



RESOLUTION 2014-15

A RESOLUTION OF THE CITY OF TRINIDAD, CALIFORNIA, SUBMITTING A LOCAL COASTAL PROGRAM AMENDMENT TO ADD TO AND AMEND SECTIONS OF THE ZONING ORDINANCE ADDRESSING VACATION DWELLING UNITS (VDUs) TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, the City of Trinidad City Council has adopted an ordinance amending the Implementation Plan of the Local Coastal Program to address deficiencies in the existing implementing ordinances that do not adequately regulate VDUs; and

WHEREAS, this amendment has been reviewed and processed pursuant to the provisions of the Local Coastal Program and City laws; and

WHEREAS, the ordinance is Categorically exempt per §15301 of the CEQA Guidelines exempting *“the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing private or public structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination,”* and per §15305 exempting *“minor alterations in land use limitations in areas with an average slope of less than 20%, which do not results in any changes in land use or density,”* and Statutorily exempt per §15265 exempting adoption of coastal plans and programs by local governments; and

WHEREAS, after due notice and public hearing, and in accordance with the Local Coastal Program (Trinidad Zoning Ordinance section 7.03), the Planning Commission approved an amendment to the Zoning Ordinance on June 15, 2011, and the Trinidad City Council adopted the amendment on August 10, 2011 as recommended by the Planning Commission; and

WHEREAS, the City of Trinidad transmitted an LCP amendment to the Coastal Commission to amend the City’s LCP to add sections to the Zoning Ordinance addressing VDUs on May 8, 2013; and

WHEREAS, the proposed implementation plan amendment was filed by the Commission on May 22, 2013; and

WHEREAS, City staff and Coastal Commission staff negotiated significant changes to the adopted ordinance to ensure compatibility with the Coastal Act, the City’s LCP and local conditions; and

WHEREAS, Coastal Commission staff would recommend against approval of the originally submitted VDU ordinance and would be recommending numerous suggested modifications to the submitted ordinance to which the City staff consent; and

WHEREAS, the agreed upon changes have made tracking and understanding the differences between the ordinance that was originally submitted to the Coastal Commission and the version that since has been negotiated complicated and time-consuming to understand; and

WHEREAS, both parties agree that it would be in the City’s best interest to withdraw the LCP amendment application in order to allow the City to rescind the originally adopted VDU ordinance and adopt a new VDU ordinance that incorporates the negotiated changes and transmit a new application for an LCP amendment; and

WHEREAS, the City Council withdrew the amendment on June 4, 2014 by way of Resolution 2014-06; and

WHEREAS, the City Council adopted the revised ordinance, attached hereto as Exhibit A, at a duly noticed public hearing on October 8, 2014; and

WHEREAS, this amendment is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Program; and

WHEREAS, this amendment is consistent with the City's certified Local Coastal Program; and

WHEREAS, this amendment shall take effect immediately upon certification by the California Coastal Commission if approved as submitted. If the California Coastal Commission certifies the amendment subject to conditions that change the nature of the amendment, final approval by the Trinidad City Council shall be required prior to the amendment taking effect; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Trinidad, that City staff is directed to apply to, and work with, the California Coastal Commission for approval of this Local Coastal Program amendment.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Trinidad on Wednesday, October 08, 2014 by the following vote:

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| AYES: | West, Miller, Fulkerson, Baker, Davies |
| NAYS: | None |
| ABSENT: | None |
| ABSTAIN: | None |

Attest:

Gabriel Adams
Trinidad City Clerk

Julie Fulkerson
Mayor