

MINUTES OF THE MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, July 15th, 2015

I. CALL TO ORDER/ROLL CALL (6:00pm)

Commissioners Present: Pinske, Stockness, Vanderpool

Commissioners Absent: Lake, Johnson

Staff: Parker, Caldwell

II. APPROVAL OF MINUTES

April 15, 2015

May 20, 2015 (continued due to a lack of quorum) & note that the letter in the minutes is the same as the copy of the letter received by the Commissioners.

(Motion (Stockness/Vanderpool) to approve the 04/15/15 minutes.

Passed unanimously (3-0).

III. APPROVAL OF AGENDA

Motion (Stockness/Vanderpool) to approve the agenda.

Passed unanimously (3-0).

IV. ITEMS FROM THE FLOOR

None.

V. AGENDA ITEMS

1. **Jefferis 2015-06**: Design Review and Coastal Development Permit to remove an existing 800 s.f. detached accessory structure containing storage and an unpermitted studio, and replace it with a 600 s.f. detached accessory structure containing 120 s.f. of storage space and 480 s.f. of additional living space, including a bedroom but no kitchen, and not to be used or rented separately from the main dwelling. Located at 543 Ocean Ave.; APN: 042-102-54 (previously -16 & -17).

Commissioners Vanderpool and Stockness attest that neither of them has a conflict or financial interest in this project.

Commissioner Comments

Planner Parker details some of the project plans to answer the Commissioners' questions, including that the maximum height allowed is 15', and the plans state the proposed height 14.5'. The current roofline of the existing structure is at 15'.

The Commission discusses the possibility of this being used as a second dwelling unit. The existing building has some elements of a kitchen and second unit and has been used as such in the past as a VDU. However, evidence suggests that the conversion occurred more recently than the City's zoning ordinance, and would therefore be illegal as a second unit. There is a kitchen shown in the proposed floor plans, and Parker explains that the Planning Commission should consider what components should be allowed. The Reinman project (2013-11) was an example of strict conditions required to prevent the

structure from being converted to an ADU. The sink, cabinets, 220-volt power supply and stove were such items that were not allowed. However, that project had a clear history of non-compliance so was stricter than is likely needed for other projects. Planner Parker also notes that the required deed restriction and OWTS permit process also help to assure that this unit will not be converted to a secondary dwelling unit in the future.

The applicants explain that eventually this structure may be utilized as space for a caretaker for the 83-year-old occupant of the 900-sq. ft. primary dwelling unit. Before a caretaker is necessary, it will be used as guest space for family. There is already a toilet and sink, cabinets, refrigerator in the existing structure. They would like to add a microwave and sink to wash dishes. The previous owners used this space as a separate vacation rental and the current owners are looking ahead at its future use.

Commissioner Pinske is concerned about including equipment for preparing meals because it would be very simple to convert it into a vacation or long-term rental. The owner responded that those things were already in there from the previous owner and use. Having those minimal conveniences out there will attract a caregiver, and this structure will not be used as a separate rental. The owners assure the Commission that the occupant does not want people living back there unless absolutely necessary.

Commissioner Pinske confirms that using this space for a caregiver would be consistent with the City's deed restriction requirement. Planner Parker stated that as long as it was not rented separately and that the caregiver would also have full access to the main unit, it should not be a conflict. The City has allowed living space such as bedrooms and offices in detached garages and other accessory structures.

Commissioner Pinske appreciates how the owners modified the residence to work with the septic system upgrade and Planner Parker notes that the use of the system will be less than that of VDU rentals that it was previously.

The applicants explain their position and clarify that one of the primary purposes of this project is that the owner (her mother) would like the place to look nice. They discuss plans to modify the green shed to a grey and white structure that matches the main house. The owners also add that part of the back unit will house the occupant's exercise equipment and that the proposed structure will be smaller than the existing one.

Commissioner Stockness gets clarification on the need for demolition, and Keith Sterns (agent / architect) explains that they didn't realize it initially, but most of the structure has to be rebuilt due to its poor construction and deteriorated condition. The center portion has a floor joist but not on the ends and the structure is sitting on dirt. It needs a primary foundation, but the footprint will not increase. Commissioner Stockness is also concerned about the roofline, which K. Sterns responds will not be much of a change. Construction trucks and traffic are also a concern for Commissioner Stockness, but only minimal amounts will be generated due to the small size.

Planner Parker gets clarification that there will not be changes made to the concrete driveway. She notes that she should add another standard condition to the project to protecting the leach field; not including it had been an oversight.

The Commissioner discusses the conditions of approval. They remove the kitchen sink from condition #5. K. Sterns suggests keeping the 220-voltage because this is a storage area that can house tools. Planner Parker is less concerned with that condition, because that is a common garage feature. The deed restriction is most important to preventing this from being a VDU and will also notify future buyers. The City will also be able to enforce this under nuisance abatement. However, until a caregiver moves in, the structure can double as a shop. The applicants again voice their opinion that they are not interested renting the unit out as a VDU or other rental.

Public Comments

J. Baker comments on enforcement, stating that J. Roberts (the City Building Inspector) is reticent about going into people's garages. A deed restriction adds additional enforcement opportunity, especially if they find that an oven is installed instead of a skill saw. Planner Parker mentions that there must be evidence or official complaint of a second unit rental for enforcement. She elaborates for J. Baker that the County DEH has its own enforcement protocols should the septic be impacted.

K. Sterns asks about a gas stove. Planner Parker notes that this is part of the conditions of approval. She notes that the deed restriction in addition to the nuisance abatement and other ordinances will prevent this structure from becoming a separate rental.

J. Baker states that he would like everyone to be upfront with issues at the Planning Commission meeting and hates seeing illegal activities after approval. The Building Official is only quasi-enforcement. Planner Parker states that in the worst case scenario, he can get a court order to do inspections through the nuisance abatement process.

Commissioner Comments

The Commission clarifies the conditions for staff. Modify condition #5 to allow a sink and 220V electrical connection, but not allow a stove or oven. Add a condition #7, which is the City's standard condition to protect the leachfield area during construction.

Motion (Pinske/Stockness) move that based packet materials, information and findings included in the Staff Report, and based on public testimony, to adopt the information and required Design Review and View Protection findings in the staff report and approve the project as described in this staff report and as conditioned in the staff report and modified at this meeting.

Passed unanimously (3-0).

VI. CITY COUNCIL REPORT

The last Council meeting included a review of the results of the community goal setting session, new storm water ordinance, and a discussion of an amendment to modify the VDU Ordinance, because now there is a 45-day moratorium on VDUs while the City considers a cap. Two City Council members were elected to a VDU Committee and they will try to meet at least one time before the next Council meeting.

Commissioner Pinske mentions the money allotted to implement the Tsurai Management Plan (TMP) and asks if the lighthouse project can be included in that fund. Planner Parker states that the appeal of the Civic Club project is currently on hold. She notes that part of the LCP grant goes to the cultural element and issues. The City is continuing mediation with the Tsurai Ancestral Society (TAS) under the current lawsuit. The City Manager has proposed \$20,000 in the current budget to implement projects in the TMP, but the exact projects and details have not been decided. Commissioner Pinske is dismayed with the condition of the lighthouse area. Planner Parker notes that the Civic Club project is under appeal at the Coastal Commission and if no one pushes them regarding the project, it gets stalled. J. Baker is also concerned about the Axel Lindgren trail. The City would like to get some design engineering and maybe a handrail included from the money to implement the Management Plan. The Cultural Element is projected to get started next month under the LCP grant. Planner Parker will start it at the staff level.

VII. STAFF REPORT

Commissioner Pinske asks about the status and fees of the OWTS permit program. Planner Parker states that the OWTS program is a budget line item in a separate account from the planning budget. She has been working on VDU permits, which have also necessarily included OWTS permits.

OWTS permitting letters have been sent out to areas around Edwards, Pacific, Van Wyke, and Planner Parker is now 2/3 through the first 50. Round 2 was sent to Underwood, Trinity and west Ocean.

J. Baker adds that the TAS are saying that bluff instability is being caused by more water from impervious surfaces in addition to that from septic systems.

Planner Parker is waiting for the arborist's report from the applicant regarding the VRP 2015-02 project on the bluff. Then the applicants have to meet with surrounding property owners and work out what next steps to take. She has not heard anything from them since the hearin.

VIII. ADJOURNMENT

Meeting adjourned at 7:19 p.m.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Mike Pinske

Planning Commission Chair