



**SPECIAL MEETING MINUTES  
PLANNING COMMISSION  
CITY HALL COUNCIL CHAMBERS  
154 SOUTH EIGHTH STREET  
GROVER BEACH, CALIFORNIA  
TUESDAY, FEBRUARY 15, 2011  
6:30 P.M.**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting, please contact the City Clerk's Office (473-4568) at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

**CALL TO ORDER:** 6:30 p.m.

**FLAG SALUTE:** Commissioner Alex.

**PRESENT:** Commissioners Alex, Laferriere, Roberson, Vice Chair Evans and Chair Long.

**ABSENT:** Commissioners Blum and Alex.

**PUBLIC COMMENTS:** At this point of the meeting, members of the public may bring up any items within the jurisdiction of the Planning Commission that are not on the agenda. Please limit your comments to three (3) minutes. The Planning Commission will listen to all comments; however, in compliance with the Brown Act, the Commission cannot act on items not on the agenda.

There was no one who wished to comment.

**CONSENT ITEMS:**

**1. Approval of Minutes of Planning Commission meeting for November 16, 2010.**

Commissioner Evans made the motion to approve the minutes as written. Commissioner Laferriere seconded the motion, and it was carried. Commissioner Alex abstained from the vote.

**PUBLIC HEARING ITEMS:**

**2. Development Permit Application No. 10-033**

**Applicant – Linden Mackaoui**

This Development Permit Application is a request for a time extension for Development Permit Application No. 06-051, a request for approval of Site and Architectural Plans to construct a new single family residential unit at 1041A Ritchie Road (APN 060-014-061) in the Single Family Residential (R-1) District.

**Recommended Action:** Adopt the Resolution granting a one-year time extension.

Planner Janet Reese presented the staff report and gave the background of the previous approvals of the project. She indicated that the Planning Commission granted a one-year time extension. Staff reviewed the building code changes and didn't find any that would impact this project. Staff recommends that the time extension be granted with a change to Condition CDD-2, adding wording to say "or meet the City's Fire Code Standards at the time of building permit approval."

Chair Long opened the Public Hearing. The applicant was present, but did not wish to speak.

Commissioner Alex made motion to adopt the resolution as recommended granting a time extension; Commissioner Laferriere seconded the motion, and it was carried, with a vote of 5-0-2-0, with Commissioners Blum and Coleman absent.

**3. Zoning Ordinance Amendment 10-007**

**Applicant – City of Grover Beach**

The Planning Commission will consider a Zoning Ordinance Amendment to regulate vacation rentals in residential and commercial zoning districts. Regulations for consideration include, but are not limited to, establishing a maximum occupancy, minimum parking requirements, and neighborhood notification. The Planning Commission action on this item will be a recommendation to the City Council.

**Recommended Action:** Adopt the resolution recommending the adoption of the amendment to the City Council.

Planner Reese presented the staff report and stated that in November of 2009, the City Council had received a Staff Report concerning Vacation Rental issues that had come to the attention of the City. Following discussion, the Council referred the issue back to the Planning Commission. In January 2010, the Planning Commission discussed the issue and reached a consensus that Vacation Rentals should be regulated, but that the process should be kept as simple as possible and that permits be issued at the Staff level. In November, the City Council directed staff to prepare the ordinance regulating vacation rentals. The Council consensus was that the administrative process should be used, and that the number of parking spaces and occupants be regulated.

The City currently has approximately 14 vacation rentals that report Transient Occupancy Tax (TOT). Staff drafted this ordinance based on input previously received from the Planning Commission and City Council and other agency ordinances. She outlined staff's recommendations, including applicable zones, the review process, proposed conditions which could place limits on number of guests, parking and other requirements, as well as violation remedies.

Staff is also recommending that once a permit is approved, notification of the surrounding neighborhood within 300 feet be completed. Staff believes that the recommended regulations would mitigate potential neighborhood conflict.

Commissioner Laferriere asked about the cost difference between noticing with in 300 ft. vs. 100 feet. Planner Reese indicated that normally, the postage cost is approximately \$50.00 at the 300' range. Staff time would not be significantly impacted between 300 and 100 feet.

Commissioner Laferriere asked if the existing operators/owners of the existing vacation rentals were notified of the public hearings regarding this item. Director Buckingham stated that they were not noticed. He thinks it would be fair to notify them before the City Council meeting. Staff did contact the three property management companies that operate most of the rental units and let them know about the meeting.

Commissioner Roberson asked if they would be required to get a Business Tax Certificate (BTC). Director Buckingham stated that under the current code, they would not be required to have a BTC if they had 3 or fewer units. Commissioner Roberson asked if staff considered

waiving fees for a period of time to encourage people to be in compliance. Director Buckingham stated that it would be subject to Council discussion and discretion. Director Buckingham stated that the fees will likely be around \$105.00, similar to the Home Occupation Permit, so it wouldn't be cost prohibitive.

Commissioner Roberson stated that she would like an additional condition to require trash cans to be returned to their storage area. She stated that she didn't feel the parking requirement was adequate. She would like to see an increase in the parking spaces.

Regarding the local point of contact, Commissioner Roberson didn't understand why it had to be someone local as long as the person could be reached within 24 hours to address any issue. Planner Reese stated that most of the jurisdictions that staff researched required a local contact, and most were less than 30 miles.

Commissioner Roberson stated that littering and leaving refuse around didn't seem to be covered in the ordinance.

Commissioner Evans asked why they didn't make the violation period longer than 12 months. Planner Reese stated that the other jurisdictions use the 12 months. Commissioner Alex asked if the 12 month period starts over if they don't get to the 4<sup>th</sup> violation. Planner Reese stated yes, but that the director still has the discretion to bring violations to the Planning Commission for action. Director Buckingham stated that a system of fines is good for correcting minor types of issues, like trash cans being left out but the system also provides flexibility to address more egregious violations.

Commissioner Alex asked if the existing rentals would be able to continue operating if the ordinance were passed. Director Buckingham stated that they would have 60 days to come in and apply for a vacation rental permit.

Commissioner Long asked how the City would enforce some of these conditions, such as parking and occupancy.

Director Buckingham stated that enforcement will be mostly on a complaint basis. Staff tried to put teeth into the ordinance so that if there is an issue, staff can immediately move forward with the revocation process.

Commissioner Long asked if the noise ordinance would be distributed to the operators of rentals along with the other information.

Director Buckingham stated that they are requiring the owner or property manager to inform tenants of the rules and regulations.

Commissioner Long opened the public hearing.

Tom Carter, 571 Newport, spoke in opposition to the ordinance. He asked what would be done about the rentals that the City doesn't know about, like one that is next to him. He outlined the issues he has had with an adjacent vacation rental, including parking, noise, refuse and parties that go on all weekend. He stated that there should be some kind of disclosure that there is a vacation rental there. He stated that they often call the police, and expressed concern that the City does not have the staff to take care of these issues.

Commissioner Long asked if there was some kind of enforceable action now. Director Buckingham stated that they are not currently regulated and that is the point of adopting the ordinance, so that there will be standards and conditions. He stated that part of the reason for having a local contact person is because the ones that are managed by a property management company have a higher likelihood of being professionally run. He stated that the condition to require placement of the permit number in any advertisements was to be able to identify illegally operated rentals.

Commissioner Roberson asked if there would be a fine for those operating without a permit. Director Buckingham stated that a warning letter would be sent first, giving 30 days to submit an application; after that, they would be able to fine them.

Commissioner Roberson asked if something would be considered a vacation rental if they just advertised it, or would staff actually have to see that it had been rented. Assistant City Attorney Donaldson stated that the warning letter would go out if they saw it advertised, but for the second violation, they would need a report saying that they are continuing to rent it after that period before they could be fined.

Commissioner Alex asked about houses that are not vacation rentals but vacation homes, where there is no advertising or financial transaction. There would be no accountability. Assistant City Attorney Donaldson stated that It would be the same situation if you went away for a weekend and had someone come into your home, there would be no way to regulate or remedy that. This is only tied to the financial aspect of renting a place for profit. You can't prevent people from allowing someone to use their property.

Janine Carter, 571 Newport, lives adjacent to 555 Newport, which is a vacation rental whose owners live in Bakersfield. She bought her home thinking she would retire in it, but has doubts because of the vacation rental. She opposed vacation rentals in any residential zone. She expressed concern about the proposed rules because they would be impossible to enforce. She expressed concern about parking and the ability of the City to enforce the rules. She noted that vacation rentals were not a part of the 2004 Visioning project and if vacation rentals are included in residential zones, it undermines the goals of the visioning project.

Tricia Witt, 341 N. 14<sup>th</sup> Street, lives near a vacation rental at 334 14<sup>th</sup> Street. She stated that it isn't just parties on the weekend, but all week long, for a month at a time. She outlined issues that have occurred there, including loud parties outside and people sleeping in tents and trailers on the property and garage. She stated that they don't know who is renting this home.

She stated that they call the police and they call the contact person—and she has been told not to call her. She expressed concern because the City doesn't have enough personnel to enforce existing regulations, let alone this ordinance. She stated that vacation rentals need to be in commercial areas. The residential areas should be reserved for residential uses.

Jack Hardy, 250 Estuary Way, CEO of a Century 21 office, suggested that a new zone be created for vacation rentals, maybe on 4<sup>th</sup> Street. He believes that people have the right to have a peaceful home environment. He urged the Planning Commission to go further than the proposed ordinance.

Kurt Hoffman, 1396 Brighton, stated that at this time of year, the street is not full, but later in the year, it gets impacted. He can't prove that there are vacation rentals in his area, but you can only go by what you see. He was opposed to vacation rentals in residential zones, and thought

he recalled from the City Council meeting that some of the Council Members were opposed as well. He agreed with the previous speaker about making a separate zone. He described a few rental situations in his neighborhood. He stated that if this passes, there is no mechanism for enforcement and it is a toothless ordinance. He stated that there should be property manager inspections after a rental period is over. He would extend the 12 month violation cycle to 24.

Brenda Auer, local resident and real estate broker stated that the main problem with vacation rental is code enforcement because the City doesn't have enough people to do that. The police are very responsive. She supported the ordinance, so that the City can make money off of the vacation rentals.

Linda Davis, 342 N. 14<sup>th</sup> Street, spoke in opposition to vacation rentals in residential areas. She expressed concern about parking, noise, outdoor smoking and enforcement. She stated that she tried to address issues with the real estate person, but they told her to just call the police.

Brad Keller, 748 Saratoga, expressed regret that they don't know the people in the neighborhoods anymore. He stated that he would like to have R-1 neighborhoods with permanent residents and people living there year round.

Chair Long closed the public hearing. He thanked the public for coming out and letting them know what is going on. He stated that it is a tough situation and he doesn't know if not moving an ordinance forward changes any of the situations that they are dealing with.

Commissioner Laferriere appreciated the comments from the public. He stated that some of the issues brought up are not related to vacation rentals. He asked what "residential" means and asked if it includes rentals and short term rentals. He stated that they need to keep the recently-adopted Housing and Land Use elements in mind. He stated that there are things they can do to make the ordinance better. He stated that this could be done as a pilot program, giving the people a time frame and try to make it work. If it fails, then the plan would expire. He asked if residential was excluded from vacation rentals, what would be left.

Director Buckingham indicated that removing all residential zones would eliminate most of the City for vacation rentals. He stated that most people who want to stay in a vacation rental are looking for a residential area.

Commissioner Roberson stated that her eyes were opened after hearing the public testimony. She asked who the winners are with vacation rentals. She stated that it would be the people who don't live here who rent it out and the people who don't live here that come to rent the home. She stated that the people living near are the losers and the Police Officers who have to go out to address issues. She stated that she was appointed and is here to make Grover Beach a better place to live. She would like to have R-1 and R-2 excluded from the ordinance. She could go either way in R-3. She would also consider some sort of mechanism if someone with a vacation rental got the majority of people around them to agree to having the rental in the neighborhood. People who rent homes long term behave better on average than shorter term renters. Longer term renters are better for the neighborhoods. Regarding tax, she doesn't feel that it would be a major loss of money if we don't allow vacation rentals. She wants Grover Beach to be a wonderful place to live, not a place where people come to party.

Vice Chair Evans: Feels the same way as Commissioner Roberson. He expressed concern that by taking the residential areas out of the ordinance, they could be limiting somebody's business who is abiding by the law. He expressed concern about property values and what precedence

they might be setting. He stated that he wouldn't know where to locate a special zone for vacation rentals. He stated that there is more to this that should be looked into.

Commissioner Alex stated that only one person from the public presented a positive view of vacation rentals in residential areas. He stated that restricting them would not be a big impact.

Chair Long stated that this ordinance doesn't address most of the comments heard tonight. He would like to hear from Commissioner Laferriere what additional tweaking he was talking about.

Commissioner Laferriere suggested giving the ordinance a sunset clause, so if it is failing it could be addressed. Also, require posting of additional information about who was approved to be at the rental, and issue parking passes so violations could be tracked. He stated that he doesn't think the city has tried to do it right. If they don't include residential, they are punting in regard to what City Council was asking.

Commissioner Roberson stated that they have to decide what areas to allow the rentals before addressing strengthening the ordinance.

Chair Long stated that based on Commissioners' comments, it seems that 3 out of the 5 are moving toward no residential. Commissioner Roberson stated that she would consider having them in some places.

Commissioner Alex made the motion to amend the proposed ordinance, to prohibit vacation rentals in all residential areas. Commissioner Roberson seconded the motion. City Attorney clarified that the motion was to approve the ordinance as-is, but exempting R-1, R-2 and R-3 zones. The motion carried with a vote of 3-2-2-0, with Commissioners Long and Laferriere voting no, and Commissioners Blum and Coleman absent.

Director Buckingham stated that this will be moving forward to the City Council, and people will be re-noticed of the hearing.

### **COMMISSIONERS' COMMENTS:**

Commissioner Comments: Evans: Final approval of Bicycle MP. Jan 18, Grand Ave. MP.

#### **Report from City Council Representatives**

Chair Evans reported on previous City Council meetings, and noted that the Bicycle Master Plan and the Grand Avenue Master Plan were approved.

#### **Other Commissioners' Comments**

### **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

- March Meeting Date
- Update on the Zoning Code Amendments to bring the Zoning Code into compliance with the General Plan.

Director Buckingham let the Commissioners know of proposed Planning Commission date changes, so they will meet on March 15 instead of March 8. The Commissioners concurred with the date change.

Director Buckingham updated the Commission on the City Council action on the Zoning Code amendment.

**ASSIGNMENT TO ATTEND CITY COUNCIL MEETING(S)**

February: Chair Long  
March: Commissioner Roberson  
April: Commissioner Alex  
May: Commissioner Blum

**ADJOURNMENT:** 8:08 p.m.

/s/  
CHAIR LONG

/s/  
SECRETARY TO THE PLANNING COMMISSION  
BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR

(Approved at PC Meeting: March 15, 2011)