

**MINUTES OF THE SPECIALLY SCHEDULED MEETING OF THE**  
**TRINIDAD PLANNING COMMISSION**  
**WEDNESDAY, February 4, 2016**

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

Commissioners Present: Espejo, Johnson, Pinske, Poulton, Stockness  
Commissioners Absent: none  
Staff: Parker

**II. APPROVAL OF MINUTES**

None.

**III. APPROVAL OF AGENDA**

***Motion (Johnson/Pinske) to approve the agenda.***

Commissioner Johnson notes that the agenda item description is broad but the focus of tonight's discussion will be on enforcement.

***Passed unanimously (5-0).***

**IV. ITEMS FROM THE FLOOR**

S. Ruth (777 Edwards) gives an update on a View Restoration Permit, stating that people's busy lives have caused a delay, and, in addition, it has been difficult to get a qualified arborist willing to get involved due to the tree owner's position and influence.

K. Lake (435 Ocean) believes that the Planning Commission has not assessed the code and General Plan compliance as requested by the public. She reviews the League of California Cities Planning Commission Handbook and reads excerpts. She submits a letter with suggested definitions and regulations for short term rentals.

L. Farrar (433 Ewing) would like to find creative solutions for this issue. This is a shared community.

S. Rotwein (54 N Westhaven) asks everyone look at the big picture. She gives an example of a past shortsighted attempt made to ban crab pots to protect the community.

L. Scott (98 Berry) refers to a recent Mad River Union article. She asks the Commission to enforce the Municipal Code. She mentions a 62-signature petition supporting what they are asking for and reads some comments.

D. Cox (436 Ocean) notes that she had speculated on who could sign the petition in her neighborhood, but there are now no neighbors to approach. Therefore, it is necessarily a small group of people voicing concerns.

**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.

### *Commissioner Comments*

Commissioner Pinske asks about Municipal Code compliance. Planner Parker responds that that analysis has already been done as part of the process of adopting the first ordinance. A thorough review was submitted to the Coastal Commission as part of the LCP amendment application.

Commissioner Stockness states that the problem of clustering must be addressed.

Commissioner Pinske discusses the possible advantages of owner-occupied VDUs and definitions from other communities. The City of Napa's Ordinance is used as an example for discussing hosted vs. non-hosted VDUs.

Commissioner Johnson reminds the public that the existing VDU Ordinance was adopted after significant public input and discussion with compromise and public support. He advocates for making similar progress with this process with creative tweaks to the existing Ordinance. Commissioner Johnson continues, focusing on enforcement. Innovative ideas could solve the current problems. Cannon Beach has a variety of novel ideas. He notes that the City does not want to be in the position of forcing VDUs to go underground if they are overly restricted.

### *Public Comment*

J. Kitchen (56 Berry; owner of Trinidad Retreats) suggests that before major amendments are made, the City look at some specific data and information. She notes that it looks like there have been around 5 VDU complaints and compared that to something like 2700 total nights VDUs are rented. She also questions how many non-VDU complaints there have been. She asks how the OWTS Ordinance is being enforced. There are significant public health and safety issues in town, but Staff time has been monopolized by VDU issues. Too much time and energy has been spent on this issue for such a small city. She hands out written suggests and a grand jury assessment of SLO County's VDU enforcement issues.

M. Reinman (VDU owner / manager) suggests that there are two mechanisms for enforcement – through the application process and then following violations. He notes that occupancy is difficult to enforce.

A. Grau (433 Ewing) thinks that the Ordinance has the fatal flaw of being inconsistent with residential uses and that the City needs to take a step back and reconsider their approach.

S. Ruth (777 Edwards) agrees with Commissioner Johnson's step-by-step approach but adds that the next step is a cap, extending the moratorium and focusing on enforcement issues. He notes that he lives near some VDUs, and that they have occasional parties, but it hasn't been out of hand. He suggests using the TOT tax for after hours police patrols to focus on not just VDUs but other City rules as well (dogs on leash, fireworks). He is also concerned about potential underground VDUs.

K. Lake (435 Ocean) is disappointed in the Planner's interpretation of the rules and complains that staff reports don't adequately address General Plan and Code consistency. She believes that the City Planner is preventing discussion of the idea of homestays. She notes problems with the existing ordinance, including the fact that the bed and breakfast falls under the definition of VDU, there haven't been any significant violation determinations, and asserts that the language provided is intentionally vague (uses the one VDU per parcel example). She states that City staff have too much communication with Reinman, and seem to cater to him. She thinks there are too many exceptions in the ordinance, but the Planner stated there was only one. The language from

the Planning Commission meetings is changed/misconstrued by the Planner before it gets to the City Council.

A. King (396 Wagner, VDU owner) thinks VDUs continue to be an issue, because the regulations were not done correctly in the first place; she is tired of being ignored. The existing ordinance is not being implemented effectively and the amendments are being dictated by VDU managers. The community does not want VDUs, more regulations won't help, and everyone's opinion should be taken into account, not just a few.

T. Davies (435 Ocean) suggests that discussing enforcement is 'putting the cart before the horse' when they haven't even been clearly defined. The existing General Plan states that visitor services should not encroach on residential areas, and the draft General Plan proposes strict regulations. He thinks that a City-wide cap is unfair and would reduce his property values. He questions the legality of VDUs with the City Planner, and accuses her of being biased. He states that she did not present both sides of the issue to the VDU committee when proposing the existing regulations. Planner Parker clarifies that she was not part of the original VDU committee and did not attend any meetings or propose any of the regulations as part of that process. He assures the Commission that he is speaking for those that don't want to participate in the meetings in addition to the few that are always in attendance speaking against VDUs.

L. Farrar (433 Ewing) states that the reason VDUs are a constant issue is because they are an escalating problem. She would like to protect the community and find a balance.

S. Rotwein (54 N Westhaven, VDU owner) wants to focus on enforcement and suggests quantifying the issues and complaints. She sees two enforcement issues: the application process and law enforcement (safety, after hours, parties, noise, etc.). She feels strongly that the City needs law enforcement at night to address public safety, which is the biggest issue, but noise and parties as well.

B. Brisker (Westhaven) has had negative experiences with VDUs. He surmises that the cost of enforcement may outweigh the TOT income. He thinks owners and managers should be fined for violations so the City can recoup the costs of enforcement. There should be a better complaint-logging system. Extra money could be generated from parking fees and extra taxes on restaurants and other businesses rather than relying on TOT.

D. Bruce (788 Underwood) states that the number of complaints on file don't accurately reflect the actual number of problems. He agrees that there should be a better complaint and enforcement system. He likes the idea of signed affidavits and photos being allowed as violation documentation. The TOT can be used for enforcement and a deposit or fine levied for significant violations.

L. Scott (98 Berry) questions the logic behind these arguments and thinks that Ocean Avenue problems and law enforcement are being used as a strawmen to divert attention away from the real VDU issues.

D. Allen (Westhaven) notes that he spoke with Coastal Commission staff, and there are no definite answers to any options. He doesn't think there should be any VDUs in residential zones, but an owner-occupied requirement could be a compromise. VDU owners should have to submit a deposit which can be used to cover City costs for enforcement if there are violations. Licenses should also be suspended and/or revoked for violations. The contract with the Sheriff could be

revisited to see if they can spread their hours out, since violations tend to occur outside of regular working hours.

#### *Commissioner Comments*

Commissioner Pinske notes that enforcement is a complex topic with legal implications. A good start would be for the City to set up a better complaint process, though that still requires neighbors to initiate complaints. Complaints must be documented and compiled so that licenses can be reviewed and revoked if necessary. Complaints should also be broken down by neighborhood so 'hot spots' can be identified. The City needs to implement the ordinance and enforcement in a systematic way. TOT and increased license fees should be used for enforcement.

Commissioner Espejo responds to these suggestions. She notes that the City of Ventura has an online complaint form. An intern could be utilized to do some analyses on complaints and the process. Code enforcement is important and can be partially seasonal since VDU use is. She reads examples from other communities. Without more enforcement, maybe owner-occupied is a good option. The onus for enforcement need to be on the managers, even if it means having to go out at 2am to respond to complaints. She suggests more police coverage.

Commissioner Stockness would like to see police hours adjusted to fall more heavily on weekends and evenings. She suggests giving the City Clerk more hours to manage the licenses because he is already familiar with the City's laws and procedures and citizens. She likes the idea of an online complaint log.

Commissioner Johnson assures the audience that the City wants everyone to be heard. He states that the Planning Commission works for the City Council and the City Council works for the community. He suggests a joint Commission-Council meeting to ensure that both bodies are on the same page. He reminds everyone that the main issue for tonight is enforcement. Cannon Beach and Indian Wells are solid examples that he reviewed. He wants to be as proactive as possible in resolving issues, and put maximum responsibility on VDU owners and managers, but enforcement by nature is reactive. The Ordinance is not enough; all regulations need to be implemented and enforced fairly for everyone. There should be a more substantial occupant application and screening process for VDU rentals. He suggests that managers should have to get additional information from occupants such as phone numbers and license plate numbers. Parking should be based on occupancy and vice versa.

Commissioner Johnson suggests forming subcommittees to tackle specific wording of individual sections and there is a brief discussion about the possible make-up of such subcommittees.

Commissioner Poulton states that getting a cap in place with a distance buffer in the UR Zone should make a huge difference for people once it has a chance to be implemented. Code enforcement is not going to solve night and weekend issues; those immediate problems would have to be handled by the Sheriff. He also notes that owners and managers should be responsible since they are making the money.

Commissioner Stockness wants to define "hosted." She suggests a brainstorming meeting with the City Council and public.

Commissioner Johnson is willing to start a subcommittee to discuss enforcement.

The Commission discusses the process, progress so far and future steps. There is general agreement that a joint meeting with the City Council and formation of subcommittees would be beneficial. It is determined that subcommittees of two Commissioners would be efficient and not violate the Brown Act. Commissioners Johnson and Pinske will work on enforcement issues. Commissioners Espejo and Poulton will work on definitions for different types of VDUs, including "hosted." Commissioner Stockness is very interested, but is too busy to participate at this time.

**Motion (Espejo/Stockness)** to request a joint meeting with the City Council. All in favor. Motion passes (5-0). It is noted that the Council will be discussing VDUs at their meeting the following week, and Commissioners will attend if possible.

Commissioner Pinske notes that he will not be able to attend the 02/17 meeting, but that he can still work on the subcommittee.

## **VI. ADJOURNMENT**

Meeting adjourned at 8:35 p.m.

**Submitted by:**

**Sarah Caldwell**

Secretary to Planning Commission

**Approved by:**

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**Mike Pinske**

Planning Commission Chair