM**
Subject : Re: call w Karen mcCarter
To : Trinidad City Manager <citymanager@trinidad.ca.gov>

Hi Dan,

I think I could probably make a 2pm phone call. But I have a pretty busy day, and I'm not totally sure of my schedule. After the TAC meeting in the morning. Myself, Adam and one of the Water Board folks are going to talk about the RV parks for a bit. And I also have a meeting with Ben Morehead to discuss easements after that. And I need to look through some files at City Hall. I planned to be back in the office by 2.

However, I'm not sure you need to take up your time with this. What she needs to do is pretty straightforward. There is no way for her to have a second unit. Therefore she needs to permit the garage as additional living space. We have processed several similar permits in the past few years. The only complication will be the parking issue considering the VDU.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
To: "Trever Parker" <trever@streamlineplanning.net>, "Dan Berman" <citymanager@trinidad.ca.gov>
Sent: Monday, January 25, 2016 9:15:11 AM
Subject: call w Karen mcCarter

1-541-488-6227
Karen's back unit
What do we do – how do we start –
Hoping you can participate – we should maybe talk first – I'll look back at the last emails from you on it.

Zimbra

McCartfer

trever@streamlineplanning.net

Re: 363 Ocean Ave.

*All we need is parking available
not that they will*

From : Trever Parker <trever@streamlineplanning.net>

Thu, Nov 19, 2015 12:57 PM

Subject : Re: 363 Ocean Ave.

actually use it.

To : Trinidad Retreats <info@trinidadretreats.com>

Cc : Trinidad City Manager <citymanager@trinidad.ca.gov>, karen mc <klm@ashlandhome.net>, Trinidad Retreats <mgmt@trinidadretreats.com>

External images are not displayed. [Display images below](#)

Thank you Jonna. The booking activity file contains the information I was looking for. We needed documentation that the VDU rental occupancy had actually been at the occupancy being requested (8) over those two years. This requirement was so people could not request a parking exception for more people / vehicles than what they had previously been renting the VDU for.

I know the City has gotten complaints about parking on Ocean Street, but I don't think anything specifically related to this VDU. We want to make sure we can justify the parking exception since these VDU licenses are being closely watched. Even though it is not a requirement, I think you mentioned to me that you had not received any complaints about this VDU as the manager, at least for parking. If you could confirm that in writing, it would be nice to have in the file.

Trever Parker - trever@streamlineplanning.net

Streamline Planning Consultants

1062 G Street, Suite I

Arcata, CA 95521

(707) 822-5785 fax (707) 822-5786

www.streamlineplanning.net

From: "Trinidad Retreats" <info@trinidadretreats.com>

To: "Trever Parker" <trever@streamlineplanning.net>, "Trinidad Retreats" <mgmt@trinidadretreats.com>

Cc: "Trinidad City Manager" <citymanager@trinidad.ca.gov>, "karen mc" <klm@ashlandhome.net>

Sent: Thursday, November 19, 2015 11:18:20 AM

Subject: Re: 363 Ocean Ave.

As far as proof of VDU has been in active operation for a minimum of two years Gabe can easily provide you with the records of TOT's paid for the last several years to demonstrate that it has been an "active" VDU. As far as the maximum rental occupancy over that

period I am not sure what exactly you are wanting - # of bookings? # of nights occupied? # of guests staying at the home? I just need to know what you are wanting and I can provide those details. I have included an excel spread sheet for "Booking Activity" from 1/1/2013 - 12/31/2015 and another for "Night Count" in hopes that this includes any and all of the information you are requesting.

**Please note in the excel spreadsheet a/c/f refers to adults/children so that will give you the # of guests if that's what you're looking for.*

Sincerely,

**Jonna Kitchen, Reservations Manager
Camille Damian, Assistant Reservationist
(707) 601-6645**

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On Wed, Nov 18, 2015 at 2:36 PM, Trever Parker <trever@streamlineplanning.net> wrote:
Hi Jonna,

That is what the ordinance required in order to grant the parking exception. The idea was to show that the VDU has been operating at the same capacity as the parking exception request so that the authorized use will not be increasing. I have copied the language from the ordinance below. I have cc'ed Dan on this email so he is in the loop. We will work on some language to include as condition(s) for the back unit. The more information you can provide about parking and occupancy the better. We probably should not count this year as part of the two years since technically the information was due June 30, 2015.

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.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants

1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Trinidad Retreats" <info@trinidadretreats.com>
To: "Trevor Parker" <trevor@streamlineplanning.net>
Cc: "karen mc" <klm@ashlandhome.net>
Sent: Wednesday, November 18, 2015 1:44:50 PM
Subject: Re: 363 Ocean Ave.

I can go take photos of the parking space in front and behind the house as well as measure. As far as occupancy for past 2 years I can easily provide you with that but I am not exactly sure how that pertains to parking?

Sincerely,

Jonna Kitchen, Reservations Manager
Camille Damian, Assistant Reservationist
(707) 601-6645

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On Wed, Nov 18, 2015 at 11:58 AM, Trevor Parker <trevor@streamlineplanning.net> wrote:

Hi Jonna,

Looks like we are set to meet on Thurs. Dec. 3. I was waiting to get a proposal from Karen for the back unit. But you are probably worried about having something in place for upcoming reservations. I know we talked about a temporary or conditional license while the back unit is being dealt with separately. But we do still need to address parking before I can do that. I need a more detailed site plan that shows what space is available parking along the alley. I understand that that may not be ideal parking for the front unit, but as long as it is available, that is all the ordinance requires, not that occupants actually use it. We also need some concrete documentation as to past rental occupancy (going back 2 years) in order to approve a parking exception in accordance with the VDU ordinance. Hopefully that will be pretty easy to put together.

Happy Thanksgiving to you too!

Trevor Parker - trevor@streamlineplanning.net
Streamline Planning Consultants

1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Trinidad Retreats" <info@trinidadretreats.com>
To: "Trever Parker" <trever@streamlineplanning.net>
Cc: "karen mc" <klm@ashlandhome.net>
Sent: Wednesday, November 18, 2015 10:28:32 AM
Subject: 363 Ocean Ave.

Just wanted to check in and see where we are at with issuing the temporary/conditional VDU permit for 363 Ocean Ave? Also wondering if you and the Planning Commission have set a date for the December meeting. I have folks from out of the area who would like to attend so the sooner I can tell them the better. Wishing you a Happy Thanksgiving.

Sincerely,

Jonna

Zimbra

*single dwelling
vs. two dwelling units*

trever@streamlineplanning.net

Re: Question about city code and dwellign units

From : Trever Parker <trever@streamlineplanning.net>

Thu, Mar 03, 2016 10:12 AM

Subject : Re: Question about city code and dwellign units

To : Trinidad City Manager <citymanager@trinidad.ca.gov>

Well I think the definitions and zoning allowances are clear and straightforward. How to deal with the situation is not as much. But my understanding is that a hosted VDU is actually that - hosted, and more like a bed and breakfast. It is not intended for there to be separate living spaces, but that the host and guests would mingle. I don't think the intent of that idea is that there be additional duplexes and second units. But because most people would rather not mingle, encouraging hosted VDUs is going to encourage this type of situation. I am now even more wary of it, and we need to tread carefully.

However, the current regulations do not differentiate between hosted and non, so we are stuck with that for now. And the problem with the septic is that total water use is not the only issue, but the strength of the wastewater. Kitchen waste is more difficult to treat than other waste because of the greases and solids and organic materials, etc that go down the drain. So two separate one bedroom residences are not treated the same as a single two bedroom residence in terms of septic requirements. For the first case, DEH would require a minimum 3-bedroom system to accommodate the two small units.

We may be able to call it a hosted VDU, like with Ladwig. However, this VDU gets much heavier use, and I think we are headed down a slippery slope with it if there are kitchen facilities both upstairs and downstairs. So I think we still need to start with an inspection and go from there.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>

To: "Trever Parker" <trever@streamlineplanning.net>

Sent: Thursday, March 3, 2016 10:00:02 AM

Subject: RE: Question about city code and dwellign units

If it's that straightforward – then it seems like we should address it promptly by notifying them that either the top tenant or the VDU has to go – both are not allowed?
That's what I'm hearing you say.

Driving the longer term tenant out seems the exact opposite of what the Council and community have been indicating they want to see. And if UR zone can't have 'duplexes', how can we have hosted VDUs... –

So – last try here –

If the septic use is OK, is there any way to call this a 'hosted VDU'?
The argument would have to be that it's one home, not a duplex, and part of it is being used as a VDU. Is that possible, depending on the results of a home inspection?

Thanks
Dan

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

From: Trevor Parker [mailto:trevor@streamlineplanning.net]
Sent: Wednesday, March 02, 2016 3:45 PM
To: Trinidad City Manager
Subject: Re: Question about city code and dwellign units

There are several definitions of interest: 17.08.210 defines "duplex" and 17.08.220 through 17.08.250 define different types of dwellings, including multi-family, single-family, townhouse and dwelling unit. The existing house was approved as a single-family dwelling in 1990, which is the only type of dwelling technically allowed in the UR zone (17.32.020 and 17.32.030), and the maximum density is one dwelling per 8,000 sq. ft. of lot area (17.32.050).

Seems pretty cut and dry to me. Even if Trinidad's definitions were not up to snuff, I would think this is in the realm of pretty well established land use law. All cities have separate single-family zones where duplexes and other types of multi-family units are not allowed. And even if kitchens weren't part of the definitions, the use as stated is for two separate groups of people living separately. No real question in my mind.

Trevor Parker - trevor@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I

Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
To: "Trever Parker" <trever@streamlineplanning.net>
Sent: Wednesday, March 2, 2016 3:34:58 PM
Subject: Question about city code and dwelign units

Hi Trever,

Mike just called – his lawyer wants to know where the Municipal Code clearly delineates between a single dwelling unit and two dwelling units. One specific question was "is two kitchens automatically two dwelling units..." which I take to really be a question about how the City decides if something is two units vs one.

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

Zimbra

trever@streamlineplanning.net

Re: Emailing - Issued Licenses Second Units (Autosaved).pdf

From : Trever Parker <trever@streamlineplanning.net>

Thu, Mar 03, 2016 04:18 PM

Subject : Re: Emailing - Issued Licenses Second Units
(Autosaved).pdf**To :** Trinidad City Manager <citymanager@trinidad.ca.gov>

It is a lot of information to try to convey, but it all looks accurate to me.

*Removing
Kitchen*

Trever Parker - trever@streamlineplanning.net

Streamline Planning Consultants

1062 G Street, Suite I

Arcata, CA 95521

(707) 822-5785 fax (707) 822-5786

www.streamlineplanning.net

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>**To:** "Trever Parker" <trever@streamlineplanning.net>**Sent:** Thursday, March 3, 2016 4:13:08 PM**Subject:** FW: Emailing - Issued Licenses Second Units (Autosaved).pdf

Trever – can you check this for accuracy – I mixed your responses with some of my own. I was going to send this to Kathleen but wanted you to read it first.

Thanks

Hi Kathleen,

Overall – I think you asked for how the City plans to deal with the numerous unpermitted second dwelling units around town, both in general and relative to VDU licenses.

The easy answer is case by case –

but the general approach that seems to have occurred over the years is as follows – -
require permit process that 1) makes sure any unpermitted structure does not qualify as a legal dwelling unit, by removing kitchen if need be, and then 2) work with the owner on what it can be – where allowable under the rules, it ends up becoming part of the single family residence. It could be a bedroom, or office, or storage, or... We would make sure the overall # of bedrooms is consistent with septic system capacity, consider deed restrictions, and go from there.

It can still be legal to rent out part of your home, including a detached bedroom, under the code allowing boarders. You could do it as a VDU, with a license, although we have only one current license applicant on that path.

Here's some quick partial responses to the specific places we discussed. -

Marilyn Sterling's back bedroom was permitted back in 1992. There is a deed restriction on the property limiting the number of bedrooms. There were several other conditions such as any tenants having full access to the primary structure (e.g. kitchen) and it not being rented out separately. This is where the code allowing folks to take on 'boarders' comes in - you can do that within your single family residence.

Building inspector visits have confirmed (not very recently) that she did not have a real kitchen back there, just a microwave, fridge and hot plate. That makes it not a legal secondary dwelling unit. She has talked about having a caretaker back there, but the caretaker would also have to have access to the main structure for cooking.

RE: Paloma Creek lodge -

Mike did mention getting a caretaker for the Paloma Creek Lodge. But unless a new kitchen has been added, that just makes it a hosted rental. The allowed VDU occupancy should probably be reduced by one in consideration of the caretaker. And having a caretaker is advantageous to the community from my perspective, assuming they help keep big parties and late night noise from happening.

We discussed Karen McCarter's where we identified as part of the VDU license application that there was an unpermitted second unit, explicitly restricted it from being used, either as part of the VDU or otherwise, and required that she start working to address it. The most likely solution is similar to the approach described above - make sure it does not qualify as a legal dwelling unit, by removing kitchen if need be, and then permit it as a detached part of the single family residence. It could be a bedroom, or office, or storage. We would make sure the overall # of bedrooms is consistent with septic system capacity.

RE: 88 van Wycke - vallee's former house -

not enforceable

This is not permitted for two legal dwelling units. It appears to be operating as such, which I just became aware of. We are scheduling a building inspection to confirm whether the downstairs is in fact a separate legal dwelling unit. If so, we'll be on the general path outlined above - require that it be modified to be only one. It may be possible to do that (have one legal dwelling unit), and then have a long term tenant sharing that one residence with vacation renters.

I hope this answers your questions - on these individual cases, we can always go through the permit files, like Rotwein's or Sterling's, to see how the Planning Commission chose to address these issues in the past

It does seem to me like we should have a walk through as part of the VDU license renewals this year. That might help us confirm the submitted floor plans, and identify places that are operating as multiple dwelling units when they shouldn't be.

Daniel Berman

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

From: Trever Parker [mailto:trever@streamlineplanning.net]
Sent: Thursday, March 03, 2016 2:51 PM
To: Trinidad City Manager
Subject: Re: Emailing - Issued Licenses Second Units (Autosaved).pdf

FYI.

Marilyn Sterling's back bedroom was permitted back in 1992.

There is a deed restriction on the property limiting the number of bedrooms. There were several other conditions such as any tenants having full access to the primary structure (e.g. kitchen) and it not being rented out separately. As recently as 2011, these requirements were reiterated to her.

Building inspector visits have confirmed (not recently) that she never had a real kitchen back there, just a microwave, fridge and hot plate. She talked about having a caretaker back there, but the caretaker would also have to have access to the main structure for cooking.

, then we acknowledged that there is an illegal second unit and it is being addressed.

Just some additional details for you. I have thick files for the Sterling place if you need more info.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Tom Davies Kathleen Lake" <tomd.kathleenl@gmail.com>
To: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
Cc: "Kathleen Lake" <tomkat4@suddenlink.net>, "Pat Morales" <mawwheezer@suddenlink.net>, "Trever Parker" <trever@streamlineplanning.net>, "Sandra Cuthbertson" <scuthbertson@trinidad.ca.gov>
Sent: Thursday, March 3, 2016 2:23:53 PM
Subject: Re: Emailing - Issued Licenses Second Units (Autosaved).pdf

Hi Dan,

I tried to call you a couple of times but didn't get an answer. I did leave a voicemail.

Thank you for this information.

Some of the information appears incorrect. So I am relying on you for clarification please.

I will start with the Sterling place. The back dwelling is an apartment. It's been an apartment since I've lived here, 14 years. I've been in it. It has a long term tenant that lives there now. Where did you get your information that it's not an apartment/second unit? It always has been as is today.

Also, the other home on Ocean, down by the trailer park is also two dwellings. The owner lived in the back and rented out the front for years. It's still an accessory dwelling unit.

Also, the Paloma Creek Lodge is currently advertising that a caretaker lives on the property. This must be a second dwelling as well.

Can we start with the three properties mentioned here please? It appears in the document that these "back bedrooms" are permitted? They have always been unpermitted accessory dwelling units. When did that change? How can they still be full dwellings and be permitted as bedrooms?

I suspect other properties also have issues with this.

The information that you have provided on several of these properties appears to be incorrect. As far as we can tell nothing has been changed on the properties except that the city has permitted them as Vacation Rentals. The real questions here are: have all of these places been inspected? Is the City planning inspections? Or is this also complaint driven by neighbors?

Thank you for your time.

Kathleen

On Mar 3, 2016, at 10:14 AM, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Hi Kathleen and Pat,

I have attached the City's response to your public records request related to VDUs and second units. Please let us know if you have questions or if you feel this does not fully respond to your request,

Best,
Dan

<Issued Licenses Second Units (Autosaved).pdf>

**Parking exceptions should never have been granted.*

trever@streamlineplanning.net

Re: 363 Ocean Ave VDU permit

Illegal 2nd Unit

From : Trever Parker <trever@streamlineplanning.net>

Mon, Nov 02, 2015 10:09 AM

Subject : Re: 363 Ocean Ave VDU permit

To : Trinidad Retreats <info@trinidadretreats.com>

VDU operations must STOP

External images are not displayed. [Display images below](#)

More specifically, we are right above the Golden Harvest Cafe. There is a door to the stairway from the sidewalk on G St. and one in the back off the parking lot.

*until resolved.
10/28*

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Trinidad Retreats" <info@trinidadretreats.com>
To: "Trever Parker" <trever@streamlineplanning.net>
Sent: Monday, November 2, 2015 10:39:27 AM
Subject: Re: 363 Ocean Ave VDU permit

Duh, I just saw on your signature where it is!

Sincerely,

Jonna Kitchen, Reservations Manager
Camille Damian, Assistant Reservationist
(707) 601-6645

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On Mon, Nov 2, 2015 at 10:39 AM, Trinidad Retreats <info@trinidadretreats.com> wrote:
That sounds fine. Where is your office located?

Sincerely,

Jonna Kitchen, Reservations Manager
Camille Damian, Assistant Reservationist
(707) 601-6645

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On Mon, Nov 2, 2015 at 9:41 AM, Trever Parker <trever@streamlineplanning.net> wrote:
That works for me. I would prefer to meet at my office in Arcata if that would work for you.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
[\(707\) 822-5785](tel:(707)822-5785) fax [\(707\) 822-5786](tel:(707)822-5786)
www.streamlineplanning.net

From: "Trinidad Retreats" <info@trinidadretreats.com>
To: "karen mc" <klm@ashlandhome.net>
Cc: "Trever Parker" <trever@streamlineplanning.net>
Sent: Friday, October 30, 2015 4:11:03 PM

Subject: Re: 363 Ocean Ave VDU permit

How about 2 pm on Tuesday Nov. 3rd? Where would we meet Trever?

Sincerely,

Jonna Kitchen, Reservations Manager
Camille Damian, Assistant Reservationist
(707) 601-6645

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On Fri, Oct 30, 2015 at 1:30 PM, KLM <klm@ashlandhome.net> wrote:
Hi Trevor, I am open at any time on Tues Nov 3, so maybe you and Jonna can come

up with a time that would be convenient for both of you. Thank you for your speedy response! Karen

From: "Trever Parker" <trever@streamlineplanning.net>
Sent: Friday, October 30, 2015 11:42 AM
To: klm@ashlandhome.net
Cc: "Trinidad Retreats" <info@trinidadretreats.com>
Subject: Re: 363 Ocean Ave VDU permit

I appreciate your attitude and honesty Karen. No need to apologize; this is not the most difficult VDU issue we have had to deal with. Let's work on setting up a meeting between Jonna and myself with you calling in (unless you will be in town yourself soon) so we can discuss options and solutions. I am available next Monday and Tues. (11/2 and 11/3) in the afternoons, or any time on Thurs. or Friday (11/5 or 11/6). The following week is pretty open for me. My schedule is generally flexible if you want to suggest some times and / or other days.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "KLM" <klm@ashlandhome.net>
To: "Trever Parker" <trever@streamlineplanning.net>
Sent: Thursday, October 29, 2015 12:44:01 PM
Subject: 363 Ocean Ave VDU permit

Hi Trevor,

Thank you for copying me on this I really appreciate it.

Well, I sure stirred things up at a difficult time for you all at City Hall and I apologize for the extra work and time and communications this is causing.

Your email makes complete sense to me - what's done is done and because of my mistake we need to handle this differently than other VDUs that do not have what appears on the records to be a garage that could in fact house two cars!

I see this as an opportunity to handle both the VDU and ADU issues and I would welcome clarity and closure on that since it is true that I did not buy what I was told I was buying.....but be that as it may yesterday in talking with Dan he helped me see that although the timing was interesting - and may cause you more work right now,

(again my apologies) it is going to be good for everyone to have this sorted out!

* I look forward to doing my part, with permits, or whatever is necessary to make 363 Ocean Ave OFFICIALLY what I thought I bought, two legal units.

Thank you for your help with this Trevor. Although I know Gabe, I look forward to meeting both you and Dan as we work on this project. And again, my apologies for making the VDU permit process more difficult for my VDU.

Sincerely,

Karen McCarter

From: "Trevor Parker" <trevor@streamlineplanning.net>
Sent: Wednesday, October 28, 2015 3:54 PM
To: "Trinidad Retreats" <info@trinidadretreats.com>
Cc: "karen mc" <klm@ashlandhome.net>, "Trinidad City Manager" <citymanager@trinidad.ca.gov>
Subject: Re: VDU Permit Follow Ups

Jonna,

It doesn't matter if the ADU is not rented as part of the VDU. The City can not issue a VDU license for this property without first addressing the illegal construction for a number of reasons. One, we can't just overlook something like that, and VDUs get a higher level of scrutiny. This issue would have come up even if the two units and four bedrooms had not been disclosed on the application. Two, the City can't grant a parking exception if, based on City records, there are two parking spaces in the garage. The ordinance only allows exceptions when it can be shown that additional parking is not feasible. Three, I can't authorize full occupancy of the VDU if there is also a second unit, even if it were legal, because occupancy is limited by septic capacity. I think there are solutions, but a full second unit can not currently be permitted on this property. This issue does need to be addressed before a VDU license is issued. I can look at the paperwork you submitted, which may be helpful for processing some kind of after the fact permit, but it will not validate a second unit or other living space in the garage without going through that process. A meeting to discuss options may be useful at this point.

Trevor Parker - trevor@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
[\(707\) 822-5785](tel:(707)822-5785) fax [\(707\) 822-5786](tel:(707)822-5786)
www.streamlineplanning.net

From: "Trinidad Retreats" <info@trinidadretreats.com>
To: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
Cc: "Trever Parker" <trever@streamlineplanning.net>, "karen mc" <klm@ashlandhome.net>
Sent: Wednesday, October 28, 2015 3:14:04 PM
Subject: Re: VDU Permit Follow Ups

Hello Dan & Trever,

I just want to reiterate that 363 Ocean Ave. has NEVER rented the ADU in the back as a vacation rental or month to month ever. Unfortunately the owner erroneously wrote in "4" bedrooms and "2" bathrooms to be transparent when it asked how many bedrooms and bathrooms are on the parcel. We have only ever rented the front house which is a 3 bed/1 bath home. In retrospect that is what Karen or I should have written on the application. The only exception we asked for was parking which has never presented a problem to any of the surrounding neighbors, not one complaint in well over 5 years. I am hoping you allow Karen to re-submit her application or amend her current application with the correct # bedrooms and bathroom so that we can move forward. Her septic was inspected and received high marks.

I hand delivered more paperwork about her parcel to Sandra in your office today. I look forward to hearing from you.

Thank you,

Jonna

On Wed, Oct 28, 2015 at 10:55 AM, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Hi Jonna,

Please copy Karen on this – I don't have her email right now.

I just had a long talk with Karen. The letter is going in the mail today, Karen asked that we copy you.

The issues are septic capacity, parking, and the converted garage.

As Karen already was aware – that garage was converted to a separate dwelling unit without City permits or approval prior to her purchase. Sounds like she was misled during her purchase of the property.

She (very honestly) shows the garage as a separate dwelling unit in the VDU Application – which makes the whole place 4 bedrooms, and two units, which raises questions about whether the septic can handle that. The answer is no, according to our records.

She indicated she has some additional information about her septic system that may be helpful, and that she would ask you to get a copy of that to the City. (A letter from Kathy?)

We discussed a potential outcome where we try to separate out what are really two issues:

1. A VDU license for the front house, that is consistent with the parking and septic requirements; and clearly does not include the back unit. This may require a condition that the back unit not be occupied at all until we address it's status.
2. Karen and the City get working on resolving the garage conversion. If it can be done, I'd love to see it brought into a legal status with the City as a dwelling unit. Septic capacity will be a key issue for this.

I was encouraged that Karen really wants to resolve the status of the back unit. She understands that City staff is under a microscope from all sides on this, and we have to do things by the book here.

It sounds like the back unit has been vacant anyway, and not part of the VDU, so the idea of splitting the issues seemed pretty functional for all.

The letter requires that VDU operations stop until things are resolved. She thought there were thanksgiving bookings at risk. If we can address the septic and parking and license the front house properly, the City will be able to lift that restriction.

Best,
Dan

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

From: Trinidad Retreats [mailto:info@trinidadretreats.com]
Sent: Tuesday, October 27, 2015 3:19 PM
To: Trinidad City Manager
Subject: Re: VDU Permit Follow Ups

Hi Dan,

I will follow up with Susan Rotwein. I would definitely like to know why Karen McCarter's permit is being held up. Other than asking for the parking "exception" on Ocean Ave. it seemed pretty straight forward. As far as the PC Meeting I heard from Gabe that it was on 11/4 @ 6pm so I've notified quite a few people.

Sincerely,

Jonna Kitchen, Reservations Manager
Camille Damian, Assistant Reservationist
(707) 601-6645

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On Tue, Oct 27, 2015 at 12:35 PM, Trinidad City Manager
<citymanager@trinidad.ca.gov> wrote:

Hi Jonna,

Re: Rotwein - The City Attorney reviewed the letter from Susan's attorney, and the Indemnification form we provided, and concluded that we should stick to our form.

I just re-read the materials, was reminded that Susan's letter threatens legal action, and asked our Attorney to re-read both and confirm his stance. Assuming he does, I'll get a letter out to you and Susan asking for a signature on the form within some reasonable time frame to keep the permit application 'active'.

When I talked to Susan about it, I offered that she could have her attorney provide a version more to her liking and I'd be willing to have our attorney review it. That still stands . - the letter we got is critical of the form, but doesn't say what she'd like instead.

Re: McCarter - We are finalizing a letter to the landowner explaining some concerns and questions we have. I will copy you. Once the letter is complete, we should meet with the owners and/or you to discuss the details.

Finally - official notice in the next day or two - but we are pretty set on rescheduling the cancelled planning commission meeting to Nov 4th, a week from tomorrow.

Thanks
Dan

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

Trinidad, CA 95570

From: Trinidad Retreats [<mailto:info@trinidadretreats.com>]
Sent: Friday, October 23, 2015 10:34 AM
To: Trinidad City Manager
Subject: VDU Permit Follow Ups

Hi Dan,

We still do not have a permit for Susan Rotwein (789 Underwood & 201 Parker) or Karen McCarter (363 Ocean). Susan's attorney sent you a letter regarding concerns signing the "hold harmless" agreement and was waiting to hear back from you but has not been notified of anything. Karen's permit asked for "exception for parking". She has not received any notification either. Can you please let me know where you are at w/ these.

Thank you,

Jonna

Zimbra

trever@streamlineplanning.net

application form

From : Trever Parker <trever@streamlineplanning.net> Wed, Jan 27, 2016 01:24 PM
Subject : application form 📎 1 attachment
To : karen mc <klm@ashlandhome.net>

Hi Karen,

Here is the City's standard application form. I don't know whether external modifications to the building were made when the garage was converted. But the City will still use the Design Review process. Since we don't have a separate process for a project that requires a Coastal Development Permit only, the Design Review process is the most appropriate for an interior removal that changes the use of a structure and / or adds additional living space.

Let me know if you have any questions.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

 **DR APPLICATION New.doc**
43 KB

CITY OF TRINIDAD

VACATION RENTAL APPLICATION CHECKLIST

Name: Karen McCarter

Address: 363 Ocean Ave. APN: 042-062-18

COVER SHEET

- Application Fee

SITE PLAN

Parking 0 spaces

Parking exception granted; see file for additional information.

FLOOR PLAN

Bedrooms # 3
 Maximum Occupancy # 8

RENTAL AGREEMENT

PROOF OF INSURANCE

- Indemnification Form

OWTS PERMIT DOCUMENTS

Application Fee
 Septic Inspection
 Questionnaire

** Owes \$150 OWTS permit fee*

OWTS permit attached; expires 8/1/17

Approved by:

City Planner:

City Clerk:

Yum Park

Date: 12/2/15

Date:

Zimbra

trever@streamlineplanning.net

Re: Today's Meeting

From : Trever Parker <trever@streamlineplanning.net> Tue, Nov 03, 2015 10:07 AM
Subject : Re: Today's Meeting
To : Trinidad Retreats <info@trinidadretreats.com>
Cc : karen mc <klm@ashlandhome.net>

External images are not displayed. [Display images below](#)

Yes I can do that. I think it would be best if one of you calls in to my 707-822-5785 number, and then I can call out to the third person on our fax line to leave the other two phone lines open. I haven't done this before, so be prepared for possible kinks or delays. I think it should work out fine though.

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Streamline Planning Consultants
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From: "Trinidad Retreats" <info@trinidadretreats.com>
To: "Trever Parker" <trever@streamlineplanning.net>, "karen mc" <klm@ashlandhome.net>
Sent: Tuesday, November 3, 2015 9:39:45 AM
Subject: Today's Meeting

Hi Trever,

I am wondering if you can please set up a 3 way conference call for today instead of me coming into Arcata. The majority of decision making will involve you and Karen. Just seems like unnecessary time spent for me today as I am busy preparing for tomorrow night's PC meeting. If you can arrange it I sure would appreciate it.
Karen can be reached at 541-488-6227

Sincerely,

Jonna Kitchen
(707) 599-6249

Zimbra

trever@streamlineplanning.net

Re: karen mccarter 363 ocean ave VUD*Get the license for
the "Front House"***From :** Trever Parker <trever@streamlineplanning.net>

Thu, Nov 19, 2015 12:47 PM

Subject : Re: karen mccarter 363 ocean ave VUD**To :** klm@ashlandhome.net

No need to apologize. I think we discussed that as the ultimate next step, but never actually resolved what to do about the VDU license in the meantime considering that you had upcoming reservations.

If you want to submit something about the back unit, it couldn't hurt. I was talking with Dan yesterday about whether we would include the stipulations regarding the second unit as just conditions of the VDU license or whether we needed to actually have you sign something. I think the former should suffice, but that is not final. I will keep you posted.

Trever Parker - trever@streamlineplanning.net

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From: "KLM" <klm@ashlandhome.net>**To:** "Trever Parker" <trever@streamlineplanning.net>**Sent:** Thursday, November 19, 2015 12:06:58 PM**Subject:** karen mccarter 363 ocean ave VUD

Hi Trevor,

Just wanting to say I am sorry that I misunderstood you needed something from me for us to move forward for the VUD on the front house! I thought you had asked me to start thinking about how I wanted to use the back place and to write something up within the next couple of months.....so I did totally misunderstand! We spoke of so many things that day.

I do know that we said we would sign a statement saying the back house had never been used as a vacation rental house and is not being used that way now. Would you like me to create a simple document for your files that does that?

I want to cooperate in anyway necessary to get my VUD in place for the front house.

Thank you for your time and attention in this matter. Karen

Zimbra

Never asked residents P.M.
 McCarter
 trever@streamlineplanning.net

Re: 363 Ocean Ave.

From : Trever Parker <trever@streamlineplanning.net>
Subject : Re: 363 Ocean Ave.

Wed, Nov 18, 2015 02:36 PM

To : Trinidad Retreats <info@trinidadretreats.com>
Cc : karen mc <klm@ashlandhome.net>, Dan Berman
 <citymanager@trinidad.ca.gov>

External images are not displayed. [Display images below](#)

Hi Jonna,

That is what the ordinance required in order to grant the parking exception. The idea was to show that the VDU has been operating at the same capacity as the parking exception request so that the authorized use will not be increasing. I have copied the language from the ordinance below. I have cc'ed Dan on this email so he is in the loop. We will work on some language to include as condition(s) for the back unit. The more information you can provide about parking and occupancy the better. We probably should not count this year as part of the two years since technically the information was due June 30, 2015.

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.

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From: "Trinidad Retreats" <info@trinidadretreats.com>
To: "Trever Parker" <trever@streamlineplanning.net>

Cc: "karen mc" <klm@ashlandhome.net>
Sent: Wednesday, November 18, 2015 1:44:50 PM
Subject: Re: 363 Ocean Ave.

I can go take photos of the parking space in front and behind the house as well as measure. As far as occupancy for past 2 years I can easily provide you with that but I am not exactly sure how that pertains to parking?

Sincerely,

Jonna Kitchen, Reservations Manager
Camille Damian, Assistant Reservationist
(707) 601-6645

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On Wed, Nov 18, 2015 at 11:58 AM, Trever Parker <trever@streamlineplanning.net> wrote:
Hi Jonna,

Looks like we are set to meet on Thurs. Dec. 3. I was waiting to get a proposal from Karen for the back unit. But you are probably worried about having something in place for upcoming reservations. I know we talked about a temporary or conditional license while the back unit is being dealt with separately. But we do still need to address parking before I can do that. I need a more detailed site plan that shows what space is available parking along the alley. I understand that that may not be ideal parking for the front unit, but as long as it is available, that is all the ordinance requires, not that occupants actually use it. We also need some concrete documentation as to past rental occupancy (going back 2 years) in order to approve a parking exception in accordance with the VDU ordinance. Hopefully that will be pretty easy to put together.

Happy Thanksgiving to you too!

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Streamline Planning Consultants
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Arcata, CA 95521
[\(707\) 822-5785](tel:(707)822-5785) fax [\(707\) 822-5786](tel:(707)822-5786)
www.streamlineplanning.net

From: "Trinidad Retreats" <info@trinidadretreats.com>
To: "Trever Parker" <trever@streamlineplanning.net>

Cc: "karen mc" <klm@ashlandhome.net>
Sent: Wednesday, November 18, 2015 10:28:32 AM
Subject: 363 Ocean Ave.

Just wanted to check in and see where we are at with issuing the temporary/conditional VDU permit for 363 Ocean Ave? Also wondering if you and the Planning Commission have set a date for the December meeting. I have folks from out of the area who would like to attend so the sooner I can tell them the better. Wishing you a Happy Thanksgiving.

Sincerely,

Jonna

Zimbra

trever@streamlineplanning.net

Re: Retro parking

From : Trever Parker <trever@streamlineplanning.net> Fri, Nov 20, 2015 11:38 AM
Subject : Re: Retro parking
To : Trinidad Retreats <info@trinidadretreats.com>
Cc : Trinidad City Manager <citymanager@trinidad.ca.gov>, karen mc <klm@ashlandhome.net>, Trinidad Retreats <mgmt@trinidadretreats.com>

Let's go with this for now. I will put some things together for the file and the license, discuss it with Dan, and get back to you.

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From: "Trinidad Retreats" <info@trinidadretreats.com>
To: "Trever Parker" <trever@streamlineplanning.net>
Cc: "Trinidad City Manager" <citymanager@trinidad.ca.gov>, "karen mc" <klm@ashlandhome.net>, "Trinidad Retreats" <mgmt@trinidadretreats.com>
Sent: Thursday, November 19, 2015 3:33:43 PM
Subject: Fwd: Retro parking

Thanks for the update Trever.

Below are photos of the parking areas both in the front and the back of the house. We have managed this home for 5 years and have never had a single complaint regarding parking, noise, parties or any other violation.

The parking in front of the home roughly measures 50 ft. long by 8 ft. wide. As you can see I can park my car plus there is room for a 2nd vehicle in front. The parking accessed in the alley behind the property measure roughly 42 ft. long by 8 ft. wide. Room for 2 small vehicles or one larger one. Will you accept these photos and measurements as a site plan or do you want me to hand write one?

*I would like to note that a large blue truck is routinely parked partially in front of 363 Ocean and it appears to belong to a neighbor, although I'm unsure which one. It does not belong to us, our housekeeping staff or any vacation rental guest. This isn't really a

problems w/ parking

problem but as this ordinance gets enforced it may be good for you to know.

Sincerely,

Jonna

----- Forwarded message -----

From: Reid Kitchen <info@trinidadretreats.com>

Date: Thu, Nov 19, 2015 at 3:26 PM

Subject: Retro parking

To: Trinidad Retreats <info@trinidadretreats.com>

Sent from my iPhone

Zimbra

No parking
& illegal 2nd dwelling
permitted

trever@streamlineplanning.net

Re: McCarter VDU

From : Trever Parker <trever@streamlineplanning.net>
Subject : Re: McCarter VDU
To : citymanager@trinidad.ca.gov

Mon, Nov 23, 2015 10:22 AM

Good morning,

*

This seems over-complicated to me. I know this may be scrutinized, but it basically just an approval of a situation that has been in existence for several years.

They included their formal parking exception request in their VDU application. They were just missing a few things. I don't see a need to have them prepare a separate application package. I can include some detail in my notes, but I was ready to grant the exception. I granted at least one other exception without this much justification, though they did have a 2-car driveway.

Maybe I can break down my notes in more detail and better organized. But I intended to have included justification as to why the alley parking was acceptable in there already. I do think that we can add additional conditions to a parking exception, but that is just more for the City to have to enforce. It is probably very difficult to get people to park where it is less convenient or doesn't make sense to them. Street parking is public parking, and difficult to restrict for individuals I think. I would not recommend trying to restrict them to 3 cars on Ocean St. It would be too hard to enforce. How would the City even know which cars belong to the VDU and who are visitors or neighbors?

You are right that the ordinance requires off street parking, but we can't require people to use it. I have approved a number of site plans where the parking in the back is not likely to be used. The alley parking could be considered off street parking even though they are not entirely on the property, since at least it really isn't available as public parking. I think additional parking spaces should ultimately be addressed as part of the garage conversion approval process, though the lack of parking is technically nonconforming and so 'grandfathered'. There are some disadvantages of providing parking on the site. I'm not sure they have room in the back due to existing leachlines. In the front, it would eliminate street parking and leachfield reserve area. It could also add additional impervious surfaces and stormwater runoff. So it would be good to look at it more holistically.

I'll refine my notes some more and then see what you think after that.

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Streamline Planning Consultants
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Arcata, CA 95521

(707) 822-5785 fax (707) 822-5786
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From: citymanager@trinidad.ca.gov
To: "Trever Parker" <trever@streamlineplanning.net>
Sent: Monday, November 23, 2015 9:16:54 AM
Subject: RE: McCarter VDU

Hi Trever,

Bullet points seem to cover most of it, except:

- Silent on # of spaces they are requesting, and we are considering granting
- Or requiring some of the alley to be used?
- And on the application process for a request per the ordinance.

Big picture question — **how do we look at parking exception requests where there is ZERO on site parking? In general, this seems like a situation where the applicant should be working to develop off-street parking here, or limiting occupancy to make up for it.**

My thoughts on next steps:-

explain that they are about to be the Ocean St test case for a parking exception request, so we need to do it by the book. And the ordinance is fairly detailed on this process.

We need a formal request from the applicant that meets a number of requirements, and is specific about the number of spaces requested. That goes first to Gabe for records, and then to you.

I read that as meaning they need to turn the correspondence so far into a letter request for a parking exception that covers the items listed in the ordinance. , use records, the site plan, how many spaces, other options for parking....they have the pieces for this, but need to put it together.

That application will be the basis for your issuing (or not) parking exception(s) . Assuming they put a clear application together that meets the ordinance language, we can likely give them at least three parking exceptions, and a license, with our cover letter including the special conditions, and our response to the parking exception request. That can include your key bullet points – (has records for two years – no complaints from this property -)

You can tell Sandra to get a VDU License packet together for them, with the cover letter to follow depending on their application. She may have one ready.

My 2 cents –

Q – do we want to encourage alley parking or not? Seems like we are allowing it for lots of other people on the alley. My reaction is yes, as long as public safety folks continue to say OK. Tom M. and Pam have both indicated there is not a problem from their perspective. We may need to mark the

spots to avoid alley blockage.

Overall –I don't want to allow them to have more than three cars on Ocean st. We already have records of parking problems in the same block. .

I'd like you to consider adding a condition that the applicant needs to work on developing at least one or two off street spaces, and that therefore the exceptions granted with this license expire with this license, and do not automatically carry forward into future years. Hopefully the renewal app this summer can find a way to offer on-site parking, or steps towards that goal.

I guess that could mean still granting 4 space exceptions now, but if there are more than two cars (or 3?), at least one (or two) of them must park in the alley?

The regular parking language requires off st parking to exist, but is not clear that we can require the use of it? , but it seems like anytime we are granting an exception, we can put additional requirements, like must use any available off street parking first, or use alley first, or.....

Or if the alley is unsafe to park in at that spot, we cap them at three spaces for the front. As I read it, that would limit their occupancy to 6.

Or do you think we could separate occupancy and parking, like allow 8, but max of three cars? Seems potentially OK on the ground, but not sure it follows the ordinance.

So – tell em to get an application together, and expect it to be scrutinized against the ordinance language.

Let's try to minimize further time of yours on this by letting them get this package together from here.

Best,
Dan

From: Trevor Parker [mailto:trevor@streamlineplanning.net]
Sent: Friday, November 20, 2015 4:10 PM
To: Trinidad City Manager <citymanager@trinidad.ca.gov>
Subject: McCarter VDU

Hi Dan,

I wrote up some notes to justify a parking exception at the McCarter VDU. I also wrote up a couple of sample conditions related to the back unit. Let me know what you think.

Trevor Parker - trevor@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521

*Why did not
weigh in?
weigh in?*

Zimbra

trever@streamlineplanning.net

Re: McCarter VDU

*problems w/ unpermitted
back unit + parking
+ problems on ocean*

From : Trever Parker <trever@streamlineplanning.net>

Wed, Dec 02, 2015 12:23 PM

Subject : Re: McCarter VDU

2 attachments

To : citymanager@trinidad.ca.gov

Hi Dan,

Here is a more detailed parking exception justification for McCarter and a letter based on the others you have been sending out. Let me know if you think this will work. If this is OK, then I can fill out the coversheet and sign and scan that and I will also need to send you her OWTS permit, which is ready to go.

Also, here an update the others that are outstanding:

- Adora King - I spoke with her today and she had Roto Rooter out again yesterday to fill out an inspection report (last time they just wrote a note). She picked up the OWTS application form and filled it out. Once she gets the inspection report mailed from Roto Rooter, she will submit that, the application and fee.
- I also spoke with Smith Ketchum today and his wife. They are older and I think don't totally understand all the requirements, but seem open and willing enough. They thought they had a septic inspection and so will look for that or call Steve's. Rosario said she would call Gabe to pay the \$150 OWTS permit fee and discuss the TOT tax. They do have someone locally who can be the contact (who also cleans the house). They do have two units so I said they need to get John out there so we know exactly where everything is, including parking and bedrooms, etc. They did mention that Smith is undergoing Parkinson's treatments and that she will be leaving the country for a couple of weeks, so they want to wait until after the holidays to tackle most of this. I asked to send me an email so we have something on file that they have been in contact.
- Ladwig - Gabe said that they have an inspection with John scheduled for tomorrow.
- Rancheria - still haven't heard anything since our meeting on 9/29

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*offering 0 parking
& asking for 4
exceptions - off
street.*

From: citymanager@trinidad.ca.gov
 To: "Trever Parker" <trever@streamlineplanning.net>

Sent: Monday, November 23, 2015 2:37:21 PM
Subject: RE: McCarter VDU

Hi Trever,

You have a better record of the paperwork than me - If you feel we have a complete application in hand, including what is needed to request parking exceptions, then go ahead and prepare the final license paperwork for them.

I'd recommend modifying the standard cover letter Sandra has on file to address the extra conditions and the parking.

This seems like an extreme situation, where they are offering zero on site parking, and requesting exceptions for four spaces.

I don't want to give them four open parking exceptions, unless they are conditioned on requiring use of the alley for at least the fourth, if not the third and fourth . I'd rather deal with the enforcement problem, given the known problems w parking on that street, their lack of any on-site parking, problems with the unpermitted back unit....

If all the VDUs on that street were at max occupancy, and used the street as primary parking – how many of the total spaces are used up by VDU cars? 4 for McCarter, 4 for Reinman , 4 for Vallee's on the corner? Plus the renters on the other side of Tom and Kathleen have more than 4 cars most of the time – seems like this is the kind of nuisance impact that the Ordinance is supposed to be addressing, so lets use what mechanisms we have to try and do so.

No, it's not easy to enforce, but that's the operator's problem – they will be responsible for informing their guests that if you have 4 cars, one needs to go in the alley. we'll deal w enforcement when there are complaints, via the VDU managers doing the legwork for us.

Send me the final draft to look at

Thanks
Dan

From: Trever Parker [mailto:trever@streamlineplanning.net]
Sent: Monday, November 23, 2015 10:23 AM
To: citymanager@trinidad.ca.gov
Subject: Re: McCarter VDU

Good morning,

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To: Trinidad City Manager <citymanager@trinidad.ca.gov>
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 **McCarter Parking Exception.doc**
33 KB

 **Dan's final VDU ltr McCarter.doc**
149 KB

Zimbra

trever@streamlineplanning.net

Remove

Re: Reinman's vdu licenses

Kitchen in Apts.

From : Trever Parker <trever@streamlineplanning.net>

Tue, Jan 19, 2016 02:25 PM

Subject : Re: Reinman's vdu licenses

To : Trinidad City Manager <citymanager@trinidad.ca.gov>

Cc : Sandra Cuthbertson <scuthbertson@trinidad.ca.gov>

Just confirming that Dan is correct - both the apartments are 2 bedroom, so the maximum occupancy would be 10 if both are rented and 6 if only one is rented.

Also, I did speak with him about installing a door between the two apartments to connect them when they are rented together. I told him that no planning approval would be required for that, and that it should still fit within the ordinance and the proposed use. He will work with John on the building permit. I also mentioned that if the City changes the definition of VDU, or other provisions of the ordinance, that could change the situation. For example, if the City defines a VDU as a "dwelling unit" then one of the kitchens would have to be removed in order to rent them as one VDU.

Kitchen would need to be removed

Trever Parker - trever@streamlineplanning.net
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(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From : "Trinidad City Manager" <citymanager@trinidad.ca.gov>
To : "Sandra Cuthbertson" <scuthbertson@trinidad.ca.gov>
Cc : "Trever Parker" <trever@streamlineplanning.net>
Sent : Wednesday, January 13, 2016 8:04:49 PM
Subject : Reinman's vdu licenses

Ocean St.

has a back studio

Not to be rented.

Hi Sandra,

I'd like to get Mike Reinman his VDU licenses for his vdu on Ocean, and for the parker st apartments.

For the ocean st home, the license and cover letter needs to clearly state that only the main house is the VDU (not the back studio), and the occupancy is based just on the front house

At the apartments - he is going to rent two of them together as a single VDU
Trever should confirm, but they are both two bedroom, so I think that means occupancy of 10 if both are occupied, or 6 if only one is occupied.

And that they cannot be rented or advertised as two separate VDUs.

Trever or I should review the final cover letter before they go out – but do what you can up to that point.

Thanks
Dan

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

Zimbra

trever@streamlineplanning.net

Remove

Re: Reinman's vdu licenses

Kitchen in Apts.

From : Trever Parker <trever@streamlineplanning.net>

Tue, Jan 19, 2016 02:25 PM

Subject : Re: Reinman's vdu licenses

To : Trinidad City Manager <citymanager@trinidad.ca.gov>

Cc : Sandra Cuthbertson <scuthbertson@trinidad.ca.gov>

Just confirming that Dan is correct - both the apartments are 2 bedroom, so the maximum occupancy would be 10 if both are rented and 6 if only one is rented.

Also, I did speak with him about installing a door between the two apartments to connect them when they are rented together. I told him that no planning approval would be required for that, and that it should still fit within the ordinance and the proposed use. He will work with John on the building permit. I also mentioned that if the City changes the definition of VDU, or other provisions of the ordinance, that could change the situation. For example, if the City defines a VDU as a "dwelling unit", then one of the kitchens would have to be removed in order to rent them as one VDU.

Kitchen would need to be removed

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
To: "Sandra Cuthbertson" <scuthbertson@trinidad.ca.gov>
Cc: "Trever Parker" <trever@streamlineplanning.net>
Sent: Wednesday, January 13, 2016 8:04:49 PM
Subject: Reinman's vdu licenses

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has a back studio?
Not to be rented.*

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For the ocean st home, the license and cover letter needs to clearly state that only the main house is the VDU (not the back studio), and the occupancy is based just on the front house

At the apartments – he is going to rent two of them together as a single VDU
Trever should confirm, but they are both two bedroom, so I think that means occupancy of 10 if both are occupied, or 6 if only one is occupied.

2 Kitchens

Zimbra

new

trever@streamlineplanning.net

Re: Apts change

advertising
below as well

From : Trever Parker <trever@streamlineplanning.net>

Mon, Jan 11, 2016 01:36 PM

Subject : Re: Apts change

To : Mike Reinman
<mgmt@redwoodcoastvacationrentals.com>

Cc : Hope <hopereinman@hotmail.com>

Sounds good.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>
To: "Trever Parker" <trever@streamlineplanning.net>
Cc: "Hope" <hopereinman@hotmail.com>
Sent: Monday, January 11, 2016 1:36:45 PM
Subject: Re: Apts change

Perfect. See you then. I will do a basic layout that shows what exists and what we are proposing so that you can visualize it.

Regards,

Mike Reinman, General Manager (707) 496-8746
Reservationist (707) 834-6555
www.RedwoodCoastVacationRentals.com

On Mon, Jan 11, 2016 at 1:34 PM, Trever Parker <trever@streamlineplanning.net> wrote:
Sure. Would 2 pm work for you?

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I

Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>
To: "Trever Parker" <trever@streamlineplanning.net>
Cc: "Hope" <hoperreinman@hotmail.com>
Sent: Monday, January 11, 2016 1:34:27 PM
Subject: Re: Apts change

Hi Trever,

Do you have any availability Wednesday early afternoon?

Regards,

Mike Reinman, General Manager (707) 496-8746
Reservationist (707) 834-6555
www.RedwoodCoastVacationRentals.com

On Mon, Jan 11, 2016 at 12:47 PM, Trever Parker <trever@streamlineplanning.net> wrote:

Hi Mike,

I think that should be possible. I would have to look a little closer at the City's housing element policies and the City's obligation to provide for affordable housing. But it seems like fewer units would be more compatible with the existing zoning.

When would you like to meet?

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>
To: "Trever Parker" <trever@streamlineplanning.net>
Sent: Sunday, January 10, 2016 9:20:30 AM
Subject: Apts change

Hi Trever,

Hoping I have been speaking to some council members and also with John Roberts about the apartments. We would like to look at the possibility of combining the two upstairs units into one unit. The two upstairs units have closets in each of the bedrooms that back up to each other and also connect with the hallway. I I thought it would be to remove that wall and make those closets into a combined interior hallway thereby making it one combined unit that is 4 bedrooms and 2 baths. Can we set up a meeting to look at the details of this with you?

Zimbra

Renting 2 apts = SV

trever@streamlineplanning.net

Re: draft final Reinman VDU letters

From : Trever Parker <trever@streamlineplanning.net>

Wed, Jan 27, 2016 03:50 PM

Subject : Re: draft final Reinman VDU letters**To :** Trinidad City Manager <citymanager@trinidad.ca.gov>

Those look good to me. I like how you included the fact that renting the two apartments separately would be a significant violation. There were no outstanding issues for the topics I review. All the septic stuff has been taken care of.

Trever Parker - trever@streamlineplanning.net

Streamline Planning Consultants

1062 G Street, Suite I

Arcata, CA 95521

(707) 822-5785 fax (707) 822-5786

www.streamlineplanning.net

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>**To:** "Trever Parker" <trever@streamlineplanning.net>, "Sandra Cuthbertson" <scuthbertson@trinidad.ca.gov>**Sent:** Wednesday, January 27, 2016 3:35:51 PM**Subject:** draft final Reinman VDU letters

Please review for accuracy and reply. Like to get these out the door tomorrow.

Dan

Daniel Berman

City Manager

City of Trinidad

(707) 677-3876

(707) 498-4937 mobile

P. O. Box 390

Trinidad, CA 95570



Tom Davies Kathleen Lake <tomd.kathleen@gmail.com>

Re: Complaint for Lighthouse Keeper and Buoy Bell- Re: Clarity on 1 VDU per parcel

1 message

Tom Davies & Kathleen Lake <tomd.kathleen@gmail.com>

Sun, Apr 17, 2016 at 6:56 AM

To: Trinidad City Manager <citymanager@trinidad.ca.gov>, sandra cuthbertson <scuthbertson@trinidad.ca.gov>

Cc: Julie Fulkerson <juliefulkerson@mac.com>, "Parker, Trevor" <trevor@streamlineplanning.net>, Andrew Stunich <ajs@permanstunichlaw.com>, Dwight Miller <dmiller6@gmail.com>, Dave Winnett <DAWinnett49@gmail.com>, Baker Jim and Joan <jjbakers@gmail.com>, West Jack <jandjwest@yahoo.com>, Mike & Ann Pinske <pinske@suddenlink.net>, diane stockness <diane.stockness@gmail.com>, Richard Johnson <rfjbr@gmail.com>, Cliff Poulton <cliff@poulton.net>

Dan,

This is a SECOND REQUEST for advertisement of VDU ordinance violations.

We have not had any response from you or acknowledgement of your receipt of this citizens complaint.

We are aware that you did send a letter to Mike Reinman from the City that stated that if continued violations of advertisement of more than one apartment continued in would be a "significant" violation. It has been a week since we sent in this complaint and there has been no response at all from you.

We expect the City to uphold Citizens Complaints. What action has the City taken in this matter?

Kathleen

On Dec 29, 2014, at 1:29 PM, City of Trinidad <cityclerk@trinidad.ca.gov> wrote:

Hi Julie.

Yes, there is a process. The new system was developed with the intention of ensuring that all complaints receive a city response and don't get swept under the rug.

The Clerk is responsible for intake, distribution, and tracking of the complaint to the appropriate staff member(s) and/or Council/Planning Commissioners for review. Once the issue has been addressed, the complaintant will be notified. The city filing system will track and record each stage of progress.

Gabe

On Tue, Apr 12, 2016 at 10:26 AM, Tom Davies & Kathleen Lake <tomd.kathleen@gmail.com> wrote:
City of Trinidad,

This is a complaint for **Bell Buoy and Harbor Heights** operated by Redwood Coast Vacation Rentals. They are both listed as two night minimum stays on Air BnB. This is a violation of the ordinance and 1 VDU per Parcel.

Please respond that this complaint was received.

 IMG_7172.PNG

 IMG_7170.PNG

<https://www.airbnb.com/rooms/2637392?s=bfF-p3fn>

<https://www.airbnb.com/rooms/2637177?s=14P5iyQp>

On Thu, Jan 21, 2016 at 12:52 PM, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Hi Tom and Kathleen,

So I have chased down these websites, and so far it all looks to be in order with the City rules.

What I am seeing is that one condo is advertised as a VDU.

The other says minimum stay 30 days or longer, with a note on both sites saying that you can add the second condo to the short term rental if you need a bigger space.

That is all consistent with how we are licensing this VDU – the VDU is one of the units, or two of them combined.

Managers/Owners can list rentals that are not VDUs (longer than 30 days) on all these sites, so there's no violation as long as there's not two different units both being advertised as available for short term stays.

Let me know if you see something different.

Thanks

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:tomkat4@suddenlink.net]
Sent: Thursday, January 21, 2016 7:58 AM
To: Trinidad City Manager; Sandra Cuthbertson
Cc: Julie Fulkerson; Parker, Trever; Andrew Stunich; Dwight Miller; Dave Winnett; Baker Jim and Joan; West Jack; Mike & Ann Pinske; Espejo Lisa; Diane Stockness; 'Richard Johnson'; cliff@poulton.net
Subject: Re: Complaint for Lighthouse Keeper and Buoy Bell- Re: Clarity on 1 VDU per parcel

Trinidad City Officials,

This Complaint was filed well over a week ago. I have not heard back at all from anyone about this. This is more than discouraging. It demonstrates clearly that attempting to follow our only method/process of compliance in the City of Trinidad for illegal commercial rentals is an obvious failure.

Any ideas about why there is no response again?

Kathleen

On 1/11/16 9:52 AM, Tom Davies & Kathleen Lake wrote:

Hi Dan,

These two apartments are back on the market as separate rentals on one parcel. Buoy Bell and Lighthouse Keeper.

Last time I checked the web "Lighthouse" had the text about "ridiculous city rules" and it had a 30 day stay limit. Now it is back to a two day limit. Some other Websites advertise Lighthouse Keeper as "Just Became a Vacation Rental Again".

My understanding was that you were allowing him to rent them both as ONE VDU, until there was an ordinance change regarding the issue of what a DWELLING is was cleared up. You also said that they could rent two but that they had to be rented as ONE VDU. But now he is renting TWO VDUs on one parcel against the ordinance again.

This is an additional complaint regarding ordinance violations.

Please let me know ASAP how this issue is being handled by the city

Here are the links and copies of the ad below. Your email to me is also in below for reference.

Kathleen

<https://www.vrbo.com/606027>

<https://www.airbnb.com/rooms/2637177>

http://www.tripadvisor.com/VacationRentalReview-g33188-d1295264-2_Bedroom_Condo_Ocean_Views_Above_the_Bay_with_Beach_Access_Hot_Tub-Trinidad_Humboldt_C.html

<http://m.resortsandlodges.com/directory/landing/?directory=rentals&type=landing%C2%AEion=4f954c6f3ff916722600017c&listing=528164ae4091183f3a8b45ca>

Lighthouse Keeper
651 Parker Street, Unit B Trinidad, California 95570

Overview
Vacation Information

Share this page

1 / 9

Take in Views of the Bay and Ocean from this 2-Bedroom Condo

Just became a vacation rental again! Beautiful views of the ocean and bay from the living room and kitchen await you! On a clear day you can see all of the way to Cape Mendocino. This bottom unit of a four-plex has nice ocean a bay views and it's right in town and across from the lighthouse and trails to Indian Beach, the small harbor and pier, Trinidad State Beach, Trinidad Head & trails, restaurants, art galleries, small shops, and much more... The 2 bedroom, 1 bath unit is comfortably furnished with a queen in each of the bedrooms and a twin in one of them as well. Please note that this is a downstairs unit and you can hear the sound of walking in the unit above sometimes, although we just finished repairing the flooring upstairs and it has really improved it. The views of the bay, ocean, and gardens are so good that you may not want to leave, although the short walk down to the Jacuzzi, which has wonderful views and privacy, may spark your desire to explore! read less

Vacation
Information
Airport
Information

Condo

Bedrooms 2
Bathrooms 1
Sleeps 6

Nearby City Eureka
Nearby Water Pacific Ocean
Open Dates All Year

HAVE YOU STAYED HERE? WRITE A REVIEW
Traveler Reviews

No reviews have yet been written. Be the first to write your review.
651 Parker Street, Unit B Trinidad, California 95570 United States
Phone Number
+1 (707) 834 - 6555

Buoy Bell -Above the Bay with Beach
Trinidad, CA, United States
(3)
Mike
Entire home/apt
6 Guests
2 Bedrooms
2 Beds
Request to Book
\$218
Per Night
Check In
Check Out
Guests
About this listing

Gorgeous views, in town, short walk to beaches & restaurants, enjoy the shared jacuzzi, and relax...

Contact Host
 The Space
 Accommodates: 6
 Bathrooms: 1
 Bedrooms: 2
 Beds: 2
 Check In: 3:00 PM
 Check Out: 10:00 AM
 Pet Owner: Dog(s)
 Property type: Apartment
 Room type: Entire home/apt
 House Rules
 Amenities
 Kitchen
 Internet
 TV
 Heating
 + More
 Prices
 Extra people: \$15 / night after 2 guests
 Cleaning Fee: \$70
 Security Deposit: \$500
 Weekly discount: 0%
 Monthly discount: 0%
 Cancellation: Strict
 Description

The Space

Panoramic views of the ocean, bay and beaches from the living room, kitchen, and bedroom await you! On a clear day you can see all of the way to Cape Mendocino. This top unit of a four-plex has one of the best views in Trinidad and it's right in town and across from the lighthouse and trails to Indian Beach, the small harbor and pier, Trinidad State Beach, Trinidad Head & trails, restaurants, art galleries, small shops, and much more...

Watch the video of the condo Buoy Bell Condo on YouTube

Watch an aerial video of the condo & area Aerial Video of Condos on YouTube

The 2 bedroom, 1 bath unit is comfortably furnished and the views so good that you may not want to leave, although the short walk down to the shared Jacuzzi, which has wonderful views and privacy, may spark your desire to explore!

Guest Access

Onsite laundry, located on the side of building closest to the Eatery.
Large shared yard. Hot tub on side of building closest to church.

Interaction with Guests

There will be little to no interaction with guests, but please call if needed.
Trash and hot tub maintained twice a week. Please try to take trash out to receptacle as often as possible.

The Neighborhood

Quiet neighborhood. Walking distance to beaches, lighthouse, restaurants, wine tasting rooms, the pier, and shopping.

Getting Around

Bus stop is located by the Murphy's Market parking lot.

Trust

Parker Street, Trinidad, California, United States

On 12/22/15 12:55 PM, Trinidad City Manager wrote:

Hi Kathleen, Mike, and Jonna,

And city council and planning commissioners (blind copied on this)

I want to give a definitive answer to continuing questions about the '1 VDU per Parcel' interpretation of the VDU Ordinance.

The City Attorney has given a clear answer to the City on this, which I presented at the November City Council Meeting.

I'm sorry for any continuing confusion on it. Let me try to be as clear as possible.

1. The Ordinance says '1 VDU per parcel'.
2. A VDU, as the City defined it in our Ordinance, is (my paraphrasing): 'a structure or portion thereof contracted for short term lodging ...' A VDU is not tied to any definition of a 'dwelling unit', it is a structure or portion thereof.
3. Based on that language, here's how the City Attorney has advised us to enforce the Ordinance:

Case 1. Two detached structures on a parcel -

A VDU is all or part of a 'Structure', which is singular, not plural. Therefore two detached structures on a parcel cannot be combined as one VDU. So for a parcel with a detached studio in back and a house in front - only one of the structures can be a VDU. For example, this is why the back studio next to Kathleen is no longer a VDU - it now has a minimum stay of 30 days, while the main house on the same parcel is a VDU.

Case 2 - One structure with multiple dwelling units -

Where one structure includes multiple dwelling units, as in the fourplex next to the Eatery, or a duplex, the current VDU definition allows the owner to propose a single VDU that encompasses as much of this structure as they like. So both parts of a duplex, or two or more of the apartments next to the Eatery, can be lumped together as one VDU. The fact that such a VDU covers multiple 'dwelling units' has no weight under the current Ordinance language, which doesn't even mention dwelling units. However this single VDU can only be advertised as one VDU, and rented as one VDU, to one party at a time.

The advertising can be policed, but the renting to one party will be difficult to oversee.

I frankly don't like this outcome - I don't think it's what Council intended, and I think it is a problem to enforce. But I need to respect our Attorney's advice and avoid putting the City in a legally vulnerable position by trying to enforce something that is not clearly backed up in the Ordinance. The Ordinance language is the legally controlling factor here.

If the City want to change this situation, the mechanism is to amend the ordinance to change the definition of a VDU. The City could re-define a VDU as a single legal dwelling unit (defined clearly), with only one per parcel. Then only one side of a duplex, or one of the four units at Parker St. could be a VDU. My takeaway from the discussion

4/17/2016

Gmail - Re: Complaint for Lighthouse Keeper and Buoy Bell- Re: Clarity on 1 VDU per parcel
of this issue with the Council in November was that Council agreed that we should
consider such a change with our ordinance amendment. If the Planning Commission
agrees, I expect something like this will be in the amendment that comes back to
Council.

Based on all this – staff is approving Mike’s proposal to combine two of the apartments at
Parker St as a single VDU, assuming they are advertised and rented as a single VDU.

I hope this helps, please let me know if you have questions.

Thank you

Dan

Daniel Berman

City Manager

City of Trinidad

(707) 677-3876

(707) 498-4937 mobile

P. O. Box 390

Trinidad, CA 95570

Zimbra

88 UW

trever@streamlineplanning.net

Re: Question about city code and dwelling units

! Please use as VPD

From : Trever Parker <trever@streamlineplanning.net>

Fri, Mar 11, 2016 09:58 AM

Subject : Re: Question about city code and dwelling units

To : Dan Berman <citymanager@trinidad.ca.gov>

88 van Wy

Hmm. It looks like he is probably technically correct. Obviously that was not the intent to allow 2 occupants per bedroom plus two more occupants in addition to residents. We might be able to figure out a way to argue this. But like I mentioned before, the water use is relatively low compared to the design capacity of the septic system, so I'm not too worried about it. And if water use did get too high, then we can clearly limit occupancy. But this is one more issue that I can be sure to clarify in the ordinance amendment.

This is great. Let's get all these subtle issues out now, so that we can make the new ordinance as thorough as possible.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Dan Berman" <citymanager@trinidad.ca.gov>
To: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>
Cc: "Trever Parker" <trever@streamlineplanning.net>
Sent: Thursday, March 10, 2016 2:45:11 PM
Subject: Re: Question about city code and dwelling units

Good questions Mike. Lots of details to sort out. Trever And I will chew on this and get back to you.

*Dan Berman
City Manager
Trinidad CA*

----- Original message -----
From: Mike Reinman

Date: Thu, Mar 10, 2016 1:48 PM
To: Trinidad City Manager;
Cc:
Subject: Re: Question about city code and dwelling units

In terms of Paloma, which you have chosen to bring into this conversation, the long term tenant does not occupy a bedroom when VDU occupants are there. However, even if he was, it clearly states in the ordinance that the number of bedrooms is defined by the septic system, if that information is on file with the county, which for Paloma it is. Also, in the VDU ordinance, occupants are defined as those that are there as vacation renters, not long term tenants. That being the case, how would you limit the number of a home that is mixed use - VDU and long term? There is not a per bedroom limit occupancy for long term tenants, is there?

Regards,

Mike Reinman, General Manager [\(707\) 496-8746](tel:(707)496-8746)
Reservationist [\(707\) 834-6555](tel:(707)834-6555)
www.RedwoodCoastVacationRentals.com

On Tue, Mar 8, 2016 at 3:48 PM, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Hi Mike,

See answers in line below --

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

From: Mike Reinman [<mailto:mgmt@redwoodcoastvacationrentals.com>]

Sent: Tuesday, March 08, 2016 2:21 PM

To: Trinidad City Manager

Cc: John Roberts; Trever Parker; Mark Urfer; Neal Latt

Subject: Question about city code and dwelling units

&n bsp;

we haven't received a letter from the city specifying the need for the inspection.

That's silly. The need for the inspection, as we have discussed on the phone, and has been clear in earlier emails, including in the chain below this, is based on two things:

A) the City has learned that the downstairs and upstairs are being used separately as two

distinct living spaces, and that raises obvious questions about whether there are two dwelling units at this parcel, which would be a violation of City Code. The inspection is needed to resolve this question.

B) the submitted VDU application does not accurately describe the VDU. We licensed a two bedroom VDU for six occupants, assuming no other people were living on the property. The floor plan shows one bedroom downstairs, but the advertising says two bedrooms downstairs. We need to confirm the actual situation, and revise the license accordingly.

If that's not enough for you, please let me know. I'll send a letter demanding an inspection, which will also direct you to cease all use of the VDU until we resolve these two issues. I have chosen not to do this yet under the assumption that we could get this inspection done quickly.

In terms of the VDU application we don't believe that somebody is required to rent out the entire VDU correct? In other words, the VDU application is for the whole house and will permit the rental of the entire house or a section thereof.

Not that simple – The area to be used in the home, and the presence of other residents on the property, are critical to setting max VDU occupancy, based on bedrooms, parking, septic system capacity....

 p;

For example I think we licensed 88 van wycke for 6 VDU guests based on two bedrooms shown on your application. But it's really a one bedroom VDU, and needs to be limited to four, based on the information now available (inspection is needed). (I appreciate that you are advertising it for four already).

If only part of the home is the VDU, the max occupancy will be reduced. If a long term tenant or owner is using one of the bedrooms, that also affects VDU occupancy.

If there are multiple possible configurations of the space, the application should describe that and the City can set max occupancy under different scenarios, as we did for your parker st. apartment.

We need to do this for Paloma Lodge as well. If there is a long term tenant living in part of the house – that's at least one bedroom that can't count towards the number used to calculate max VDU guests.

I know this wasn't clear in last year's application form – we'll be updating it based on our experience this year.

On Mar 8, 2016 2:15 PM, "Trinidad City Manager" <citymanager@trinidad.ca.gov> wrote:
Hi Mike,

The next step is a walk through by our building inspector John Roberts. I believe he already has (or soon will be) in touch with you. I appreciate your cooperation with getting that scheduled promptly.

There may not be any violation of City code, we need to do the building inspection to find out.

The primary issue of concern is that this property, based on zoning and permitting, cannot have two separate dwelling units on it. A related concern is that the VDU license application you submitted to us is not accurate, in that it shows the entire home as the VDU, and the license approves occupancy of 6 based on that application.

The inspection will help resolve the question of whether the property includes two separate dwelling units, and what the appropriate VDU occupancy can be for just the downstairs.

The details of what technically defines the distinction between two dwelling units and one residence are Trever and John's expertise, not mine. Once we have the building inspection report we will let you know if we see any problem.

Thank you
Dan

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

From: Mike Reinman [mailto:mgmt@redwoodcoastvacationrentals.com]
Sent: Tuesday, March 08, 2016 9:53 AM
To: Trinidad City Manager
Subject: Re: FW: Question about city code and dwellign units

Can you please update me when you have made a decision on this? Also, can you please point out where in the Trinidad City Code it states that only one kitchen is allowed in a single family home? Finally, what is the actual violation that you are citing in regards to Mark Urfer's property?

It's interesting to note that there are many communities that have dietary restrictions which require them to have separate kitchens. For example, many Jewish families have a separate kitchen for dairy/vegetarian and meat due to the prohibition of mixing the two. This is a common practice in many communities in the U.S. It requires separate sinks, stoves, and ovens.

Regards,

Mike Reinman, General Manager (707) 496-8746
Reservationist (707) 834-6555
www.RedwoodCoastVacationRentals.com

On Thu, Mar 3, 2016 at 10:04 AM, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:
HI Mike,

Here's an initial response to your question:

"
There are several definitions of interest: 17.08.210 defines "duplex" and 17.08.220 through 17.08.250 define different types of dwellings, including multi-family, single-family, townhouse and dwelling unit. The existing house was approved as a single-family dwelling in 1990, which is the only type of dwelling technically allowed in the UR zone (17.32.020 and 17.32.030), and the maximum density is one dwelling per 8,000 sq. ft. of lot area (17.32.050).

I'm talking with Trever about whether there is a possible path to calling this a 'hosted VDU' within a single family home, rather than a duplex. Per the UR zone above, you can't have two dwelling units.

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

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
To: "Trever Parker" <trever@streamlineplanning.net>
Sent: Wednesday, March 2, 2016 3:34:58 PM
Subject: Question about city code and dwellogen units

Hi Trever,

Mike just called – his lawyer wants to know where the Municipal Code clearly delineates between a single dwelling unit and two dwelling units. One specific question was "is two kitchens automatically two dwelling units..." which I take to really be a question about how the City decides if something is two units vs one.

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

Zimbra

trever@streamlineplanning.net

Re: Vacation rental at 88 Van wycke St.

From : Trever Parker <trever@streamlineplanning.net>
Subject : Re: Vacation rental at 88 Van wycke St.
To : Dan Berman <citymanager@trinidad.ca.gov>

Wed, Mar 02, 2016 10:18 AM

That does address the bedroom question, but not the kitchen situation. I'll ask Sandra to scan and email (or fax) the floor plan submitted with the VDU application, since I don't have a copy of it. Then I can compare that again with what the City approved and ask Mike about the kitchen situation. It would still probably be good to get John in there rather than just taking Mike's word for it.

Trever Parker - trever@streamlineplanning.net
 Streamline Planning Consultants
 1062 G Street, Suite I
 Arcata, CA 95521
 (707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Dan Berman" <citymanager@trinidad.ca.gov>
To: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>
Cc: "Mark Urfer" <kmurfer@urferengineering.com>, "Trever Parker" <trever@streamlineplanning.net>, "Sandra Cuthbertson" <scuthbertson@trinidad.ca.gov>
Sent: Tuesday, March 1, 2016 6:46:14 PM
Subject: Re: Vacation rental at 88 Van wycke St.

Thank you Mike. That is helpful.

*Dan Berman
 City Manager
 Trinidad CA*

----- Original message -----

From: Mike Reinman
Date: Tue, Mar 1, 2016 4:15 PM
To: Trinidad City Manager;
Cc: Mark Urfer; Parker, Trever; Sandra Cuthbertson;
Subject: Re: Vacation rental at 88 Van wycke St.

The downstairs is technically a 1 bedroom VDU with a second mutlipurpose room that people may sleep in. However, we have it as only sleeping 4 which is consistent with 1

*Multi purpose
 room used
 as 4 bedroom.*

bedroom, although we market it as 2 bedrooms because there is not a way to list it as one bedroom and one multipurpose room, and people need to know that they can sleep in that other room. I will add a line that says specifically that the second room downstairs is not a formal bedroom but may be used for sleeping. The upstairs part of the home is 1 bedroom.

We do not see this as being inconsistent at all with the VDU ordinance as well as the septic. Yes, the VDU is only downstairs.

Please do not hesitate to contact us with other clarifications you may need.

Regards,

Mike Reinman, General Manager [\(707\) 496-8746](tel:(707)496-8746)
Reservationist [\(707\) 834-6555](tel:(707)834-6555)
www.RedwoodCoastVacationRentals.com
< /div>

On Tue, Mar 1, 2016 at 3:32 PM, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Hi Mike, and Mark,

I am concerned that your Vacation Rental at 88 Van Wycke St. is not being operated consistent with the VDU license application submitted for this property.

That application describes the whole house as being the vacation rental – as reflected in the site plan, square footage, and the number of bedrooms. That application was the basis for the VDU license the City issued to you.

The Redwood Coast Vacation Rental website clearly describes the actual VDU as being the downstairs portion of the home, and describes the house as a duplex, with two bedrooms downstairs. The site plan you submitted to us shows only one bedroom downstairs.

This raises a number of questions about the number of bedrooms, septic system capacity, permitting for second units, and the initial application materials.

I have just become aware of this situation today. As I consider how to proceed, I wanted to let you both know of these concerns, and to provide you with an opportunity to clarify the situation for me.

Is my understanding correct that the VDU is the downstairs only? Has this changed recently?
Am I misunderstanding something either in the application or the website?

Please call or email.

Best,
Dan

Daniel Berman <[/u](#)>
City Manager
City of Trinidad
[\(707\) 677-3876](#)
[\(707\) 498-4937 mobile](#)
P. O. Box 390
Trinidad, CA 95570

Zimbra

trever@streamlineplanning.net

Re: Question about city code and dwellign units

88 VW

From : Trever Parker <trever@streamlineplanning.net>
Subject : Re: Question about city code and dwellign units
To : Trinidad City Manager <citymanager@trinidad.ca.gov>

Thu, Mar 03, 2016 12:17 PM

Hi Dan,

I just asked John Roberts to pull the building file for 88 Van Wycke and call Mike for an inspection. It sounded like there was cooperation and willingness to work with the City on compliance. And it seems like everyone is on the same page as to what the issue is. So I thought maybe a letter was not necessary at this point, and would be more useful after the inspection. But if a lawyer is involved, maybe we need to be more formal? I see now that the kitchenette was labeled on the floor plan submitted with the VDU application. It was just so poorly drawn that I couldn't really read it and didn't think too much about it.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
To: "Trever Parker" <trever@streamlineplanning.net>
Sent: Wednesday, March 2, 2016 3:34:58 PM
Subject: Question about city code and dwellign units

Hi Trever,

Mike just called – his lawyer wants to know where the Municipal Code clearly delineates between a single dwelling unit and two dwelling units. One specific question was ‘is two kitchens automatically two dwelling units...’ which I take to really be a question about how the City decides if something is two units vs one.

Daniel Berman
City Manager
City of Trinidad
(707) 677-3876
(707) 498-4937 mobile

Zimbra

trever@streamlineplanning.net

Re: Vacation rentals with two dwellings*None of these are legal***From :** Trever Parker <trever@streamlineplanning.net>

Fri, Mar 04, 2016 09:50 AM

Subject : Re: Vacation rentals with two dwellings

1 attachment

To : citymanager@trinidad.ca.gov

Good morning. Again, it all looks accurate. I would emphasize that none of these are legal, permitted second dwelling units, regardless of whether they have been being used as such. And that the City can't just allow them to be used as such. Maybe add another bullet point to your general responses, something like...

None of the the four properties in question have legal, permitted second dwelling units, regardless of whether they have been being used as such. The zoning ordinance currently does not allow second units in the UR zone, which has been the case since 1980. Septic limitations are the main reason for this. Kitchen waste is more difficult to treat than other waste because of the greases and solids and organic materials, etc that go down the drain. So, for example, two separate one bedroom residences are not treated the same as a single two bedroom residence in terms of septic requirements. In the first case, DEH would require a minimum 3-bedroom system to accommodate the two small units. Trinidad lots are small for a single residence, let alone two. Current Health Dept. regulations require new lots to be a minimum of an acre in size if they will be served by septic. Fortunately, Trinidad's soils are ideal for wastewater treatment.

Trever Parker - trever@streamlineplanning.net
 Streamline Planning Consultants
 1062 G Street, Suite I
 Arcata, CA 95521
 (707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: citymanager@trinidad.ca.gov
To: "Parker Trever" <trever@streamlineplanning.net>
Sent: Friday, March 4, 2016 8:42:57 AM
Subject: RE: Vacation rentals with two dwellings

Hi Trever,

See Kathleen's questions/accusations below, and my responses.

Please make sure this is accurate -

Hi Kathleen,

The map is easy, we'll get that done.

For your first question - Either I still don't understand what you mean, or I just disagree with the way you are framing this issue and this question. We are not allowing multiple dwelling units to be converted to additional bedrooms for VDUs.

- The City is only allowing one VDU per parcel, as we have worked through in great detail. Where there are two detached dwelling units on a parcel, one can be a VDU.
- Some single family homes in town have a detached structure that is still considered part of the one legal dwelling unit on the parcel, like a garage conversion to an office or bedroom. This is not a new interpretation related to VDUs. These owners can use their home, including detached structures, as a single VDU, if they follow all the other rules and got an application in before the moratorium. If that detached structure was built without permits, they will need to go through the public process to get permits.
- Parcels with one dwelling unit, whether it includes detached structures or not, could apply to have a VDU that shared the house with an owner or long term renter. A 'hosted' vdu. That doesn't automatically make it two dwelling units. We would need to adjust VDU occupancy accordingly for house and septic size considerations.
- Where the City has found illegal/unpermitted dwelling units, we are addressing them. That starts with an inspection to determine the situation on the ground. If work was done without permits, or work needs to be done to comply with the law, then it will involve requiring the owner to enter into the permit process. That goes through the Planning Commission public process. This often involves requiring removal of kitchen facilities so that what was built as an illegal second dwelling unit is converted to legal additional living space for the main house. We may require a deed restriction to permanently ensure that there cannot be two dwelling units, limit bedrooms, etc....

On specifics –

88 van wycke – this came to my attention Tuesday. I have already had multiple conversations with Trever and the property manager, and contacted the owner. It appears that the upstairs and downstairs are being used as two separate living spaces. We are scheduling a home inspection as soon as possible. Until that is done I can't say whether there are two dwelling units there or not. If there are, we will require the owner to work with the City to correct the situation.

178 Parker Creek. – As it says in the table we just provided, the City is not aware of two dwelling units here. The fact that they may have a long term resident/host on site does not automatically mean there are two dwelling units. A host can share the house with vacation renters. I was encouraged the manager was taking this step partly in response to problems with loud parties at this rental, and subsequent city enforcement actions. I hope it helps. If you have specific knowledge of two dwelling units, i.e. two distinct spaces with their own kitchen and bedroom(s), please confirm and we'll work on scheduling a site inspection.

381 Ocean – My understanding is that the deed and permit conditions, which date back to the 1990's, allow a tenant if and only if they have access to the main house kitchen, as the back bedroom does not have one. In other words, home sharing of a single dwelling unit is allowed, like you renting out a portion of your home. I agree this is difficult to enforce – the City can't really know perfectly whether the tenant uses the main house or not.

789 Underwood – This is not two dwelling units. The chart clearly states that there was an illegal dwelling unit built here, and the City, through a public permit process 10 years ago, forced the owners to agree to permanent deed restrictions that it could not be used as such, and also limiting total bedrooms to the original 3 that were permitted. I'm not sure if facilities were modified or not, but it is not a legal dwelling unit, and can't be used as one. Therefore the VDU is the entire house, including that part of the house. I don't see the issue here.

Dan Berman
City Manager
Trinidad, CA
707-498-4937

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

Sent: Thursday, March 3, 2016 7:23 PM

To: Trinidad City Manager <citymanager@trinidad.ca.gov>

Cc: julie Fulkerson <juliefulkerson@mac.com>; Dwight Miller <trinidad.miller@gmail.com>; Joan & Jim Baker <jjbakers@gmail.com>; Jack West <jandjwest@yahoo.com>; Dave Winnett <DAWinnett49@gmail.com>; Mike & Ann Pinske <pinske@suddenlink.net>; Lisa Espejo <knowskateboardingintrinidad@gmail.com>; Cliff Poulton <cliff@poulton.net>; Richard Johnson <rfjbr@gmail.com>; Diane Stockness <diane.stockness@gmail.com>

Subject: Re: Vacation rentals with two dwellings

Hi Dan,

Thank you for talking with me this afternoon. I wanted to follow up with this email to clarify the conversation and concerns.

Here are two requests:

A. What is the cities justification for the interpretation of multiple dwelling units on one parcel to be converted to additional bedrooms for a vacation rental?

B. We would like to have a current map updated with permitted properties and those that have second dwellings.

1) It appears that staff interpretation of Vacation Rentals and Dwellings may have been misinterpreted. By allowing **Dwelling Units** to be permitted as "**bedrooms**" for many properties has created a reduction in second dwellings and we believe has illegally

permitted dwellings as bedrooms. This causes many problems. It would greatly impact housing that has traditionally been used as long term affordable housing. Many of the Vacation Rental permits have been issued that have included properties with second dwellings, ("dwelling" including kitchen, bathroom and sleeping area). It also appears that the city has permitted these second dwellings as "bedrooms". We discussed the definition of a dwelling and that several single family properties that are well know to have two dwellings. We submitted a the Vacation Rental map with marked "known" properties with second dwellings and requested that the map be updated to reflect this. We have not gotten that information. **We would like to have the map updated with permitted properties and those that have second dwellings. What is the cities justification for interpretation of multiple dwelling units on a parcel to be converted to additional bedrooms for a vacation rental?**

You mentioned inspections for all properties prior to permit renewals. This seems like a good plan. However, what will the city do when they find that these indeed are dwelling units. A possible solution might be to agree that these properties indeed have two dwellings and the owner would need to choose which dwelling is the vacation rental? Allow 1 dwelling per parcel? This appears to us to be the intent of the ordinance. Continuing to allow separate dwellings to be converted to "bedrooms" as a part of the permit process seems arbitrary, as there has been no inspection or Planning Commission review. Other residents that have obtained after the fact permits for illegal dwelling unit conversions have had to remove the kitchen from the dwelling. Many of these dwelling units are long established second dwellings that have been traditionally used for housing residents.

Allowing a rush of "code fixes" for vacation rentals is also questionable. If these are not legal dwellings, what justification does the city have to continue to allow them to be used as "bedrooms" for a vacation rental. As we discussed on the phone: allowing separate dwelling units to operate as "bedrooms" is not the intent of one vacation rental per parcel. Following your interpretation in doing this you could hypothetically allow the 4 plex to rent out one unit as a vacation rental and the remainder of the dwelling units as "bedrooms". Here is a short list of some that we discussed today.

① 88 Van Wyke: These are two apartments, two dwellings/duplex. They always have been. Why would the city allow any portion of unpermitted units as a Vacation Rental? Long term tenant upstairs. Vacation rental downstairs.

② 178 Parker Creek: This also has two dwellings. **This is a direct conflict with the provided chart.** On the website it now states that there is a caretaker also living on the property in the separate dwelling unit. You confirmed this is the case on the phone today.

③ 381 Ocean: Long standing accessory/separate dwelling unit. It is currently occupied by long term tenant. NOT as indicated on your chart "living space/bedroom".

④ 789 Underwood: These are two dwelling units. As stated in the chart it was built as two dwelling units (Mother In Law).

2) Owner Occupied Vacation Rentals restricted by Home Owner Tax Exemption in residential zones is what we have been discussing. NOT "hosted" by another party. You asked why that would make sense.

It would make sense because residents have the option to rent out a portion of their home to tourists if they need or want to. Only using their primary residence. Second homes or other investment property would need to rent long term, as they always have in Trinidad. This is what most cities up and down California, across the nation and in other countries are currently implementing. This provides lodging for tourists and keeps residential zones/properties from being purchased by investors to be turned into hotels. Homeowners own and live in homes. Investors own rental properties. This also follows the Municipal Code and the General Plan for the future of Trinidad. As we know any city that cannot follow their own MC and GP has real problems. The current practice of Non Owner Occupied Short Term Rentals is inconsistent and problematic with residential neighborhoods and it does not follow the MC or the GP.

We look forward to your response to requests A and B above.

Thank you for your time,

Tom Davies and Kathleen Lake

Issued Licenses Second Units (Autosaved).pdf

On Thu, Feb 25, 2016 at 3:37 PM, Tom Davies & Kathleen Lake <tomd.kathleen@gmail.com> wrote:

Thank you.

On Thursday, February 25, 2016, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Hi Tom and Kathleen,

We will have this data available for you by the end of next week at the latest.

We got a little slowed down as Sandra has been manning the front desk all week covering for Gabe.

Best,
Dan

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

From: Tom Davies & Kathleen Lake [mailto:tomd.kathleenl@gmail.com]
Sent: Thursday, February 25, 2016 2:45 PM
To: Dan Berman Trinidad City Manager
Cc: julie Fulkerson; Dwight Miller; Joan & Jim Baker; Jack West; Dave Winnett; Mike & Ann Pinske; Lisa Espejo; Cliff Poulton; Richard Johnson; Diane Stockness
Subject: Re: Vacation rentals with two dwellings

Hi Dan,

We sent in this request nine days ago. You said that you would get back to us about it. Please let us know when we can have a response, we need this information.

This is what was asked for and it is also in the thread below:

"We have now made this issue a public records requests and need additional information regarding second dwellings, guest houses etc. "

Thank you,

On Tuesday, February 16, 2016, Tom Davies & Kathleen Lake <tomd.kathleenl@gmail.com> wrote:

Hi Dan,

This is a public records request.

Please provide us with a list of all properties in Trinidad that hold current hold valid vacation rental permits and their status as it relates to second dwellings and it guest houses/servants quarters.

Please let us know all currently permitted properties that have additional legal or illegal dwellings on the property and how many each property has i.e. two or more dwelling units. Also any guest houses or servants quarters that are also being operated as a portion of the rental.

For instance, Paloma Creek Lodge, Fisherman's escape, and all vacation rentals that are currently permitted in Trinidad. Which properties have more than one dwelling unit, are all units legal? If not, which are not?

It's our understanding for instance that Fishermans Escape has an illegal second dwelling, and that is being rented out as a portion of the vacation rental. Is this correct? Please let us know that status of all currently permitted properties in regards to second dwellings and guest houses.

Please let us know if you have any questions.

Thank you,

Kathleen and Tom

2 Kitchens

Zimbra

new

trever@streamlineplanning.net

Re: Apts change

advertising
below as well

From : Trever Parker <trever@streamlineplanning.net>

Mon, Jan 11, 2016 01:36 PM

Subject : Re: Apts change

To : Mike Reinman

<mgmt@redwoodcoastvacationrentals.com>

Cc : Hope <hopereinman@hotmail.com>

Sounds good.

Trever Parker - trever@streamlineplanning.net

Streamline Planning Consultants

1062 G Street, Suite I

Arcata, CA 95521

(707) 822-5785 fax (707) 822-5786

www.streamlineplanning.net

From: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>

To: "Trever Parker" <trever@streamlineplanning.net>

Cc: "Hope" <hopereinman@hotmail.com>

Sent: Monday, January 11, 2016 1:36:45 PM

Subject: Re: Apts change

Perfect. See you then. I will do a basic layout that shows what exists and what we are proposing so that you can visualize it.

Regards,

Mike Reinman, General Manager (707) 496-8746

Reservationist (707) 834-6555

www.RedwoodCoastVacationRentals.com

On Mon, Jan 11, 2016 at 1:34 PM, Trever Parker <trever@streamlineplanning.net> wrote:
Sure. Would 2 pm work for you?

Trever Parker - trever@streamlineplanning.net

Streamline Planning Consultants

1062 G Street, Suite I

Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>
To: "Trevor Parker" <trever@streamlineplanning.net>
Cc: "Hope" <hoperreinman@hotmail.com>
Sent: Monday, January 11, 2016 1:34:27 PM
Subject: Re: Apts change

Hi Trever,

Do you have any availability Wednesday early afternoon?

Regards,

Mike Reinman, General Manager (707) 496-8746
Reservationist (707) 834-6555
www.RedwoodCoastVacationRentals.com

On Mon, Jan 11, 2016 at 12:47 PM, Trevor Parker <trever@streamlineplanning.net>
wrote:

Hi Mike,

I think that should be possible. I would have to look a little closer at the City's housing element policies and the City's obligation to provide for affordable housing. But it seems like fewer units would be more compatible with the existing zoning.

When would you like to meet?

Trevor Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>
To: "Trevor Parker" <trever@streamlineplanning.net>
Sent: Sunday, January 10, 2016 9:20:30 AM
Subject: Apts change

Hi Trever,

Hoping I have been speaking to some council members and also with John Roberts about the apartments. We would like to look at the possibility of combining the two upstairs units into one unit. The two upstairs units have closets in each of the bedrooms that back up to each other and also connect with the hallway. I I thought it would be to remove that wall and make those closets into a combined interior hallway thereby making it one combined unit that is 4 bedrooms and 2 baths. Can we set up a meeting to look at the details of this with you?

Zimbra

Renting 2 apts = SV

trever@streamlineplanning.net

Re: draft final Reinman VDU letters

From : Trever Parker <trever@streamlineplanning.net> Wed, Jan 27, 2016 03:50 PM
Subject : Re: draft final Reinman VDU letters
To : Trinidad City Manager <citymanager@trinidad.ca.gov>

Those look good to me. I like how you included the fact that renting the two apartments separately would be a significant violation. There were no outstanding issues for the topics I review. All the septic stuff has been taken care of.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
To: "Trever Parker" <trever@streamlineplanning.net>, "Sandra Cuthbertson" <scuthbertson@trinidad.ca.gov>
Sent: Wednesday, January 27, 2016 3:35:51 PM
Subject: draft final Reinman VDU letters

Please review for accuracy and reply. Like to get these out the door tomorrow.

Dan

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



Tom Davies Kathleen Lake <tomd.kathleenl@gmail.com>

Re: Complaint for Lighthouse Keeper and Buoy Bell- Re: Clarity on 1 VDU per parcel

1 message

Tom Davies & Kathleen Lake <tomd.kathleenl@gmail.com> Sun, Apr 17, 2016 at 6:56 AM
 To: Trinidad City Manager <citymanager@trinidad.ca.gov>, sandra cuthbertson <scuthbertson@trinidad.ca.gov>
 Cc: Julie Fulkerson <juliefulkerson@mac.com>, "Parker, Trever" <trever@streamlineplanning.net>, Andrew Stunich <ajs@perlmanstunichlaw.com>, Dwight Miller <dmiller6@gmail.com>, Dave Winnett <DAWinnett49@gmail.com>, Baker Jim and Joan <jjbakers@gmail.com>, West Jack <jandjwest@yahoo.com>, Mike & Ann Pinske <pinske@suddenlink.net>, Diane Stockness <diane.stockness@gmail.com>, Richard Johnson <rfjbrr@gmail.com>, Cliff Poulton <cliff@poulton.net>

[REDACTED]

Dan,

This is a SECOND REQUEST for advertisement of VDU ordinance violations.

We have not had any response from you or acknowledgement of your receipt of this citizens complaint.

We are aware that you did send a letter to Mike Reinman from the City that stated that if continued violations of advertisement of more than one apartment continued in would be a "significant" violation. It has been a week since we sent in this complaint and there has been no response at all from you.

We expect the City to uphold Citizens Complaints. What action has the City taken in this matter?

Kathleen

On Dec 29, 2014, at 1:29 PM, City of Trinidad <cityclerk@trinidad.ca.gov> wrote:

Hi Julie.

Yes, there is a process. The new system was developed with the intention of ensuring that all complaints receive a city response and don't get swept under the rug.

The Clerk is responsible for intake, distribution, and tracking of the complaint to the appropriate staff member(s) and/or Council/Planning Commissioners for review. Once the issue has been addressed, the complainant will be notified. The city filing system will track and record each stage of progress.

Gabe

On Tue, Apr 12, 2016 at 10:26 AM, Tom Davies & Kathleen Lake <tomd.kathleenl@gmail.com> wrote:
 City of Trinidad,

This is a complaint for **Bell Buoy and Harbor Heights**
 operated by Redwood Coast Vacation Rentals. They are both listed as two night minimum stays on Air BnB.
 This is a violation of the ordinance and 1 VDU per Parcel.

Please respond that this complaint was received.

 IMG_7172.PNG

 IMG_7170.PNG

<https://www.airbnb.com/rooms/2637392?s=bff-p3fn>

<https://www.airbnb.com/rooms/2637177?s=14P5iyQp>

On Thu, Jan 21, 2016 at 12:52 PM, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Hi Tom and Kathleen,

So I have chased down these websites, and so far it all looks to be in order with the City rules.

What I am seeing is that one condo is advertised as a VDU.

The other says minimum stay 30 days or longer, with a note on both sites saying that you can add the second condo to the short term rental if you need a bigger space.

That is all consistent with how we are licensing this VDU – the VDU is one of the units, or two of them combined.

Managers/Owners can list rentals that are not VDUs (longer than 30 days) on all these sites, so there's no violation as long as there's not two different units both being advertised as available for short term stays.

Let me know if you see something different.

Thanks

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:tomkat4@suddenlink.net]
Sent: Thursday, January 21, 2016 7:58 AM
To: Trinidad City Manager; Sandra Cuthbertson
Cc: Julie Fulkerson; Parker, Trever; Andrew Stunich; Dwight Miller; Dave Winnett; Baker Jim and Joan; West Jack; Mike & Ann Pinske; Espejo Lisa; Diane Stockness; 'Richard Johnson'; cliff@poulton.net
Subject: Re: Complaint for Lighthouse Keeper and Buoy Bell- Re: Clarity on 1 VDU per parcel

Trinidad City Officials,

This Complaint was filed well over a week ago. I have not heard back at all from anyone about this. This is more than discouraging. It demonstrates clearly that attempting to follow our only method/process of compliance in the City of Trinidad for illegal commercial rentals is an obvious failure.

Any ideas about why there is no response again?

Kathleen

On 1/11/16 9:52 AM, Tom Davies & Kathleen Lake wrote:

Hi Dan,

These two apartments are back on the market as separate rentals on one parcel. Buoy Bell and Lighthouse Keeper.

Last time I checked the web "Lighthouse" had the text about "ridiculous city rules" and it had a 30 day stay limit. Now it is back to a two day limit. Some other Websites advertise Lighthouse Keeper as "Just Became a Vacation Rental Again".

My understanding was that you were allowing him to rent them both as ONE VDU, until there was an ordinance change regarding the issue of what a DWELLING is was cleared up. You also said that they could rent two but that they had to be rented as ONE VDU. But now he is renting TWO VDU's on one parcel against the ordinance again.

This is an additional complaint regarding ordinance violations.

Please let me know ASAP how this issue is being handled by the city

Here are the links and copies of the ad below. Your email to me is also in below for reference.

Kathleen

<https://www.vrbo.com/606027>
<https://www.airbnb.com/rooms/2637177>
http://www.tripadvisor.com/VacationRentalReview-g33188-d1295264-2_Bedroom_Condo_Ocean_Views_Above_the_Bay_with_Beach_Access_Hot_Tub-Trinidad_Humboldt_C.html
<http://m.resortsandlodges.com/directory/landing/?directory=rentals&type=landing%C2%AEion=4f954c6f3ff916722600017c&listing=528164ae4091183f3a8b45ca>

Lighthouse Keeper
651 Parker Street, Unit B Trinidad, California 95570

Overview
Vacation Information

Share this page

1 / 9

Take in Views of the Bay and Ocean from this 2-Bedroom Condo

Just became a vacation rental again! Beautiful views of the ocean and bay from the living room and kitchen await you! On a clear day you can see all of the way to Cape Mendocino. This bottom unit of a four-plex has nice ocean a bay views and it's right in town and across from the lighthouse and trails to Indian Beach, the small harbor and pier, Trinidad State Beach, Trinidad Head & trails, restaurants, art galleries, small shops, and much more... The 2 bedroom, 1 bath unit is comfortably furnished with a queen in each of the bedrooms and a twin in one of them as well. Please note that this is a downstairs unit and you can hear the sound of walking in the unit above sometimes, although we just finished repairing the flooring upstairs and it has really improved it. The views of the bay, ocean, and gardens are so good that you may not want to leave, although the short walk down to the Jacuzzi, which has wonderful views and privacy, may spark your desire to explore! read less

Vacation
Information
Airport
Information

Condo

Bedrooms 2
Bathrooms 1
Sleeps 6

Nearby City Eureka
Nearby Water Pacific Ocean
Open Dates All Year

HAVE YOU STAYED HERE? WRITE A REVIEW
Traveler Reviews

No reviews have yet been written. Be the first to write your review.
651 Parker Street, Unit B Trinidad, California 95570 United States
Phone Number
+1 (707) 834 - 6555

Buoy Bell -Above the Bay with Beach
Trinidad, CA, United States
(3)
Mike
Entire home/apt
6 Guests
2 Bedrooms
2 Beds
Request to Book
\$218
Per Night
Check In
Check Out
Guests
About this listing

Gorgeous views, in town, short walk to beaches & restaurants, enjoy the shared jacuzzi, and relax...

Contact Host
The Space
Accommodates: 6
Bathrooms: 1
Bedrooms: 2
Beds: 2
Check In: 3:00 PM
Check Out: 10:00 AM
Pet Owner: Dog(s)
Property type: Apartment
Room type: Entire home/apt
House Rules
Amenities
 Kitchen
 Internet
 TV
 Heating
+ More
Prices
Extra people: \$15 / night after 2 guests
Cleaning Fee: \$70
Security Deposit: \$500
Weekly discount: 0%
Monthly discount: 0%
Cancellation: Strict
Description

The Space

Panoramic views of the ocean, bay and beaches from the living room, kitchen, and bedroom await you! On a clear day you can see all of the way to Cape Mendocino. This top unit of a four-plex has one of the best views in Trinidad and it's right in town and across from the lighthouse and trails to Indian Beach, the small harbor and pier, Trinidad State Beach, Trinidad Head & trails, restaurants, art galleries, small shops, and much more...

Watch the video of the condo Buoy Bell Condo on YouTube

Watch an aerial video of the condo & area Aerial Video of Condos on YouTube

The 2 bedroom, 1 bath unit is comfortably furnished and the views so good that you may not want to leave, although the short walk down to the shared Jacuzzi, which has wonderful views and privacy, may spark your desire to explore!

Guest Access

Onsite laundry, located on the side of building closest to the Eatery.
Large shared yard. Hot tub on side of building closest to church.

Interaction with Guests

There will be little to no interaction with guests, but please call if needed.
Trash and hot tub maintained twice a week. Please try to take trash out to receptacle as often as possible.

The Neighborhood

Quiet neighborhood. Walking distance to beaches, lighthouse, restaurants, wine tasting rooms, the pier, and shopping.

Getting Around

Bus stop is located by the Murphy's Market parking lot.

Trust

Parker Street, Trinidad, California, United States

On 12/22/15 12:55 PM, Trinidad City Manager wrote:

Hi Kathleen, Mike, and Jonna,

And city council and planning commissioners (blind copied on this)

I want to give a definitive answer to continuing questions about the '1 VDU per Parcel' interpretation of the VDU Ordinance.

The City Attorney has given a clear answer to the City on this, which I presented at the November City Council Meeting.

I'm sorry for any continuing confusion on it. Let me try to be as clear as possible.

1. The Ordinance says '1 VDU per parcel'.
2. A VDU, as the City defined it in our Ordinance, is (my paraphrasing): 'a structure or portion thereof contracted for short term lodging ...' A VDU is not tied to any definition of a 'dwelling unit', it is a structure or portion thereof.
3. Based on that language, here's how the City Attorney has advised us to enforce the Ordinance:

Case 1. Two detached structures on a parcel -

A VDU is all or part of a 'Structure', which is singular, not plural. Therefore two detached structures on a parcel cannot be combined as one VDU. So for a parcel with a detached studio in back and a house in front - only one of the structures can be a VDU. For example, this is why the back studio next to Kathleen is no longer a VDU - it now has a minimum stay of 30 days, while the main house on the same parcel is a VDU.

Case 2 - One structure with multiple dwelling units -

Where one structure includes multiple dwelling units, as in the fourplex next to the Eatery, or a duplex, the current VDU definition allows the owner to propose a single VDU that encompasses as much of this structure as they like. So both parts of a duplex, or two or more of the apartments next to the Eatery, can be lumped together as one VDU. The fact that such a VDU covers multiple 'dwelling units' has no weight under the current Ordinance language, which doesn't even mention dwelling units. However this single VDU can only be advertised as one VDU, and rented as one VDU, to one party at a time. The advertising can be policed, but the renting to one party will be difficult to oversee.

I frankly don't like this outcome - I don't think it's what Council intended, and I think it is a problem to enforce. But I need to respect our Attorney's advice and avoid putting the City in a legally vulnerable position by trying to enforce something that is not clearly backed up in the Ordinance. The Ordinance language is the legally controlling factor here.

If the City want to change this situation, the mechanism is to amend the ordinance to change the definition of a VDU. The City could re-define a VDU as a single legal dwelling unit (defined clearly), with only one per parcel. Then only one side of a duplex, or one of the four units at Parker St. could be a VDU. My takeaway from the discussion

4/17/2016

Gmail - Re: Complaint for Lighthouse Keeper and Buoy Bell- Re: Clarity on 1 VDU per parcel of this issue with the Council in November was that Council agreed that we should consider such a change with our ordinance amendment. If the Planning Commission agrees, I expect something like this will be in the amendment that comes back to Council.

Based on all this – staff is approving Mike’s proposal to combine two of the apartments at Parker St as a single VDU, assuming they are advertised and rented as a single VDU.

I hope this helps, please let me know if you have questions.

Thank you

Dan

Daniel Berman

City Manager

City of Trinidad

(707) 677-3876

(707) 498-4937 mobile

P. O. Box 390

Trinidad, CA 95570

Zimbra

88 UW

trever@streamlineplanning.net

Re: Question about city code and dwelling units

! Cease use as UPD

From : Trever Parker <trever@streamlineplanning.net>
Subject : Re: Question about city code and dwelling units
To : Dan Berman <citymanager@trinidad.ca.gov>

Fri, Mar 11, 2016 09:58 AM

88 van Wy

Hmm. It looks like he is probably technically correct. Obviously that was not the intent to allow 2 occupants per bedroom plus two more occupants in addition to residents. We might be able to figure out a way to argue this. But like I mentioned before, the water use is relatively low compared to the design capacity of the septic system, so I'm not too worried about it. And if water use did get too high, then we can clearly limit occupancy. But this is one more issue that I can be sure to clarify in the ordinance amendment.

This is great. Let's get all these subtle issues out now, so that we can make the new ordinance as thorough as possible.

Trever Parker - trever@streamlineplanning.net
 Streamline Planning Consultants
 1062 G Street, Suite I
 Arcata, CA 95521
 (707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Dan Berman" <citymanager@trinidad.ca.gov>
To: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>
Cc: "Trever Parker" <trever@streamlineplanning.net>
Sent: Thursday, March 10, 2016 2:45:11 PM
Subject: Re: Question about city code and dwelling units

Good questions Mike. Lots of details to sort out. Trever And I will chew on this and get back to you.

*Dan Berman
 City Manager
 Trinidad CA*

----- Original message-----

From: Mike Reinman

Date: Thu, Mar 10, 2016 1:48 PM
To: Trinidad City Manager;
Cc:
Subject: Re: Question about city code and dwelling units

In terms of Paloma, which you have chosen to bring into this conversation, the long term tenant does not occupy a bedroom when VDU occupants are there. However, even if he was, it clearly states in the ordinance that the number of bedrooms is defined by the septic system, if that information is on file with the county, which for Paloma it is. Also, in the VDU ordinance, occupants are defined as those that are there as vacation renters, not long term tenants. That being the case, how would you limit the number of a home that is mixed use - VDU and long term? There is not a per bedroom limit occupancy for long term tenants, is there?

Regards,

Mike Reinman, General Manager [\(707\) 496-8746](tel:(707)496-8746)
Reservationist [\(707\) 834-6555](tel:(707)834-6555)
www.RedwoodCoastVacationRentals.com

On Tue, Mar 8, 2016 at 3:48 PM, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Hi Mike,

See answers in line below –

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

From: Mike Reinman [<mailto:mgmt@redwoodcoastvacationrentals.com>]

Sent: Tuesday, March 08, 2016 2:21 PM

To: Trinidad City Manager

Cc: John Roberts; Trever Parker; Mark Urfer; Neal Latt

Subject: Question about city code and dwelling units

&n bsp;

we haven't received a letter from the city specifying the need for the inspection.

That's silly. The need for the inspection, as we have discussed on the phone, and has been clear in earlier emails, including in the chain below this, is based on two things:

- A) the City has learned that the downstairs and upstairs are being used separately as two

distinct living spaces, and that raises obvious questions about whether there are two dwelling units at this parcel, which would be a violation of City Code. The inspection is needed to resolve this question.

B) the submitted VDU application does not accurately describe the VDU. We licensed a two bedroom VDU for six occupants, assuming no other people were living on the property. The floor plan shows one bedroom downstairs, but the advertising says two bedrooms downstairs. We need to confirm the actual situation, and revise the license accordingly.

If that's not enough for you, please let me know. I'll send a letter demanding an inspection, which will also direct you to cease all use of the VDU until we resolve these two issues. I have chosen not to do this yet under the assumption that we could get this inspection done quickly.

In terms of the VDU application we don't believe that somebody is required to rent out the entire VDU correct? In other words, the VDU application is for the whole house and will permit the rental of the entire house or a section thereof.

Not that simple – The area to be used in the home, and the presence of other residents on the property, are critical to setting max VDU occupancy, based on bedrooms, parking, septic system capacity....

For example I think we licensed 88 van wycke for 6 VDU guests based on two bedrooms shown on your application. But it's really a one bedroom VDU, and needs to be limited to four, based on the information now available (inspection is needed). (I appreciate that you are advertising it for four already).

If only part of the home is the VDU, the max occupancy will be reduced. If a long term tenant or owner is using one of the bedrooms, that also affects VDU occupancy.

If there are multiple possible configurations of the space, the application should describe that and the City can set max occupancy under different scenarios, as we did for your parker st. apartment.

We need to do this for Paloma Lodge as well. If there is a long term tenant living in part of the house – that's at least one bedroom that can't count towards the number used to calculate max VDU guests.

I know this wasn't clear in last year's application form – we'll be updating it based on our experience this year.

On Mar 8, 2016 2:15 PM, "Trinidad City Manager" <citymanager@trinidad.ca.gov> wrote:
Hi Mike,

The next step is a walk through by our building inspector John Roberts. I believe he already has (or soon will be) in touch with you. I appreciate your cooperation with getting that scheduled promptly.

There may not be any violation of City code, we need to do the building inspection to find out.

The primary issue of concern is that this property, based on zoning and permitting, cannot have two separate dwelling units on it. A related concern is that the VDU license application you submitted to us is not accurate, in that it shows the entire home as the VDU, and the license approves occupancy of 6 based on that application.

The inspection will help resolve the question of whether the property includes two separate dwelling units, and what the appropriate VDU occupancy can be for just the downstairs.

The details of what technically defines the distinction between two dwelling units and one residence are Trever and John's expertise, not mine. Once we have the building inspection report we will let you know if we see any problem.

Thank you
Dan

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

From: Mike Reinman [<mailto:mgmt@redwoodcoastvacationrentals.com>]
Sent: Tuesday, March 08, 2016 9:53 AM
To: Trinidad City Manager
Subject: Re: FW: Question about city code and dwellign units

Can you please update me when you have made a decision on this? Also, can you please point out where in the Trinidad City Code it states that only one kitchen is allowed in a single family home? Finally, what is the actual violation that you are citing in regards to Mark Urfer's property?

It's interesting to note that there are many communities that have dietary restrictions which require them to have separate kitchens. For example, many Jewish families have a separate kitchen for dairy/vegetarian and meat due to the prohibition of mixing the two. This is a common practice in many communities in the U.S. It requires separate sinks, stoves, and ovens.

Regards,

Mike Reinman, General Manager (707) 496-8746
Reservationist (707) 834-6555
www.RedwoodCoastVacationRentals.com

On Thu, Mar 3, 2016 at 10:04 AM, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

HI Mike,

Here's an initial response to your question:

"
There are several definitions of interest: 17.08.210 defines "duplex" and 17.08.220 through 17.08.250 define different types of dwellings, including multi-family, single-family, townhouse and dwelling unit. The existing house was approved as a single-family dwelling in 1990, which is the only type of dwelling technically allowed in the UR zone (17.32.020 and 17.32.030), and the maximum density is one dwelling per 8,000 sq. ft. of lot area (17.32.050).

I'm talking with Trever about whether there is a possible path to calling this a 'hosted VDU' within a single family home, rather than a duplex. Per the UR zone above, you can't have two dwelling units.

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

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
To: "Trever Parker" <trever@streamlineplanning.net>
Sent: Wednesday, March 2, 2016 3:34:58 PM
Subject: Question about city code and dwellign units

Hi Trever,

Mike just called – his lawyer wants to know where the Municipal Code clearly delineates between a single dwelling unit and two dwelling units. One specific question was 'is two kitchens automatically two dwelling units...' which I take to really be a question about how the City decides if something is two units vs one.

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

Zimbra

trever@streamlineplanning.net

Re: Vacation rental at 88 Van wycke St.

From : Trever Parker <trever@streamlineplanning.net> Wed, Mar 02, 2016 10:18 AM
Subject : Re: Vacation rental at 88 Van wycke St.
To : Dan Berman <citymanager@trinidad.ca.gov>

That does address the bedroom question, but not the kitchen situation. I'll ask Sandra to scan and email (or fax) the floor plan submitted with the VDU application, since I don't have a copy of it. Then I can compare that again with what the City approved and ask Mike about the kitchen situation. It would still probably be good to get John in there rather than just taking Mike's word for it.

Trever Parker - trever@streamlineplanning.net
 Streamline Planning Consultants
 1062 G Street, Suite I
 Arcata, CA 95521
 (707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Dan Berman" <citymanager@trinidad.ca.gov>
To: "Mike Reinman" <mgmt@redwoodcoastvacationrentals.com>
Cc: "Mark Urfer" <kmurfer@urferengineering.com>, "Trever Parker" <trever@streamlineplanning.net>, "Sandra Cuthbertson" <scuthbertson@trinidad.ca.gov>
Sent: Tuesday, March 1, 2016 6:46:14 PM
Subject: Re: Vacation rental at 88 Van wycke St.

Thank you Mike. That is helpful.

*Dan Berman
 City Manager
 Trinidad CA*

----- Original message-----

From: Mike Reinman
Date: Tue, Mar 1, 2016 4:15 PM
To: Trinidad City Manager;
Cc: Mark Urfer; Parker, Trever; Sandra Cuthbertson;
Subject: Re: Vacation rental at 88 Van wycke St.

The downstairs is technically a 1 bedroom VDU with a second mutlipurpose room that people may sleep in. However, we have it as only sleeping 4 which is consistent with 1

*Multi purpose
 room used
 as "bedroom"*

bedroom, although we market it as 2 bedrooms because there is not a way to list it as one bedroom and one multipurpose room, and people need to know that they can sleep in that other room. I will add a line that says specifically that the second room downstairs is not a formal bedroom but may be used for sleeping. The upstairs part of the home is 1 bedroom.

We do not see this as being inconsistent at all with the VDU ordinance as well as the septic . Yes, the VDU is only downstairs.

Please do not hesitate to contact us with other clarifications you may need.

Regards,

Mike Reinman, General Manager (707) 496-8746
Reservationist (707) 834-6555
www.RedwoodCoastVacationRentals.com
< /div>

On Tue, Mar 1, 2016 at 3:32 PM, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Hi Mike, and Mark,

I am concerned that your Vacation Rental at 88 Van Wycke St. is not being operated consistent with the VDU license application submitted for this property.

That application describes the whole house as being the vacation rental – as reflected in the site plan, square footage, and the number of bedrooms. That application was the basis for the VDU license the City issued to you.

The Redwood Coast Vacation Rental website clearly describes the actual VDU as being the downstairs portion of the home, and describes the house as a duplex, with two bedrooms downstairs. The site plan you submitted to us shows only one bedroom downstairs.

This raises a number of questions about the number of bedrooms, septic system capacity, permitting for second units, and the initial application materials.

I have just become aware of this situation today. As I consider how to proceed, I wanted to let you both know of these concerns, and to provide you with an opportunity to clarify the situation for me.

Is my understanding correct that the VDU is the downstairs only? Has this changed recently?

Am I misunderstanding something either in the application or the website?

Please call or email.

Best,
Dan

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

-

Zimbra

trever@streamlineplanning.net

Re: Question about city code and dwellign units

88 VW

From : Trever Parker <trever@streamlineplanning.net>
Subject : Re: Question about city code and dwellign units
To : Trinidad City Manager <citymanager@trinidad.ca.gov>

Thu, Mar 03, 2016 12:17 PM

Hi Dan,

I just asked John Roberts to pull the building file for 88 Van Wycke and call Mike for an inspection. It sounded like there was cooperation and willingness to work with the City on compliance. And it seems like everyone is on the same page as to what the issue is. So I thought maybe a letter was not necessary at this point, and would be more useful after the inspection. But if a lawyer is involved, maybe we need to be more formal? I see now that the kitchenette was labeled on the floor plan submitted with the VDU application. It was just so poorly drawn that I couldn't really read it and didn't think too much about it.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: "Trinidad City Manager" <citymanager@trinidad.ca.gov>
To: "Trever Parker" <trever@streamlineplanning.net>
Sent: Wednesday, March 2, 2016 3:34:58 PM
Subject: Question about city code and dwellign units

Hi Trever,

Mike just called – his lawyer wants to know where the Municipal Code clearly delineates between a single dwelling unit and two dwelling units. One specific question was ‘is two kitchens automatically two dwelling units...’ which I take to really be a question about how the City decides if something is two units vs one.

Daniel Berman
City Manager
City of Trinidad
(707) 677-3876
(707) 498-4937 mobile

Zimbra

trever@streamlineplanning.net

Re: Vacation rentals with two dwellings*None of these are legal***From :** Trever Parker <trever@streamlineplanning.net>

Fri, Mar 04, 2016 09:50 AM

Subject : Re: Vacation rentals with two dwellings

1 attachment

To : citymanager@trinidad.ca.gov

Good morning. Again, it all looks accurate. I would emphasize that none of these are legal, permitted second dwelling units, regardless of whether they have been being used as such. And that the City can't just allow them to be used as such. Maybe add another bullet point to your general responses, something like...

None of the the four properties in question have legal, permitted second dwelling units, regardless of whether they have been being used as such. The zoning ordinance currently does not allow second units in the UR zone, which has been the case since 1980. Septic limitations are the main reason for this. Kitchen waste is more difficult to treat than other waste because of the greases and solids and organic materials, etc that go down the drain. So, for example, two separate one bedroom residences are not treated the same as a single two bedroom residence in terms of septic requirements. In the first case, DEH would require a minimum 3-bedroom system to accommodate the two small units. Trinidad lots are small for a single residence, let alone two. Current Health Dept. regulations require new lots to be a minimum of an acre in size if they will be served by septic. Fortunately, Trinidad's soils are ideal for wastewater treatment.

Trever Parker - trever@streamlineplanning.net
Streamline Planning Consultants
1062 G Street, Suite I
Arcata, CA 95521
(707) 822-5785 fax (707) 822-5786
www.streamlineplanning.net

From: citymanager@trinidad.ca.gov
To: "Parker Trever" <trever@streamlineplanning.net>
Sent: Friday, March 4, 2016 8:42:57 AM
Subject: RE: Vacation rentals with two dwellings

Hi Trever,

See Kathleen's questions/accusations below, and my responses.

Please make sure this is accurate -

Hi Kathleen,

The map is easy, we'll get that done.

For your first question - Either I still don't understand what you mean, or I just disagree with the way you are framing this issue and this question. We are not allowing multiple dwelling units to be converted to additional bedrooms for VDUs.

- The City is only allowing one VDU per parcel, as we have worked through in great detail. Where there are two detached dwelling units on a parcel, one can be a VDU.
- Some single family homes in town have a detached structure that is still considered part of the one legal dwelling unit on the parcel, like a garage conversion to an office or bedroom. This is not a new interpretation related to VDUs. These owners can use their home, including detached structures, as a single VDU, if they follow all the other rules and got an application in before the moratorium. If that detached structure was built without permits, they will need to go through the public process to get permits.
- Parcels with one dwelling unit, whether it includes detached structures or not, could apply to have a VDU that shared the house with an owner or long term renter. A 'hosted' vdu. That doesn't automatically make it two dwelling units. We would need to adjust VDU occupancy accordingly for house and septic size considerations.
- Where the City has found illegal/unpermitted dwelling units, we are addressing them. That starts with an inspection to determine the situation on the ground. If work was done without permits, or work needs to be done to comply with the law, then it will involve requiring the owner to enter into the permit process. That goes through the Planning Commission public process. This often involves requiring removal of kitchen facilities so that what was built as an illegal second dwelling unit is converted to legal additional living space for the main house. We may require a deed restriction to permanently ensure that there cannot be two dwelling units, limit bedrooms, etc....

On specifics –

88 van wycke – this came to my attention Tuesday. I have already had multiple conversations with Trever and the property manager, and contacted the owner. It appears that the upstairs and downstairs are being used as two separate living spaces. We are scheduling a home inspection as soon as possible. Until that is done I can't say whether there are two dwelling units there or not. If there are, we will require the owner to work with the City to correct the situation.

178 Parker Creek. – As it says in the table we just provided, the City is not aware of two dwelling units here. The fact that they may have a long term resident/host on site does not automatically mean there are two dwelling units. A host can share the house with vacation renters. I was encouraged the manager was taking this step partly in response to problems with loud parties at this rental, and subsequent city enforcement actions. I hope it helps. If you have specific knowledge of two dwelling units, i.e. two distinct spaces with their own kitchen and bedroom(s), please confirm and we'll work on scheduling a site inspection.

381 Ocean – My understanding is that the deed and permit conditions, which date back to the 1990's, allow a tenant if and only if they have access to the main house kitchen, as the back bedroom does not have one. In other words, home sharing of a single dwelling unit is allowed, like you renting out a portion of your home. I agree this is difficult to enforce – the City can't really know perfectly whether the tenant uses the main house or not.

789 Underwood – This is not two dwelling units. The chart clearly states that there was an illegal dwelling unit built here, and the City, through a public permit process 10 years ago, forced the owners to agree to permanent deed restrictions that it could not be used as such, and also limiting total bedrooms to the original 3 that were permitted. I'm not sure if facilities were modified or not, but it is not a legal dwelling unit, and can't be used as one. Therefore the VDU is the entire house, including that part of the house. I don't see the issue here.

Dan Berman
City Manager
Trinidad, CA
707-498-4937

From: Tom Davies & Kathleen Lake [mailto:tomd.kathleenl@gmail.com]
Sent: Thursday, March 3, 2016 7:23 PM
To: Trinidad City Manager <citymanager@trinidad.ca.gov>
Cc: julie Fulkerson <juliefulkerson@mac.com>; Dwight Miller <trinidad.miller@gmail.com>; Joan & Jim Baker <jjbakers@gmail.com>; Jack West <jandjwest@yahoo.com>; Dave Winnett <DAWinnett49@gmail.com>; Mike & Ann Pinske <pinske@suddenlink.net>; Lisa Espejo <knowskateboardingintrinidad@gmail.com>; Cliff Poulton <cliff@poulton.net>; Richard Johnson <rfjbr@gmail.com>; Diane Stockness <diane.stockness@gmail.com>
Subject: Re: Vacation rentals with two dwellings

Hi Dan,

Thank you for talking with me this afternoon. I wanted to follow up with this email to clarify the conversation and concerns.

Here are two requests:

A. What is the cities justification for the interpretation of multiple dwelling units on one parcel to be converted to additional bedrooms for a vacation rental?

B. We would like to have a current map updated with permitted properties and those that have second dwellings.

1) It appears that staff interpretation of Vacation Rentals and Dwellings may have been misinterpreted. By allowing **Dwelling Units** to be permitted as "**bedrooms**" for many properties has created a reduction in second dwellings and we believe has illegally

permitted dwellings as bedrooms. This causes many problems. It would greatly impact housing that has traditionally been used as long term affordable housing. Many of the Vacation Rental permits have been issued that have included properties with second dwellings, ("dwelling" including kitchen, bathroom and sleeping area). It also appears that the city has permitted these second dwellings as "bedrooms". We discussed the definition of a dwelling and that several single family properties that are well know to have two dwellings. We submitted a the Vacation Rental map with marked "known" properties with second dwellings and requested that the map be updated to reflect this. We have not gotten that information. **We would like to have the map updated with permitted properties and those that have second dwellings. What is the cities justification for interpretation of multiple dwelling units on a parcel to be converted to additional bedrooms for a vacation rental?**

You mentioned inspections for all properties prior to permit renewals. This seems like a good plan. However, what will the city do when they find that these indeed are dwelling units. A possible solution might be to agree that these properties indeed have two dwellings and the owner would need to choose which dwelling is the vacation rental? Allow 1 dwelling per parcel? This appears to us to be the intent of the ordinance. Continuing to allow separate dwellings to be converted to "bedrooms" as a part of the permit process seems arbitrary, as there has been no inspection or Planning Commission review. Other residents that have obtained after the fact permits for illegal dwelling unit conversions have had to remove the kitchen from the dwelling. Many of these dwelling units are long established second dwellings that have been traditionally used for housing residents.

Allowing a rush of "code fixes" for vacation rentals is also questionable. If these are not legal dwellings, what justification does the city have to continue to allow them to be used as "bedrooms" for a vacation rental. As we discussed on the phone: allowing separate dwelling units to operate as "bedrooms" is not the intent of one vacation rental per parcel. Following your interpretation in doing this you could hypothetically allow the 4 plex to rent out one unit as a vacation rental and the remainder of the dwelling units as "bedrooms". Here is a short list of some that we discussed today.

- ① 88 Van Wyke: These are two apartments, two dwellings/duplex. They always have been. Why would the city allow any portion of unpermitted units as a Vacation Rental? Long term tenant upstairs. Vacation rental downstairs.
 - ② 178 Parker Creek: This also has two dwellings. **This is a direct conflict with the provided chart.** On the website it now states that there is a caretaker also living on the property in the separate dwelling unit. You confirmed this is the case on the phone today.
 - ③ 381 Ocean: Long standing accessory/separate dwelling unit. It is currently occupied by long term tenant. NOT as indicated on your chart "living space/bedroom".
 - ④ 789 Underwood: These are two dwelling units. As stated in the chart it was built as two dwelling units (Mother In Law).
- 2) Owner Occupied Vacation Rentals restricted by Home Owner Tax Exemption in residential zones is what we have been discussing. NOT "hosted" by another party. You asked why that would make sense.

It would make sense because residents have the option to rent out a portion of their home to tourists if they need or want to. Only using their primary residence. Second homes or other investment property would need to rent long term, as they always have in Trinidad. This is what most cities up and down California, across the nation and in other countries are currently implementing. This provides lodging for tourists and keeps residential zones/properties from being purchased by investors to be turned into hotels. Homeowners own and live in homes. Investors own rental properties. This also follows the Municipal Code and the General Plan for the future of Trinidad. As we know any city that cannot follow their own MC and GP has real problems. The current practice of Non Owner Occupied Short Term Rentals is inconsistent and problematic with residential neighborhoods and it does not follow the MC or the GP.

We look forward to your response to requests A and B above.

Thank you for your time,

Tom Davies and Kathleen Lake

Issued Licenses Second Units (Autosaved).pdf

On Thu, Feb 25, 2016 at 3:37 PM, Tom Davies & Kathleen Lake <tomd.kathleenl@gmail.com> wrote:

Thank you.

On Thursday, February 25, 2016, Trinidad City Manager <citymanager@trinidad.ca.gov> wrote:

Hi Tom and Kathleen,

We will have this data available for you by the end of next week at the latest.

We got a little slowed down as Sandra has been manning the front desk all week covering for Gabe.

Best,
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: Thursday, February 25, 2016 2:45 PM
To: Dan Berman Trinidad City Manager
Cc: julie Fulkerson; Dwight Miller; Joan & Jim Baker; Jack West; Dave Winnett; Mike & Ann Pinske; Lisa Espejo; Cliff Poulton; Richard Johnson; Diane Stockness
Subject: Re: Vacation rentals with two dwellings

Hi Dan,

We sent in this request nine days ago. You said that you would get back to us about it. Please let us know when we can have a response, we need this information.

This is what was asked for and it is also in the thread below:

"We have now made this issue a public records requests and need additional information regarding second dwellings, guest houses etc. "

Thank you,

On Tuesday, February 16, 2016, Tom Davies & Kathleen Lake <tomd.kathleenl@gmail.com> wrote:

Hi Dan,

This is a public records request.

Please provide us with a list of all properties in Trinidad that hold current hold valid vacation rental permits and their status as it relates to second dwellings and it guest houses/servants quarters.

Please let us know all currently permitted properties that have additional legal or illegal dwellings on the property and how many each property has i.e. two or more dwelling units. Also any guest houses or servants quarters that are also being operated as a portion of the rental.

For instance, Paloma Creek Lodge, Fisherman's escape, and all vacation rentals that are currently permitted in Trinidad. Which properties have more than one dwelling unit, are all units legal? If not, which are not?

It's our understanding for instance that Fishermans Escape has an illegal second dwelling, and that is being rented out as a portion of the vacation rental. Is this correct? Please let us know that status of all currently permitted properties in regards to second dwellings and guest houses.

Please let us know if you have any questions.

Thank you,

Kathleen and Tom