

MINUTES OF THE MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, May 17, 2017

I. CALL TO ORDER/ROLL CALL (6:08pm)

Commissioners Present: Johnson, Scott, Stockness
Commissioners Absent: Braziel, Hendrick
Staff: City Manager Dan Berman, Parker, Caldwell

II. APPROVAL OF MINUTES

April 19, 2017

Commissioner Johnson clarifies a point regarding the Staff Report on page 10, and two corrections are made: Correct Mr. Savo to Mr. Sabo on page 1; correct "findno" to "find no" in second paragraph on page 5.

The Commission asks if Planner Parker has any preliminary ideas regarding policies for detached structures (discussed under the Council Report). She responds that the Sonoma County example provided in the previous packet was the type of policy she'd had in mind and would be a good starting point.

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

Passed unanimously (3-0).

April 25, 2017

There was no quorum to approve these minutes; no action taken.

III. APPROVAL OF AGENDA

Motion (Stockness/Johnson) to approve the agenda.

Passed unanimously (3-0).

IV. ITEMS FROM THE FLOOR

Chair Scott opens the floor, requesting that statements and comments be respectful with no personal or slanderous comments. She notes that commenters may be barred from the meeting for being disruptive and disrespectful.

A. Grau (433 Ewing) states that he is concerned about a neighboring long-term rental, which recently had a window installed in the garage, and many cars are regularly parked out front. He is worried about, unpermitted construction, the number of people living there and affect on the septic system. He asks whether he should report this to the City and how would the City follow up.

City Manager Berman suggests he speak to him about it so the City can investigate whether any violations have occurred. Commissioner Stockness also suggests using City complaint form.

S. Ruth (777 Edwards) reads a letter into the record regarding problems and delays in obtaining additional information to move the View Restoration Permit (2015-02) forward. He

requests that the Planning Commission put this item on the next agenda to discuss blockage of public views and make a decision on the restorative action prior to the property being sold.

Do. Cox (436 Ocean) wants a resolution regarding the two encroachments on Ocean Ave. She states that she has not gotten a response from the City Manager to a recent email(s). She took exception to the road widening suggested at the City Council meeting; she doesn't want it widened, just accessible along its legal width. She adds that it's almost tourist season, which includes increased road use by tourists and RVs.

City Manager Berman responds that he will follow up on that issue tomorrow.

V. AGENDA ITEMS

1. **Reinman 2013-11A-R:** Revocation of an After-the-fact Approval of Design Review and a Coastal Development Permit to add living space (bedroom/bonus room/bathroom) for the primary residence in a pre-existing 1,080 s.f. detached garage. Revocation is being considered due to recent violation of conditions of the project approval. Located at 407 Ocean Ave.; APN: 042-062-012.

Commissioner Comments

Planner Parker states that the Staff Report details procedural information and points out that revoking the Design Review permit will not require that the property go back to the 2004 state, because many of the improvements only required building permits, not Planning Commission approval.

Commissioner Johnson discloses that he met with the property owner at 407 Ocean and was showed the interior. He didn't look at the front house. He did not see any utility outlets or indications of where the kitchen was located. It appeared to be in compliance with the 2014 Planning Commission approval. The status of the sale was discussed.

He and Planner Parker discuss some of the permit details: The conditions of Design Review approval run with the land. Unless modified tonight, conditions include that no more than 6 adults can live on the property, the rental agreement has to be on file with the City, as well as the make, model, and license plate numbers of the residents' cars.

Parker explains that the original 20'x40' carport structure can be seen in aerial photographs since at least 1970. However, the City has no building plans for it. Therefore, it would be a complicated procedure to require the structure returned to its original state do to a lack of records and knowledge of alterations. Since repair, maintenance and replacement -in-kind are exempt, if the Design Review approval were revoked, the owner could put back a similar structure.

She also points out that there aren't really any conditionally-permitted uses allowed in the Urban Residential zone. This is in contrast to most other zones, such as the Planned Development zone. She compares revocation of this permit to a Use Permit, which can be revoked without changing physical improvements. She reiterates that this structure is part of the principally permitted single-family use, which is allowed by right.

Commissioner Stockness asks if the VDU permit can be revoked and Planner Parker states that the Planning Commission cannot, but the City Council can do so on their own or based on a recommendation from the Commission. Parker points out that there are no violations to base a withdrawal on though. Commissioner Stockness asks if it can be revoked as part of nuisance abatement, but Planner Parker responds that, since there are no violations, there is no nuisance.

In response to an inquiry from Stockness, Parker explains that the Building Inspector is often the person that oversees Nuisance Abatement, but it depends on the violation. Commissioner Stockness wants the right people attending to the right jobs, e.g. building permits and requirements should be overseen by the Building Inspector. She surmises that not doing so is what led to some of the issues along Ocean Ave.

Commissioner Scott asks about the wording in the 1st paragraph of page 2 of the staff report, which states that the 20' x 40' structure could be replaced if Design Review is revoked. She asks if the structure would have to be put back. Planner Parker states that, based on the Design Review requirements in §17.60.030, demolition does not require Design Review, so no. Scott also asks for clarification regarding the revocation process. Parker responds that §17.72.090 does not provide a lot of details, and modification is not mentioned. The City Attorney stated to her that he thought it would be fine to modify the approval if the property owner is amenable, but was less sure if there were objections.

Commissioner Stockness verifies that the City is allocating the Building Inspector more time to follow up on Design Review approvals and other permits. Planner Parker states that the City has a pretty good process in place for ensuring conditions of Planning Commission are met, at least at the Building Permit stage. Planner Parker explains the conditions of approval checklist and process. That work is covered by the building permit /planning fees. The City is working on the VDU compliance process. The City is also putting aside money for enforcement.

Public Comment

The Commission grants Mike Reinman presentation time.

M. Reinman (owner, 407 Ocean) lived there for 10 years. He thought the staff report gave a fair and thorough overview of the situation, and he agrees with the recommendations. His renters did not have the permission to install the kitchen appliances. He states that contrary to statements from the Building Inspector, the place was basically the same after the final inspection in 2014 and the violation inspection; the Building Inspector did not require him to remove the water pipes, cabinets or gas line in 2014. It's not that they were put back in – they were never removed in the first place. In mid-March he received a request to take them out and did so immediately.

He felt that certain things said in the last meeting were slanderous. The public was accusatory, and when the City Attorney said 'if you can't do the time, don't do the crime,' he implied M. Reinman was a criminal. In addition, Commissioner Hedrick implied that he lacked integrity which is slanderous against him and his business. At this point he looks forward to moving past this issue and finalizing the sale of the property.

J. Frederick (broker - Azalea Realty) hands out packets describing the property for sale. She

was contracted to sell property and has disclosed all the information about the various restrictions and notes that a second unit is not mentioned in the listing data. This house is being sold as a home in the community of Trinidad.

M. Boyles (realtor - Azalea Realty) reads a letter from the buyer into the record. The buyer of 407 Ocean was unable to attend the meeting, but expresses her desire to be a part of the community and comply with all requirements.

S. Ruth (777 Edwards) was at the last meeting and can't imagine that a 220-volt and gas lines would be installed in a unit without the owner's knowledge.

A. Grau (433 Ewing) thinks there should be some finding on what has occurred there. The new owner sounds promising but what happened was unacceptable.

Da. Cox (436 Ocean) is very happy that house is being sold to a seemingly nice person. This will be an improvement to the neighborhood. He is surprised that Mr. Reinman's lawyer is not in attendance to intimidate and threaten. M. Reinman has thumbed his nose at the City. He ultimately would like to see the separate unit returned to a garage and the 3rd bedroom returned to the house.

T. Davies (435 Ocean) states that this has been a long process and this project was all done illegally without permits. This appears to be the City's responsibility for not doing their due diligence. In the future, he hopes the City will take citizen complaints seriously. The City needs better follow-up and documentation to ensure compliance. The City also should not be so lenient in enforcing compliance.

Do. Cox (436 Ocean) is confused about the permit timeline. She states that the 407 Ocean building permit was not issued until October 2014 and not finalized until December even though the Planning Commission decision was in May. She is thrilled about the sale and having a new neighbor. She reiterates that she was originally told by the City that the approval was a Conditional Use Permit. She doesn't want retribution (as written in the minutes), she wants fairness and consistency in enforcement and Staff integrity. She notes that the detached structure has always been a garage and a crab shop and not a carport. She would like to see more frequent inspections; under the VDU license, there should be regular inspections of the front and back. It would be too easy to turn it back into another living unit. Some modifications to the permit are necessary to make sure this doesn't happen again.

Commissioner Comments

Commissioner Stockness is concerned about the alley width. She noted that a 28' trailer can barely get through the alley because of the cherry tree. The alley needs to be considered in modifications. The length of vehicles entering town needs to be addressed. The City needs to clarify the Building Inspector's role. The Planning Commission needs to be kept informed about violations in town.

Commissioner Johnson acknowledges that this process has been difficult for people and closure has been a long time coming. He feels that, based on the testimony presented, it is difficult to support revocation of the Design Review approval because there are currently no violations. It is difficult to separate the historical issues from present issues, but he is trying to stick to the current issues and revocation. Requiring the structure to be returned to a garage

seems problematic. Just because the property is being sold doesn't guarantee change, but things may be different. He considered adding an inspection requirement to the conditions, but he's not convinced it's necessary. The enforcement process worked this time. He encourages the City step up enforcement and the Planning Commission to focus on policies to make enforcement easier. He knows this will not be satisfactory to all, but he would like to move on and would vote for not revoking the permit.

Chair Scott remarks that the City and Commission can only operate on the available facts, and the structure is currently compliant with codes and conditions. The Planning Commission should review the "after-the-fact" permit policy. She agrees that creating more regulations does not fix the problem if there is no enforcement. She also asks if chickens count as livestock. City Manager Dan Berman replies that roosters are not allowed, but a limited number of hens are OK. Commissioner Scott continues, noting that many of the nuisances issues were related to the tenants, not the Design Review or the VDU license. She feels that the new owner is heading in a positive direction. As for the Design Review revocation, it seems there isn't enough evidence to move forward with that; she is not in favor of a revocation.

Commissioner Stockness wants to fix the protocols and standards for enforcing conditions of approval, including additional inspections. She wants the Planning Commission to review the building inspector checklist after inspections and the Building Inspector to report back to the Planning Commission on conditions compliance. This should be a preventative method. Dan Berman, Planner Parker, the Building Inspector and the Planning Commission should all check off the conditions related to their particular area of expertise or responsibility. Commissioner Stockness state that she is also in favor of not revoking the permit.

Motion (Johnson/Scott) based on the staff report, informational materials, and public testimony, moves to not revoke the Design Review permit #Reinman 2013-11A-R.
Passed (3-0).

2. **General Plan Update:** Discussion regarding the current draft (July 2012) of the Circulation Element. The document is available on the City's website at the following address: <http://www.trinidad.ca.gov/documents-library/category/21-general-plan-update.html>

The Commission is reminded to focus on policy and direction at this time, since edits are already being made. They will have another chance to review a final draft. Tonight they will review the Circulation Element, which also includes Energy and Public Services sections.

Commissioner Stockness clarifies that RCEA is an organization that administers a new Community Choice alternative energy program. This needs more explanation.

Commissioner Scott notes that emergency access needs to be addressed in a policy; for example, Wagner Street can't accommodate a fire truck, because there is no turn-around. Planner Parker notes that the City is looking at regulations for minimum street widths.

Other comments include:

- Add policies regarding parking at the lighthouse, including signage, time restrictions and

trailer parking.

- Add a policy to require parking for employees (ex: at the Chevron). Parker notes that parking requirements are intended to include both employees and visitors.
- Take out references to outdated information; the reference should reference current document names, not dates.
- Enforcement clauses should direct people that the rules need to be followed.
- “residents are older or retired” on page 7 should be struck, because it is outdated.
- A charging station has already been installed; the policy should be reworded to encourage more.
- The public transit schedule needs to be updated; there are more service times, and policies should be structured to “support and encourage” and be less specific.
- Encourage people to walk and bike while parking at the exterior of town.

The Commission discusses 2-hour parking, the lack of parking signage around town, and increasing issuance of parking tickets. It is suggested that the City could acquire an easement for public parking. Commissioner Stockness suggests a kiosk display for appropriate parking and charging parking fees. Planner Parker notes that parking is a Coastal Act issue, and changes in policy can require a CDP; she will talk to Coastal Commission Staff to find out more.

The Commissioner discusses traffic-calming measures. Planner Parker states that this has been discussed also at the City Council level. Commissioner Johnson also notes that traffic calming information is also on pages 3, 8, 9 and program CIRC 4-1.

- Equestrian-friendly policies should stay.
- Speeding should be added to the list of local issues.
- “Wheelchair accessible” should be changed to “ADA accessible or compliant.”
- Promote covered bike racks and bike racks placed in heavily-used areas.
- Update stormwater information.
- Update information about cell phone towers.
- Update water service information.
- The Westhaven Watershed Council should be discussed in the Conservation Element.

The Commission discusses waste and recycling. There is a question as to whether waste diversion is still measured and the current status of the City’s contract for waste disposal. It is noted that the USPS no longer has a recycling station because Humboldt Sanitation will no longer take it. The Commission would like updated information.

Comments on Figure 13:

- Remove the lightpost in bay.
- Add lightposts on Trinidad Head.
- Add disabled parking.
- Propose or verify bike racks, charging stations.

VI. CITY COUNCIL REPORT

The Council voted to extend the cell site on Trinidad Head for a year and then discontinue it thereafter (affects Sprint, Verizon, ATT).

The City received a letter from the DA stating that the mayor did not violate the Brown Act in supporting a petition to the Coastal Commission to pass the STR ordinance.

The Trails Committee was approved.

VII. STAFF REPORT

Planner Parker would like encourage more participants in the Clean Beaches program.

The City is putting in another application for the LCP grant. Good progress is being made on the General Plan.

There are several upcoming permits, including a residential addition, the slide repair emergency work, and the CalFire LCP amendment/water line extension.

Enforcement issues will be addressed soon.

VIII. FUTURE AGENDA ITEMS

Planner Parker brings up S. Ruth's request to place the VRP permit on the next agenda. The City has not heard back from the City Engineer. The alders on City property will likely be reviewed as a separate process. No new information has been submitted. Commissioner Johnson notes that the property is expensive, so dragging on is a legitimate concern and this must be frustrating for the surrounding owners. Planner Parker notes that she has sent the applicants a list of materials she needs, sent the materials she has to the City Engineer and hasn't received much except for letters at meetings from the applicants. The Planning Commission suggests that Planner Parker be very clear that this project cannot move forward unless the applicants provide the requested information. They direct Staff to help this along.

The Circulation and Public Safety Elements will both be on the next agenda.

IX. ADJOURNMENT

Meeting adjourned at 8:48 p.m.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Laura Scott

Planning Commission Chair