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The

DATE: May 19, 2017

TO: Commissioners and Interested Parties

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
Melissa B. Kraemer, Supervising Analyst

SUBJECT: **City of Trinidad LCP Amendment No. LCP-1-TRN-16-0065-1 (Short Term Rentals)** For the Commission meeting of June 8, 2017 in Arcata

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **approve** the proposed City of Trinidad LCP Amendment No. LCP-1-TRN-16-0065-1 as submitted. No modifications are necessary because the proposed amendment to the Implementation Plan (IP), as submitted, conforms with and is adequate to carry out the provisions of the certified Land Use Plan (LUP). The motions to accomplish this recommendation are found on [Page 4](#) of this staff report.

LCP Amendment No. LCP-1-TRN-16-0065-1, also known as the City of Trinidad’s Short Term Rental (STR) ordinance, would amend the City’s certified IP to (1) delete the previously certified Vacation Dwelling Unit (VDU) regulations¹ ([Exhibit 8](#)) and add new regulations for Short Term Rentals to the same section (Section 6.26, also referred to as Section 17.56.190) ([Exhibit 7](#)); and (2) delete from Section 6.06 (Section 17.56.060) the allowance for rooming and boarding of up to two tourists as a type of “Home Occupation” permitted as an accessory use to any dwelling.

The proposed new STR regulations provide for three different types of STR licenses: Full-time, Resident, and Homeshare to be located in all zoning districts of the City in legally established residences (see [Exhibit 3](#), land use and zoning map). A Full-time STR must be rented for a minimum of 60 days per year. A Resident STR may be operated for up to 59 nights per year and must be located in a homeowner’s primary residence.² For both Full-time and Resident STRs, the owner does not have to be present while the STR is rented. A Homeshare STR allows for the rental of a bedroom in a primary residence with the requirement that the homeowner be present on site during nighttime hours.

¹ The Commission certified the City of Trinidad’s Vacation Dwelling Unit ordinance (LCP-1-TRN-14-0846-1) as a minor IP amendment on 3/11/15: <https://documents.coastal.ca.gov/reports/2015/3/w9b-3-2015.pdf>

² The regulations define Primary Residence as “the dwelling owned and occupied as the owner’s principal place of residence, where the homeowner lives more than 50% of the year. The County’s homeowners’ property tax exemption form shall be the preferred documentation of Primary Residence status. A person can only have one primary residence at a time.”

Although the City’s ordinance would establish caps in certain zones for Full-time STR licenses set slightly below the current number of existing active vacation rental licenses, staff believes the proposed caps are consistent with and adequate to carry out the certified LUP for various reasons, including, in part, the following: (1) there is evidence that the existing STRs operating in Trinidad are not operating at maximum occupancy rates (see Exhibit 6 and Appendix B); (2) there are no caps applied to Homeshare licenses, no caps on Resident licenses in the Suburban Residential zone, and no caps of any kind for STR licenses in other zoning districts; and (3) the cap for the combined total of Full-time and Resident licenses in the Urban Residential (UR) zone (25) is set slightly higher than the number of existing active licenses in the UR zone (22), potentially allowing for some growth in the number of vacation rentals over time. Staff believes that the regulations proposed include adequate requirements to protect the integrity of onsite septic systems from potential misuse from STR operations, ensure that STRs don’t impact the availability of street parking, and protect ESHA consistent with the requirements of the certified LUP. The proposed amendment to the City’s certified IP also will protect the unique character of the city as a “single family owner occupied fishing village” as required by the LUP. As such, staff recommends that the Commission **approve** LCP-1-TRN-16-0065-1 **as submitted**.

DEADLINE FOR COMMISSION ACTION

The City submitted LCP-1-TRN-16-0065-1 to the Commission on November 22, 2016. After the submittal of additional information requested by Commission staff, the amendment proposal was deemed complete on February 15, 2017. At the March 9, 2017 hearing, the Commission granted a one-year time extension to act on the subject amendment pursuant to Coastal Act Section 30517. The deadline for Commission action on the proposed IP amendment application is April 16, 2018.

ADDITIONAL INFORMATION

For further information, please contact Melissa Kraemer at the Commission’s North Coast District Office in Arcata at (707) 826-8950. The proposed amendment to Trinidad’s Implementation Plan is available for review at the Arcata Office upon request.

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EXHIBITS

[Exhibit 1 – Regional Location Map](#)

[Exhibit 2 – California Coastal Records Project Photos](#)

[Exhibit 3 – Land Use and Zoning Map](#)

[Exhibit 4 – Map of existing vacation rental licenses](#)

[Exhibit 5 – STR restrictions in the UR zone](#)

[Exhibit 6 – Comparison of vacation rental occupancy rates in different coastal cities](#)

[Exhibit 7 – Proposed IP Text Amendments \(Ordinance No. 2016-03\)](#)

[Exhibit 8 – Existing Vacation Dwelling Unit regulations to be deleted \(Ordinance No. 2014-01\)](#)

[Exhibit 9 – Resolution of Transmittal of IP Amendment](#)

I. MOTION, RECOMMENDATION, & RESOLUTION

A. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

Motion:

I move that the Commission reject Implementation Plan Amendment No. 1-LCP-TRN-16-0065-1 as submitted by the City of Trinidad.

Staff recommends a **NO** vote on the foregoing motion. Failure of this motion will result in certification of the Implementation Plan Amendment No. LCP-1-TRN-16-0065-1 as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to certify the implementation plan amendment as submitted:

The Commission hereby certifies the City of Trinidad Implementation Plan Amendment LCP-1-TRN-16-0065-1 as submitted and adopts the findings set forth below on grounds that the Implementation Plan amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)

The Commission may suggest modifications... (Section 30513)

The standard of review for the proposed amendment to the Implementation Plan (Zoning Ordinance) of the City of Trinidad certified Local Coastal Program, pursuant to Section 30513 and 30514 (regarding amendments) of the Coastal Act, is whether the Implementation Plan (IP) would be in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the City of Trinidad's certified Local Coastal Program (LCP).

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City Planning Commission held public hearings on the subject of this amendment request on November 4, 2015; December 3, 2015; January 20, 2016; February 4, 2016; February 17, 2016; March 16, 2016; April 20, 2016; May 5, 2016; May 18, 2016; May 31, 2016; June 15, 2016; June 20, 2016; June 30, 2016; July 7, 2016; July 20, 2016; and August 2, 2016 (joint meeting with City Council). Additional public hearings were held with the ad hoc vacation rental subcommittee (consisting of two city council members) on July 14, 2015; August 10, 2015; and August 31, 2015. The City Council held public hearings on the subject of this amendment on June 30, 2015; September 9, 2015; February 10, 2016; August 2, 2016 (joint meeting with Planning Commission); August 10, 2016; August 23, 2016; September 14, 2016; October 7, 2016; November 1, 2016; and November 9, 2016. The hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that a LCP Amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, the City's Resolution of Transmittal of the LCP amendment to the Commission for certification states that it will take effect immediately. Therefore, if the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary. Should the Commission certify the LCP amendment subject to conditions that change the nature of the amendment, final approval by the Trinidad City Council will be required prior to the amendment taking effect. Should the Commission deny the LCP Amendment as submitted without suggested modifications, no further action is required by either the Commission or the City, and the LCP amendment is not effective.

III. FINDINGS FOR APPROVAL OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

The following findings support the Commission's approval of the proposed Implementation Plan Amendment as submitted. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

LCP Amendment Application No. LCP-1-TRN-16-0065-1, also known as the City of Trinidad's Short Term Rental ordinance ([Exhibit 7](#)), would amend the City's certified Implementation Plan

(IP) to (1) delete the previously certified Vacation Dwelling Unit (VDU) regulations and add new regulations for Short Term Rentals to the same section (Section 6.26, also referred to as Section 17.56.190); and (2) delete from Section 6.06 (Section 17.56.060) the allowance for rooming and boarding of up to two tourists as a type of “Home Occupation” permitted as an accessory use to any dwelling. The City’s adopted STR ordinance is included as [Exhibit 7](#). A comparison of the proposed STR regulations with the existing vacation rental regulations in the City is shown in Table 1 below.

Property owners wishing to have an STR must obtain an STR license from the City, but no CDP would be required. As proposed under the ordinance, STRs are limited to occupancy of legally established residences by tourists for dwelling, lodging, or sleeping purposes, which by definition, comprises a residential use.

The proposed new STR regulations define STRs as the rental of any dwelling, in whole or in part, to any person(s) for up to 29 consecutive days, not including (1) bed and breakfast establishments, (2) month-to-month tenancy granted to the same renter for the same dwelling, (3) a house exchange for which there is no payment, and (4) one less-than-30-day rental per year. The regulations provide for three different types of STR licenses: Full-time, Resident, and Homeshare. A Full-time STR must be rented for a minimum of 60 days per year. A Resident STR may be operated for up to 59 nights per year and must be located in a homeowner’s primary residence.³ For both Full-time and Resident STRs, the owner does not have to be present while the STR is rented. A Homeshare STR allows for the rental of a bedroom in a primary residence with the requirement that the homeowner be present on site during nighttime hours. The Homeshare STR is similar to the existing LCP allowance for “rooming and boarding of not more than two persons, including tourists” as a type of “Home Occupation” principally permitted as an accessory use in several zones. One component of the proposed IP amendment as submitted is to delete rooming and boarding as a type of Home Occupation permitted as an accessory use to any dwelling,⁴ since the proposed regulations for Homeshare STR licenses would effectively serve the same function, subject to more detailed standards and restrictions than currently allowed under the Home Occupation provisions of the LCP.

Under the proposed regulations, the City would allow STRs throughout the City in any legally established dwelling in any zoning district (see [Exhibit 3, land use and zoning map](#)). However, there would be caps on the maximum number of Full-time licenses allowed in the Urban Residential (UR) and Suburban Residential (SR) zoning districts, and a cap on the maximum number of Resident licenses in the UR zoning district with a maximum of nineteen (19) Full-time STRs and six (6) Resident STRs in the UR zone and not more than six (6) Full-time STRs in the SR zone.⁵ The Planning Commission may approve exceptions for additional Resident STR licenses in the UR zone beyond the specified caps. There would be no caps for Resident STRs in

³ The regulations define Primary Residence as “the dwelling owned and occupied as the owner’s principal place of residence, where the homeowner lives more than 50% of the year. The County’s homeowners’ property tax exemption form shall be the preferred documentation of Primary Residence status. A person can only have one primary residence at a time.”

⁴ Other types of Home Occupations included under Section 6.06 (Section 17.56.060) include, but are not limited to, sewing, music studios, art studios, home and health care product distributors, and bookkeeping.

⁵ As discussed in Finding III-C below, these caps equate to 20% of the developed housing stock in the UR zone (for both Full-time and Resident STR licenses combined) and approximately 18% of the developed housing stock in the SR zone (not including second units in any case).

the SR zone, no caps for Homeshare STRs in any zoning district, and no STR caps of any kind for the other zoning districts.⁶ The regulations include procedures for establishing and administering a wait list and lottery for those seeking to obtain STR licenses in zones with STR license limits.

In addition to the above density restrictions in the UR zone, there also would be distance restrictions on certain types of STRs in the UR zone. No new Full-time or Resident STR licenses may be obtained for properties that share a property boundary with another property in the UR zone that maintains an active STR license. This location restriction would not apply to Homeshare STRs in the UR zone.

The proposed regulations include various standards for STRs related to noise, number of occupants, visitors, parking, water usage, septic systems, signs, and other standards. In terms of occupancy, the regulations generally provide for STRs to accommodate up to two persons per bedroom, plus two additional people (e.g., a two-bedroom rental could be rented to a maximum of six occupants). In the UR zone on lots less than 10,000 square feet in size (which is approximately 70% of the lots in the UR zone, [Exhibit 5](#)), the number of occupants is restricted to not more than two persons per bedroom total (e.g., a two-bedroom rental could host a maximum of four occupants). As defined in the proposed regulations, the term “occupant” does not include the host, owner, guest, long-term tenant, or up to two children aged 12 or under.

In addition, the proposed regulations include a requirement that the ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is continuing to meet the needs of the community.

Finally, the proposed regulations include provisions for the continuing operation of existing STRs (licensed prior to the date of these regulations); licensing requirements and procedures, including limitations on license transferability; standards for taxes, audits, inspections, and dispute resolutions; and procedures for addressing violations of STR regulations. With respect to enforcement, the proposed IP amendment as submitted encourages compliance with STR regulations by including several tools for the City to efficiently enforce STR regulations, including the ability for the City Manager to (1) impose administrative penalties of up to \$1,000/day for each continuing violation; (2) place properties on a Watch List indicating that the STR warrants a higher level of oversight, scrutiny, review, or monitoring and which may affect license renewal determinations; (3) impose special conditions or performance standards for owners, agents, and affected STRs; and (4) revoke licenses if the STR is found to be negligent in responding to a complaint more than twice in a 12-month period, or if more than two documented “significant violations” occur in any 12-month period. The definition of “significant” has been expanded from the existing VDU regulations to include, in part, situations where the local contact person is either unable or unwilling to rectify the situation within 30 minutes and/or when public safety personnel must be called to assist in resolving the situation.

⁶ The zoning districts in the City where dwellings are principally permitted include Urban Residential (UR), Suburban Residential (SR), and Planned Development (PD) zones, and the districts where dwellings are conditionally permitted include the Special Environment (SE), Visitor Services (VS), and Commercial (C) zones. There also are a couple of existing legal nonconforming dwellings in the Public and Religious (PR) zoning district where new STRs could be established under the proposed regulations.

B. BACKGROUND

1. Environmental setting

The City of Trinidad is the smallest incorporated city on the California coast, with a total area of less than one square mile and a population of approximately 350 residents. Trinidad is situated on a coastal bluff in northern Humboldt County, approximately 15 miles north of Arcata and 7 miles north of the California Redwood Coast-Humboldt County Airport, one of two commercial service airports on the North Coast (the other being the Del Norte County Regional Airport approximately 65 miles north of Trinidad) ([Exhibits 1-2](#)). The City lies almost exclusively within the Coastal Zone.⁷ Trinidad is renowned for its spectacular coastal views and abundance of recreational amenities, including public beach access, recreational and commercial fishing access, hiking trails, and sightseeing opportunities. In addition, the city has significant Native American cultural and historic resources, including one of the largest ancestral villages of the Yurok Tribe (the site of the Tsurai village along the bluff and beach areas south of Edwards Street).

Trinidad has the unique distinction of having the oldest certified LCP in the state, originally certified on July 9, 1980. The City's harbor area, which includes 10 acres of land between Trinidad Head and Van Wycke Street, is an area of deferred certification (ADC). To date the LCP has not been comprehensively updated, though the City is working on an update, including certification of its ADC, funded in part by an LCP grant awarded to the City by the Commission in 2015.

Trinidad Head, a rock headland within the city boundary, is a designated California Historical Landmark with public hiking trails that afford prominent unobstructed views in every direction, including to surrounding sea stacks that are part of the California Coastal National Monument (CCNM). As part of the 2016 CCNM Expansion Act, 13 acres of land on Trinidad Head, including an historic lighthouse dating to 1871, was added to the CCNM system. The Pacific Ocean surrounding Trinidad Head is a state-designated Area of Special Biological Significance (ASBS) due to the presence of extensive kelp beds. Trinidad Bay, a natural bay, has seasonal marina facilities (a mooring field, vessel haul-out/launch facilities, and pier facilities) that are important commercial and recreational fishing resources in the region.

Other significant landmarks/points of interest and visitor-serving facilities in and around the City include a memorial lighthouse honoring fishermen lost at sea, the Holy Trinity Church (built in 1873), several restaurants and commercial shops including a smokehouse and fish market, art galleries, wineries/tasting rooms, and Humboldt State University's Fred Telonicher Marine Laboratory, a center for marine and environmental science teaching and research that includes a public aquarium and public educational programs. Trinidad State Beach, a popular park for hiking, picnicking, beachcombing, and surfing access, abuts the City boundary to the north. The Cher-Ae Heights Indian Community of the Trinidad Rancheria lies adjacent to the City's southeastern boundary and includes several visitor-serving amenities (e.g., restaurant, lounge, and casino). Other popular tourist destinations within an approximately 20-minute drive or less from Trinidad include several popular county, state, and national parks and recreation areas, including Redwood National Park, Humboldt Lagoons State Park, Big Lagoon County Park, Patricks Point State Park, Moonstone Beach County Park, and others. In addition to these

⁷ One portion of a single lot on the eastern side of the City extends outside of the coastal zone.

popular tourist destinations and visitor-serving amenities, there are several annual events in and around Trinidad (e.g., the Trinidad Fish Festival, the Trinidad to Clam Beach Run, Godwit Days, and others) that attract significant numbers of visitors from out of the area to the City.

2. History of vacation rental regulations in Trinidad

According to the City, the number of homes being used as vacation rentals has increased substantially over the past 15 years, from about 5% of all City dwellings maintaining vacation rental licenses in 2000 to up to 19% of the City’s developed housing stock maintaining licenses today. Beginning in 2005, in response to concerns raised by Trinidad citizens about the effects of unregulated vacation rentals on the City’s community character, civic life, public health, and general welfare, the City began discussing vacation rental regulations. The City first adopted a Vacation Dwelling Unit (VDU) ordinance in 2013 ([Exhibit 8](#)). Effectively certified by the Commission as a minor IP amendment in the spring of 2015, the VDU ordinance addressed issues related to parking, septic systems, noise, water usage, and guest behavior via increased licensing requirements and limitations on the number of guests that could be housed in a given unit.

The existing VDU ordinance includes no limits on the overall number of vacation rentals in the City (Table 1). In June of 2015, soon after effective certification of the City’s existing VDU ordinance, the City instituted a moratorium on the issuance of new VDU licenses (the moratorium expires on June 29, 2017). The purpose of the moratorium, as explained by the City, was to curtail the increasing trend of converting primary residences to full time VDUs until the City could revise its VDU ordinance to establish an overall cap on vacations rentals, as is proposed in the subject IP amendment. The City was concerned that having such a large proportion of its housing stock unavailable for Trinidad residents would result in fewer families with children in Trinidad Elementary School, fewer parents to serve on the school board, and fewer citizens available to serve in community organizations, staff the City’s Volunteer Fire Department, and participate in local government. Other significant concerns raised by the City in its action to institute the VDU license moratorium included traffic, noise, septic system capacity, housing availability, real estate prices, and neighborhood character.

Table 1. Comparison summary of existing certified VDU regulations to be deleted (Exhibit 7) and proposed STR regulations to be added (Exhibit 8) under this LCP amendment application.

	Existing certified VDU regulations	Proposed STR regulations to Replace Existing Regulations
Different Types of Licenses Available	No	Yes – Full-time, Resident, and Homeshare licenses.
Minimum Activity	The rental of a VDU shall not be for less than 2 successive nights.	Not less than 2 successive nights. Full-time STR rentals shall total at least 60 nights/year. Resident STRs not to exceed 59 nights/year.
Requirement that license be for a homeowner’s primary residence⁸	No	Yes for Resident and Homeshare STRs; No for Full-time STRs

⁸ “Primary residence” is defined in the proposed regulations as the dwelling owned and occupied as the owner’s principal place of residence, where the homeowner lives more than 50% of the year. A person can only have one primary residence at a time.

	Existing certified VDU regulations	Proposed STR regulations to Replace Existing Regulations
Cap on Number of Licenses	No	Yes – There may be no more than 19 Full-time and 6 Resident licenses in the UR zone (which equates to ~20% of developed lots in the zone for combined licenses) and no more than 6 Full-time licenses in the SR zone (equates to ~18% of developed lots in zone). ⁹ There are no caps on number of Homeshare licenses and no caps of any kind in other zones.
Waiting List and Lottery	None	As needed, the City will maintain a waiting list of property owners interested in obtaining a Full-time or Resident STR license in the UR or SR zone. The City will randomly draw a name from the waiting list when the number of active licenses falls below the specified cap for the zone. If the property does not meet the location standards (see below), another name will be drawn.
Limitations on Location	None	In the UR zone, no STR license may be issued for a lot that is adjacent to a property with an existing STR, unless an exception is approved by the Planning Commission (Homeshare STRs are excepted from this restriction).
No. of Licenses Allowed per Lot	1	>1 if an exception is approved by the Planning Commission (Homeshare licenses are exempt from this restriction).
Limitations on Number of Licenses per Owner	None	Yes – New Full-time or Resident STR licenses shall not be issued for a property in the UR or SR zone if the owner already holds another license, unless there are fewer than the maximum number of licenses allowed in the zone and no other names are on the waiting list
License Transferability	Yes – There currently are no limits on license transferability	Limited – The STR license shall be revoked when the permit holder sells or transfers the property, except for transfers between spouses and other limited exceptions.
Definition of Occupant	Excludes up to 2 children ages 5 and under	Excludes up to 2 children ages 12 and under. At least one occupant who stays overnight must be at least 25 years old and must sign the Good Neighbor Contract.
Number of Occupants Allowed	Maximum of 2 persons per bedroom plus 2 additional people (e.g., a 2-bedroom VDU may have a maximum of 6 occupants)	Maximum of 2 persons per bedroom plus 2 additional people, including any hosts, residents, tenants, and caretakers living onsite while the dwelling is rented as an STR. In addition, on lots less than 10,000 square feet in size in the UR zone (which is ~70% of the total lots in that zone), the maximum occupancy

⁹ There currently are 27 VDU licenses in the UR zone (approximately 22% of developed lots in the UR zone) and six licenses in the SR zone (approximately 18% of the developed lots in the SR zone) The City only considers 22 of the 27 licenses to be “active,” and according to the City, all but two of those are functioning as full-time vacation rentals, and all would be eligible for renewal under the proposed regulations. No new Full-time STR licenses will be issued in the UR or SR zones until the number of active licenses falls below the specified caps. The proposed regulations allow for the Planning Commission to approve additional (beyond the cap) Resident STR licenses in the UR zone through the exception application process.

	Existing certified VDU regulations	Proposed STR regulations to Replace Existing Regulations
		is 2 people per bedroom (e.g., a 2-bedroom STR may have a total of 4 occupants, including any hosts, residents, tenants, and caretakers living onsite while the dwelling is rented).
Number of Visitors Allowed	Not more than 20 persons, including occupants, per lot at any time. Visitors may not stay overnight on the premises.	Not more than the allowable occupancy of the STR at any time (e.g., if the maximum occupancy is 6, then no more than 6 visitors are allowed), up to a maximum of 20 combined occupants and visitors on the premises at any time. Visitors are not allowed on site between 11:00 p.m. and 7:00 a.m.
Good Neighbor Brochure and Contract	Brochure yes, contract no. The Brochure is prepared by the City and approved by the City Manager and summarizes general rules of conduct, parking, noise, and minimizing disturbance to neighbors and ESHA.	Yes – Good Neighbor Contract prepared by the City and approved by City Manager summarizing general rules of conduct, parking, noise, and minimizing disturbance to neighbors and ESHA. Contract also includes specifications for maximum occupancy and visitors. Good Neighbor Brochure is a summary of the Contract posted inside the STR in a prominent location. The Responsible Person (occupant) is required to sign the contract.
Inspections and Code Compliance	None required to obtain a VDU license	At the time of application for a new STR, the dwelling shall be subject to inspection by the City to determine conformance with City regulations. Prior to issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform with applicable codes. The STR owner or manager must maintain an occupant and vehicle register for each tenancy that includes the names and license plate numbers for all occupants. Guest registry must be available for inspection on request.
Code Violations	Punishable either as infractions or misdemeanors requiring court conviction to impose penalties. City also can enforce regulations by way of nuisance abatement.	Same as existing. In addition, the City Manager may (1) impose administrative penalties of up to \$1,000/day for each continuing violation; (2) place properties on a Watch List (where STRs “warrant a higher level of oversight, scrutiny, review, or monitoring”); and (3) impose special conditions or performance standards for owners, agents, and affected STRs.
Revocation	License may be revoked ¹⁰ if negligent in responding to <u>emergency situation</u> more than twice in a 12-month period, or if more than two documented “significant violations” ¹¹ occur in 12 months.	License may be revoked if negligent in responding to a <u>complaint</u> more than twice in a 12-month period, or if more than two documented “significant violations” occur in any 12 months (“significant” is expanded to include, in part, situations where local contact person is either unable or unwilling to rectify the situation within 30 minutes and/or when public safety personnel must be called to assist).

¹⁰ Revocations shall be decided by the City Council. Revocation may be temporary or permanent.

¹¹ Under the existing VDU regulations, “significant violations” include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement.

C. CONSISTENCY ANALYSIS

To approve the amendments to the Implementation Plan (IP), the Commission must find the IP, as amended, conforms with, and is adequate to carry out, the provisions of the Land Use Plan (LUP) pursuant to Section 30513 of the Coastal Act. As explained in the Findings below, the proposed IP amendment is in full conformity with, and would adequately carry out, the policies of the LUP.

1. Visitor-serving accommodations in and around Trinidad

The Commission has found that short term vacation rentals, including those in residential areas, can provide an important visitor serving asset. They can increase public access to the coast, opening up a trip to the coast for many families that might not otherwise be able to afford more expensive hotel options. In addition, they can provide local jurisdictions with increased revenues.

The City's certified LUP includes few policies related to visitor-serving facilities. This may be because lands designated and zoned for commercial and visitor serving uses are relatively limited in the City ([Exhibit 3](#)). Other than one licensed bed and breakfast and one RV park,¹² there are no overnight lodging facilities, such as hotels or motels, within the City limits. Thus, residential vacation rentals are the principal source of overnight accommodations within the City limits. The certified LCP allows for "rooming and boarding of not more than two persons, including tourists" as a type of Home Occupation permitted as an accessory use to any dwelling in several residential zoning districts¹³ (emphasis added):

47. Only single family residences should be permitted in the Urban Residential, Suburban Residential, Rural Residential, and General Rural categories.
53. Except as provided in the discussion of commercial development, commercial uses in residential areas of the city and county should be limited to home occupation is where the activity is confined to the residence or accessory building and signs are kept to a minimum. Storage of crab pot, fishing boats, campers, and trailers within required yard areas should be allowed provided visibility at street intersections and access to the perimeter of the building is not hampered.

Section 17.56.060 [Sec. 6.06] of the IP lists several specified standards for Home Occupations, including rooming and boarding, related to employees, signs, noise, and traffic (emphasis added):

Home occupations, including but not limited to sewing, music studios, art studios, home and health care product distributors, bookkeeping, rooming and boarding

¹² Trinidad Bay Bed and Breakfast has four rooms that can accommodate two to four persons per room rented for an advertised cost of \$200-\$350/night. In addition to RV spaces, Hidden Creek Villas and RV Park offers five "villas" accommodating 1-5 people advertised at \$99-\$169/night.

¹³ Home occupations are principally permitted in the Special Environment, Suburban Residential, Urban Residential, Visitor Services, and Planned Development Zoning Districts.

of not more than two persons, including tourists, shall be permitted as an accessory use to any dwelling, subject to the following conditions:

1. No employees other than members of the resident family;
2. Not more than one sign not to exceed 3 square feet in area and attached to the dwelling;
3. No outside display of merchandise;
4. Electrical motors only, and not to exceed a total of one horsepower;
5. No radio or television interference or noise audible beyond the boundaries of the site;
6. No significant increase in automobile, traffic over normal residential use and no trucks of greater than three-quarter ton on the site.

In addition, LUP Appendix A describes the various land use categories in the City. Lands designated Urban Residential (UR), Suburban Residential (SR), and Planned Development (PD) comprise most the developed and developable lands in the City, described as follows (emphasis added):

The Suburban Residential category is intended to provide for variable density, single family residential development where public water systems are available or will be available in the near future. Densities which are likely to strain the physical capacity of the land should only occur when public sewers and water supply are available.

The Urban Residential category provides areas for intensive residential development. These areas are served by public water systems, public sewers are available or soil conditions have a demonstrated capability to support septic tank systems at the allowable density. Nearby areas designated for commercial uses provide Urban Residential areas with necessary commercial services. Unobtrusive home occupations and limited rooming and boarding of non-related residents or visitors may be appropriate.

...

The Planned Development category identifies areas that are: (1) essentially residential where limited commercial activities may be appropriate subject to special integrating design; or, (2) sites which, because of their location, are suitable for one or more types of uses but where considerable design flexibility is needed to adapt the use to the site and to the surrounding areas. In addition to allowing the types of housing prescribed in the Housing Element the Planned Development category may include visitor accommodations and services, commercial uses, and recreational uses consistent with the residential character of the city and the natural and scenic features of the site and overall surroundings...

Prior to certification of its existing VDU ordinance in the spring of 2015, the City had not regulated residential vacation rentals, despite many homeowners renting out entire homes as short-term vacation rentals. As discussed above in the Background Finding, according to the City, the number of homes being used as vacation rentals in Trinidad has increased substantially

over the past 15 years, from about 5% of all City dwelling units in 2000 to about 15% of the City’s developed housing stock today. Only a few months after certification of the City’s VDU ordinance, out of concern that the trend of residence conversion to full-time vacation rental would continue to increase unchecked, the City Council adopted a temporary moratorium on acceptance of new license applications for operating a VDU.

The City’s current housing stock consists of a total of approximately 205 dwelling units (not including mobile homes or second units) located in seven land use zones, with approximately 35 undeveloped residential lots within the City with the potential to accommodate new residential development in the future. The number of existing VDU licenses in each zone is shown in Table 2 below.

Table 2. Summary of the City of Trinidad’s housing stock, existing vacation rental licenses, and proposed new license caps in each zone. Figures derived from the City’s 2014 draft Housing Element and City planning staff. Exhibit 3 shows land use zones throughout the city.

Land Use Zones where dwellings occur¹⁴	Approximate number of lots developed with at least one dwelling¹⁵	Number of existing vacation rental licenses¹⁶	Density restrictions (caps) on STR licenses under proposed IP amendment	Percentage of developed housing stock that proposed STR caps represent
Urban Residential	124 (10)	27 ¹⁷	Full-time: 19 Resident: 6 Homeshare: no cap	~20% (including Full-time & Resident)
Suburban Residential	34 (22)	6	Full-time: 6 Resident: no cap Homeshare: no cap	~18%
Planned Development	21 (3)	0	No caps on STR licenses of any kind in these zones	N/A
Commercial	5 (0)	2		
Visitor Services¹⁸	2 (0)	0		
Public and Religious	2 (0)	0		
Special Environment	1 (0)	0		

As described above, under the proposed regulations, the City would allow STRs throughout the City in any legally established dwelling in any zoning district, but there would be caps on the maximum number of licenses allowed in the UR and SR zones. These two zoning districts

¹⁴ “Single family dwelling” is principally permitted in the Urban Residential, Suburban Residential, and Planned Development zones and conditionally permitted in the Commercial, Visitor Services, and Special Environmental zones. “Second dwelling unit” (including duplex, guest house, or servant’s quarters) is conditionally permitted in the SR zone. “Guest House” (no kitchen) is conditionally permitted in the UR zone.

¹⁵ The numbers in parentheses indicate the approximate number of undeveloped lots in the zone with residential development potential. Accessory dwelling units (ADUs) also occur on some developed lots. There are at least 15 known ADUs in the UR zone, six in the PD zone, and two in the SR zone.

¹⁶ Existing VDU licenses do not differentiate between different types of vacation rentals as the proposed new STR regulations do, but according to the City, all the existing licenses except for two are being operated as the equivalent of Full-time STRs.

¹⁷ According to City staff, although there have been 27 licenses issued for vacation dwelling units in the UR zone, but only 22 of those are considered “active” (i.e., reported any rental income in 2015)

¹⁸ The number of dwellings in the Visitor Services zone does not include the approximately 37 mobile home spaces in the City.

contain over 80% of the lots in the City, including the greatest density of small lots in the heart of the town and the majority of the lots with residential development potential on the east side of town. The proposed caps equate to approximately 20% of the developed housing stock in the UR zone (considering both Full-time and Resident licenses) and approximately 18% of the developed housing stock in the SR zone. Considering full build-out of the City (i.e., assuming all remaining undeveloped lots are developed with residences in the future), the proposed license caps for Full-time licenses will (assuming caps remain fixed) eventually be equal to approximately 14% of the housing stock in the UR zone and 11% of the housing stock in the SR zone. Although the City's proposed caps for Full-time licenses are set slightly below the current number of existing active vacation rental licenses in the UR zone (22) and are equivalent to the number of existing licenses in the SR zone (6), the Commission finds these caps are consistent with and adequate to carry out the certified LUP for several reasons.

First, there is evidence that the existing STRs operating in Trinidad are not operating at maximum occupancy rates. As seen in [Exhibit 6](#), the occupancy rates for vacation rentals in the Trinidad region (including STRs both in the City and outside the City in the surrounding area) are not maximized for the majority of the year and generally are lower than other coastal cities with STR density restrictions certified by the Commission.¹⁹ (The three regions used for comparison with Trinidad – Santa Cruz, San Luis Obispo, and Carpinteria – all have certified LCPs with STR density limits). The vacation rental occupancy data show that even during the overall peak occupancy time for STRs in the Trinidad region (mid-summer), many STRs in the region (e.g., those in the 50th percentile or below) have an occupancy rate of less than 50%, which is significantly lower than the occupancy rates for similar categories of STRs in other coastal cities during those cities' peak periods. The vacation rental occupancy data also indicate that the peak rental period for STRs is more limited in the Trinidad region (a short time in July) than in the comparison regions shown in Exhibit 6. In addition, as summarized in Table 3 ([Appendix B](#)), an assessment of STR vacancies within the City during peak rental periods in the summer (including Memorial Day weekend, the days around the 4th of July, and Labor Day weekend) found that existing STRs in the City are not currently operating at peak occupancy rates. Thus, there is substantial evidence that the proposed caps will adequately protect visitor serving, community character and public access and recreation opportunities consistent with the certified LUP.

Second, there are no caps applied to Homeshare licenses in the UR or SR zones, no caps on Resident licenses in the SR zone, and no caps of any kind for STR licenses in other zoning districts.

Third, the cap for the combined total of Full-time and Resident licenses in the UR zone (25) is set slightly higher than the number of active licenses in the UR zone (22), potentially allowing for some growth in the number of vacation rentals over time. Because the proposed new regulations require a minimum activity threshold for Full-time STR licenses (Full-time STRs must be rented for a minimum of 60 nights per year), and because licenses must be renewed annually, those STRs operating under Full-time licenses that fail to meet the minimum activity

¹⁹ Information on occupancy rates obtained from <https://www.airdna.co/>. Other LCPs with STR density restrictions certified by the Commission include San Luis Obispo County (SLO-1-12 approved as submitted 11/13/13 and SLO-1-01 approved with suggested modifications 4/11/03), Santa Cruz County (SCO-1-11-Part 3 approved as submitted 7/13/11), and City of Carpinteria (LCP-4-CPN-16-0024-1 approved as submitted 12/8/16).

level will not be eligible for renewal.²⁰ The minimum activity requirement for Full-time licenses also will maintain a steady supply of visitor-serving lodging facilities in Trinidad, which is one of the most popular visitor destination points on the North Coast due to its spectacular coastal views, abundance of recreational amenities including beach access, surfing access, and hiking trails, fishing access, and proximity to several County, State, and National Parks and other popular tourist destinations. In addition, although there is a cap on the number of Resident STR licenses allowed in the UR zone, the Planning Commission may approve exceptions for additional Resident STR licenses above the cap.²¹ Moreover, the definition of an STR specifically excludes “one less-than-30-day rental per year,” which provides additional visitor-serving lodging opportunities throughout the City.

Fourth, there are additional visitor-serving lodging facilities available to serve visitors to the region within an approximately 5-mile drive of the City in the surrounding rural areas of the County, including cottages, vacation rentals, RV parks, and camping facilities. Within an approximately 5-mile drive of Trinidad in the surrounding rural areas, there are at least 76 cabins and rooms advertised as accommodating at least 140 people (assuming 2 persons per cabin or room) ranging in price from ~\$95-\$350/night. This total doesn't include residential vacation rentals in the surrounding unincorporated area of the County. There also are several camping facilities in this same region offering additional low-cost visitor accommodations.²² Furthermore, there is a Holiday Inn Express near the airport approximately 7 miles south of Trinidad as well as numerous motels and hotels in Arcata and Eureka located approximately 15-25 miles south of Trinidad.

Finally, the proposed regulations include a requirement that the ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, which will enable the caps to be reexamined if visitor accommodations are less available in the future.

In its consideration of the proposed ordinance, the City considered various alternatives to the proposed IP amendment as submitted including, but not limited to, alternatives involving (1) no caps (similar to the existing VDU regulations), (2) instituting a higher STR cap than proposed, and (3) instituting a lower cap than proposed. The City determined that not imposing any cap on the maximum number of STRs allowed in the City would be detrimental to community character, causing impacts to parking and public access, a loss of affordable housing, and difficulties with enforcement (discussed further in Finding IV-C-3 below). Instituting higher caps than proposed would increase the potential number of STRs in the City, though as discussed above, the demand for visitor accommodations will be met by the caps as proposed. Instituting a cap lower than the proposed caps (i.e., some number less than 19 Full-time and 6 Resident

²⁰ STR licenses shall be renewed annually. Renewals must be submitted by February 1. Although the renewal process includes a staff review of City records and other pertinent information specific to complaints, if any, that have been received about the particular STR, it is the intention of the City that there is a presumption that an application for renewal for an existing STR will be approved as long as all applicable standards are still met.

²¹ Exceptions may be granted subject to making findings that the proposed use will have no significant adverse environmental impact, or there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the actions may have on the environment (among other findings).

²² Camping options within a 10-mile drive of Trinidad include Humboldt Lagoons State Park, Big Lagoon County Park, Patricks Point State Park, and Clam Beach County Park.

licenses in the UR and SR zones respectively) would reduce the number of visitor accommodations below what currently exists and below that which may be needed to serve demand.

Therefore, the Commission finds that the proposed limitations on STRs adequately protect visitor-serving, community character and coastal access and recreation opportunities consistent with the certified LUP.

Responses to comments related to land use compatibility, caps, and enforcement issues

The Commission received several [comment letters](#) either opposed to or expressing concern with the proposed IP amendment and one comment letter (from the City Mayor) in full support of the amendment as submitted. Some of the issues of concern raised in the letters include the following: (1) the desire to phase STRs out of residential neighborhoods and instead relegate STRs to commercial and planned development zones only; (2) potentially allowing only “Primary Resident Only Rentals” in residential zones, whereby everyone would be allowed to rent out their home for a maximum of 90 days per year; (3) concern that the number of people being accommodated at STRs as being larger than the average family size of Trinidad residents and therefore an intensification of residential use that should necessitate a CDP; (4) opposition to the proposed caps and perceived unfairness of the distance restrictions in the UR zone; and (5) ineffective code enforcement to deal with STR violations.

As seen in Table 2 above, if STRs were allowed only in non-residential portions of the City and were phased out of residential neighborhoods entirely, the number of visitor-serving STRs in the City would diminish significantly. Lands designated and zoned for commercial and visitor serving uses are relatively limited in Trinidad ([Exhibit 3](#), and Table 2 above). Other than one licensed bed and breakfast and one RV park within the City limits, there are no overnight accommodations, such as hotels or motels. Thus, residential vacation rentals are the principal source of overnight accommodations within the City limits. The certified LCP has since its original certification in 1980 allowed for rooming and boarding of visitors in dwellings throughout the City as a type of principally permitted Home Occupation subject to standards regarding signage, noise, traffic, and other standards. In addition, both the UR and PD land use categories specifically recognize visitor accommodations as appropriate uses in residential areas compatible with those land use designations.

The alternative of allowing only “Primary Resident Only Rentals” in residential zones, whereby everyone would be allowed to rent out their home for a maximum of 90 days per year, would not adequately protect visitor-serving facilities as required by the LUP. As stated above, Trinidad’s LCP has since its original certification in 1980 allowed for rooming and boarding of visitors in dwellings throughout the City as a type of principally permitted Home Occupation subject to standards regarding signage, noise, traffic, and other standards. Under the maximum-90-day “Primary Resident Only Rental” alternative, visitor-serving lodging opportunities in the City would be greatly diminished below what currently exists and below that which may be needed to serve demand, as seen in Table 3 ([Appendix B](#)) and [Exhibit 6](#). According to City staff, all but two of the existing VDU licenses are functioning as Full-time STRs, suggesting that there is a demand for this type of vacation rental, which would be lost under this 90-day-maximum Primary Resident Only Rental alternative (which in concept seems similar to the Homeshare STR alternative, except with a maximum annual activity level of 90 days, unlike the City’s proposed Homeshare alternative, which has no maximum annual activity level). In addition,

under the proposed IP amendment as submitted there is a minimum activity threshold for Full-time STR licenses (60 nights per year), which will help maintain a steady supply of visitor-serving lodging facilities in Trinidad, one of the most popular visitor destination points on the North Coast.

As discussed in the Findings above, the proposed IP amendment as submitted provides specific regulations for the lodging of visitors in residential areas to minimize the potential for significant adverse impacts including impacts related to noise, number of occupants, visitors, parking, water usage, septic systems, signs, and other potential impacts. The City's proposed caps for Full-time STR licenses are lower than the existing number of licenses in the UR zone, where most of the City's housing is located. The proposed regulations also limit the maximum number of occupants allowed in STRs in the UR zone and impose distance restrictions between STRs in the UR zone to further minimize the potential effects of STRs on residential areas. Therefore, the proposed regulations provide for lodging of tourists in residential areas while also protecting coastal resources and surrounding private properties, consistent with the certified LUP.

Regarding the comment expressing concern that the number of people being accommodated at STRs is typically greater than the average family size of Trinidad residents (which is typically less than three people according to the commenter), and therefore STRs should be considered an intensification of residential use that should necessitate a CDP, the Commission finds that in this case, the proposed new regulations are structured such that a residential STR would not represent "development" as defined under Section 30106 of the Coastal Act (i.e., "...change in the density or intensity of use of land...") and therefore not require a CDP. The amendment does not allow non-residential structures to be used for STRs, which would constitute a change of use. The amendment instead only allows for STRs to be established within existing legal residences that are already used for human habitation on a permanent resident basis. Under the proposed amendment, residences that are approved as a STR will continue to be used for human habitation, albeit on a transient occupancy basis when rented for that purpose.

Further, the proposed IP amendment includes limits on the maximum number of occupants allowed, limits on the maximum number of visitors allowed, parking restrictions, and limits on water usage (discussed further below) so that annual domestic water use will be no greater than the non-STR use of the residence. For example, the LCP currently requires residences to provide at least two off-street parking spaces for vehicles in addition to any garage parking, so that residents and visitors are not required to park along City streets, which generally are narrow and limited for parking. In addition, the proposed water usage restrictions are the same as those required under the City's existing certified VDU regulations, which limit annual domestic water use to average use levels typical of a long term residential dwelling based on an average daily consumption of 150 gallons per day per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.²³ As discussed further below, the properties with STRs, regardless of number of bedrooms, are, in general, using the same amount of water as the City's OWTS design flow requirements for a one-bedroom residence (601 cubic feet per month). Also, the maximum occupancy of STRs will be restricted based largely on design standards for septic system capacity. In general, the maximum number of occupants

²³ See <http://saveourwater.com/conservation-lifestyle/around-the-yard/> and <https://www.epa.gov/watersense> for estimates from on what percentage of household water is used for landscaping. Nationwide, the EPA estimates 30%. In California, estimates range from 30% to 50%.

allowed in an STR shall not exceed two persons per bedroom plus two people (e.g., a two-bedroom STR may have six occupants), less any residents, tenants, hosts or caretakers living onsite while the STR is rented. Maximum occupancy is further limited in the UR Zone on lots less than 10,000 sq. ft. in area, where maximum occupancy is two people per bedroom. With these limitations and restrictions, the proposed regulations do not effectively change the density or intensity of use of the City's residential land. While STR licenses don't constitute development necessitating a CDP, and thus will not be appealable to the Coastal Commission, appeals of staff determinations or decisions on STR licenses will be appealable to the Planning Commission and City Council per section 17.72.100 (7.14) of the zoning code.

The issue raised by one of the comment letters as to whether or not the proposed distance restrictions in the UR zone are unfair does not raise an issue of conformance of the proposed Implementation Plan amendment with the Coastal Act. Further, as stated above, the certified LUP supports the allowance of unobtrusive rooming and boarding of tourists in residential areas, which the proposed distance restrictions are intended to address.

Finally, several comment letters raised issues related to the perceived ineffectiveness of City code enforcement to deal with STR violations. As discussed in the above Findings, the proposed IP amendment as submitted includes several additional enforcement provisions beyond those included in the existing VDU regulations. The proposed STR regulations allow the City Manager to (1) impose administrative penalties of up to \$1,000/day for each continuing violation; (2) place properties on a Watch List indicating that the STR warrants a higher level of oversight, scrutiny, review, or monitoring and which may affect license renewal determinations; (3) impose special conditions or performance standards for owners, agents, and affected STRs; and (4) revoke licenses if the STR is found to be negligent in responding to a complaint more than twice in a 12-month period, or if more than two documented "significant violations" occur in any 12-month period. The definition of "significant" has been expanded from the existing VDU regulations to include, in part, situations where the local contact person is either unable or unwilling to rectify the situation within 30 minutes and/or when public safety personnel must be called to assist in resolving the situation. In addition, the new regulations require that the name of the local contact person and 24-hour Contact Phone Number 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 300 feet of the STR, and posted on the City's website. Together, these new enforcement provisions will encourage compliance with the STR regulations consistent with the certified LUP.

2. Adequacy of Services

The City of Trinidad has no centralized sewer system. Instead every home and business in the City is served by an onsite wastewater treatment system (OWTS). With the City's location adjacent to the state-designated Trinidad Head Area of Special Biological Significance and the water quality protection regulations applicable to that area, ensuring the maintenance and functionality of septic systems is an ongoing priority for the City. A large number of the septic systems in the City are old, not built to current standards, malfunctioning, and threatening bacterial contamination of groundwater, coastal streams, and the ocean waters surrounding the City. Many of the existing city lots are undersized for what the County Division of Environmental Health, which serves as the City's Health Department, currently allows individual septic systems. The City's OWTS Program requires all owners of an OWTS to have a valid operating permit and to regularly inspect and maintain their system. Permits for the construction

or repair of an OWTS specify the number of bedrooms allowed in a dwelling based on the design capacity of the OWTS. Permits also address site design issues such as setbacks, roof drainage, landscape maintenance, and plumbing devices to maximize performance of the system. In some cases, the City may require monitoring of water usage and may impose limits on the amount of wastewater allowed to enter an OWTS.

The City maintains a public water system for residents, businesses, and public users within the City limits and for some customers adjacent to the City. The City obtains its water from Luffenholtz Creek, which is located southeast of and entirely outside of City boundaries in a watershed primarily within private industrial timberlands. Capacity of the city water system to adequately serve the existing and projected needs of the community has historically been a concern of the City. In 1987, the Commission certified a major LCP amendment that included updates to the water resource policies to reflect system upgrades and the annexation of lands containing the City's upgraded water treatment and storage facilities.

With respect to traffic, circulation, and parking, traffic in the City of Trinidad is unique in that, rather than during traditional commuter peak hours, it tends to be heavier on weekends and during the summer when there is a higher number of tourists. The LCP requires residences to provide at least two off-street parking spaces for vehicles in addition to any garage parking, so that residents and visitors are not required to park along City streets, which generally are narrow and limited for parking. Parking studies conducted by the City have determined that more visitor parking is needed, especially near public access points such as the Memorial Lighthouse.

Because of Trinidad's small size and service limitations, many of its LCP policies relate to soil limitations for septic systems and protection and conservation of water resources. The certified LUP includes the following related policies (emphasis added):

9. *Areas with soils limitations for septic tanks can be designed for low density development provided adequate site analysis, system installation, and maintenance necessary to prevent degradation of water quality and public health is required by responsible governmental agencies.*
22. *The City should promote an active, on-going water conservation program to help keep user charges as low as possible. The City conservation program should extend to upgrading outdated portions of the system to eliminate leakage.*
23. *The City shall continue to monitor water consumption. In addition, the City should pursue a program to monitor water quality and quantity both within the City system and in Luffenholtz Creek. The City shall implement well-defined, quality programs of operation and maintenance.*
30. *Individual wastewater systems shall be consistent with Water Quality Control Board standards. Existing lots with smaller than the prescribed minimum lot size may be considered developable provided an acceptable individual waste treatment system can be provided.*

37. *All new residences in the planning area should provide graveled or paved parking for at least two vehicles (in addition to any garage parking) so that residents and visitors are not required to park along the streets.*
53. *Except as provided in the discussion of commercial development, commercial uses in residential areas of the city and county should be limited to home occupation is where the activity is confined to the residence or accessory building and signs are kept to a minimum. Storage of crab pot, fishing boats, campers, and trailers within required yard areas should be allowed provided visibility at street intersections and access to the perimeter of the building is not hampered.*

In addition, as some of the existing dwellings in Trinidad, particularly in the Suburban Residential and Special Environment zoning districts, are located in close proximity to environmentally sensitive creek and riparian habitats, the LUP includes the following policy relevant to ESHA and septic tanks:

15. *Riparian vegetation within 100 feet of major coastal streams should be protected. The major coastal streams in the city are Mill Creek, McConnahas Mill Creek, and Parker Creek. Structures and activities should be sited outside the riparian protection zone whenever possible. If not possible, areas that must be disturbed should be kept to a minimum and be replanted with appropriate vegetation. Septic tank systems should not be allowed in these areas.*

The proposed IP amendment as submitted includes standards and requirements to protect the integrity of onsite septic systems from potential misuse from STR operations and ensure that STRs don't impact the availability of street parking, and protection of ESHA:

- Prior to being able to obtain an STR license, each STR owner or property manager must provide proof that the septic system for the structure in which the STR is located is functioning properly and in conformance with all federal, state, and local regulations;
- An applicant for an STR license will be required to submit a site plan and floor plan with the application so the City can verify the number of bedrooms, off-street parking spaces, and other requirements;
- At the time of application for a new STR, the dwelling shall be subject to inspection by the Building Inspector to determine the conformance of the dwelling with applicable City regulations. This inspection requirement also applies to existing STRs seeking to renew licenses under the proposed new regulations. As many of the existing STRs have never had an initial inspection by the City, the proposed IP amendment as submitted will ensure that all STRs in the City are operating consistent with the design capacity of onsite septic systems;
- Prior to issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling as required by the Building Inspector to conform to applicable codes.

- Maximum occupancy of STRs will be restricted based largely on design standards for septic system capacity. In general, the maximum number of occupants allowed in an STR shall not exceed two persons per bedroom plus two people (e.g., a two-bedroom STR may have six occupants), less any residents, tenants, hosts or caretakers living onsite while the STR is rented. Maximum occupancy is further limited in the UR Zone on lots less than 10,000 sq. ft. in area, where maximum occupancy is two people per bedroom;
- Information on the appropriate use of a septic system, in a form approved by the City, is required to be posted in each kitchen and bathroom in the STR so that visitors understand steps needed to properly maintain septic system functionality;
- The STR owner or manager must maintain an occupant and vehicle register for each tenancy that includes the names and license plate numbers for all occupants. The guest registry must be available for City inspection upon request;
- An STR must provide at least one off-street parking space for every two occupants, and STR owners/managers shall not use public right-of-way (street) spaces to meet their required off-street parking needs. Ensuring that adequate off-street parking is available for short term renters will avoid impacts to the availability of public on-street parking for day-use of beach areas;
- The proposed regulations require the City to provide the STR licensee 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 are not limited to, best management practices for the proper handling and disposal of trash and chlorinated water from hot tubs, swimming pools, and other spa facilities.
- Because the proposed IP amendment as submitted requires that STR licenses be renewed annually, license renewal applications will be required to include any changes to the site plan, floor plan, or allowable occupancy;

In addition to the above requirements, the proposed new STR regulations also include limitations on water usage to prevent overloading of septic systems. The proposed water usage restrictions are the same as those required under the City's existing certified VDU regulations, which limit annual domestic water use to average use levels typical of a long term residential dwelling based on an average daily consumption of 150 gallons per day per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow.²⁴ The proposed regulations require that annual water use records be kept on file along with the STR license and application materials to allow for verification that the STR water use does not exceed allowable volumes. If the City determines that the STR use has exceeded the appropriate average annual water usage during the preceding year, the STR owner/operator will be required to take constructive measures to reduce water use, such as installing water conservation fixtures and

²⁴ See <http://saveourwater.com/conservation-lifestyle/around-the-yard/> and <https://www.epa.gov/watersense> for estimates from on what percentage of household water is used for landscaping. Nationwide, the EPA estimates 30%. In California, estimates range from 30% to 50%.

appliances; planting xerophytic landscaping; and/or reducing the maximum occupancy of the STR.

In support of the proposed LCP Amendment application, the City conducted a comparison of water usage between residential properties with vacation rentals and those without. The analysis determined that while properties with active STR licenses did tend to use approximately 20% more water on average than residential properties without existing STR licenses, the STR water usage was considered not excessive relative to typical septic system design flows. Essentially, the properties with STRs, regardless of number of bedrooms, are, in general, using the same amount of water as the City's OWTS design flow requirements for a one-bedroom residence (601 cubic feet per month). Only three non-commercial STRs were found to be above the 2-bedroom design flow limit for 2016 (above 1,203 cubic feet per month), and none approached the 3-bedroom design flow of 1,805 cubic feet per month (the highest being 1,426 cubic feet per month). By contrast, according to City staff, the highest non-STR residential user averaged 2,264 cubic feet per month, and the four highest residential water users in the City are properties without STR licenses.

Finally, the proposed IP amendment as submitted will not interfere with public access use of the shoreline by diminishing available parking for public access users. As discussed above, the proposed ordinance includes off-street parking requirements for STRs and limits the number of occupants, which will help limit the demand for parking. While the Planning Commission will be able to grant exceptions to the parking requirements through issuance of a use permit, it can only do so when it can make the particular findings specified in the IP for granting a use permit (Sec. 17.72.040/Sec. 7.09). These include (in part) findings that (1) the proposed use at the size and intensity contemplated, and at the proposed location, will provide a development that is compatible with the neighborhood or the community; (2) the accessibility and traffic pattern and the adequacy of proposed off-street parking will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity; and (3) the development provides adequate physical access and does not interfere with surrounding public uses. Thus, the provisions for off-street parking will ensure no significant impact to public access parking and ensure consistency with pertinent LUP and Coastal Act public access policies.

Therefore, the Commission finds that the proposed limitations on STRs are appropriate to ensure adequacy of services consistent with the requirements of the certified LUP.

Responses to comments related to service capacity issues

Some of the [comment letters](#) received raise issues related to the adequacy of services, including: (1) a suggestion that annual inspections by the City should be required prior to renewal of STR licenses; (2) the potential for STRs to impact traffic, parking, noise, the city's water system, and onsite septic systems; and (3) cumulative impacts of excessive water usage of STRs throughout the City leading to bluff erosion and other off-site impacts.

Although the proposed ordinance does not require annual inspections by the City of STRs, the proposed STR regulations require that at the time of application for a new STR, the dwelling shall be subject to inspection by the Building Inspector. The purpose of the inspection is to determine the conformance of the dwelling with applicable City regulations. Prior to the issuance of the STR license, the owner of the dwelling shall make all necessary alterations to the dwelling

as required by the Building Inspector to conform with applicable codes. In addition, the proposed regulations require that existing STRs that have not had an initial inspection will be subject to such an inspection. These requirements for special inspections would ensure that the septic system for each STR is working properly.

Several comments received expressed concerns related to the potential for STRs to impact traffic, parking, noise, the city's water system, and onsite septic systems. As described in the above Findings, the proposed IP amendment as submitted includes provisions to avoid and minimize adverse impacts associated with the allowance of lodging in residential areas. These include limiting the maximum occupancy of individual units, limits on the number of visitors allowed in an STR, distance restrictions for STRs in the UR zone, parking limits and requirements, limits on water usage, septic system protection provisions, signage requirements, requirements for local contacts, and other requirements. The proposed limitations on STRs are adequate to protect community character and visitor-serving and coastal recreation opportunities while ensuring that such facilities are consistent with the resource protection standards and the residential land use designations of the certified LUP.

As discussed in the above Findings, the proposed new STR regulations include limitations on water usage to prevent overloading of septic systems. The proposed water usage restrictions are the same as those required under the City's existing certified VDU regulations, which limit annual domestic water use to no greater than the non-STR use of the residence based on an average daily consumption of 150 gallons per day per bedroom (7,324 cubic feet per year per bedroom) with a 30% allowance for landscaping above the design flow. As previously discussed, the City conducted a comparison of water usage between residential properties with vacation rentals and those without and determined that STR water usage is not excessive relative to typical household septic system design flows. The four highest residential water users in the City were properties without STR licenses, and the City does not impose any restrictions on water usage for non-STR residential properties.

It is a fact that the City has experienced significant bluff erosion this year in the area around the Memorial Lighthouse (designated as the Tsurai Study Area in the LUP), and the City is actively investigating options for stabilizing the bluff failure and possibly relocating the lighthouse. According to a preliminary geologic assessment of current slope stability conditions,²⁵ the recent episode of slide activity in this area began over two years ago but accelerated significantly this past winter, likely due to above-average rainfall and the tendency for the underlying "low strength" rock (referred to locally as "blue goo") to be subject to earthflow conditions when saturated. The assessment also cites stormwater runoff (via municipal storm drains) as possibly contributing to the destabilization of the bluff edge. Thus, no definitive correlation can be made between STR water usage and bluff erosion in the City.

3. Community Character

The certified LCP describes Trinidad's community character in part as follows:

Some communities are a hodge-podge of disconnected development. Others have a unique character - a sense of unity. What residents and visitors see and hear

²⁵ SHN Consulting Engineers & Geologists letter to Trinidad City Manager, March 24, 2017

from their impression of a community. In Trinidad they experience rugged coastal headlands and islands, beaches and surf, the vast expanse of ocean, the sound of the whistler buoy, the cozy harbor with fishermen unloading their salmon, children poking among tidepools, seals barking in the distance, homes tucked into the hillside looking out over each other at the scenery, and boats, burls, driftwood and crab pots in the yards. The people visitors meet are walking in the narrow streets, willing to give directions or pass the time of day.

This is the atmosphere that draws people seeking a place to retire. It is the reason that people are willing to commute 25 miles into Eureka every day, and the reason that sport fishermen come back again and again...

The certified LUP includes several policies related to the preservation of community character (emphasis added):

19. *The Land Use Map recognizes existing land use areas and attempts wherever possible to place them in a category which allows compatible uses. It is intended that all new development be channeled into appropriately designated areas so that land use conflicts can be minimized.*

45. *Trinidad's role in the effort to provide adequate housing is focused on three areas:*
...
(b) Protecting the unique character of the city as a single family owner occupied fishing village...

46. *The city should continue to maintain a rural life style because it is preferred by residents and also because it allows for a low level of public services and thereby keeps property taxes and utility charges at a minimum. This helps to keep the cost of operating a residence as low as possible.*

51. *Soil limitations for septic tanks, local hydrology, and topography are crucial determinants of the size of any new housing lots and may require that lots be larger than minimum lot size requirements contained in the General Plan or Zoning Ordinance. Where residents want to protect the character of a residential area minimum lot sizes greater than might be allowed based on site conditions are justified...In any case the minimum lot sizes in Suburban Residential and Urban Residential should not be smaller than the minimum recommended in the Wastewater Facilities Plan (see Policy 29).*

In addition, the certified LUP includes the policies related to housing:

45. *Trinidad's role in the effort to provide adequate housing is focused on three areas:*

- (a) *Attempting to keep the cost of existing moderate cost housing down so it can continue to be available to people with limited incomes with desire to live in Trinidad...*

As previously discussed, the LUP also recognizes the value of tourists and visitors to the community character and economy, particularly in the residential areas designated UR and PD:

The Urban Residential category provides areas for intensive residential development... Unobtrusive home occupations and limited rooming and boarding of non-related residents or visitors may be appropriate.

...

The Planned Development category identifies areas that are: (1) essentially residential where limited commercial activities may be appropriate subject to special integrating design; or, (2) sites which, because of their location, are suitable for one or more types of uses but where considerable design flexibility is needed to adapt the use to the site and to the surrounding areas. In addition to allowing the types of housing prescribed in the Housing Element the Planned Development category may include visitor accommodations and services, commercial uses, and recreational uses consistent with the residential character of the city and the natural and scenic features of the site and overall surroundings...

The proposed zone and distance limits for new vacation rentals are regulated to minimize the density of vacation rentals in the City's primary residential zone in the center of town while at the same time allowing for rooming and boarding of tourists in residential neighborhoods, consistent with the UR land use designation. As explained above, over the past approximately 15 years, vacation rentals have become a prominent component of the UR area, and a significant bulk of the complaints received regarding vacation rentals are focused in the UR zone (excessive noise, cars, garbage, etc.). The proposed IP amendment includes standards and restrictions aimed at protecting community character and neighborhood compatibility. As previously discussed, the regulations cap the maximum number of STR licenses allowed in the UR and SR zones (total Full-time and Resident STR caps equate to approximately 18-20% of the developed housing stock in each zone). These two zoning districts contain over 80% of the lots in the City, including the greatest density of small lots in the heart of the town and the majority of the lots with residential development potential on the east side of town. Considering full build-out of the City (i.e., assuming all remaining undeveloped lots are developed with residences in the future), these license caps for Full-time licenses will eventually be equal to approximately 14% of the housing stock in the UR zone and 11% of the housing stock in the SR zone, which is consistent with caps imposed in other coastal communities.²⁶

In addition to density restrictions, the regulations also impose distance restrictions in the UR zone in an attempt to prevent entire blocks from converting to Full-time and Resident STRs (see

²⁶ For example, Santa Cruz County imposes caps of 15% or 20% of the residences in any one block in certain impacted neighborhoods (not city-wide). Also, the City of Pacific Grove (which has no certified LCP yet) imposes similar caps.

[Exhibit 5](#)). A property seeking a new STR license that shares a property boundary with a property containing an existing STR would be ineligible for a Full-time or Resident STR license without obtaining an exception approved by the Planning Commission. The maximum number of occupants allowed in the UR zone is further limited on lots less than 10,000 square feet in size (which is approximately 70% of the lots in the UR zone) to not more than two persons per bedroom. The number of visitors allowed in any STR must not exceed the allowable occupancy at any time, and visitors are not allowed in STRs between 11:00 p.m. and 7:00 a.m. The STR owner or manager must maintain an occupant and vehicle register for each tenancy that includes the names and license plate numbers for all occupants. The guest registry must be available for City inspection upon request.

The proposed IP amendment as submitted imposes strict limits on STR license transferability, consistent with LUP policy 45a. The STR license shall be revoked when the permit holder sells or transfers the property, except for transfers between spouses. Limiting license transfers is one means of controlling housing prices so people of a wider range of income levels who desire to live in Trinidad can afford to do so.

Other standards and restrictions aimed at protecting community character and neighborhood compatibility include the following:

- Prior to rental of an STR, the Responsible Person²⁷ shall be provided with a Good Neighbor Contract, consisting of a list of rules and responsibilities, in a form approved by the City Manager. The Responsible Person shall initial each rule indicating that they have read it and sign an acknowledgement that infractions will not be tolerated and if any rules are broken, occupants can be fined by the City, lose their security deposit and/or be evicted. In addition, the STR owner or manager shall meet at least one occupant on the day of their arrival to ensure that the rules are understood, and that the occupants have represented themselves correctly. A Good Neighbor Brochure, summarizing the Good Neighbor Contract shall be placed or posted in a clearly visible location within the STR;
- Occupants of STR 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 7:00 am must 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, including any City noise standards or ordinances;
- The number of visitors to an STR shall be limited to not more than the allowable occupancy of the STR at any time. Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time;

²⁷ “Responsible person” is defined in the regulations as an occupant of an STR who is at least 25 years of age, who signs the Good Neighbor Contract, and who shall be legally responsible for compliance of all occupants of the STR and/or visitors with all rules and provisions.

- The outside appearance of the STR structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage. The STR 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;
- Vehicles used and traffic generated by the STR shall not exceed normal residential levels or unreasonably interfere with the quiet use and enjoyment of any other residences or businesses in the area; and
- An STR must provide at least one off-street parking space for every two occupants, and STR owners/managers shall not use public right-of-way (street) spaces to meet their required off-street parking needs.

In addition, the proposed regulations include a requirement that the ordinance shall be reviewed by the Planning Commission within two years after its certification, and periodically thereafter, to ensure that it is continuing to meet the needs of the community.

Moreover, as previously discussed, the proposed IP amendment as submitted includes several tools for the City to efficiently enforce violations of STR regulations, including the ability for the City Manager to (1) impose administrative penalties of up to \$1,000/day for each continuing violation; (2) place properties on a Watch List indicating that the STR warrants a higher level of oversight, scrutiny, review, or monitoring and which may affect license renewal determinations; (3) impose special conditions or performance standards for owners, agents, and affected STRs; and (4) revoke licenses if the STR is found to be negligent in responding to a complaint more than twice in a 12-month period, or if more than two documented “significant violations” occur in any 12-month period.²⁸

Finally, the proposed regulations limit the maximum occupancy of individual units,²⁹ limit the number of visitors allowed in an STR,³⁰ impose parking limits as discussed above, specify signage requirements, and include requirements for local contacts associated with each STR.³¹

For all of the above reasons, the proposed limits for new vacation rentals adequately protect coastal resources, including community character, public access, and visitor serving

²⁸ The definition of “significant” includes in part situations where the local contact person is either unable or unwilling to rectify the situation within 30 minutes and/or when public safety personnel must be called to assist in resolving the situation.

²⁹ Maximum of 2 persons per bedroom plus 2 additional people, including any hosts, residents, tenants, and caretakers living onsite while the dwelling is rented as an STR. In addition, on lots less than 10,000 square feet in size in the UR zone (which is over 75% of the total lots in that zone), the maximum occupancy is only 2 persons per bedroom (e.g., a 2-bedroom STR may have a total of 4 occupants).

³⁰ The number of visitors to an STR shall be limited to not more than the allowable occupancy of the STR at any time. For example, if the maximum occupancy is 6, then no more than 6 visitors are allowed. Visitors are not allowed in the STR between 11 p.m. and 7 a.m. and shall not stay overnight on the premises. Regardless of the allowable occupancy, there shall be no more than 20 combined occupants and visitors on the premises at any time.

³¹ Each STR must designate a Local Contact Person on the STR License form. The LCP, or their temporary designee, must live within 20 miles of Trinidad and be able to respond personally to an STR concern within 30 minutes.

opportunities, especially because there are already numerous vacation rentals in the City that allow for access and recreational opportunities, and such existing uses will not be reduced through this IP amendment.³² In past actions, the Commission has approved provisions by local governments similar to all of those discussed above to regulate the manner in which short-term rentals are implemented. Therefore, the Commission finds that the proposed IP amendment as submitted will maintain land use compatibility, minimize land use conflicts, and protect town character while providing an adequate supply of visitor-serving lodging facilities in the City in accordance with the policies of the certified LUP cited above.

Responses to comments

Some of the [comment letters](#) received raise issues related to community character and neighborhood compatibility, including the impact of STRs on the availability and price of housing, concern that the percentage of housing stock allowed for STRs under the proposed ordinance is too high, and concern over STRs contributing to shortages of volunteers for public office, community organizations and the Trinidad Volunteer Fire Department by replacing long-term residents of the city with short-term visitors. As discussed in the above Findings, the proposed IP amendment as submitted attempts to address the impact of STRs on the availability and price of housing in multiple ways. First, the proposed regulations, in contrast to the existing VDU regulations, limit the transferability of STR licenses. Essentially, the STR license shall be revoked when the permit holder sells or transfers the property, except for transfers between spouses and other limited exceptions. Second, the proposed density limits (caps) for Full-time STRs in the UR and SR zones will protect an ample supply of the City's housing stock (over 80% in each zone) for residents who have a primary residence in the City. The existing VDU regulations do not include such density restrictions. Third, the proposed regulations prohibit STRs in the City's mobile home park (which contains approximately 37 mobile home spaces) to further protecting the City affordable housing stock. Together these provisions will contribute to keeping the cost of existing housing down so it can continue to be available to people of a wide range of income levels with a desire to live in Trinidad, consistent with LUP policy 45(a).

4. Conclusion

It is a goal of the City's certified LUP to allow for lodging of tourists in residential areas in a manner that protects coastal resources, including visual resources, public access, environmentally sensitive habitat areas, and community character. The proposed amendment both ensures availability of short-term rentals for coastal visitors and protects community character while maintaining long-term housing for local residents. The IP as amended includes provisions that will protect the unique character of the city as a "single family owner occupied fishing village" as required by Policy 45 of the LUP. Therefore, the proposed amendment to the IP conforms with and is adequate to carry out the certified land use plan for the above-stated reasons and is approved as submitted. No suggested modifications are needed for the proposed IP amendment to be approved as conforming with and adequate to carry out the certified land use plan.

³² The proposed new regulations allow for the continuing operation of existing STRs in excess of the maximum number of licenses allowed as long as the STR licenses are appropriately renewed and operated in accordance with the new regulations.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As set forth in section 21080.9 of the California Public Resources Code, CEQA also exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCPA. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 CCR §§ 13542(a), 13540(f), and 13555(b).

The Local Implementation Plan amendment has been found to be in conformity with, and adequate to carry out, the provisions of the Land Use Plan portion of the certified LCP. The Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of the California Environmental Quality Act. The Commission finds that for the reasons discussed in this report, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any significant adverse environmental impacts. The Commission thereby finds that the proposed LCP amendment is consistent with CEQA.

**APPENDIX A:
SUBSTANTIVE FILE DOCUMENTS**

Application File for LCP-1-TRN-16-0065-1

City of Trinidad certified Local Coastal Program

Adopted Findings for the following LCP amendments: SLO-1-12 (approved as submitted 11/13/13); SLO-1-01 (approved with suggested mods 4/11/03); SCO-1-11-Part 3 (approved as submitted 7/13/11); LCP-3-SCO-15-0008-1-Part A (approved 5/14/15); LCP-4-CPN-16-0024-1 (approved as submitted 12/8/16); LCP-5-DPT-14-0105-1 (approved with suggested modifications 4/14/16); and 1-06 (approved with suggested modifications 11/14/06)

Websites:

Airbnb: <https://www.airbnb.com>

AirDNA: <https://www.airdna.co/>

Azalea Glen RV Park: <http://www.azaleaglen.com/>

California Coastal Records Project: <http://www.californiacoastline.org/>

City of Pacific Grove STR Program: <http://www.cityofpacificgrove.org/living/community-economic-development/short-term-rental-program>

Emerald Forest Cabins & Inn: <http://emeraldforestcabins.com/>

EPA WaterSense: <https://www.epa.gov/watersense>

Forest Haven Cottage: <http://www.foresthavencottage.com/>

Google Maps: <https://www.google.com/maps?hl=en&tab=wl&authuser=0>

Greater Trinidad Chamber of Commerce: <http://trinidadcalif.com/where-sleep>

Hidden Creek Villas & RV Park: <http://www.hiddencreekrvpark.com/>

Lost Whale Inn: <https://lostwhaleinn.com/>

Redwood Coast Vacation Rentals: <http://www.redwoodcoastvacationrentals.com>

Save Our Water: <http://saveourwater.com/conservation-lifestyle/around-the-yard/>

Sea Cliff Motel: <http://seacliffmoteltrinidad.net/>

Sounds of the Sea RV Park: <http://www.soundsOfthesea.us/home.htm>

Sylvan Harbor: <http://www.sylvanharbor.com/>

Trinidad Bay Bed & Breakfast: <https://www.trinidadbaybnb.com/>

Trinidad Bay Vacation Rentals: <http://www.trinidadbayvacationrentals.com/>

Trinidad Bluffs: <http://www.trinidadbluffs.com/>

Trinidad Inn: <http://www.trinidadinn.com/home.html>

Trinidad Retreats: <http://www.trinidadretreats.com/>

Turtle Rocks Inn: <http://turtlerocksinn.com/>

Viewcrest Lodge: <http://www.viewcrestlodge.com/rv-park-trinidad-ca.htm>

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

**APPENDIX B:
TRINIDAD STR AVAILABILITY FOR BOOKING IN 2017**

Table 3. Vacancies available in STRs within the City of Trinidad during the summer of 2017. Booking availability calendars for each STR (found on <https://www.vrbo.com/>) were viewed on April 13 and again on May 15, 2017 to determine current vacancies of existing STRs in the City.

Vacation Rental (STR)	Percentage of Days Available for Booking as of Apr 13 through Sept 30	Months Completely Booked	Percentage of Days Available for Booking as of May 15 through Oct 31	Months Completely Booked
Crow's Nest	35		36	May
Boat House	35	June	36	June
Osprey	21	April	29	August
Seascape	69		68	
Sea Breeze	73		85	
Paloma Creek	40		51	
Trinidad Village Retreat	41	Aug. & Sept.	42	Aug. & Sept.
Buoy Bell	38		44	May
Sunset House	31		39	
Pelican's Nest	46		48	
Sea Cliff	24	June	26	May & June
Pilot Rock Cottage	72		62	
Trinidad Treasure	64		61	
Scenic Cove	78		65	
Fisherman's Escape	56		56	
Whalesong	69		56	
Lily Cottage	91		78	
Parker Creek	74		53	
J&R Hideaway	78	April	70	
Trinidad Beach Home	75		67	
Retro Retreat	84		84	
Treasure Cove	58	April	65	
Harbor Moon	45		46	July
Pacific Heights	52		57	
Harbor House	33		26	May
Sunset Vista	85		72	