

MINUTES OF THE MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, May 20th, 2015

I. CALL TO ORDER/ROLL CALL (6:05pm)

Commissioners Present: Johnson, Lake, Pinske, Stockness (6:07pm)

Commissioners Absent: Vanderpool

Staff: Parker, Caldwell

II. APPROVAL OF MINUTES

April 15, 2015

No quorum to approve.

III. APPROVAL OF AGENDA

Motion (Johnson/Lake) to approve the agenda.

Passed unanimously (3-0).

IV. ITEMS FROM THE FLOOR

None.

V. AGENDA ITEMS

1. Welcome new Planning Commissioner and election of new Vice-Chair.

Commissioner Pinske thanks Kathleen Lake for joining the Commission. He states that the work is rewarding and important in planning for the future of Trinidad.

Election of Vice Chair

Motion (Stockness/Pinske) to elect Commissioner Johnson as Vice Chair.

Passed unanimously (3-0).

- 2. City of Trinidad:** Amendment of the Vacation Dwelling Unit Ordinance (#2014- 01), Zoning Ordinance Section 17.56.190.F (Subsection 6.26.F of the Coastal Commission certified Zoning Ordinance) to allow more than one VDU in multifamily dwelling units (defined as having three or more dwelling units).

Commissioner Comments

Planner Parker summarizes the staff report and explains that the Council directed staff to prepare this amendment to the VDU ordinance based on unforeseen impacts to a 4-plex on Parker Street. Zoning ordinance amendments must be reviewed by the Planning Commission. She notes that of the four apartment units in question, three are utilized as VDUs, and one is a long-term rental. The property is zoned for single-family development (UR – Urban Residential), but is proposed to be changed to the mixed use zone (PD – Planned Development) in the current General Plan update. The building is a legal, nonconforming structure.

Parker points out that this amendment to allow multiple VDUs in multi-family dwellings would necessarily apply to other properties as well. The only known existing lots that

would be affected are the Reinman apartments (the 4-plex) and the apartments in the Beachcomber building (none of which are currently VDUs). It was pointed out by Commissioner Lake that there is also a tri-plex on View Avenue that would also be affected. In addition, there is potential for development of more multiple family units in the future; for example, the horse pasture and lot behind Murphy's Market could be converted into such units.

Commissioner Johnson confirms that the large Parker Creek VDU also owned by Mr. Reinman, consists of detached bedrooms not separate living units. Parker confirms that it is a single-family residence. Commissioner Johnson continues and states that he thinks the amendment has a lot of repercussions that need careful consideration. There are several vacant, sizeable properties in town which could conceivably be developed with 10 or more dwelling units, 9 of which could be VDUs as the amendment is currently worded. He believes this does not reflect the direction the City Council is moving in with regards to VDUs; if the City Council issues a moratorium, then discrepancies would exist within the Ordinance and amendment.

Planner Parker states that those could be viewed as two different issues. A moratorium would be temporary, and there are statutory conditions to consider. A cap or other restriction on the number or density of VDUs would not occur for some time. Parker stated that the Commission could make recommendations to the Council in addition to any action on the proposed amendment. Parker stated that since originally writing the amendment, Coastal Commission staff suggested that that a maximum percentage of units that could be VDUs might be a better approach; she noted that 75% would allow Mr. Reinman to continue operating 3 VDUs in his 4-plex, but Coastal Commission staff suggested 50% as an example of what other communities have used.

Commissioner Lake states that she has done substantial research on the VDU situation. There was a binder of materials from the original VDU Committee, but the minutes that recording decisions crucial to their recommendations on the VDU Ordinance were lost. City Council minutes from 04/08/15 highlight a data problem—Mr. Reinman's apartments are zoned single family. She is not sure why the City is fixing Mr. Reinman's problem through this amendment because it is reactionary and it is not ethical to help one specific property owner. She does not agree that this is a minor amendment and feels that a density cap or moratorium is the way to go. At the 02/12/14 City Council meeting Adora King asked about having 2 VDUs per parcel, and Commissioner Lake doesn't see where things veered from that. The following meeting minutes were lost (02/19/14) and need to be reviewed. Commissioner Lake would like to evaluate short- to long-term housing ratios and would like to send recommendations to the Council in lieu of a yes or no vote on this amendment.

Commissioner Lake also stated that she spoke to Jim Baskin from the Coastal Commission and he said that VDU density issues have changed and evolved. She reads points from an article regarding VDU impacts highlighting affordable housing, protecting neighborhoods, comparisons to malls, etc. Commissioner Lake states that the City Council added language to protect the long-term housing stock and it was their intention to limit VDUs to only one per parcel. She has also spoken to some neighbors, and they disagree with the amendment. She thinks it was the intention of the Council to have one

VDU per parcel. The City doesn't have a handle on the VDU Ordinance and the Coastal Commission requires a public hearing. Commissioner Lake recommends this goes back to the stakeholders and doesn't see why this amendment should supersede a moratorium or cap. The minutes should be reviewed because during discussions, the four-plex was never discussed. She has concerns about unforeseen and unintended consequences of this amendment and potential VDU-plex.

Planner Parker reminds the Commission that the amendment is not approved yet, but she was specifically directed by the City Council to put this language in the Ordinance. The points that Commissioner Lake made about density, a cap, the moratorium and needing further direction may be true, but the Council indicated that they did not consider the impacts of the one VDU per parcel limitation on the 4-plex when they voted on it. If the amendment is approved, it would take a little time to prepare the application for submitted to the Coastal Commission, and then their process takes time, which would not fix Mr. Reinman's VDU issues until after the summer season.

In response to Commissioner Pinske's question about a moratorium and whether that had already been considered by the Planning Commission, Parker notes that discussions about VDUs in 2004 or 2005 did not recommend a cap at that time, but there weren't the number of VDUs that there are now. She notes that there have been a number of home sales recently that are intended to be used as VDUs as well.

Commissioner Stockness would like another public hearing to discuss this issue, and Planner Parker states that there will be one at the Council level. Commissioner Stockness requests to ask a Coastal Commission representative to be at such a meeting to discuss VDU effects. She also wants rooming and boarding (e.g. Airbnb) discussed. Planner Parker responds that zoning allows that as a home occupation and there is no permit needed for it. Commissioner Stockness believes that these are an additional issue and should be reviewed by both the Planning Commission and the City Council. Planner Parker states that the City Council set up a subcommittee for further consideration of VDU issues and a cap. Commissioner Lake would like all issues to go through this advisory committee. Commissioner Stockness recommends Planner Parker be on it as well. Planner Parker responds that she can do this if directed by the City, though it could get expensive depending on the amount of time it takes.

Public Comments

Tom Davies (435 Ocean Avenue) notes that he was on the original VDU committee with Mike Reinman and on the City Council when the ordinance was passed. He was under the full understanding and agreement that there was to be one VDU per parcel. That language was not an oversight, but it is getting written back in. He is skeptical of the supposed public support for this amendment. He would like the impacts, especially septic technology and issues, examined for this. An amendment of this type could set precedence for future amendments. Trinidad is trying to maintain a community, which is evident in the Ordinance as proposed. The Ordinance should be implemented as approved, and he does not support the amendment.

Tom Marquette (437 View Avenue) foresees the development of the large, vacant lot next to his residence and would rather see long-term residences on it than VDUs, even with a

75% limitation. Trinidad has become unaffordable for young people and families. The community needs more residents to partake in community activities such as the volunteer fire department.

Commissioner Comments

Commissioner Pinske has a difficult time supporting the amendment and the direction it is taking the VDU regulations. This also seems like a conflicting issue with an imminent discussion or action occurring in the future in the form of a possible moratorium and eventual VDU cap. He is not comfortable recommending this to the City Council.

Commissioner Johnson recommends the City Council subcommittee research this issue along with the cap and consider a more holistic view of VDU impacts.

Commissioner Lake states that in the 04/18/15 City Council minutes, Staff recommended a VDU Ordinance Committee that would research various types of caps and develop recommendations. Planner Parker agrees, stating that that was part of the City Manager's staff report and recommendation.

Commissioner Lake is curious if there are other triplexes and Planner Parker states that there are none that staff is aware of. The Ordinance language was drafted specifically for legally established units.

Planner Parker also answers a concern about Airbnb rentals and notes that Arcata is researching that issue. Such rentals probably would not fall under VDU regulations because there are generally permanent residents living on the premises. Commissioner Lake notes that the ordinance language should be changed to include "short-term rentals." Planner Parker will also include researching Airbnb units in her recommendation to the City Council.

The Commission reviews the Ordinance language and agrees that a 75% standard would be better than all but one of the total dwelling units, but decides not to wordsmith the amendment since they can't support it anyway.

The zoning consistency and appropriateness of multi-family developments is discussed. Commissioner Lake notes that this was also a concern of Councilman Baker. Planner Parker explains that the parcel with the apartment building on Parker Street is proposed to be rezoned as Planned Development in the General Plan update, but the 4-plex would still be a legal nonconforming structure under that zoning designation because the lot is not large enough to accommodate four dwellings. Commissioner Lake adds that there are implications with large undeveloped PD parcels and the City Council should consider other short-term rentals, too.

The Commission summarizes their discussion and suggests that the City Council and the VDU subcommittee review tonight's minutes for reference and insight from this discussion. Commissioner Stockness requests an email of Planner Parker's memo to the City Council.

Motion (Johnson/Stockness) move that based packet materials, information and findings included in the Staff Report, and based on public testimony, to recommend to the City Council that the proposed amendment to the VDU ordinance not be pursued at this time for the following reasons:

- The language limiting VDUs to one per parcel was not a mistake. It was put in purposefully, and for a good reason, at a public meeting several months before the ordinance was adopted. It was also included in the recommended ordinance of the original VDU Committee that was derived based on consensus.
- The amendment is important to protect the affordable housing stock in Trinidad, particularly in multi-family dwellings, which tend to be cheaper to rent.
- It is also important for maintaining community structure with neighborhoods and residents that can serve on governing bodies, committees and other volunteer services such as the Trinidad Volunteer Fire Dept.
- The amendment seems reactionary and designed to benefit one property and one property owner. It does not appear that it was fully vetted.
- It also does not fit with the direction that the Council is currently moving toward in consideration of a moratorium and future cap on the number of VDUs. These larger issues will be considered in the next year, and this amendment should be discussed as part of the bigger picture.
- The ordinance has not even been implemented yet, so it is premature to be considering amendments. The ordinance itself calls for a review within two years. The amendment is not likely to receive certification in time for this summer season anyway.
- The amendment needs more public input and should go back to a Committee.
- The future development potential of several large PD lots in town make the amendment problematic in relation to the possible ramifications. There are other unknown implications that need further study. This includes other possible existing multi-family dwelling units in town that City staff may not know about.
- Finally, the 4-plex is within the Urban Residential Zone, which calls for single-family residences. Most other VDUs in town are also in this zone. It seems like bad precedent to allow such an intensive use in that zone.

Passed unanimously (4-0).

3. LCP Grant: Update and kick-off.

The City was awarded \$80,000 to finish the General Plan and zoning ordinance update. This grant includes working on issues of sea level rise, bluff retreat, water supply and cultural resources. Other tasks include public outreach, updating the Harbor Area of Deferred Certification and a comprehensive update of the Zoning Ordinance.

4. General Plan Update: Progress report, update, next steps.

This has been on hold until the LCP grant was finalized. Planner Parker is working with CA Coastal Commission staff regarding issues with the separation of coastal and non-coastal policies.

Planner Parker is going to update the elements and make sure they're consistent with later elements and then she will distribute them. Commissioner Stockness would like a hard copy with tracked changes, and Commissioner Lake would like a current copy to familiarize herself with the document.

Commissioner Johnson thinks the schedule looks tight. Planner Parker assures him that the City has the staff and resources to complete the work and the schedule was worded to make it realistic. There are no actual adoption of ordinances required, the focus will be on drafted elements. There is a \$35,000 match total which the City has and will spend on the update anyway. Becky will manage the grant administration and invoicing.

VI. CITY COUNCIL REPORT

The Council is working on a budget. Commissioner Johnson notes that he saw the presentation regarding the changes to the NOAA facility on Trinidad Head. There is a representative that manages 6 of these locations around the world. They will be doing some consolidation, updating buildings and the antennae will stay. Planner Parker adds that they will have to get the Coastal Commission to sign off. There is an information request regarding the Wagner Street trail issues and Coastal Commission enforcement.

VII. STAFF REPORT

The septic operating permits are on hold due to complaints and concerns with the distributed letter. Planner Parker is working with City Manager Berman and Councilmember Miller on a letter of clarification; she is waiting on feedback.

Planner Parker reviews the anticipated permits coming up for review.

Planner Parker is working on VDU permits and good neighbor brochures. There are 41-42 VDU with business licenses and 2 or 3 without one. The VDU permit is a glorified business license.

The Clean Beaches grant should be finalized any day and there will be a year-long extension.

VIII. ADJOURNMENT

Meeting adjourned at 9:03 p.m.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Mike Pinske

Planning Commission Chair