

**SUPPLEMENTAL INFORMATION #1**

For Board of Supervisors Agenda of:  
February 9, 2016

- Consent Agenda Item }
- Continued Hearing }
- Public Hearing Item }
- Department }
- Report Old }

Re: **Vacation Home Rental Zone Reclassification Petition**, County-wide  
Application Number 9986  
Case Number ZRP-15-003

Attached for the Board's record and review is (are) the following supplementary information item(s):

1. Two letters received in opposition to the proposed Petition.
2. Two letters received in support of the proposed Petition.

February 7, 2016



Dear Humboldt County Supervisors,

I am writing to strongly urge the Board of Supervisors to keep the current single-family zoning designation in my Westhaven neighborhood and to take measures to both authorize and fund the Planning Department to take the necessary action to enforce the zoning codes violations occurring in neighborhoods in regards to the operation of VR.

I am a resident of Westhaven who had been greatly impacted by the emergence of vacation rentals in my neighborhood. In the last year, **three** of the **ten** properties in our immediate vicinity have converted to vacation rentals. We have vacation rentals on three sides of us: a 10 person rental next door, an 8 person rental kitty corner, and an 8 person rental a house removed. Homes that once housed 8 neighbors combined, are now home to 25+ unknown individuals. -

Vacation rental activity is disruptive and intrusive. It has negatively impacted the peace of our neighborhood in a myriad of ways.

### **Loss of Neighborhood Integrity**

Two long-term residents (both home owners of 30+ years) on our block, put their homes up for sale this year. Both homes were purchased and immediately turned into vacation rentals. This is an alarming trend. Neighbors we talked and shared with have been replaced by ever changing groups of strangers (many of them outright disrespectful; all of them disconnected from the workings of the neighborhood).

### **Increased Noise**

It is very apparent when a VR group arrives in any of the three rentals on our block. Unlike normal comings and goings of neighbors, the arrival of VR groups is generally accompanied by a cacophony of loud noise. This noise can continue through a stay, go well into the night (especially from guests utilizing the well developed outdoor patio/hot tub areas designed for their enjoyment), and can be heard throughout the neighborhood.

Conversely, it is not apparent if my neighbors are home or not. Their coming and goings go unnoticed. Our neighborhood is not any louder on the weekends due to people being off work. In the absence of VR, it is a peaceful and quiet neighborhood.

Noise from VRs is real. It intrudes into the home. It's exhausting. It's stressful. It does not in any way mimic normal background noise of neighborhoods.

### **Increased Traffic**

We live on a short, dead end street. The vacation rental across the street has had up to 9 cars at one time. There is also the traffic from cleaning personal, traffic pick up, and maintenance workers that follow every visit. Compare this to the two vehicles utilized by the family that built and lived in the house for the past 30 years.

Driving speed of VR guests has also been an ongoing issue impacting road condition, raising safety concerns, and distracting from the quiet, peaceful nature of the neighborhood.

### **Increased Occupancy**

All three homes were previously owner occupied housing 8 people combined total. At full-advertised capacity, those same houses now house up to 25+ overnight guests and daytime gatherings of up to 20 people per unit. That is over a **300%** increase.

### **Incompatibility**

Vacation rentals are a big profit business. Based on advertised rates, one of the rentals on our block has the potential to bring in over **\$10,000 a month** (that's pot-growing figures)!

These aren't neighbors just trying to make ends meet. This is a profit driven INDUSTRY that has forced it's way into neighborhoods. Rental company owners have

failed to respond to complaints, have failed to enforce their own inadequate rules, and have been dismissive and threatening (please see attached incident log).

VR activity does not mimic neighborhood life. It handsomely profits a few at the expense and burden of many. To argue that VRs do not adversely affect neighborhoods is a falsehood.

I am angry that the VR lobbying force has the gall to speak on behalf of neighbors. It would be a huge injustice to move in a direction that would support the intrusion of this big-profit business into neighborhoods. The VR industry is organized and well funded based. Neighbors who have found themselves suddenly besieged by VRs deserve the enforcement of zoning regulations that have been historically proven to preserve the integrity of neighborhoods.

Thank you.

Susan Edwards

866 1<sup>st</sup> Ave

Westhaven, CA 95570

677-9325

Attachment.

Ryan Sundberg, Supervisor, 5<sup>th</sup> District, and  
Humboldt County Board of Supervisors



Dear Mr. Sundberg and supervisors,

I am writing to you regarding the Petition which proposes to change existing residential zoning regulations in order to allow short-term Vacation Home Rental businesses (VHRs) in residential zones. I AM AGAINST THIS PETITION in the strongest terms possible. I regret not being able to attend this hearing due to work obligations; I would have attended and spoken to you if able, for the first time in my life, because I feel that strongly about this issue. I am a native of the Trinidad area who completed his life-long dream of building a home near his family and where he grew up only to see 3 homes in my immediate neighborhood turned into VHRs at the same time (881 Driver Rd., 92 Haven Way, and right across the street 909 First Ave.). Had I known these homes would become these businesses and disrupt our idyllic neighborhood I would have never gone to the tremendous trouble and cost to build my home where I did. What may seem like a benefit to the 'county' in the abstract, and certainly to VHR owners and managers in the specific, is really the imposition of a burden upon neighbors and residents who've conformed to existing zoning all their lives, and is therefore NOT in the public interest. Your TOT taxes and owner/manager profits are merely a displacement of costs from owners/managers to neighbors/residents, your constituents, who each pay the county thousands of dollars every year in property taxes and vote for you. Let me enumerate the rationale for my position based on my direct experience living immediately next to a VHR (909 First Ave., Trinidad-Westhaven) for just one year:

1. In what seems like the best situation, when the VHR is not rented so there is zero noise, traffic, or parking impacts, we have a vacant home in our neighborhood whose vacancy is advertised publicly on the internet. 909 First Ave. now has an ADT alarm system in it due to a break-in, the first ever alarm system in our neighborhood. Vacant VHRs attract crime to neighborhoods. Vacant homes also make mutual support from neighbors, a characteristic of our neighborhood on First Ave., impossible.
2. Even when the VHR is rented and does not present any acute problems like noise or increased traffic and parking, we still have a new set of strangers living next to us every few days. This inherently undermines neighborhood cohesion, especially the close-knit rural neighborhood like we have on First Ave. 909 First Ave. was built by my McKinleyville high school English teacher and his wife, where they raised their 2 daughters. In other words, the home was occupied by a stable family with significant ties to the community whom I've known for decades. Instead I now have a merry go round of strangers next to my home. Neighbors on First Ave. know each other well, we lend out trucks and tools, and help each other; there are few fences because everybody knows where the property lines are and we are respectful of them. If an issue arises, neighbors can talk to each other and resolve it. VHR renters come and go, repeating the same problems despite our complaints to rental management companies. They repeatedly park and trespass and disturb us with questions etc. because they don't know

anything about the neighborhood. We have had issues with thefts due to a problem property at 1046 Driver Rd., and with the revolving door of vacation renters, we can't recognize who belongs in our neighborhood and who doesn't. Speaking of crime, we do not have protections such as Megan's Law for these transient renters—how do we know we don't have a sex offender renting next to our girlfriends, wives, and children? I have heard stories of gambling and prostitution at some VHRs, and have seen a group of young unkempt males with several rough looking vehicles with out of state plates rent 909 First Ave. last fall who were probably here for a marijuana buy. Don't be fooled into thinking we have nice families renting all the time.

3. The occupancy volumes at VHRs are greater than permanent residences, causing intensification of the use of roads, septic, water, and other infrastructure components and resources. First Ave has over the years become a single-lane gravel drive unmaintained by the county despite our faithful payment of property taxes. It is already difficult for vehicles to access, let alone when VHR renters block the road or increase traffic (see pictures below). The occupancy at 909 First Ave. is advertised as 8, when it housed a family of 4 with 2 cars comfortably for most of its existence. It has a septic system installed in the late 1970s, and is on the over-subscribed Westhaven water system. VHR renters are willing to put up with doubling typical occupation for a few days, but neighbors have to endure this intensification long term due to the turnover at the VHR, particularly in the summer. And this is just the overnight renters when they stay within the occupancy limits imposed by the owner/management. Special events, even when banned by the VHR management, still occur and multiply the impacts (see pictures below).
4. Your staff report therefore rightly identifies parking and traffic as significant issues with VHRs, and is related to increased occupancy and intensification of use. In one case last summer, I counted 13 vehicles coming up our 1 lane gravel road, 10 of which parked at 909 First Ave for a wedding dinner/reception (see figure 4 below). I would comfortably say this meant there were around 30 people in the home at that time. And the parking at 909 First Ave. is done almost entirely within the 50 ft. wide right-of-way of First Ave., not on the property itself, let alone inside of the 20 ft. setbacks I had to meet when building my home. If these VHRs are supposedly residential uses but with transient occupancy, then at least make them conform to the same requirements as other residences. I have also had to complain more than once about vehicles parked in and blocking our 1 lane road, which is a CalFire etc. access/safety issue (see figures 1,2,and 6 below). VHRs by their nature, with higher occupancy volumes, renters lacking knowledge and judgement about neighborhoods, and vacationers going to and fro to see the sights, create a traffic multiplication effect that is an acute problem on roads like First Ave.
5. VHRs consume housing inventory, exacerbating a trend with marijuana grow houses that has led to acute housing shortages and unaffordable rents in Humboldt county. When real estate values and rents are determined by commercial rather than residential uses, housing will become unaffordable to the average working family. Without a check and balance, we will see our housing inventory transformed from family neighborhoods into commercial hotel zones if VHRs are allowed to continue the current trend around Trinidad. The real problem here is that these homes stay vacant (see my point 1.

- above) for most of the winter. What are we to say to potential long term renters when they are denied the opportunity to rent a vacant home because the owner can make more money in a few summer months than by renting year round? VHRs paradoxically also depress home values for non-VHRs neighboring them. One friend's home on Ocean Ave. in Trinidad is literally surrounded by VHRs, but Trinidad has imposed a moratorium and cap on VHRs. These homeowners want to leave Trinidad due to the VHRs, but their home won't command normal market value because nobody wants to buy a home surrounded by vacation rentals that itself can't become a vacation rental.
6. In the case of non-owner occupied VHRs like 909 First Ave., neighbors are the front lines when problems arise, and we are assumed to be a resource by the management companies/owners whom they do not have to compensate for our time and inconvenience when their paying renters break rules. A 24hr contact is all well and good, but why should we be disturbed in the first place? Whatever contracts, rules, deposits, etc. the owners/managers may have with VHR renters, without on-site supervision, there is no predicting what renters will do. In 2015 I had to make 4 separate complaints to the management of 909 First Ave. severe enough to require them to come to the property to correct the situation. The specific instances I experienced in 2015 include repeated parking in our 1 lane road, parking on my property, trespassing onto my property, **being threatened with assault** for telling renters not to park on my property (see figure 3 for the parking on my property), and the release of a 'paper lantern' open flame into the air in August during one of the worst drought-induced fire seasons in history. This is just one year at one property. The same infractions continue despite the management contract's rules because a new set of renters comes every few days with fresh ideas about partying, driving in and out, parking etc. Complaints also seem to go into a black hole with the management companies because they do not really treat our complaints as valid. It's as if they're in a kind of denial about the nature of their businesses and the impact they have on neighbors. VHRs are like hotels in their commercial anything-goes Las Vegas style use, but unlike them in that there is no on-site staff to check renters' excesses. Again, it's the neighbors who bear the burden, a displacement of costs onto us.
  7. If as your staff report contends we have an increased demand in the county for tourist accommodations and we need more VHRs, then why is it that the long-term visitor accommodations around Trinidad are so run-down and/or struggling? I'm speaking about the following properties: the Ocean Grove Lodge, the Patrick's Point Inn, Deckers (now a private residence), the Bishop Pine Lodge, the Emerald Forest, the one whose name I can't remember but was taken over by the cult. Have you contacted the owners of these properties to see how VHRs may be impacting their revenues, which of course would mean a net zero gain in TOT? Please do. Insofar as you allow VHRs, you are going to promote the dereliction of these perfectly good properties. What's really happening is VHRs are a cheaper option for both owners/managers and large groups due to the skirting of hotel, health code, and other regulations, and the increased occupancy intensification, but the costs are again displaced onto neighbors and neighborhoods. I would encourage the county to support the (re-)development of

traditional visitor accommodations in areas that are suitable. Established residential neighborhoods, especially close-knit ones like First Ave., are NOT suitable.

8. Please be aware that almost every municipality and jurisdiction up and down California has worked to severely limit if not ban vacation rentals due to their negative impacts. Please research what these other communities have gone through, as I believe they are good barometers of what's in store for us since we are at the tail end of this trend. As some examples, please see Carmel, Indian Wells, San Luis Obispo, San Diego, Manhattan Beach, Santa Monica, Mendocino, and of course the recent problems and issues in San Francisco, among so many others. Please do not think that this is an isolated phenomenon here in Humboldt county without potentially severe impact. This is not about mom and pop renting a room so some folks from Redding can go to the beach, but about a serious commercial conversion of residences by external investors to the detriment of neighbors and existing hotel businesses.

In short, the Petition by the Vacation Home Rental Working Group is ABSOLUTELY NOT in the public interest. If you mistake "the public" for the minority of VHR (absentee) owners/managers and the VHR renters who come from outside the county, then I can see how the conclusion in the staff report can be drawn. But in doing so you are excluding your constituents, the public who pay taxes year round and who vote for you, and who are severely impacted by VHRs next to their homes. This petition cannot be said to be in the public interest unless and until the public is directly involved in voicing their view. Again, I insist in the strongest possible terms that you DENY THIS PETITION in your meeting on February 9, 2016. Please instead enforce the existing zoning regulations and General Plan, stop the commercialization of homes, and keep residential zones truly residential.

Sincerely,

Brendan Brisker, MA

930 First Ave.

Trinidad, CA 95570

(Westhaven-Moonstone)

Please see the photos below as examples of the kinds of things experienced by neighbors of vacation rentals:

Figure 1, Vehicle parking in road and very close to fire water source, severely restricting access for neighbors and emergency vehicles:





Figure 2, another vehicle restricting access:



Figure 3, vehicle parking on neighbor's property across the street from VHR:



Figure 4, 10 vehicles parked at 909 First Ave. The property line for 909 runs through the large redwood, left to right, parallel to the road, so all of these vehicles are parked either in First Ave, or within 20 ft. setbacks.



Figure 5, a baby shower event at 909 First Ave. (property to the left with solar panels) with parking far outside the frontage of the property, let alone on it:

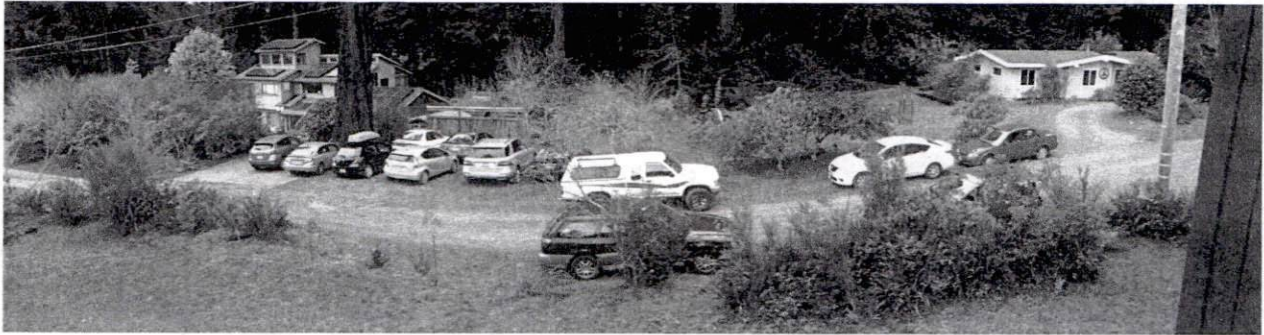


Figure 6, baby shower event parking, view from First Ave.:



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Box: All  
cc: framing

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**Michael D. Byrne**

**18 Carter Drive, Framingham, MA 01701**

**978-337-3394**

February 1, 2016

Humboldt County Board of Supervisors  
Rm 111, Humboldt County Courthouse  
825 Fifth Street  
Eureka, CA 95501



Dear Supervisors,

My brother, Charles Byrne, and I own a single family residence on four acres of property at 16 Driftwood Lane, Trinidad, CA (unincorporated, one quarter mile south of Patrick's Point State Park).

I am writing in support of the Zoning Reclassification Petition to amend the County Zoning Regulations, to establish regulations allowing for Vacation Home Rentals (VHRs) by permitting the occupancy of existing single family residences on a transient basis (less than 30 days) subject to securing a Special Permit and conformance with specified standards and performance criteria.

Ownership of our property has been in our family for approximately 55 years. My brother and I have rented the property as a vacation rental for almost 15 years, i.e., since we inherited the property. Trinidad Retreats has been our rental agent and property managers all that time. Of course, we, and our families and friends, also use this residence personally. So, it is both a personal vacation home and a vacation rental. In this period, thousands of dollars in Tourism Tax and Transient Occupancy Tax have been paid as a result of the vacation rental of our property. Acceptance of those tax payments legitimizes this property as a vacation rental.

Renting our property as a vacation rental has also allowed (and required) us to maintain the residence's buildings, and the four acres of land, in tip top condition. This maintains the property value (and tax base), as well as the value of nearby properties.

In addition, I don't have to tell you how important tourism is to the Humboldt County economy (and tax base). Without the hundreds, if not thousands, of privately owned, single family residence vacation rentals, tourism would be severely limited.

We hope that you will create a policy that allows for existing vacation homes to be permitted and regulated in a fair and appropriate manner.

Regards,

A handwritten signature in black ink, appearing to read "M Byrne".

Michael D. Byrne

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Bos: AV  
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cc: Planning

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Dear Members of the Board of Supervisors:

As the owner of Trinidad Retreats, We are writing in support of the **Zoning Reclassification Petition to initiate an amendment to the County Zoning Regulations, Section 312.1 et seq., Coastal and Inland, that will establish regulations allowing for Vacation Home Rentals (VHRs) by permitting the occupancy of existing permitted single family residential units on a transient basis (less than 30 days) subject to securing a Special Permit and conformance with specified standards and performance criteria.** Vacation rentals are not a new business, in fact Trinidad Retreats was one of the first Vacation Rental Management companies to exist in Humboldt County and has been around for 20 years. Vacation rentals are now part of a rapidly growing "shared economy". Given the loss of major industries like logging and fishing, it our hope that you recognize the importance of this burgeoning economic industry and work with us on this petition. We believe that if the County allows for this petition to pass, that the next step will then be to amend the current VDU Ordinance to be more comprehensive and create better regulation that is good for the whole community.

Here are the reasons why we support this Zoning Reclassification Petition:

-Currently there are 277 VHR's listed on Airbnb's website. Last year there were 160 houses listed on Airbnb. That is a 42% increase in VHR's. If you exclude those in Arcata, Trinidad, Eureka and Ferndale where they are permitted then approximately 130 of these exist in the unincorporated County. This industry is not isolated to the Zone V area of Shelter Cove.

- According to reports sent to the The Humboldt County Convention & Visitors Bureau from county municipalities and unincorporated communities, from July 1, 2014 - June 30, 2015 the county collected over \$6 million dollars in transient occupancy taxes - or TOTs. When I asked the tax collector's office how much of this TOT came solely from VHR's (not motels, hotels or B&B's) they could not tell me. They said they have not figured out a way to categorize them. Unincorporated communities experienced a 12 % rise in TOT's this past year. The County legitimizes VDU's when they accept these TOT's.

-The county passed a 2% Tourism Tax several years ago which is being collected from hundreds of "non-permitted" VDU guests. Again, the county legitimizes every single VHR when it accepts this tourism tax.

-Vacation Rentals contribute to the local economy, enrich the fabric of our community, and have been part of the Redwood lodging experience for decades.

-VHR's offer a diverse, affordable lodging experience where visitors can enjoy visiting our local Redwood Forests and beaches.

-Traveling families find VHR's more spacious, less expensive than hotels and a better way to experience what it is like to live in the Redwoods. They often return to the community to buy property and retire.

- A VHR is a residence not a shop nor a motel. A VHR is a residence that guests use as a residence. Within the same year a VHR can house its owners, tourists and also be used as a short term, month to month rentals. In each case is is being used as a residence for sleeping, cooking, and gathering.

-Tourism is one of the county's leading industries and VHR's create many needed local jobs including: managers, housekeepers, landscapers, handymen.

-Tourists spend countless dollars at local markets, shops and restaurants.

- According to the U.S. Conference of Mayors: "Fair regulation of short-term rentals ensures greater compliance and greater receipt of local... taxes." "Onerous regulations of short-term rentals can drive the industry underground, thus evading local regulations and local...taxes."

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Planning Division

In closing, We appreciate your time and attention and hope that you will create a more fair policy that allows for existing VDU's to be permitted outside of Shelter Cove and Zone V. It is high time the county invest some of the millions of dollars in TOT revenue in zoning reclassification, amending the current VDU ordinance and increasing enforcement. The county needs to create fair and effective regulations that support the economy and provide a safe, trusted experience for the whole community.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonna and Reid Kitchen", with a long horizontal flourish extending to the right.

Jonna and Reid Kitchen, Owners  
Trinidad Retreats