

MINUTES OF THE MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, March 16, 2016

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

Commissioners Present: Espejo, Johnson, Pinske, Poulton
Commissioners Absent: Stockness
Staff: Parker, Caldwell

II. APPROVAL OF MINUTES

February 4, 2016

Motion (Johnson/Espejo) to approve the minutes.

Passed unanimously (4-0).

February 17, 2016

Commissioner Johnson gets clarification that the City Council sets the Transient Occupancy Tax (TOT) rate.

Motion (Poulton/Espejo) to approve the minutes.

Passed unanimously (4-0).

III. APPROVAL OF AGENDA

Motion (Johnson/Poulton) to approve the agenda.

Passed unanimously (4-0).

IV. ITEMS FROM THE FLOOR

Commissioner Pinske notes that he's aware there was an event / incident at 461 Ocean over the weekend and he's expecting comments. He asks that the public comment during the appropriate, relevant times. He reminds everyone that items from the floor should be limited to issues unrelated to any agenda item.

Dorothy Cox notes that 407 Ocean Street (a long-term rental) had nine vehicles parked in front of the house. The property owner is required to provide a current list of tenants and their vehicles with license plate numbers to the City. That list has not been updated and currently lists only three people and five cars. The tenants rudely refused to answer her questions. She is entitled to know this information. Parking infringes on the street and M. Reinman hasn't responded. She wants an updated list, noting that there are 6-8 cars parked on a narrow street and 9-10 if the alley is included.

Leslie Farrar speaks to a home having a deep emotional meaning. A home is a sanctuary where you can retire from the public view and is comfortable and peaceful. Losing a home can feel like losing a person. Homes are separate and private; one-family residences are ideal.

Alan Grau asks about the City Planner's role. Commissioner Pinske states that the City Planner's role is to present information to the best of her ability and report a broad scope of the issues and alternatives to the Planning Commission. Direction is given to the Planner by the Commission, and she encapsulates the issue based on the Commission and public comments. She also provides

facts, options and recommendations so the Commission can make informed decisions. Commissioner Johnson adds that the Commission relies on the Planner to summarize and interpret planning related policies, rules and regulations at the City, County, State and Federal levels.

Bob Walters (807 Edwards) is a VDU owner and states that he losing money overall on his VDU. It is not a money-making endeavor, but the value is being able to have an affordable vacation home and be able to visit beautiful Trinidad.

Dorothy Cox wonders whether there is any recourse for marijuana odors in the neighborhood. Planner Parker responds that the only law she knows of is the City's ban or moratorium on dispensaries. So it would be State law that is applicable. If it becomes a criminal matter, the police should be involved. Dorothy Cox states that the number of grows have increased. Planner Parker will see if she can find any additional info and bring it up with the City Manager/Police.

V. AGENDA ITEMS

1. **VDU Ordinance Amendment:** Continued 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. Specific topics may include, but are not limited to: definition of different types of VDUs, City-wide cap, neighborhood cap or distance restriction, license activity requirement, license term, transferability, grandfathering of existing VDUs, waiting list, enforcement and any subsections of the existing VDU ordinance.

Commissioner Comments

Commissioner Poulton clarifies that when he suggested a 300 ft. buffer between rentals, he meant center point to center point (which is equivalent to the '150' buffer from center' map provided) rather than from property boundaries. Planner Parker summarized the different buffer options and maps provided for comparison. She notes that she differentiated between active and inactive licenses because it has been suggested as a new requirement and to make the buffer maps more legible.

Parker also summarizes some of the edits she has made to the ordinance, mostly based on Commissioner and public comments. But she has also made a few other staff edits such as changing the renewal date from July 1 to the off-season so there is time for adjustments in bookings. She also thinks VDUs should have their own dedicated permit or license rather than calling them business licenses.

Commissioner Poulton prefers the terminology where STRs are defined as all-encompassing, with the different Types 1 and 2 as different classifications. Planner Parker notes that everyone would have to get used to that since it is generic and not very descriptive.

Commissioner Poulton questions if a homestay is equivalent to a home occupation and asks if TOTs are collected for homestays. Planner Parker states that they are included in the current definition of VDU and would therefore require a license, which appears to be a conflict with the home occupations regulations of the zoning ordinance. The TOT is supposed to be collected on them, but they are harder for the City to track. She likes the idea of registering them and requiring a regular business license. Commissioner Johnson thinks they are addressing a process issue and this may require continued review.

Commissioner Johnson discusses the desire not to allow transferability of the permits and addresses the issue of relatives inheriting the VDUs. Planner Parker states that if it involves a change of ownership, the permit probably would not transfer under the currently proposed language.

Commissioner Johnson talks about clarifying the STR 1 and 2 categories by having separate sections in the ordinance for them, so people can just focus on the part of the ordinance that applies to them. He would like to ensure homestays pay TOT even if they don't require licenses. He foresees common regulations applying to all STRs with additional regulations specific to each type. All terminology and definitions should be explicit: homeowner, non-homeowner, owner-occupied, etc.

Commissioner Poulton asks why signage for VDUs is optional rather than required. Planner Parker notes that it was an issue that came up during the discussions of the original ordinance. Many people strongly object to more signage around town, and so it was left as optional. That language could be changed though as part of this amendment.

Public Comment

Commissioner Pinsky reads several letters into the record:

D. Kitchen of Trinidad Retreats comments on several aspects of the ordinance revisions, including: the guest registry, hold harmless agreement, manager responsibility for guests and violations, license renewals, transferability, and the waiting list.

Jan Hunt of 30 Scenic Drive writes that it seems like a small group of people has been "railroading" the Planning Commission's efforts. They are bullying the Planning Commission and wasting valuable time.

Jack Nash of 30 Scenic Drive writes that the review of the Ordinance should first focus on enforcement rather than additional limitation and standards. Too many restrictions will decrease tourists and revenue. It is not advantageous to anyone to let houses sit vacant.

K. Lake (435 Ocean Ave) states that the incident this weekend at 461 Ocean illustrates the lack of enforcement in Trinidad. She notes that the purpose of the existing ordinance is to keep VDUs from harming residential neighborhoods, and it has failed in that. She thinks that everyone in town, other than those who profit from VDUs, does not want them. She refutes Planner Parker's statement that an owner-occupancy requirement would be nearly equivalent to a ban on VDUs. She states that Jim Baskin of the coastal Commission told her that "Trinidad needs to look at VDUs with a fresh start." She also objects to consideration of active versus inactive licenses. She submits a letter with additional comments and information.

T. Davies (435 Ocean Ave) responds to some of the comments in the letters that were read. VDU owners are not here to be hospitable, they're getting paid. The residents are left to entertain the tourists and enforce the rules. Why does the city keep talking about active versus inactive permits? There are 5 existing VDU licenses on Ocean, and they are authorized to operate / rent at any time.

A. Grau (433 Ewing St) states that the 2010 Census information provided by Planner Parker is outdated. Permits should be non-transferable and the number of VDUs halved. The renewal of licenses should be restricted to only one or two times, and 20 combined visitors and occupants is too many. He thinks permits should be revoked after two infractions. Ownership should be verified based on property tax exemption. Quit discussing active vs. inactive permits. There

should be no exceptions, or they should require two-thirds approval of neighboring properties. Ocean and Wagner streets should have different standards. TOT should be required and budgeted. The City can't compile complaints when there is not a clear or formal process. The City should not fear litigation and should follow Mendocino as an example.

Dorothy Cox (436 Ocean Ave) doesn't see how 7 residents could be railroading the process. The neighbors were not given correct contact information and got transferred around several times when trying to get a hold of the local contact for 461 Ocean this weekend. The eventual response was ineffective. The existing ordinance allows 20 people in that VDU past 10 p.m., because there is no curfew. A complaint was made and she would like the incident acknowledged. Why were the group allowed to stay another night? If there were a host onsite, they would be there to welcome renters and head off problems. She would be happy to welcome visitors, but never knows who is coming or going, because the situation is like a key-punch motel. These are businesses in the residential zones; owner-occupancy is the only answer.

Dan Cox (436 Ocean Ave) states that an owner would never have rented to a group called Weed for Warriors (referring to incident at 461 Ocean). The City needs to require managers to have a meet and greet with occupants. There needs to be fewer visitors allowed, and a curfew for them to leave. A Trinidad VDU manager told the County Board of Supervisors that there are only two VDUs on Ocean Avenue, which is not true. The managers are not being responsible. Neighbors shouldn't have to argue with the people that are supposed to be there to solve problems.

L. Farrar (433 Ewing) states that it is difficult to limit comments to 3 minutes, especially with such a complex topic and regulations. Her concerns include: licenses are licenses and not an active vs inactive thing; 20 people is an event; license renewals should only be granted if all standards are met; 30 VDUs is too many; Napa only allows 4% of their housing units to be VDUs; exceptions should not be allowed except with a two-thirds vote by neighbors; lighting at VDUs should have the same requirements as the residents; it's time to be consistent; the buffer on the existing maps with the property lines are not big enough. She will send a copy of her thoughts to the Planning Commission.

Commissioner Comments

Commissioner Johnson request that all written comments be sent to the Planning Commission. Email is fine.

Commissioner Pinske knows that 3 minutes is a short time but they need to keep these meetings within a reasonable time frame, keep the process moving, and allow everyone a voice.

Commissioner Johnson notes that the Commission will not be voting on anything tonight and are just reviewing the ordinance amendments. He states that they got some concrete comments tonight. This is a work in progress.

Planner Parker summarizes some of the comments. She thinks it would be helpful to have a VDU list, 24 hour contact, occupancy and other important information available on the City's website. There is a lot to think about for policy and background.

Commissioner Pinske discusses STR definitions and specifically addresses the differences. Commissioner Espejo thinks that type clarification is good. Commissioner Poulton adds that there should be a third type for homestays. Planner Parker agrees with commissioner Pinske

that certain VDU standards could be different based on the size of the house or lot. Also, if a caretaker or owner resides on the property, that should be included in the allowed occupancy.

Commissioner Espejo states that the City should incentivize owner-occupied short-term rentals. They keep the homeowner directly involved. She suggests that legal second units would be a good opportunity for owner-occupied STRs.

Commissioner Pinske thinks the responsible person should sign a contract that incorporates specific requirements (parking, number of people, etc.) so there is a paper trail of information exchange. The property managers get the deposit if something happens, so the managers should be held responsible for enforcement costs. Planner Parker states that monetary threats could help control behavior. Maybe the Commission should add the City's requirements to a checklist to be used in the contracts.

Commissioner Johnson agrees with Commissioner Pinske's comments. He thinks it is important that management be there to greet the tenant, that managers can only rent to one group per night and that observation goes a long way to understanding renters. If renting, that manager is on call and they will be available. Response times should be considered. If a manager was on site, this would resolve some of the issues.

Commissioners Pinske and Poulton agree that if a group comes in late, the manager still should have to meet them as part of their responsibility to the community. They are supposed to be available 24-hours a day anyway for complaints.

Commissioner Espejo thinks that the managers should ensure the occupants know the rules beforehand. A manager's job is to manage people. She compares this situation to working at the Park. Better screening of renters should help the enforcement issue. Commissioner Pinske discusses possible logistics of face-to-face contact upon initial arrival of the renters. Commissioner Johnson rented an STR and was required to be there at a specific time so the host could meet them. This wasn't just for rules, this was to understand the operation of the house. The meet-and-greet benefits everyone.

Planner Parker thinks these are valid points. Managers want to make it work and these seem to be reasonable suggestions. Transmittal of rules and meet and greet could be added to the Standards for VDUs or contract requirements.

Commissioner Johnson discusses events. Noise, parking, lights are the biggest nuisance issues. He suggests that the number of allowable occupants not be fixed but formulary. They could use the lot size and / or proximity to other VDUs as parameters. With fewer people, there is less activity and less noise and this may relieve congestion. He suggests not issuing licenses to inactive VDUs during the annual renewal process. Compliance should be verified each year. The Commission discusses maximum occupancy. They decide that if lot size is 8000 feet or less, only 2 people per bedroom will be allowed. They will revisit this topic upon review of the new language.

The Commission discusses activity requirements, which will ensure continued revenues and help reduce the number and congestion of VDUs over time.

The Commission discusses parking and the number of visitors. Where people actually park is difficult to control. The number of visitors should not be allowed to exceed the occupants. There are issues with lot size, density, size of paved width, narrowness of street. They decided it might

have to be site-specific. Planner Parker adds that on-site parking should be used before street parking, but that the City can't prohibit parking on public streets.

Planner Parker reviews the Commission's input.

- Lots smaller than 8000 square feet can only have two occupants per bedroom. This applies to the UR Zone.
- There must be a meet-and-greet with the responsible party.
- As part of the contract, a City-approved form must be signed ahead of time (and at some point, there should be some recognition that people won't party).
- The number of allowed visitors will be reduced to the same as the allowed occupancy with an absolute max of 20 people onsite.
- Visitors need set hours.
- Homestays should register and pay TOT under their home occupation business license.

Commissioner Pinske reports that Commissioner Stockness will discuss application requirements next month as part of her subcommittee report.

Commissioner Pinske and Planner Parker discuss license renewals not being automatic and including additional review or standards for VDUs with complaints. Planner Parker notes that under violations, there's an opportunity to revoke licenses. She discusses examples from the robust Palm Springs ordinance, including a property watch list.

Commissioner Johnson will be ready to discuss the complaint process more next month. There should be a process that includes complaint follow up, information, definitions and responsibilities that will help reduce and mitigate violations.

Planner Parker notes that the complaint process is not usually in an ordinance but set by policy. The City should have a complaint process for all issues and have it posted on the City website, which could be referenced in the ordinance. Commissioner Pinske decides that the language should address the significance of a violation. Planner Parker adds that significant violations are not well-defined but she has added some additional details.

The Commission again discusses transferability. It is decided that Planner Parker will discuss the issues with the City Attorney. Commissioner Pinske is not in favor of transferability but would like an application wait list. He thinks that a 180-day application process is too long. Commissioner Johnson reiterates J. Kitchen's recommendation that there should be 60 days to apply and 60 days to be approved. The wait list should be first-come first-served. Planner Parker states that shortening the time will put pressure on City staff, but 45 to 90 days seems reasonable. This will depend whether the VDU license application is complete and if problems need to be resolved. She also adds that maybe there should be a provision for if the waitlisted person is too close to another VDU if there is a distance restriction. This may have applicability in the use permit exception. Commissioner Johnson thinks this should be later reviewed based on findings.

Planner Parker reviews the recommendations.

- 45-90 day application period (depending on if problems need to be resolved)
- First come first served
- The name on the list can be attached to only one property
- There should be a better definition of a local contact person
- There should be a shorter response time for the local contact person.

Commissioners Johnson and Pinske discuss the response time. They change it to a 20-mile radius and 30-minute response time in person or by phone. The tenants should be informed of the complaint, and information about the complaint and how it was resolved filed with the City within 24 hours. Planner Parker suggests a definition for a timely response. Some of the details discussed by Commissioners Johnson and Pinske will go under the complaint process. They need to better define a local contact person. The complaint subcommittee is comprised of Commissioners Pinske and Johnson.

Commissioner Johnson suggests that when sending a letter to neighbors with contact information, they should extend it to residences within 300 feet.

VI. COUNCIL REPORT

The City Council reviewed the General Plan update, budget and sales tax issues.

VII. STAFF REPORT

Planner Parker is continuing working on 2 grants. She sent letters to priority parcels to offer reduced cost inspections; here is a technical advisory committee that will prioritize those reports for repairs.

There is storm / erosion damage on the Parker Creek Trail. A 200' culvert failed on private property. This will require an emergency permit for repair.

VIII. ADJOURNMENT

Meeting adjourned at 9:22 p.m.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Mike Pinske

Planning Commission Chair