

**MINUTES OF THE 20 FEBRUARY 2008
TRINIDAD PLANNING COMMISSION MEETING**

I. ROLL CALL

Chairman Mike Morgan called the meeting to order. Commissioners in attendance were Mike Morgan, Carol Rowe, Bryce Kenny, Judy Lake and Richard Johnson. Council Liaison Kathy Bhardwaj was present. Trever Parker and Kristen Martin represented staff in attendance.

II. APPROVAL OF MINUTES – January 16, 2008

Rowe noted that a meeting of the citizens' committee on tree cutting and planting guidelines had taken place, although there were no attendees.

Rowe made a motion to approve the minutes with this minor amendment. Lake seconded. Motion carried 5-0.

III. APPROVAL OF AGENDA

The Commissioners agreed to move item #4, a discussion of permit fees for the installation of solar equipment, to the top of the agenda.

IV. ITEMS FROM THE FLOOR

Brad Twoomy of the Gateway Committee reported that he is still working on finding some "night sky compliant" outdoor lighting for the town.

V. AGENDA ITEMS

PLANNING COMMISSION DISCUSSION / ACTION / PUBLIC HEARING ITEMS

1. Discussion / decision regarding fee schedule for permits for installation of solar equipment. Rowe presented the Commissioners with a new, streamlined permit application form for residents who wish to install solar equipment. Permits for solar equipment are approved by the Building Official, who was not at the meeting. Rowe said that the new form would not change the permitting process, but would offer a lower application fee. The Commissioners wanted the application form to include more information about zoning requirements for solar installations as well as more information about the inspection process from the Building Official.

Motion: Rowe made a motion to forward the application form / fee schedule to the City Council with the suggested additions. Kenny seconded. Motion carried 5-0.

2. BLM 2008-01: Design Review and Use Permit for the construction of an Interpretive Kiosk with a display area of approximately 10' x 3.5' and maximum structural dimensions of 15.5' long by 9.8' high and a 6' wide roof; to be located in the Commercial Development Zone in the Harbor Area near the boat launch.

Parker introduced the project. The proposed kiosk would be constructed and maintained by the Bureau of Land Management (a federal agency) on waterfront land owned by the Trinidad Rancheria. The purpose of the kiosk would be to provide interpretive information on the California Coastal National Monument, comprised of Trinidad's offshore rocks, and other coastal-related subjects. The project does not require a Coastal Development Permit because it has received a consistency determination from the Coastal Commission's regional office as well as verbal approval from the local office. The project will require engineering approval subsequent to Design Review approval. Parker said that Conditions of Approval #1 and #6, listed in the staff report, should be removed because they are no longer applicable to the project.

The Commissioners asked some initial questions about the kiosk's proposed location and integration with nearby elements. The project site is adjacent to the portable toilets and shed at the harbor parking lot. A Trinidad Rancheria representative stated that the portable toilets are to be removed after a new public restroom is constructed on the other side of the parking lot. Morgan asked if the kiosk might be integrated with the Van Wycke Trail at some point in the future. Brad Job, a representative of the BLM, answered some questions about the kiosk's design. He said the roof is designed to withstand high wind speeds at the coastline. He was open to suggestions on both the roof material and the color of the structure. The Commissioners were concerned that the proposed brown color would not match most existing buildings in the harbor area. They also favored a wood shake roof instead of a metal roof.

The floor was opened to public comment at this point. Brad Twoomy and Cindy Lindgren voiced their general approval for the project, but were concerned about the chosen location. Mr. Twoomy said that the kiosk would block some ocean views, especially if the adjacent portable toilets and shed are removed in the future. Ms. Lindgren would prefer not to see the kiosk built until the Trinidad Pier reconstruction and other harbor-area improvements are complete, so it can be better understood how the kiosk would fit in. Several other residents, including some who own property near the project site, were of the opinion that the kiosk would not significantly affect ocean views. Patti Fleschner of the Trinidad Museum Society said the project would be beneficial to public education.

Kenny asked if other locations for the kiosk had been considered. Mr. Job replied that they had, but other sites in the harbor area are not feasible due to potential impacts on cultural resources. Morgan asked if the kiosk could be moved in the future if its surroundings are altered. Parker replied that the Commission's Design Review approval may be conditioned on the project coming back for later review, but if a Use Permit is approved for the project it would be difficult to revoke.

Mr. Twoomy questioned the validity of issuing a Use Permit for the kiosk, arguing that it does not fit any category of permissible uses under the Commercial Zone.

Parker responded that it may be subject to a different section of the Zoning Ordinance dealing with off-premise signs, but the project involves a structure as well as a sign. Since the City's harbor-area Commercial zoning has not been certified by the Coastal Commission, it is unclear whether a Use Permit is even required for projects in this area. Parker said that this project appears to comply with the Coastal Commission's intent for the harbor area since the agency waived the requirement for a Coastal Development Permit. Kenny suggested issuing a Use Permit because it may give the City more control over the project.

Motion: Kenny made the following motion: *Based on the 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 following the recommendation of the City Planner, approve the Design Review and Use Permit as submitted and as conditioned below, not including conditions 1 and 6, with condition 2 modified to require that the kiosk is constructed with a wood shake roof.* Johnson seconded. Rowe voted in opposition. Motion carried 4-1.

3. Marshall 2008-02: Coastal Development Permit and Lot Line Adjustment to merge two adjacent parcels owned by the applicant into one parcel totaling 12,815 sq. ft. Located at the corner of Hector and Edwards Streets; APN 042-043-05 / -13.

Parker said that the purpose of this lot merger is to allow the property owner to access his proposed residence from Hector St. rather than Edwards St., because the latter would require him to cut into a retaining wall. The project is consistent with the Subdivision Ordinance. Lot Line Adjustments may be denied by the Planning Commission only under certain circumstances, none of which are present in this case. Design Review for the residence is being conducted as part of a separate application.

Motion: Lake made the following motion: *Based on the information submitted in the application and included in the staff report and public testimony, I move to adopt the information and findings in this staff report and approve the project as conditioned below.* Rowe abstained. Motion carried 4-0.

4. Marshall 2007-12a: Design Review and Coastal Development Permit to construct a new 2,454 sq. ft., 3-bdrm, 1-story, single-family residence on a vacant 12,815 sq. ft. property (after lot merger). Located at the corner of Hector and Edwards Streets; APN 042-043-05 / -13. *Continued from the January 16, 2008 meeting.*

Parker updated the Commission on what had happened since the previous month's meeting. The applicant has made some concessions by reducing the home's floor area from about 2,800 sq. ft. to about 2,400 sq. ft., and removing the second story. It was discovered that the project site is within an area of questionable slope stability, so a geologist's report will be required before grading and development can occur. The Commission can still grant Design

Review approval on the condition that a geologic report is completed prior to issuance of a grading permit.

Another issue that came up at the January hearing was the project's CEQA status. Parker explained that she had prepared an environmental analysis, similar to a CEQA Initial Study, looking at the potential for increased runoff to affect bluff stability at the Tsurai Study Area. She said that construction of single-family residences is normally exempt from CEQA, except when sensitive resources are at stake. It may be more appropriate to investigate the overall impacts of City development on the Tsurai Study Area than to conduct CEQA analysis on a single development project. However, it is up to the Planning Commission to decide whether the CEQA exemption applies to this project.

The floor was opened to public comment. The Commissioners received a number of written letters in addition to oral testimony. Several residents spoke in opposition to the project based on the home's visual impact and footprint. They argued that the project parcel is in a conspicuous location, within 100 ft. of several historic structures, and the house should be designed to blend in as much as possible. Kim Binnie and Michael Reinman argued in favor of performing a CEQA analysis on the project. Mr. Reinman also stated that the revised house design did not make enough concessions to public input; he would like to see it reduced in size and oriented to face a different direction on the lot. Ange Lobue requested that the Commission exercise its authority to limit the house to 15 ft. in height and 1,500 sq. ft. in floor area. Parker reminded the Commissioners that these dimensions are the minimum to which a homeowner is entitled. The Commission can restrict a house to the minimum size if it finds that the house will otherwise significantly obstruct private views.

Several residents spoke in support of the project based on the size of the lot and the fact that any house constructed on the property would block private views to some extent. In regard to potential impacts on the bluff, Tom Odom stated that the City's new OWTS ordinance should address any concerns about septic effluent. Don Blue, who resides in an apartment behind the proposed house, acknowledged the design concessions made by the applicant and said that the Commission has, in the past, approved larger homes than this one. He said the house would not be too bulky compared to other houses in the same neighborhood. The supporters generally felt that larger houses should be permissible on larger lots.

There was some discussion about the 2,000 sq. ft. / 25% lot coverage guideline typically used by the Commission in approving single-family residences. Parker went over the Design Review criterion that states, "Residences of more than two thousand square feet in floor area ... shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive." The 25% guideline is more informal and was established based

on septic constraints. Parker said that in recent years the Planning Commission has approved several homes that are close to, or in excess of, this standard.

The Commissioners asked if the applicant had had any success in meeting with his neighbors since the January hearing. Jim Marshall replied that he had sent out an invitation but only one or two people had showed interest. Mr. Lobue, who was one of the people contacted, told the Commissioners that only one meeting date was offered and he had not been able to attend.

Morgan asked the Commissioners for their thoughts on the project. Rowe said that she is concerned about the cumulative impacts of development on bluff stability. Kenny said that he supports a CEQA exemption for the project, but would like to see the geologic study completed to alleviate concerns about the stability of the site. Johnson agreed with this, and added that he would like to see the City carry out further investigation of potential impacts on the Tsurai bluff. Lake and Kenny were also of the opinion that the house should be further reduced in size. Morgan disagreed, saying that a bigger house is appropriate for a bigger lot.

The Commission reached a consensus to continue the project until a geologic report was received. They also discussed the possibility of enlisting the City Clerk's help in trying to arrange another meeting between the applicant and his neighbors.

Motion: Johnson made the following motion: *Based on the information submitted in the application, and included in the staff report and public testimony, I move to continue the project to the regularly scheduled April meeting and request that public input and Planning Commission comments be incorporated into a final and complete design.* Rowe seconded. Motion carried 5-0.

VI. **STAFF REPORT**

Parker reported that she and Commissioner Kenny have been working on a list of specific questions to ask the City Attorney about the Chevron project. The emphasis will be on the City's authority to revoke a Use Permit for the station's 70-ft. tall "freeway" sign.

VII. **COUNCIL LIAISON**

Kathy Bhardwaj reported the following items:

- Stephen Albright has been hired as the new City Manager.
- The Council is reviewing both the OWTS management ordinance and an ordinance for the Wagner Street Trail.
- Several street improvement projects are in the works.
- The adoption of a Hazard Mitigation Plan will allow the City to seek grant funding for certain types of projects.
- The Council is looking into traffic problems on Edwards Street.

- Regarding Verizon's proposal to install an Appleton plug on Trinidad Head, the Council voted not to exempt the project from a Coastal Development Permit.
- The City Manager is investigating an information leak from one of the Council's closed sessions.

VIII. **ADJOURNMENT**

The meeting was adjourned at 10:55 PM.

Respectfully submitted by: Kristen Martin, Assistant City Planner
Secretary to the Planning Commission
City of Trinidad