

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

1385 8TH STREET • SUITE 130

ARCATA, CA 95521

VOICE (707) 826-8950

FAX (707) 826-8960

**W9b****DATE:** February 20, 2015**TO:** Commissioners and Interested PartiesClick here to go to
original staff report**FROM:** Charles Lester, Executive Director
Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
James R. Baskin AICP, Coastal Planner**SUBJECT:** **City of Trinidad LCP Amendment No. LCP-1-TRN-14-0846-1**
(Vacation Dwelling Unit Ordinance) Meeting of March 11, 2015 in Chula Vista**1. LCP Amendment Description & Discussion**

The City of Trinidad proposes to modify the Local Coastal Program (LCP) Implementation Plan (IP) to add a new Section 6.26 addressing the licensing of short term rental of single- and multi-family residences and accessory dwellings as “vacation dwelling units.” The amendment also includes changes to the coastal zoning ordinance’s signage and off-street parking sections pertaining to such vacation rentals. See Exhibit 1 for the proposed amendment text.

There are currently no regulations in place in Trinidad specifically addressing the rental of residences to area visitors for periods of 30 days or less. Based on 2013-14 Transient Occupancy Tax receipts (and the likelihood of a couple of unlicensed facilities), City staff estimate that approximately 41 to 43 homes in Trinidad are currently being operated, at least on a part-time basis, as vacation rentals. Vacation rentals in the City have resulted in some resident complaints and concerns that such rentals negatively impact residents (i.e., excessive noise, traffic and parking congestion, etc.) At the same time, vacation rentals provide an important visitor-serving function that allows groups and families another option for overnight accommodations near beach and shoreline areas in Trinidad which currently has relatively few commercial overnight accommodations.

In response to these complaints and concerns, the City embarked in 2012 on a planning process to develop a vacation rental ordinance intended to strike an appropriate balance between allowing for vacation rentals to foster the public’s ability to access and recreate on the coast by renting a coastal residence while imposing operational parameters to minimize adverse effects to long-term residents. The proposed amendment provides standards for the operation and enforcement of vacation rentals in a way that will also protect coastal resources, including public access and recreational opportunities, community character, the quality of coastal waters, and environmentally sensitive areas consistent with the requirements of the LCP’s Land Use Plan (LUP), the standard of review in this case.

The proposed LCP amendment sets a numerical limit of one vacation rental unit per parcel, whether in the primary residential unit or in an accessory (second) dwelling, establishes maximum occupancies for the units based on the number of bedrooms and structural square-footage, and applies prescriptive standards with respect to off-street parking, exterior appearance of the units, emergency contact protocols, and noise and signage restrictions. The amendment would also change other existing zoning provisions addressing off-street parking and signage to ensure internal consistency of the IP. The ordinance also provides for reassessment of the adequacy of its provisions two years after certification and periodically thereafter.

The amendment would further ensure that the use of residences as vacation rentals would not result in impacts to coastal water quality and biological resources. The ordinance imposes limits on water usage of VDUs to the average use levels typical of a long-term residential unit such that overtaxing of the onsite wastewater treatment system does not result. In addition, constructive notice of the presence of environmentally sensitive habitat areas, such as riparian corridors and streams, intertidal and rocky offshore areas, forests, and rare plant habitats, and suggested practices to ensure their protection while recreating on and near the VDU, and information are to be provided to the units' renters. Moreover, information on the units' dependence upon septic system based waste disposal is to be similarly posted.

The proposed amendment does not change the kind, location, intensity, or density of use allowed under the LCP for several reasons. First, the amendment only addresses occupancy of residences by tourists for dwelling, lodging or sleeping purposes, which by definition, comprises a residential use. Vacation rentals would only be allowed in zoning districts where such residential uses are already allowed. Thus, a vacation dwelling unit use will only be established in existing homes or where the owner or operator could develop a residential use under the existing zoning.

Second, the establishment of a residence for short-term vacation renting would not result in significant adverse impacts to coastal resources because existing LCP provisions that govern the appropriateness of residential use in the coastal zone would continue to serve to protect coastal resources including limitations on congestion affecting coastal access, protection of visual and scenic resources, avoidance and minimization of risks of exposure of persons and property to hazards, and prioritization of coastal-dependent, coastal-related, and other visitor-serving commercial uses, as part of the City's coastal development permit process.

Finally, the addition of standards as part of the LCP amendment will further protect coastal resources by requiring: (a) limits on water usage of VDUs and education of renters on septic system use to prevent the overtaxing of onsite wastewater treatment systems and protect water quality and biological resources; (b) provision of off-street parking to ensure no significant impact to public access parking results; and (c) education of renters of the need to protect adjacent sensitive habitats to minimize intrusion into such habitats.

2. Minor LCP Amendment Determination & Commission Review

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

The Executive Director has determined that the proposed LCP amendment is “minor” in nature under Sections 13554 and 13555 of the Commission’s regulations, as the amendment would not result in a change to the kind, density, or intensity of use of land in the affected area. The Executive Director has informed all interested parties by the mailing of this determination on February 20, 2015. The Commission will consider the Executive Director’s determination at the March 11, 2015 meeting in Chula Vista. At that time, the Executive Director will report to the Commission any objection to the determination that is received within ten working days of the posting of this notice. Anyone wishing to register an objection to the Executive Director’s determination that the proposed LCP amendment is “minor” should submit such objection to James Baskin at (707) 826-8950 at the Commission’s North Coast District Office in Arcata by March 6, 2015.

The proposed minor amendment will be deemed approved and will become effective immediately unless one third of the appointed members of the Commission request that it be processed as a major LCP amendment (Public Resources Code section 30514(c); 14 CCR sections 13555(a) and 13547(c)).

3. California Environmental Quality Act (CEQA)

On October 8, 2014, the City of Trinidad found the subject LCP amendment to be excepted from the requirements of CEQA as a combination of “Class 1” (minor alteration of existing private structures) and “Class 5” (minor alterations in land use limitations not resulting in changes in land use density”) categorical exclusions [14 CCR §§ 15301 & 15305]. The Coastal Commission’s review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that it is unnecessary for the Commission to suggest modifications to the proposed amendment because there are no additional feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts that would result from approval of the proposed amendment, as submitted.

4. Staff Recommendation

Staff recommends that the Commission concur with the Executive Director’s determination that the LCP amendment is minor.

5. Additional Information

For further information, please contact James Baskin at the North Coast District Office (707) 826-8950. Correspondence should be sent to the district office at the letterhead address.

6. Exhibits (attached)

- Exhibit 1: City Ordinance No. 2014-01 – *An Ordinance of the City of Trinidad Adding Section 17.56 to Title 17 of the Trinidad Municipal Code (Adding Section 6.26 to the Coastal Commission Certified Zoning Ordinance), and Amending Sections 17.56.160 and 17.56.180 of the Trinidad Municipal Code (Amending Sections 6.16 and 6.18 of the Coastal Commission Certified Zoning Ordinance)*
- Exhibit 2: City Resolution No. 2014-15 – Resolution of Transmittal

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

JULIE FULKERSON, MAYOR
GABRIEL ADAMS, CITY CLERK

COPY



ORDINANCE 2014-01

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

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

ORDINANCE 2012-01, SECTION 1:

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

Section 17.56.180 (6.26) Regulations for Vacation Dwelling Units

Sections:

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

17.56.190 (6.26).A

Short Title.

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

17.56.190 (6.26).B

Definitions.

1. Good Neighbor Brochure.

Good Neighbor Brochure. "Good Neighbor Brochure" means a document prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular, the brochure shall include provisions for off-street parking, minimizing noise, establishing quiet hours, and minimizing disturbance to neighbors and environmentally sensitive habitat areas.

EXHIBIT NO. 1

**LCP Amendment
NO. LCP-1-TRN-14-0846-1
City of Trinidad
Adopting Ordinance
1 of 7**

2. Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes, but is not limited to, art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings of 20 people or less consistent with normal residential use.

3. Occupant.

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

4. Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is 30 consecutive days, or less.

5. Vacation Dwelling Unit.

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

6. Visitor.

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

17.56.190 (6.26).C

Purpose.

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

17.56.190 (6.26).D

Application Requirements.

1. Initial Application.

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

A site plan and floor plan must be submitted along with the VDU License application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that addresses the requirements of this Chapter shall also be provided.

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

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

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

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

Upon initial application for a VDU License, the City shall provide all VDU licensees with copies of informational materials identifying protective measures for preventing and minimizing impacts to environmentally sensitive habitat areas, water resources, and septic systems from the vacation rental use of the residences. Such protective measures include, but not limited to: (1) avoiding human encroachment into environmentally sensitive habitat areas; (2) directing or screening exterior lighting from illuminating riparian corridor areas; and (3) best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.

2. VDU License Renewals.

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

3. Contact Information.

a. Local Contact Person.

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

b. 24-Hour Emergency Contact Phone Number.

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

The emergency contact phone number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 100 feet of the VDU within 7 days after the issuance or reissuance of a VDU License for the VDU.

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

17.56.190 (6.26).E

Effect on Existing Vacation Dwelling Units.

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

17.56.190 (6.26).F

Location.

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

17.56.190 (6.26).G Non-Permitted Uses.

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

17.56.190 (6.26).H VDU Standards

All VDUs will be required to meet the following standards:

1. Number of Occupants.

The maximum number of occupants allowed in a VDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants). Except that in the Suburban Residential Zone, if the VDU has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants. Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design capacity of the septic system.

2. Off-Street Parking.

A VDU must provide at least one off-street parking space for every two occupants allowed in the VDU pursuant to Section 17.56.190 (6.26).H.1. The off-street parking space/s shall be entirely on the VDU property. VDU owner/operators shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Off-street parking spaces will not be located on the septic system unless it is designed and rated for traffic in a manner that will not compromise the functioning of the septic system.

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

3. Water Use.

To prevent overloading of septic systems, each VDU shall be operated in a manner to ensure that the occupancy and use of a VDU shall not result in annual domestic water use greater than that associated with the non-VDU use of the residence based on an average daily consumption of 150 gallons per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.

Where it can be determined based on the Humboldt County Division of Environmental Health permit or file information or an actual inspection of the system, the number of bedrooms will be based on the design of the septic system. Annual water use records will be kept on file along with the VDU License and application materials to allow for verification that the VDU water use did not exceed allowable volumes as described above.

If the City determines that the VDU use has exceeded the appropriate average annual water usage, as described above, during the preceding year, the VDU owner/operator shall take constructive measures to reduce water use. Adaptive measures include, but are not limited to: (a) installing water conservation fixtures and appliances; (b) planting xerophytic landscaping; and/or (c) reducing the maximum occupancy of the VDU.

4. Septic System.

Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU is located is functioning properly and in conformance with all federal, state, and local regulations. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each bathroom in the VDU and the kitchen.

5. Appearance and Visibility.

The outside appearance of the VDU structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as allowed by Section 17.56.160 (6.16)). The VDU shall not create any noise, glare, flashing lights, vibrations, or odors that are not commonly experienced in residential areas or that would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area.

6. Signs.

A single sign, legible from the property's street frontage, and no greater than 3 square feet in size may be attached to the VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU. The signage shall comply with all applicable standards of the Zoning Ordinance's sign regulations.

7. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the VDU.

8. Visitors.

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

9. Noise.

Occupants of VDU properties and visitors shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. Any noise occurring after 10:00 pm and before 8:00 am should be contained within the VDU and shall not be able to be heard by or offend any adjacent neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

10. Traffic.

Vehicles used and traffic generated by the VDU shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area. What is reasonable in terms of traffic generated shall be determined under existing legal standards applicable to evaluating alleged nuisances.

11. Tenancy.

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

12. Good Neighbor Brochure.

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

13. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren, the Volunteer Fire Department siren and real emergencies shall be included.

17.56.190 (6.26).I Tourist Occupancy Tax.

The letting, leasing, or other contractual use of a VDU is subject to a Tourist Occupancy Tax ("TOT") and any other mandated taxes. Each VDU owner and/or manager shall meet all of the requirements of the City with respect to registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.56.190 (6.26).J Audit

Each owner and agent or representative of any owner shall provide access to each VDU and any records related to the use and occupancy of the VDU to the City at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this Section are being fulfilled.

17.56.190 (6.26).K Dispute Resolution.

By accepting a VDU License, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU. Unless an alternative dispute resolution entity is agreed to by all parties involved, dispute resolution should be conducted through Humboldt Mediation Services.

17.56.190 (6.26).L Violations

1. Penalty

Violations of this Section are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 17.76.050 (7.20) of the Zoning Ordinance. Each separate day in which a violation exists may be considered a separate violation. The City of Trinidad can also enforce these VDU regulations by way of nuisance abatement action. Enforcement by way of a nuisance action shall be discretionary and shall only occur upon a lawful vote of the Trinidad City Council to prosecute the matter as a civil nuisance action.

2. Revocation

If the VDU owner or property manager is deemed by City staff to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented, significant violations occur in any 12-month period, the VDU License may be revoked. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement. No revocation shall occur unless decided by a lawful majority vote of the Trinidad City Council and after written notice, served by first class mail, of at least 21 days was given to the owner of record and the local contact person as set forth in the VDU application. Revocation may be temporary or permanent depending on the nature and number of the violations.

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

17.56.190 (6.26).M Ordinance Review

This ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is meeting the needs of the community.

ORDINANCE 2014-01, SECTION 2:

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

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

ORDINANCE 2014-01, SECTION 3:

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

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

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

ORDINANCE 2012-01, SECTION 4:

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

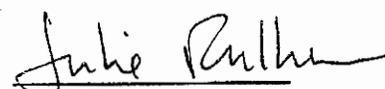
Passed, approved, and adopted this 8th day of October, 2014 by the following roll call vote:

AYES: West, Miller, Fulkerson, Baker, Davies
 NOES: None
 ABSTAIN: None
 ABSENT: None

Attest:


 Gabriel Adams
 City Clerk

Approved:


 Julie Fulkerson
 Mayor

First Reading: **Wednesday, October 08, 2014**

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

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

Julie Fulkerson, Mayor
Gabriel Adams, City Clerk

COPY



RESOLUTION 2014-15

A RESOLUTION OF THE CITY OF TRINIDAD, CALIFORNIA, SUBMITTING A LOCAL COASTAL PROGRAM AMENDMENT TO ADD TO AND AMEND SECTIONS OF THE ZONING ORDINANCE ADDRESSING VACATION DWELLING UNITS (VDUs) TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, the City of Trinidad City Council has adopted an ordinance amending the Implementation Plan of the Local Coastal Program to address deficiencies in the existing implementing ordinances that do not adequately regulate VDUs; and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Program and City laws; and

WHEREAS, the ordinance is Categorically exempt per §15301 of the CEQA Guidelines exempting "the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing private or public structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination," and per §15305 exempting "minor alterations in land use limitations in areas with an average slope of less than 20%, which do not results in any changes in land use or density," and Statutorily exempt per §15265 exempting adoption of coastal plans and programs by local governments; and

WHEREAS, after due notice and public hearing, and in accordance with the Local Coastal Program (Trinidad Zoning Ordinance section 7.03), the Planning Commission approved an amendment to the Zoning Ordinance on June 15, 2011, and the Trinidad City Council adopted the amendment on August 10, 2011 as recommended by the Planning Commission; and

WHEREAS, the City of Trinidad transmitted an LCP amendment to the Coastal Commission to amend the City's LCP to add sections to the Zoning Ordinance addressing VDUs on May 8, 2013; and

WHEREAS, the proposed implementation plan amendment was filed by the Commission on May 22, 2013; and

WHEREAS, City staff and Coastal Commission staff negotiated significant changes to the adopted ordinance to ensure compatibility with the Coastal Act, the City's LCP and local conditions; and

WHEREAS, Coastal Commission staff would recommend against approval of the originally submitted VDU ordinance and would be recommending numerous suggested modifications to the submitted ordinance to which the City staff consent; and

WHEREAS, the agreed upon changes have made tracking and understanding the differences between the ordinance that was originally submitted to the Coastal Commission and the version that since has been negotiated complicated and time-consuming to understand; and

WHEREAS, both parties agree that it would be in the City's best interest to withdraw the LCP amendment application in order to allow the City to rescind the originally adopted VDU ordinance and adopt a new VDU ordinance that incorporates the negotiated changes and transmit a new application for an LCP amendment; and

WHEREAS, the City Council withdrew the amendment on June 4, 2014 by way of Resolution 2014-06; and

WHEREAS, the City Council adopted the revised ordinance, attached hereto as Exhibit A, at a duly noticed public hearing on October 8, 2014; and

WHEREAS, this amendment is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Program; and

WHEREAS, this amendment is consistent with the City's certified Local Coastal Program; and

WHEREAS, this amendment shall take effect immediately upon certification by the California Coastal Commission if approved as submitted. If the California Coastal Commission certifies the amendment subject to conditions that change the nature of the amendment, final approval by the Trinidad City Council shall be required prior to the amendment taking effect; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Trinidad, that City staff is directed to apply to, and work with, the California Coastal Commission for approval of this Local Coastal Program amendment.

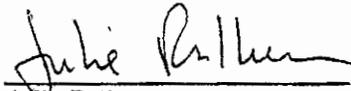
PASSED, APPROVED, AND ADOPTED by the City Council of the City of Trinidad on Wednesday, October 08, 2014 by the following vote:

AYES: West, Miller, Fulkerson, Baker, Davies
NAYS: None
ABSENT: None
ABSTAIN: None

Attest:



Gabriel Adams
Trinidad City Clerk



Julie Fulkerson
Mayor

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

1385 8TH STREET • SUITE 130

ARCATA, CA 95521

VOICE (707) 826-8950

FAX (707) 826-8960

**W9b****MEMORANDUM**

Date: March 9, 2015

To: Commissioners and Interested Persons

From: Charles Lester, Executive Director
Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
James R. Baskin AICP, Coastal Planner

Subject: Addendum to Commission Meeting for Wednesday, March 11, 2015
North Coast District Item W9a, LCP Amendment Application LCP-1-TRN-14-0846-1 (Vacation Dwelling Units Ordinance)

Since publication of the staff recommendation on February 25, 2015, correspondence has been received relating to the City of Trinidad's proposed Vacation Dwelling Unit ordinance. After reviewing this correspondence, staff continues to believe that the LCP amendment qualifies as a minor amendment.

The correspondence raises concerns regarding the "one vacation rental unit per parcel" limitation that is proposed by the ordinance submitted for certification. As indicated in the attached email, Michael Reinman, one of the vacation rental unit proprietors, asserts that the City intended to allow for multiple vacation rental units per parcel in apartment buildings, notwithstanding the per-parcel limit stated elsewhere. The VDU proprietor is seeking that additional language be added to the ordinance to clarify that the one-VDU-per-parcel limitation is intended to be applied solely to single-family residential settings where the letting of both a primary and secondary dwelling units would be problematic from a neighborhood character and compatibility perspective.

Commission staff has reviewed Mr. Reinman's concerns and, based upon a comprehensive reading of the ordinance language believes the one VDU limitation per parcel would apply to all properties regardless of the number and character of residential units developed on a particular parcel. Notwithstanding the limitation to preclude multiple VDUs on one parcel, the restriction would neither negatively affect the availability of lower-cost vacation rentals within Trinidad, nor preclude the offering of residences as vacation dwelling units by others elsewhere in the City: There are currently 41 to 43 residential dwellings in Trinidad being offered as vacation

rentals on a less than monthly basis. Additionally, there are numerous other qualifying properties within the City with residences that could be offered as short-term vacation rentals to visitors. Accordingly, staff believes the LCP amendment as submitted by the City is consistent with, and adequate to carry out, the provisions of the land use plan with respect to allowing for development of lower-cost visitor serving accommodations while protecting coastal resources and maintaining community character. Moreover, staff continues to believe that the LCP amendment qualifies as a minor amendment.

The City of Trinidad staff has indicated that the City Council will be considering Mr. Reinman's concerns regarding the language of the ordinance at a special meeting on the evening of Monday, March 9, 2015. During this meeting, the City may: (1) rescind the submitted ordinance and withdraw submission of the LCP amendment to revisit the wording of the per-parcel limitation; (2) affirm that the one vacation rental unit per-parcel limitation is intended to apply to all situations and urge the Commission to certify the ordinance as submitted; (3) decide to request a postponement of Commission action on the amendment to allow time to more fully consider the raised concerns; or (4) take no action. At the Commission meeting, the staff will update the Commission on the action taken by the City Council.

Options for the Commission

If the City Council acts to rescind the ordinance and withdraw its submission of the LCP amendment, the LCP amendment will be removed from consideration by the Commission.

If the City doesn't withdraw its submission of the LCP amendment, the Commission will continue to need to decide whether to concur with the Executive Director that the amendment is minor and allow the amendment to be approved, or to process the amendment as a major LCP amendment and reschedule it for a full public hearing at a later date. In the latter event, the Commission will need to extend the deadline for action on the amendment by adopting the motion below.

If the City of Trinidad either takes no action or requests after its Monday night meeting that the Commission postpone action to provide the City additional time to consider the concerns raised over the VDU ordinance's provisions and if the Commission wishes to grant either the City or staff's request for a postponement, the Commission will need to extend the deadline for Commission action by adopting the motion below.

Extending Time Limit for Action

Coastal Act section 30517 and section 13535(c) of the Commission's administrative regulations provides for the Commission to, for good cause, postpone and extend time limits for required action on an LCP amendment for a period not to exceed one year, after consultation with the affected local government, by a majority vote of the commissioners present. Should the Commission wish to defer action on the subject LCP amendment, staff recommends that the Commission vote to extend the deadline for Commission action for one year by passage of the following motion:

Motion:

I move that the Commission extend the time limit to act on City of Trinidad Local Coastal Program Amendment No. LCP-1-TRN-14-0846-1 for a period of one year.

If the Commission wishes to extend the deadline for action, staff recommends a **YES** vote. Passage of this motion will result in a one year extension of the period in which the Commission must act on the proposal, changing the deadline for Commission action from March 16, 2015 to March 16, 2016. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

Attachment: Email from Michael Reinman, dated March 1, 2015, received March 2, 2015

From: [Mike Reinman](mailto:Mike.Reinman)
To: [Merrill, Bob@Coastal](mailto:Merrill.Bob@Coastal)
Cc: [Baskin, Jim@Coastal](mailto:Baskin.Jim@Coastal)
Subject: Trinidad VDU Ordinance Interpretation & Modifications
Date: Sunday, March 01, 2015 5:40:13 PM

Dear Mr. Merrill,

We would like to begin by stressing that we very much support the passage and implementation of a Vacation Dwelling Unit Ordinance for Trinidad. Hopefully in the near future other local cities and the County of Humboldt can use the Trinidad VDU Ordinance as a model. However, the last-minute insertion of the "one VDU per parcel" language has critical, unintended consequences to a property that we own as well as one other existing VDU property in the city.

The last time the ordinance was discussed by the Trinidad City Council, prior to the two public readings which took place at the October & November 2014 meetings, was at the April 8, 2014 meeting which I attended. It was an excellent, productive meeting. Per the public minutes of the meeting in regards to the VDU Ordinance discussion, one council member had commented that he thought that, in the case where a single family residence had an Additional Dwelling Unit, (ADU), only one of the units should be used as a VDU. (It is interesting to note here as well, that because the council member is speaking of his neighbor's property, he should have recused himself from the discussion altogether). However, there was not a consensus on that point, nor did the council direct city staff to add wording that would limit each parcel in the city to one VDU. Had this wording been discussed by the public attendee's at the meeting, as well as the council, the issue would have been contested at that time, and not included in the ordinance before you. Mistakenly, the city planner did add that to the ordinance draft that was put to the council 7 months later in the above mentioned October & November 2014 meetings. We did not attend those October and November meetings nor did we see a copy of that draft ordinance because we wrongly assumed (as did the council), the draft would have been representative of the will and intention of the city council, which it now clearly was not. Many of the city council members seem to have assumed the same, and therefore did not catch that significant divergence from their intention. In speaking with a number of elected city officials, it is clear that the intention of the Trinidad VDU ordinance was not to stop the 4-unit apartment building that we own at 651 Parker Street from operating as they are, and the consequence on the apartments was not brought up by anyone, including city staff, at that final council meeting. Nor was there agreement about stopping ADU's from being a second VDU on a property.

We have met with many of the neighbors who feel that using all of the apartments in our apartment building for vacation rentals is an appropriate use and they have not had problems with them, in fact on the contrary, they enjoy seeing the mix of vacationers enjoying the neighborhood. Many people in the community rent the apartments for family and friends when they are in town. The apartment vacation rentals are, for many, an opportunity for affordable access to the California Coastal town of Trinidad. Where else can you be in Trinidad proper, have ocean views, walk to our beaches, enjoy our shops and cafes, for a family of four for as little as \$95 per night? While we have guests from all of the world, many are from the inland towns and cities of California including Redding, Sacramento & Chico. We have quite a few guests that come back every year for multiple visits. Here is one comment from a guest from the Redding Area: "The Buoy Bell is a wonderful condo located in Trinidad. I have stayed in this condo several times and it has always been a pleasant experience. The management is awesome and I will continue to stay in this condo for years to come. This is like my home away from home!" We literally have hundreds of these types of reviews for those apartments. We have had tenants in those apartments for stays longer than a month and have found, in many cases, that there seems to be less impact with the shorter term stays (less than 30 days).

We do feel, however, that the definition of a VDU in the ordinance has enough ambiguity in it to allow the city to consider the apartment building as an exception. The section states the following: "Vacation Dwelling Unit means any structure, accessory structure, or portion of such structures, which is contracted for transient use. As used in this Section, the definition of VDU 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. VDU does not include home exchanges or a short-term rental one time in a calendar year." A legal opinion that we received on the matter stated the following: "The term "includes" is usually not a term of limitation. In other words, it basically means, "including, but not limited to." On the other hand, by expressly describing a "home or house," which an apartment building definitely is not, it could be inferred that the intention was aimed at single family type structures." The point by the City Council member who mentioned wanting just one VDU at single family residence had that same inference.

I would like to meet with you early this week and discuss this and get some clarity prior to the March 11th Coastal Commission hearing.

Sincerely,
Mike & Hope Reinman
89 E, 15th St, Arcata
(707) 496-8746

BCC: Trinidad City Council Members Julie Fulkerson, Dwight Miller, Jack West & Dave Winnett.