

MINUTES OF THE MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY MAY 21st, 2014

I. CALL TO ORDER/ROLL CALL (6:01pm)

Commissioners Present: Johnson, Pinske, Stockness, Vanderpool
Commissioners Absent: Becker
Staff: Parker

II. APPROVAL OF MINUTES

April 16, 2014

Johnson notes two corrections to the minutes: (1) the motion for item 2 on page 4 is missing a 'not' and should read ...a VDU management business is not consistent with the residential zoning...; and (2) the signature line for the Chair should now read 'Michael Pinske.'

Motion to approve the minutes as amended (Johnson / Vanderpool)

Passed unanimously (4-0).

III. APPROVAL OF AGENDA

Motion (Johnson / Vanderpool) to approve the agenda.

Passed unanimously (4-0).

IV. ITEMS FROM THE FLOOR

None.

V. AGENDA ITEMS

1. **Reinman 2013-11A**: After-the-fact Design Review and Coastal Development Permit to add living space (bedroom/bonus room/bathroom) for the primary residence in an unpermitted 650 sq.ft. accessory dwelling unit converted from a pre-existing 1,080 s.f. detached garage. Located at 407 Ocean Avenue; APN: 042-0620-12. *Continued from the April 16, 2014 meeting.*

Planner Parker provides a summary of the supplemental materials that were provided for this meeting.

Commissioner Comments

Vanderpool questions the process and why the project previously went before the City Council. Parker explains that this project has a long history due to the ADU violation and unpermitted construction. The Council reviewed the violation as a prelude to a formal nuisance abatement process but not the permit application.

Commissioners ask several clarifying questions related to square-footage, parking and other specifications.

Public Comment

Dorothy Cox (436 Ocean) reads a letter dated May 20, 2014 into the record. Her objections to the project are related to the number of people visiting and residing at the property, parking, traffic and concerns about the septic system.

Mike Reinman (applicant; 89 E 15th Street, Arcata) responded to the Cox letter. He notes that the home will remain 3-bedrooms, only 4 people are currently living on the premises. He removed an old greywater system and the Health Dept. has reviewed the current configuration. He suggests including tenant vehicles and license plate numbers on the lease agreement kept on file with the City as a way to help neighbors monitor traffic. Reinman also compared his project to a couple of others that have been approved in the City, noting his project is consistent with those. He emphasized that his project does not actually increase any building footprints and that he did get building permits for some of the construction that has occurred on the back unit. He pointed out that most of the objections that have been made about the project are related to personal issues or traffic, and are not related to not being able to meet City land use ordinances. Finally, Reinman opined that approval of this project may encourage others with violations to work with the City to correct them.

Commissioner Comments

Commissioner Stockness clarifies that all renters are under one rental or lease agreement; there is no subletting.

Commissioner Johnson clarifies and discusses the proposed conditions of approval. Condition 3 now refers to the list of work that occurred on the back unit, which has been included as an attachment to the conditions. Johnson also wants to add a list of specific inspections that will be required as enumerated by the Building Inspector, including electrical, mechanical, structural and plumbing. Because the closet and shower will be remaining (usually not allowed in detached living space), the Planning Commission is requiring several other things to be removed, particularly those related to the kitchen, including the stove, kitchen sink, kitchen cabinets and 220V outlets. Johnson also feels that the applicant's suggestion to include a list of tenants' vehicles and license plate numbers in the City file could help alleviate the neighbors concerns regarding traffic and parking. He also feels that limiting the number of people who can live on the property could also go a long way toward satisfying neighbor concerns, but he does have some misgivings about including such a condition.

Mike Reinman also questions including a condition limiting the rental to six people. He feels it could be discriminatory, for example, against a couple with five children. He questions what would happen if a couple with four kids then had another child? He stated that he could accept such as condition if it only limited the number of adults living on the property to six.

Commissioner Stockness wants to ensure that the septic system is capable of accommodating the project. Parker reiterates that several steps have been taken to protect the septic system and that the County Division of Environmental Health (DEH) is the entity that regulates septic systems in the City. She notes that DEH staff have been onsite several times to check the existing conditions, most recently in April 2014. The system may be undersized for a 3-bedroom residence in today's standards, but it is recognized as a legal, existing 3-bedrooms system. DEH has recommended approval of the project. In addition, the system has been inspected per the City's OWTS Management program and is functioning fine, the conditions of approval require a deed restriction that limits the number of bedrooms and units on the property and a new reserve leachfield area has been designed by a qualified professional.

Further discussion regarding specific wording of the conditions of approval ensues.

Motion (Johnson / Pinske) to adopt the information and required Design Review and View Protection findings and approve the project as conditioned in the staff report and amended at the hearing based on the application materials,

information and findings included in the staff report and supplemental materials and based on public testimony.

Motion fails (2-1-1) with Stockness voting ‘nay’ and Vanderpool abstaining.

Robert’s Rules of Order are consulted to confirm that the 2-1-1 vote fails to pass the motion because a majority of those in attendance did not approve.

Commissioner Stockness states that she is still unclear on the conditions of approval and the changes that have been made to them. She states that she needs to see the final version typed out before approving the project. Commissioner Vanderpool states that he does not yet have enough information to make a decision. He would like to know more about the ADU violation and procedural history and would like more information regarding some of the projects being cited as precedence, such as the Sterling file. Parker suggests that he go to City Hall and review the files himself, since she is not sure exactly what he is looking for.

A discussion ensues regarding continuing the hearing and potential special meeting dates. It is determined that the following Wednesday would work for all the Commissioners and would not delay the applicant too much in getting a decision.

Motion (Johnson / Stockness) to continue the public hearing to the following Wednesday, May 28, 2014 at 6:00 p.m.

Motion passes unanimously (4-0)

VI. COUNCIL & STAFF REPORT

The City Council will be considering a planning budget amendment at their next meeting, along with VDU ordinance procedural issues and whether to approve a grant application to help with the LCP update.

The City is working with the Coastal Commission the Civic Club and appellants to move forward on the appeal of the Lighthouse steps and landscaping project. Staff is working on a couple of grant applications and the OWTS Operating Permits.

VII. ADJOURNMENT

Meeting adjourned at 7:55 pm.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Michael Pinske

Planning Commission Chair