

MINUTES OF THE RESCHEDULED MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, November 4, 2015

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

Commissioners Present: Espejo, Johnson, Pinske, Stockness

Commissioners Absent: none

Staff: Dan Berman (City Manager), Parker, Caldwell

II. APPROVAL OF MINUTES

September 16, 2015

Commissioner Stockness thought the minutes were well condensed.

Motion (Johnson/Espejo) to approve the minutes as corrected.

Passed unanimously (4-0).

III. APPROVAL OF AGENDA

Motion (Stockness/Espejo) to approve the agenda.

Passed unanimously (4-0).

IV. ITEMS FROM THE FLOOR

Leslie Farrar (433 Ewing) recited quotes from authors and spoke of community, inclusiveness, commitment, spirit and cooperation.

Allan Grau (433 Ewing) was disconcerted about a threat of a lawsuit over a Planning Commissioner expressing their opinion.

V. AGENDA ITEMS

1. **Trinidad 2015-09:** Coastal Development Permit and Conditional Use Permit to conduct regular and periodic road maintenance activities on and along Trinidad Head roads consistent with historic maintenance activities. Specific activities include periodic grading to maintain the existing gravel surface and clearing and maintaining existing ditches, culverts and waterbars to ensure proper stormwater drainage and prevent erosion. Located on Trinidad Head; APN: 042-121-05.

This project is similar to the vegetation maintenance permit approval a few years ago and includes activities such as road maintenance, grading, etc.

Commissioner Comments

Commissioner Stockness gets confirmation that the federal agencies pay for some of the road maintenance, and public works staff completes most of the work. Heavier work that may need a bobcat is contracted but overseen by City staff.

Commissioner Johnson confirms that the vegetation maintenance plan has been officially approved. He also clarifies that there is no need for an encroachment permit because it is a City project on a non-public roadway and that project description and this permit (2015-09) are drafts until the Commission approve them.

It was clarified that a McLeod is a hand tool.

Commissioner Pinske inquires about the project appealability. Parker responds that it is appealable to the City Council and the CA Coastal Commission. The appeal period lasts 10 working days from the date that the Coastal Commission received a Notice of Action from the City. It is likely that two weeks from Monday the appeal period will run out and work can possibly occur in 2 ½ weeks or so (considering limitations, such as avoiding rain events).

Commissioner Espejo appreciates the details in the report and confirms that Kim Tays' letter was received by staff. Planner Parker assures everyone that the maintenance guidelines will be given to the appropriate public works staff and any contractors in order to ensure that something like what happened in 2011 would not be repeated.

Commissioner Espejo confirms that noise would not be a significant issue and any noise impacts would be short term.

Commissioner Johnson corrects the site characteristics in the staff report, noting that Trinidad Head is not yet part of the CA Coastal National Monument.

Public Comments

Laura (Westhaven) inquires about the "2011 incident" and Commissioner Espejo responds that too much vegetation was cut and too much dirt moved during maintenance activities.

Motion (Johnson/Stockness) that based on application materials, information and findings included in this Staff Report, and based on public testimony, I find that the proposed project is consistent with the City's certified LCP, and the provisions and regulations of the Coastal Act, and I move to approve the project as submitted and described in the attached project description.
Passed unanimously (4-0).

2. VDU Ordinance Amendment: Consideration of an amendment to the existing VUD ordinance (§17.56.190 of the Trinidad Zoning Ordinance) and development of additional regulations to cap the number and / or density of VDUs in Trinidad.

Following an introduction and summary of the process to date, Planner Parker suggests that the Planning Commission use a similar strategy as the City Council and address each issue one by one. She suggests that answering the 4 questions listed on page 5, or whatever there is time for, should allow her to start drafting appropriate ordinance language. Parker emphasizes that she does not expect the Commission to get through every issue tonight.

The Commission agrees to summarize written comments from the public that could not attend rather than reading each letter.

Planner Parker explains that this issue is before the Commission, because all Zoning Ordinance amendment must go before the Commission for recommendation to the City Council. The amendment will also have to be certified by the Coastal Commission.

Commissioner Johnson suggests that the existing Ordinance needs to be reviewed next March. Parker clarifies that the original, uncertified ordinance is what got codified in the on-line version of the municipal code and so it is out of date. The adopted version of the ordinance requires review within two years rather than one year.

Commissioner Pinske summarizes the written submissions from the public including Mike Reinman, VDU owner and owner of Redwood Coast Vacation Rentals (supports VDUs so that visitors can enjoy Trinidad and the City can benefit from the income; he does not want a cap and things licenses should be fully transferable); McNeil Law Offices, representative for a group of property owners (objects to the moratorium and cap; states that more information and studies are needed before making this decision); Bob and Pam Walters, owners of the VDU at 807 Edwards St. (support VDUs and they contribute to the economy); Don Allan, resident of Westhaven (states VDUs should be banned in residential zones because they inflate home prices and detract from the community); Karen McCarter, owner of a VDU at 363 Ocean Ave. (discusses community character and the benefits of VDUs and is against a cap) and Jackie Keegan of the Beachcomber Café (is not in favor of VDUs; she thinks the number should be reduced and that they need regulation).

Public Comment

The Commission requested that people limit their comments to just the first question as to whether there should be a cap at all.

Jan Nash-Hunt (owner of VDU at 30 Scenic Dr) is in favor of VDUs and a cap for balance.

Nick Frank (Stagecoach Rd) believes it is important to define types of vacation rentals such as rooms vs. entire houses; individual room rentals should also be regulated.

Walt McNeil (attorney) notes that he is not threatening the process with litigation, but presents examples to illustrate that more data is needed before making a decision.

Tom Davies (435 Ocean) thinks that the number of VDUs should be limited and prohibited in residential areas.

Dick Bruce (780 Underwood) is in favor of a cap and thinks that 25 VDUs is plenty. The current number should be reduced through attrition, and inactive VDUs should be assessed.

Dorothy Cox (436 Ocean) supports the cap but also thinks density should be a factor and the number of VDUs decreased in residential areas.

Bryce Kenny (462 Ocean Ave) is in favor of a cap.

Dan Cox (436 Ocean) thinks VDUs should be banned and is in favor of returning Trinidad to its roots with neighborhoods and families.

Gail Kenny (462 Ocean) is in favor of community and a cap on VDUs.

Joe Moran (898 Underwood) is an owner-operator of a VDU and doesn't think there should be a cap because the application process acts as a filter. He stated that the existing ordinance needs to be given a chance.

Don Allan (Westhaven) thinks VDUs should be restricted to commercial areas.

Kathleen Lake (435 Ocean Ave) provides handouts of information she's compiled and gives community character, infrastructure and policy reasons as to why VDUs are unacceptable in residential areas.

Doran Morgan (160 Scenic Dr) sees how VDUs help out the economy and result in opportunities and services that Trinidad might not otherwise have (restaurants, market, etc.) with its small population.

Allan Grau (433 Ewing) chose to live in a residential area and would like to live with neighbors and a real community, and cannot see how the City can enforce rules or regulate VDUs efficiently. He thinks there should be fewer VDUs overall and only owner-occupied VDUs in residential areas.

Barbara Snell (VDU owner and long-time resident) would prefer no cap in addition to the City's current regulations. They don't make that much income off their VDU and she witnesses the economic impact visitors that stay in Trinidad make on the economy. She notes that Trinidad will never be the same as it was 30 years ago no matter what the regulations are.

Mary Jane Poulton (811 Underwood) would like to see balance, suggests that full-time VDUs should be regulated differently from those that are at least partially owner-occupied, and does not think there should be too many VDUs on one street.

Leslie Farrar (433 Ewing) suggests that VDUs not be allowed in residential areas.

Laura Scott (Westhaven & 330 View St) used to live in town and appreciates the tourist dollars from VDUs but is in favor of a cap.

Jonna Kitchen (56 Berry Rd; owner of Trinidad Retreats) is not for a cap because there is not enough data to support it. She suggests an economic impact study. She notes that capping the number VDUs will not guarantee owner-occupied residences or volunteerism.

Brendan Brisker (Westhaven) has had negative experiences with well-managed vacation rentals and has seen the increase in home prices. He is in favor of a cap and moratorium.

Commissioner Comments

The Commissioners request a tally of the stated opinions; Parker responds that she counts that 9 statements were in favor of a cap, 4 were in favor of bans, and 5 people did not want more regulation of VDUs at all.

Planner Parker explains that she needs more direction in order to start drafting Ordinance language. She notes that the City Council unanimously recommended a numerical cap. There are other options such as basing it on percentages, density/distance or restricting VDUs based on zoning, etc. The Commission agrees to hear the public comment on the type cap noting that some of the previous speakers already addressed more than just the first issue of whether there should be a cap or not.

Public Comment

Adora King (resident and owner of a part-time VDU at 396 Wagner) asks for clarification as to where VDUs can exist if not in residential zones, because that would be a very small area. Planner Parker explains that most communities that have banned VDUs from certain zones are larger and have more zones than Trinidad does so they can be allowed in more areas.

Walter McNeil (McNeil Law Offices) presents his research and agrees that outside of residential zones is a very small area. He found that only 2 VDUs could exist if restricted from the residential zones.

Kathleen Lake (435 Ocean Ave) is for a 2 VDU cap if that's what is in the non-residential zones and banning VDUs from residential zones.

Pat Morales (864 Edwards) would like a cap and restriction from the residential zone.

Dorothy Cox (436 Ocean Ave) would like a cap and restriction from the residential zone.

Doran Morgan (160 Scenic Dr) would like no cap.

Bryce Kenny (462 Ocean Ave) thinks the City is built out and basing a cap on percentages would be difficult and essentially the same as a fixed number. He thinks a limit at the current number is reasonable.

Barbara Wright (owner of VDU at 150 Scenic Dr) suggests a 20% cap, and allow them anywhere.

Reid Kitchen (56 Berry Rd) is not really in favor of a cap, but thinks it would be a good compromise; he also thinks that the issue of density and crowding needs to be addressed.

Danny Cox (436 Ocean Ave) thinks that the problem is enforcement and that a percentage of the TOT should be allotted for enforcement; he would be in favor of a cap by neighborhood.

Leslie Farrar (433 Ewing) thinks it is not simple and would like to see more data on VDUs, such as for second homes, and long-term renter numbers.

Jonna Kitchen (56 Berry Rd) (owner-operator) doesn't think there should be a cap until there is more information. Her best estimate shows a decline or leveling off in active VDUs over the last few years and she also sees density and cluster issues. She suggests that the only cap to fully address the issues is a distance-based cap, though this would be difficult to manage.

Laura Scott (Westhaven & 330 View St) thinks that there is a lack of affordable rentals in town. VDUs also have enforcement issues and taxes should go towards enforcement. She is in favor of a cap until there are better regulations. She also notes that there should be better language in the Ordinance to define a VDU.

Tom Davies (435 Ocean) thinks the City has an obligation to provide affordable housing for residents. He thinks VDUs should not be in residential areas but are OK in Commercial and Planned Development.

Commissioner Comment

Commissioner Stockness is concerned about neighborhoods, density, regulations, parking, enforcement and noise. She would like to see a City-wide survey. She reads the definition of a VDU from the Coastal Commission's February 20, 2015 Staff Report.

Commissioner Johnson reiterates that the results of a recent community-wide goal-setting meeting earlier in the year indicated that people were very concerned with maintaining the small village atmosphere and regulating VDUs. He doesn't feel that he is ready for a decision tonight. He doesn't think a cap would solve 90% of the problems, which seem to be related to nuisances such as parking, noise, neighbors or parties. His concerns lie with enforcement. He would like input from the City Attorney regarding the legality of a cap and if there are State or Federal policies that would affect the City's regulations. He would also like further insight from the Coastal Commission and examples of successful regulation of VDUs in the Coastal Zone.

Planner Parker responds stating that she has spoken with Coastal Commission staff and there is no black and white answer. They consider a number of factors. In general, coastal uses, including overnight visitor accommodations, are a priority for them, and they have denied bans. One issue will be whether there are alternate overnight accommodations nearby. She continues, stating that a ban in the UR or SR zones would be tough, though a ban in just the UR zone might be possible.

Commissioner Johnson doesn't want to reinvent the wheel and would like to see what other coastal cities do to successfully regulate their VDUs. He would like to find an enforcement mechanism that is not complaint driven, essentially putting the onus on the neighbors rather than the renters or managers. He also thinks careful implementation of the existing ordinance is important.

Commissioner Espejo looked into some case studies and reports that San Francisco legalized short-term rentals (STR) but also has an office of STR and enforcement. She suggests the City get help with enforcement. Trinidad does have a variety of tools and income from the TOT. She would like to make sure the City avoids litigation. The VDU industry does help the City economically. She thinks the Commission should listen to the community and review case studies.

Commissioner Pinske thanks the public for their attendance and input. He reminds them that this will be a long process and will not be solved in one or two nights. Public input is important and he noted that enforcement was a strong issue, as was the suggestion to use TOT tax for enforcement. He sees both sides and the issues and strives for balance.

Dan Berman, City Manager, relays that the VDU licenses are the primary enforcement tool. The City received 38 applications and 28 have been issued. The remaining 10 have a range of issues still to be dealt with, including 3 that have significant problems. He is hoping that by the next City Council meeting, the remaining 10 will have been issued or denied. The workload for staff is intensive but licensing is the way to bring the VDUs into compliance with the existing Ordinance.

Commissioner Johnson notes that there are two aspects to enforcement. The Ordinance creates the infrastructure and following that, enforcement is complaint-driven. There should be another form of enforcement beyond administration for issues, e.g. noise. He suggests a deposit.

Commissioner Stockness states that the County hired a code enforcement officer. Perhaps staff can review how they operate for enforcement ideas.

Commissioner Johnson reviews his needs: 1) the legality of a cap, 2) additional information from the Coastal Commission and 3) examples of successful regulations and caps in the Coastal zone.

Planner Parker notes that she has quite a bit of information, data and numbers but can recommend more studies and look at other examples to summarize and present.

Commissioner Pinske reviews the zoning map and notes that most VDUs are in the UR zone.

Planner Parker states that some communities have banned VDUs in areas outside of the coastal zone, but Trinidad is entirely in the coastal zone.

Planner Parker asks that the Commission email her any additional questions or information requests within the week. There were no applications for the next meeting, so the next meeting will focus on this issue. She details information about housing stock in the City and adds that some

spaces in the RV parks are now used for long-term housing. There are close to 205 existing residences in Trinidad, not counting any RVs. The PD zone contains a number of residences, many of which have been converted to businesses. She can give more information at the next meeting.

VI. CITY COUNCIL REPORT

There was no meeting in October.

VDUs were discussed and an update given on the VDU Ordinance at the last meeting.

Three letters of interest were received for Planning Commission appointment.

The City received a grant to repair the Van Wycke trail. Construction will not occur for 2 years.

VII. STAFF REPORT

VDU license letters are all sent.

The Clean Beaches grant Monitoring Plan and QAPP have been submitted and she has met with all three tribal groups regarding the LCP grant General Plan update. The Cultural Element needs work. She needs to make the draft general plan compliant with State and Coastal guidelines and then a new draft will be available early next year.

The next meeting will probably be in December.

VIII. ADJOURNMENT

Meeting adjourned at 9:00 p.m.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Mike Pinske

Planning Commission Chair