MINUTES OF THE RESCHEDULED MONTHLY MEETING OF THE TRINIDAD PLANNING COMMISSION
Wednesday, August 29, 2018

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

Commissioners Present: Graves, Stockness, Johnson
Commissioners Absent: None
Staff: Planner Parker, Mateer

II. APPROVAL OF MINUTES

June 20, 2018
There were no comments on the minutes.
***Motion* (Johnson/Stockness) to approve the minutes as submitted.**
Passed unanimously (3-0).

III. APPROVAL OF AGENDA

***Motion* (Stockness/Johnson) to approve the agenda.**
Passed unanimously (3-0).

IV. ITEMS FROM THE FLOOR

There were no items from the floor.

V. AGENDA ITEMS

1. Civic Club 2018-06: Design Review and Grading Permit application for relocating the Trinidad Memorial Lighthouse and associated work, which was authorized under emergency permits (2015-06E and GD180001), and additional clean-up at Site #1. Located at:
   - Site 1: Civic Club Memorial Property at the intersection of Edwards and Trinity Streets; APN: 042-091-004
   - Site 2: Trinidad Harbor parking area; APN: 042-071-008

Staff Report
Parker summarizes the staff report. She explains the brief history of the active slide and the studies and process that determined that the Trinidad Memorial Lighthouse (TML) need to be relocated. She also described the protests that resulted from the soil disturbance that occurred during relocation, as well as the collaboration that ensued. Parker explains the Civic Club requested and received a permit consolidation request from the City and Coastal Commission, so that the Coastal Commission will process the CDP for both sites. But the City is still responsible for processing the Design Review and Grading Permits for both sites. Parker explains that approval of the permits is for a 4 year period, unless an extension is granted, to allow time for a permanent relocation site to be determined and designed.

Commissioner Comments/Questions
Commissioner Stockness asks about the CDP process. Parker explains both sites are within the Coastal Zone and require CDPs, but Site 2 is under Coastal Commission jurisdiction, and Site 1 is within City LCP jurisdiction, which was the reason for the permit consolidation. Parker further explains that the project will not require City Council approval unless the permits are appealed.

Commissioner Stockness states that she supports Site 2 for the location of the TML. She asks what will happen to the TML sign located near the street. Parker stated that it is not part of the current project and will remain for now.

Commissioner Johnson asks for clarification on the number and affiliation of qualified cultural monitors required to be onsite during demolition and soil disturbing activities. Parker explains that the City only requires one certified cultural monitor onsite, but that the Civic Club plans on having cultural monitors from both the Yurok Tribe and Trinidad Rancheria onsite during work.

Commissioner Johnson asks about the management of concrete saw effluent. Parker explains the saw will require containment of effluent, and suggests that the project geologist may be able to provide more information if needed.

Commissioner Johnson explains he had ex parte communication with P. Flesher of the Trinidad Civic Club. Commissioner Graves notes that there does not appear to be a conflict of interest due to the fact that SHN is the contract Planner for the City and contract Geologist for the TML relocation.

Public Comment
R. Hemsted (Trinidad Rancheria Councilmember) thanks the Civic Club and Yurok Tribe for coming together to find a positive solution. Hemsted explains that the Memorandum of Understanding outlines two tribal monitors, one from each Tribe. Hemsted also thanks the Yurok Tribe for also providing volunteers to conduct the work.

Do. Cox (436 Ocean) asks what will happen to the Axel Lindgren Memorial Trail. Parker explains that the TML relocation project will not disturb the existing configuration. She explains there are some unresolved issues with the trail entrance due to a 2012 appeal, and the Civic Club is working through those issues.

A. Lindgren (130 Lanford) explains she would like to see a peace park built at the former site of the TML consisting of benches and flowers. She notes the Axel Lindgren Trail is in poor condition and would offer financial help to see the trail restored. She cites a trail example from Bandon OR.

Z. Brown (Trinidad Rancheria, Vice Chair) reiterates the comments made by R. Hemsted, including the City in his thanks. He explains that the project was time sensitive and

everyone worked quickly. He emphasizes the importance of continuing the positive relationships that have been built through this process.

T. O'Rourke (Yurok Tribe, Chairman) expresses his appreciation for the hard work done to bring down obstacles and reach a positive solution. He explains the importance of coming together to form partnerships to protect ancestry and future generations. He states the Yurok work crew is ready to go as soon as the necessary permits are approved.

S. Laos (Trinidad Rancheria) agrees with comments made by others regarding positive partnerships and reaffirms that dialogue between stakeholders is important; she also urges permit approval.

P. Fleschner (Trinidad Civic Club) addresses Commissioner Stockness' questions regarding the sign for Trinidad Memorial Lighthouse. She explains the sign and flagpole are on the City right-of-way and the current permit does not address their removal. Therefore, the removal of the sign, flagpole, plaques and anchor will be addressed in future permit(s).

F. Myers (Yurok Tribe, Tribal Historic Preservation Officer) agrees with prior comments regarding positive relationships and partnerships. He thanks and applauds everyone who contributed toward the solution, and, after reviewing the plans, urges permit approval as proposed.

A. Lindgren (130 Landford) suggests that the sign could be incorporated into the peace park. Commissioner Stockness advises Ms. Lindgren to produce a proposed description of the peace park and provide it to city staff.

Commissioner Discussion
There is no additional discussion.

***Motion* (Johnson/Stockness): Based on information submitted in the application and included in the staff report and public testimony, I move to adopt the information and findings in the staff report and approve the project as conditioned therein. *Passed unanimously* (3-0).**

2. Reinman 2018-01: Zoning and General Plan Amendment request to change the zoning and general plan designations of the property from UR – Urban Residential to PD – Planned Development. The purpose is to make the existing multi-family development more conforming and to allow more flexibility for future uses; all new uses in the PD zone require a Use Permit. Located at: 651 Parker St.; APN: 042-042-017.

Staff Report
Parker summarizes the staff report, including the project location, zoning, and existing structures that are present on the parcel. She explains that the property on which the project is located is zoned UR – Urban Residential. The existing 4-plex structure was legally developed, but is nonconforming as to density, and use as well.

Parker explains that a change in zoning/designation to PD – Planned Development, would allow for more uses, but any changes in use would require a Conditional Use Permit. The proposed change in zoning is not being requested in order to change the existing use at this time. However, the applicant has expressed an interest in having additional short term rental(s) (STR) on the property. Parker explains that if the Planning Commission approves the amendment, it would go next to the City Council and then to the Coastal Commission for certification. Parker provides a staff recommendation for approval, noting that the change is already proposed in the City's general plan update, but also explains the Commission's alternatives.

Commissioner Comments/Questions
Commissioner Stockness inquires about the zoning of the parcel in the Draft General Plan. Parker explains that this parcel, and several others, are proposed to be designated/zoned PD in order to make the existing uses more conforming as to zoning requirements; in this case, it has been proposed as such since 2009, but the applicant was impatient with that process.

Commissioner Stockness inquires about the status of current STR licenses on the property. Parker explains there is presently one STR license. But another unit is offered as a minimum 30-day rental, which does not require an STR license; the other two apartments are regular long-term rentals.

Commissioner Stockness also asks about the zoning of the Eatery. Parker explains that the existing zoning is C – Commercial. Parker goes on to explain that the proposed zoning of the Eatery in the Draft General Plan is PD as well, because it contains an apartment above the restaurant.

Commissioner Johnson asks if the City knows when the project structure was built. Parker responds that the specific date is unknown, but the structure was built in the mid-1970's, prior to adoption of the current Zoning Ordinance. Therefore, it is considered legal, nonconforming.

Commissioner Johnson inquires about the range of allowable uses should the parcel be rezoned to PD. Parker explains that the PD zone allows a much larger range of uses than the UR zone. However, there are no principally permitted uses in PD zone, so any and all changes in use would require approval of Conditional Use Permit by the Planning Commission.

Commissioner Johnson inquires about the difference in definition between a motel, inn, and STR. Parker reads section 17.08.480 of the Zoning Ordinance, which defines motel. Commissioner Johnson also refers to a letter from K. Lake and T. Davies and inquires about concerns with the legality of guest parking signs. Parker explains that she has not reviewed those signs for compliance with the sign regulations. However, they may fall under the exemption for public safety and directional signs.

Commissioner Stockness asks about future parking requirements. Parker explains that parking requirements vary depending on the use.

Public Comment
M. Reinman (Applicant) addresses some of the questions and issues brought up by Commissioners. He explains his plans to apply for an additional STR in the future. He describes the current occupants of his 4-Plex. He goes on to address concerns over the guest parking signs and explains that the signage is used to distinguish private parking from restaurant parking and are not related to the STR use. He also notes that he has made no final decisions regarding future use(s), and that the current situation works well for him; but he wants the structure to be more conforming for maintenance purposes and piece of mind.

Commissioner Stockness inquires about the number of existing bedrooms in the STR. M. Reinman explains that there are two existing bedrooms.

Do. Cox (436 Ocean) raises concerns with parking, signage, and the proposed zoning change, emphasizing that parking will be an issue for any future use. She opines that this application is circumventing the general plan update process and that a rezone should not be done for individual properties. She also worries what precedence this decision could set.

Commissioner Discussion
Commissioner Johnson clarifies that most of the properties along Trinity Street are already designed PD, and that the general plan update proposed changing several others to PD as well. He goes on to explain his understanding of the rationale behind STR caps, and suggests that the Planning Commission may want to consider STR caps in other zones when the ordinance is reviewed.

Commissioner Stockness worries that approval of this request would lead to other property owners making similar requests. She is also concerned about parking. She thinks the rezone should wait for the General Plan update.

Public Comment
S. Atkins (Agent) explains that a primary goal of the proposed zoning change is to bring the existing property and structure more into conformance with current

regulations. And the owner is frustrated with waiting for the general plan update, not trying to circumvent the process

Commissioner Discussion
Commissioner Graves explains the purpose and strengths of PD zone. Parker adds that the City's PD zone does not allow as much flexibility as typical PD zones in other jurisdictions, and that it is more like a MU - Mixed Use zone. However, she assures Commissioner Graves that any new use or STR license in the PD zone requires a Conditional Use Permit. Parker summarizes the Use Permit findings required by § 17.72.049 of the Zoning Ordinance, which cover a lot of issues and give the Planning Commission a lot of flexibility to condition projects to minimize impacts.

Commissioner Johnson explains that fundamentally he has no issue with the proposed zoning change, as it's proposed in the Draft General Plan update. He is concerned about the parcel being modified into an inn or motel, but recognizes that the Planning Commission would have to review any such proposal.

***Motion* (Johnson/Graves): Based on information submitted in the application and included in the staff report and public testimony, I move to adopt the information and findings in the staff report and approve the project as conditioned therein. *Passed unanimously* (3-0).**

3. General Plan Update: Update and discussion of current status, next steps and review of new draft Introduction Chapter and draft Land Use Element.

Staff Report
Parker explains the LCP Grant expires at the end of October, so she wants to get as much work done as possible to ensure that grant requirements are met. Parker explains the progress that has been made over the years, including the Draft Land Use Element in 2009 to the Housing Element in 2013; all the seven required elements were approved by the Planning Commission at some point and reviewed by the City Council. She explains that the optional Community Design and Cultural Elements have not been reviewed to the extent that the other seven have.

Commissioner Comments/Questions
Commissioner Graves notes that, in his experience the Coastal Commission won't review a General Plan without also being provided the implementing ordinances. Parker respond that this is true; she intends to complete a Draft General Plan by the end of the year, and base implementing ordinances off of said draft. Commissioner Graves explains the General Plan and Zoning Ordinances should eliminate ambiguity of words such as "could", "should" and "may", and include words such as "shall" and "shall not." Parker notes that the City has eliminated most of those types of words in its policies.

Commissioner Stockness states that the community should petition to get a representative of Humboldt County on the California Coastal Commission after 2018.

Public Comment
P. Fleschner (Trinidad Civic Club) notes that delays to the General Plan have been expensive for the City and the community. She hopes that the General Plan update is completed promptly to reduce minimize further costs.

Commissioner Discussion
Commissioner Johnsons suggests the Planning Commission set up a schedule to review the General Plan. Commissioner Graves suggests one additional meeting per month and first go through sections that need to be provided to the California Coastal Commission.

Commissioners agree to meet on September 11th a 5 P.M. to continue the General Plan review and discussion starting with the current drafts of the Introduction chapter and Land Use Element.

VI. COUNCIL REPORT

Commissioner Graves reported on Grand Jury report on STRs and the release of Commissioner Morgan.

VII. STAFF REPORT

Parker provides update on the Clean Beaches Grant and associated septic repairs, including the Hidden Creek RV Park and the residence at the corner of Frontage Road.

Commissioner Stockness inquires about stormwater construction scheduling. Parker explains that it is still Phase 1 currently under construction. Scheduling and monitoring are the responsibility of the City Engineer. Parker goes on to explain that Phase 2 permitting will come before the Commission in coming months.

VIII. FUTURE AGENDA ITEMS

IX. ADJOURNMENT

The meeting was adjourned at 8:30.

Submitted by:
Colin Mateer
Secretary to the Planning Commission

Approved by:

Original signed by: _____
John Graves
Planning Commission Chair