

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

1385 8TH STREET • SUITE 130

ARCATA, CA 95521

VOICE (707) 826-8950

FAX (707) 826-8960



W8a

DATE: June 27, 2013

TO: Coastal Commissioners and Interested Persons

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
James R. Baskin, Coastal Planner

SUBJECT: **Extension of Time Limit for Commission Action on City of Trinidad Local Coastal Program Amendment LCP-1-TRN-13-205-2 (Vacation Dwelling Units Ordinance)**

For the Commission meeting of July 10, 2012

LCP AMENDMENT DESCRIPTION

On May 8, 2013, the City of Trinidad submitted to the Commission an LCP amendment known as the “Vacation Dwelling Units Ordinance” LCP amendment. As submitted, LCP-1-TRN-13-205-2 would update/modify the LCP Implementation Plan (IP) to impose development and performance standards for establishing and offering existing single-family residences for less-than-thirty-days rental periods as “vacation dwelling units” under a ministerial permitting program separate from the coastal development permit (CDP) process.

Coastal Act Section 30510 requires proposed LCP amendment submittals to contain materials sufficient for a thorough and complete review. Once that requirement is satisfied and an amendment is deemed submitted (or “filed”), the Coastal Act requires the Commission to act on Implementation Plan (IP) amendments within 60 days and on Land Use Plan (LUP) amendments and combined LUP/IP amendments within 90 days (Coastal Act Sections 30510, 30512, 30513, and 30514). On May 22, 2013, the Commission staff deemed the LCP amendment application submitted. This proposed LCP amendment would amend only the IP’s development regulations, and thus the 60-day time limit applies. The 60th day after the date this LCP amendment application was deemed submitted is July 21, 2013. Therefore, unless the Commission extends the deadline, the Commission will need to complete its action on the LCP amendment at or prior to the Commission’s July 10-12, 2013 hearings.

Staff has not yet had sufficient time to analyze the proposed changes and to coordinate with the City to ensure that coastal resources are protected consistent with the Coastal Act and the LCP. Of particular concern is how the vacation rental use can be managed to protect water quality and public access parking. The ocean waters off of Trinidad Head are designated an Area of Special

Biological Significance/Critical Coastal Area where “no discharge” standards apply. The City does not have a municipal sewage system and development relies on the use of on-site septic systems. The degree to which vacation rental use would increase discharges of effluent or discharges of other wastewater such as water from hot tubs and whether such changes in discharges would adversely affect water quality have not been fully analyzed.

Regarding effects of the vacation rental use on coastal access, parking can sometimes be in high demand along local streets near the coastal bluffs which afford spectacular views of the coast and are the starting point for several trails to the local beaches. Although the proposed ordinance includes parking standards for accommodating the overnight vacationers themselves, the ordinance does not include provisions for accommodating vehicular parking for vacation rental related “events,” that would be allowed by the proposed ordinance, such as wedding receptions, art openings, fundraisers, and home concerts with attendance of up to 20 persons. The effects of such events on the availability of parking for public access users and their ability to access and enjoy the coast have not been fully analyzed.

Staff is continuing to work with City staff to analyze and resolve these issues in a manner that is agreeable to the City and adequately protective of coastal water quality and parking-influenced public access as required by the Coastal Act.

Coastal Act Section 30517 states that the Commission may extend for good cause the 60-day time limit for Commission action on an LCP amendment for a period not to exceed one year. Staff is preliminarily planning to bring the proposed amendment forward within two months at the next local (i.e., North Coast) hearing in September in Eureka. Staff has consulted with the City staff and the City has indicated its agreement with scheduling the hearing on the LCP amendment for the Commission’s September meeting. Thus, although staff believes this matter will be brought to a hearing in the near-term, staff recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for uncertainty in the review process and flexibility for coordination with the City on potential modifications, establishing hearing schedules, and managing competing workload. Therefore, staff recommends that the Commission extend the deadline for Commission action on the proposed LCP amendment by one year. A one-year extension would result in a new deadline for Commission action of July 21, 2014.

STAFF RECOMMENDATION

Staff recommends that the Commission vote to extend the deadline for Commission action for one year.

Motion:

I move that the Commission extend the time limit to act on City of Trinidad Local Coastal Program Amendment No. LCP-1-TRN-13-205-2 for a period of one year.

Staff recommends a **YES** vote. Passage of this motion will result in a one year extension of the period in which the Commission must act on the proposal, changing the deadline for Commission action from July 21, 2013 to July 21, 2014. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.