Posted: August 13, 2010

City of Trinidad

NOTICE AND CALL OF A MEETING OF THE

TRINIDAD PLANNING COMMISSION

The Trinidad Planning Commission will hold a regularly scheduled monthly meeting on **WEDNESDAY AUGUST 18th, 2010, AT 7:00 P.M.**, in Town Hall at 409 Trinity Street.

The following items will be discussed:

I. **ROLL CALL**

II. **APPROVAL OF MINUTES** -- July 21, 2010

III. **APPROVAL OF AGENDA**

IV. **ITEMS FROM THE FLOOR**

V. **AGENDA ITEMS**

Discussion / Decision / Public Hearing / Action

1. Lake 2010-03: Design Review and Coastal Development Permit for a ~~964~~ 907 sq. ft. single-story addition to an existing 1,500 sq. ft., single-story, 2-bedroom, single-family residence. The project will also require approval of a Variance to allow an ADA ramp to extend into a required side-yard setback. Located at 740 Edwards Street; APN: 042-041-24. *Continued from the June and July meetings.*

2. General Plan Update: Discussion of the Draft Circulation Element, General Plan Update

VI. **STAFF REPORT**

VII. **COUNCIL LIAISON**

VIII. **ADJOURNMENT**

PLEASE DO NOT REMOVE OR COVER UP

APPROVAL OF MINUTES FOR:

July 21, 2010 PC:

Supporting Documentation follows with: 6 PAGES

City of Trinidad

MINUTES OF THE REGULARLY SCHEDULED MONTHLY MEETING OF THE TRINIDAD PLANNING COMMISSION
WEDNESDAY, JULY 21, 2010

I. CALL TO ORDER/ROLL CALL

Commissioners Present: Johnson, Fraser, Rothell
Commissioners Absent: Pennisi, Hinderyckx
Council Liaison: Bhardwaj
Staff: Planner Parker

II. APPROVAL OF MINUTES

March 17, 2010
There is a request from the public for an addendum. The Planning Commission will wait for the comments and approve the minutes at a later date.

April 21, 2010
On page 2, item 2, Sitka spruce will be changed to Douglas fir. *Motion* (Fraser / Rothell) to approve the April 21st minutes as corrected. **Passed unanimously.**

III. APPROVAL OF AGENDA

Motion (Fraser / Johnson) to approve.
Passed unanimously.

IV. ITEMS FROM THE FLOOR

None.

V. AGENDA ITEMS

1. Lake 2010-03: Design Review and Coastal Development Permit for a 907 sq. ft. single-story addition to an existing 1,500 sq. ft., single-story, 2-bedroom, single-family residence. The project will also require approval of a Variance to allow an ADA ramp to extend into a required side-yard setback. Located at 740 Edwards Street; APN: 042-041-24. *Note that this is a continuance from the last meeting.*

   Staff Report
   Summary: Parker

   Parker summarized the staff report, highlighting the project changes since the last meeting: square footage is 2,400 and the south extension has decreased by 2 feet. The proposed ADA ramp encroaches into the setback. This is accompanied by an ADA accommodation letter. This is an issue of the ADA Act vs. the City Ordinance; there are legal issues with granting variances, but there are legal issues with not granting ADA project requests.

   The Tsurai also request a cultural monitor be present, a request which will be met by the applicant with no problems.

   Staff recommends approval but public comment should be considered.

LACO gives a presentation on the project.

Commissioner Comments
Jennifer Fraser is recused due to proximity to the project resulting in the loss of a quarum. The discussion continues.

Terry Huff (neighbor) is concerned with the visual impact.

LACO states that they have reduced the project by 2 feet since the last meeting. Story poles have been erected and used in the assessment of the visual impact. 2.75% of Huff's view will be impacted from the front window and 2.5% of the view will be impacted from his porch. They see no significant view impacts.

Commissioner Johnson gets clarification on the photos regarding rooflines. The Primary View is not impacted for Doran but the secondary view is slightly impacted. He requests an action to support and accept staff report and the condition as written.

Commissioner Johnson also asks for additional photos from the Doran property to get additional angles for another line of sight. Mike Nelson from LACO will ask for permission to take pictures and then highlight in red what is already obstructed.

Public Comments
Huff comments that his view of the ocean has been obstructed by other houses. Trinidad's design criteria lists that "view" includes the rocky coastline; his view now only consists of a small portion of the rocky coastline. He questions the measurements on the photos in the presentation.

LACO explains that the measurements start at the existing structure beginning at 0--which is ½ way across the edition.

Bob Lake (applicant) discusses Huff's view of the rocky coastline and how it is already obliterated by an existing features. He feels he has modified the plans enough to accommodate Huff's concerns and preserve Huff's same panoramic view. This project is driven by his and his wife's medical needs; the project is about the quality of life. He's willing to discuss the issues further, but feels the plans are adequate.

Huff requests that the photographs should include views from the rental next door and include the view between his house and the rental since he owns both.

Parker defines primary views for the purpose of the discussion and talks about view reduction & criteria considered for the decision-making process.

Commissioner Johnson requests obtaining Duran photos and the definition of "primary views." If primary views are not defined, then that point is not admissible.

Continuance:
Due to lack of a quorum, the item was continued to the next regularly scheduled meeting in August 2010.

2. Davis 2010-05: Design Review and Coastal Development Permit for: (1) 37 sq. ft. single story addition to an existing 605 sq. ft. 1-bedroom residence; (2) remodel the interior of the existing garage to convert approx. half of it (416 sq. ft.) into conditioned workspace with a half-bath; and (3) replace an existing storage shed. A Variance is being requested to accommodate a portion of the residential addition within the front yard setback. Located at 558 Hector Street; APN: 042-041-22

   Staff Report
   Parker gives overview of the project. She notes that there is no property site plan in the packet.

   Fraser can be recused due to being 300 feet from the project, but she foresees no loss or gain from the project, so she includes herself in the quarum.

   The condition of approval for this project includes the deed restriction limiting 1 bedroom on property.

   The garage is not considered an accessory structure, so they must meet the design review requirements. Staff does not recommend approval for a variance but the rest of the project is recommended.

   Staff doesn't recommend cultural monitor at site since it is a marginal change. Staff recommends instead creating a policy as to when a cultural monitor is appropriate at project sites.

   Public Comment
   None.

   Commissioner Comments
   Commissioner Fraser raises concerns on pg 42, regarding the septic system: there's no record on file for the addition of another ½ bath.

   Parker states that under current health department standards, they size the tanks by the number of bedrooms. The OWTS Management Program will require all systems to be inspected.

   The applicant clarifies questions from Commissioner Johnson. The property line is 16.4 feet from the street. As the house footprint moves further from the street, the slope increases. The upper end of the house is 21-22 feet SE-NE. The map is not finished. Steve's Septic said the septic tank was 700 gallons with a 35 foot leachfield and all is in good condition. Pumping was at the time of inspection was not needed.

   Parker explains that the building falls under legal non-conforming status and alterations can be made as long as they don't increase the degree of nonconformity; therefore, the project must meet current setbacks (conditions).

Commissioner Johnson notes that there is a small amount of change to the structure and recommends approval.

Motion:
(Fraser/Rothell) make the required findings and approve project as conditioned in the staff report with an added 7th condition for cultural monitor. **Passed unanimously (3-0)**

3. Morgan 2010-06: Modification of an existing Conditional Use Permit for the Trinidad Bay Bed and Breakfast to remove a previous condition placed on the original project approval in 1985 that all laundry must be done off-site. Located at 560 Edwards Street; APN: 042-101-07

Staff Report
The Health Department did not have issues based on current materials provided but notes that the system is undersized and if the condition is removed, wants the system inspected every year. There is record of recommendation that a linen service be utilized and water use limited, but there was no professional recommendation. A new condition should include the septic system being pumped once a year. When the OWTS plan is implemented it will better protect management of septic systems.

Parker notes that there are a few errors: finding A will *not* alter the use, finding B references to CEQA exemption, proper reference on 1st page of staff report, section 5305.

Staff recommends two conditions: 1) the tank should be inspected annually and 2) the inspection schedule should be modified under the OWTS program with the Department of Public Health. Owner must recognize that if system fails, the City will take action which may include suspension of the conditional use permit.

Public Comment
Trinidad residents comment on the Bed and Breakfast's water usage, leachfield (2 lines at 40 feet), septic system functionality, laundry service, the slope stability, water findings, and the suggestion that the City Council should be the decision-making body.

Commissioner Comments
Parker comments that the City Council should approve the plan since it is in the Planned Development Zone. Permits need City Council approval and the Planning Commission should make a recommendation to the City Council. She also explains how a leachfield inspection works.

Commissioner Johnson suggests installing risers and a filter and Parker responds that if these are installed, they would contribute significant protection. The applicant is willing to research this and get a cultural monitor, if needed.

The applicant states that his average occupancy is at about 50 percent/year and maximum water usage, if at full capacity, is 32 gallons per day.

Commissioner Johnson discusses the desire to limit water usage in 1985, the prospect of the 15,000 gallon tank and all its parts functioning correctly. He notes that the updated General Plan will zone the Bed and Breakfast as Mixed Use which allows commercial and visitor activities if they meet the septic system capabilities. Once enacted, the OWTS ordinance approval system will be performance-based. The Department of Public Health are the experts stated no objections but suggested a wet weather inspection. Commissioner Johnson states that it is unclear if the entire system was inspected and suggests testing for an evaluation that includes dose rates. The City Council will discuss this project at the September meeting.

Motion:
(Fraser/Johnson) make the required findings and recommend approval to the City Council as conditioned in the staff report with the following additions to the conditions:

1) complete the inspection per OWTS Management Program guidelines and criteria,
2) verify that effluent filter installed, and if not, have one installed,

Passed unanimously (3-0)

4. General Plan Update:

An extra meeting is suggested. Parker will email the Commissioners as to availabilities.

Staff Report

Parker invoiced the State around $120,000 for the Clean Beaches grant. Five city and nine county septic systems have been rebuilt. There is still money for inspections. She is working on the General Plan again.

City Council Liaison

Council Liaison Bhardwaj states that the EDU committee gave recommendations to the Council that there is no issue with a cap on number of houses and standards seem logical. The Council will revisit the policy for comments on county land use next month. The City has a Sheriff contract with Scott Hicks. The budget was adopted and is still solvent. The ADU will be put into place hopefully when the OWTS is approved. LACO was hired to stabilize the clear-cut site. Short-term stabilization has cost the City $4,200. They looked into the greenwaste contract Arcata has with Wes Green. It costs Arcata $88,000. The leaning lightpost by the lighthouse will be replaced. The City Council will make a decision about Sam Pennisi.

Parker notes that the comment period for the Moss subdivision project is running out. Commissioner Johnson wants to comment on that project. He also discusses how guidelines are not clear for public comment and that they lose out commenting on projects because of the reaction time. Bhardwaj thinks projects should go through more than one person. She will talk to Steve tomorrow re: an action for the Moss project.

- **Meeting adjourned at 9:35pm.**

Submitted by:

Sarah Caldwell
Secretary to the Planning Commission

Approved by:

_____

Richard Johnson
Planning Commission Chair

AGENDA ITEM #1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

1. Lake 2010-03: Design Review and Coastal Development Permit for a 964 907 sq. ft. single-story addition to an existing 1,500 sq. ft., single-story, 2-bedroom, singlefamily residence. The project will also require approval of a Variance to allow an ADA ramp to extend into a required side-yard setback. Located at 740 Edwards Street; APN: 042-041-24. *Continued from the June and July meetings.*

BRING DOCUMENTS/PLANS/ETC FROM JUNE AND JULY MEETING PACKETS.

CITY of TRINIDAD

MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: August 13, 2010

RE: This month's agenda items

Both the items on this month's agenda have been continued from the previous meeting. Therefore, there are not a lot of additional packet materials. But please be sure to review, and bring to the meeting, your materials from the last meetings (June and July) for both the Lake project and the Circulation Element of the General Plan. If you need additional copies, you can either download them off the City's webpage, or you can request new copies from Gabe. The only new materials in this month's packet are the minutes from the July meeting, a letter from LACO regarding view impacts from the Lake project, and four figures for the Circulation Element of the General Plan.

LACO ASSOCIATES
ENGINEERS · GEOLOGISTS · ENVIRONMENTAL CONSULTANTS

LEONARD M. OSBORNE · CE 38573
DAVID N. LINDBERG · PG 5581/CEG 1895
CHRISTOPHER J. WATT · PG 7586/CEG 2415
FRANK R. BICKNER · PG 7428
RONALD C. CHANEY, Ph.D · CE 29027/GE 00934

August 4, 2010

6933.04

Trever Parker, Trinidad City Planner
1062 G Street, Suite I
Arcata, California 95521

Subject: Lake 2010-03: Definitions: Primary and Secondary View - Revised

Dear Ms. Parker:

At the hearing on July 21, 2010, to consider the Lake 2010-03 Design Review and Coastal Development Permit, the Trinidad Planning Commission requested two supplemental information items.

First, the Commission requested photographs taken from the main deck and second story balcony at 707 Underwood Drive (Doran) for use in assessing the potential significance of views which would be obstructed by the proposed project. We have requested access to the property to take the requested photos and will provide them to you as soon as they are available.

The Commission also requested additional information regarding the difference between Primary and Secondary viewing areas within a private residence. As we have discussed, we reviewed the City Code and have found no specific reference to a primary or secondary view area. However, Section 8.16.080 of the Views and Vegetation Ordinance lists criteria to consider when determining whether vegetation has created an "unreasonable obstruction." Those criteria include Section 8.16.080(c) which reads:

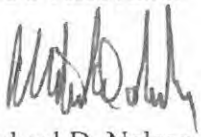
> *"The quality and percentage of the coastal views being obstructed, including obstruction of landmarks, vistas, or other unique features and the* ***quality of the living area or viewpoint from which the view is blocked****."*

The code provides no guidance for determining the relative quality of living areas or viewpoints. To understand how this matter is resolved in other communities, LACO Associates (LACO) researched ordinances for sensitive coastal communities in California and identified several definitions for discussion (attached). We also reviewed the California Coastal Act for guidance but did not find an equivalent protection for views from private residences.

Each of the four ordinances we reviewed considers views from living rooms and master bedrooms to be "primary views" or "view areas." However, only one of the ordinances (Sausalito) permits multiple primary views within a single residence. Each of the others requires a review body to identify the single most important view for each residence. As the criteria for determining the primary view vary among the ordinances, we have not attempted to determine which views from the Huff and Doran properties are most likely to be determined to be the "primary view."

The standards of Section 8.16.080 refer to vegetation rather than structures and do not strictly apply to the project, but they may provide a useful context for considering whether the proposed addition would block a "significant" portion of the view from either adjacent residence. We acknowledge the relatively good quality of the living spaces and affected viewpoints at the Huff and Doran properties. The affected view from the Huff property is from a front porch from living room windows. The affected view from the Doran property is from a second story balcony extending from a bedroom. Both locations offer the opportunity for residents to pause and enjoy their views of Trinidad Harbor. We continue to maintain that the actual percentage of view obstructed is small and that no individually valuable features will be entirely hidden from view as a result of the project. On that basis, we encourage Staff and the Planning Commission to determine that the project will not have a significant effect on the views from neighboring properties.

Sincerely,
LACO Associates



Michael D. Nelson
Planning Director

MDN:tmc

cc: Robert Lake, Applicant

Attachments

Attachment 1

Sample Definitions of Primary View and View Area

City of Sausalito (Municipal Code Section 10.88)

View, Primary. Any view distance from primary viewing areas of a dwelling such as the living room, dining room, kitchen, master bedroom, and deck or patio spaces serving such living areas. A secondary view shall be any view from bathrooms, accessory bedrooms, passageways, and utility areas.

City of Malibu (Municipal Code Section 17.43.030) (Specific to Malibu Country Estates)

"Primary view area" means that portion of a residence within the Malibu Country Estates subdivision (excluding bathrooms, closets, garages, and hallways) from which the primary view is observed. A property shall have only one primary view area. The primary view area shall be determined by the planning manager or his/her designee in consultation with the property owner. The primary view area determination shall be made by balancing the nature of the view to be restored and the importance of the area within the structure from where the view is taken. The primary view area shall be assessed from a single fixed location and direction in the structure, at an elevation of 5-feet as measured from the room floor or on an abutting outdoor deck or patio at any one point within 10-feet of the nearest outside wall of the building as selected by the complainant and the planning manager. In the event the property owner and the planning manager (or designee) cannot agree on the primary view area, the decision of the planning manager shall control. Once a primary view area is finally determined for purposes of this chapter or for any other purpose pursuant to this code or the Local Coastal Program, it may not be changed. The primary view area determination is final and not appealable.

City of Rancho Palos Verdes (Municipal Code Section 17.02.040.15)

"**Viewing area**" means that area of a structure (excluding bathrooms, hallways, garages or closets) or that area of a lot (excluding the setback areas) where the owner and city determine the best and most important view exists. In structures, the finished floor elevation of any viewing area must be at or above existing grade adjacent to the exterior wall of the part of the building nearest to said viewing area.

City of Solana Beach (Municipal Code Section 17.63.020.1)

"**Viewing area**" shall be that area of the structure (excluding bathrooms, hallways, garages or closets) or lot (excluding the building setback areas) where the view assessment committee, or the city council on appeal, determines the best and most important view exists. The finished floor elevation of any viewing area must be at or above existing grade adjacent to the exterior wall of the part of the building nearest to that viewing area. The determination shall be made by balancing the nature of the view to be protected and the importance of the area of the structure or lot from where the view is taken.

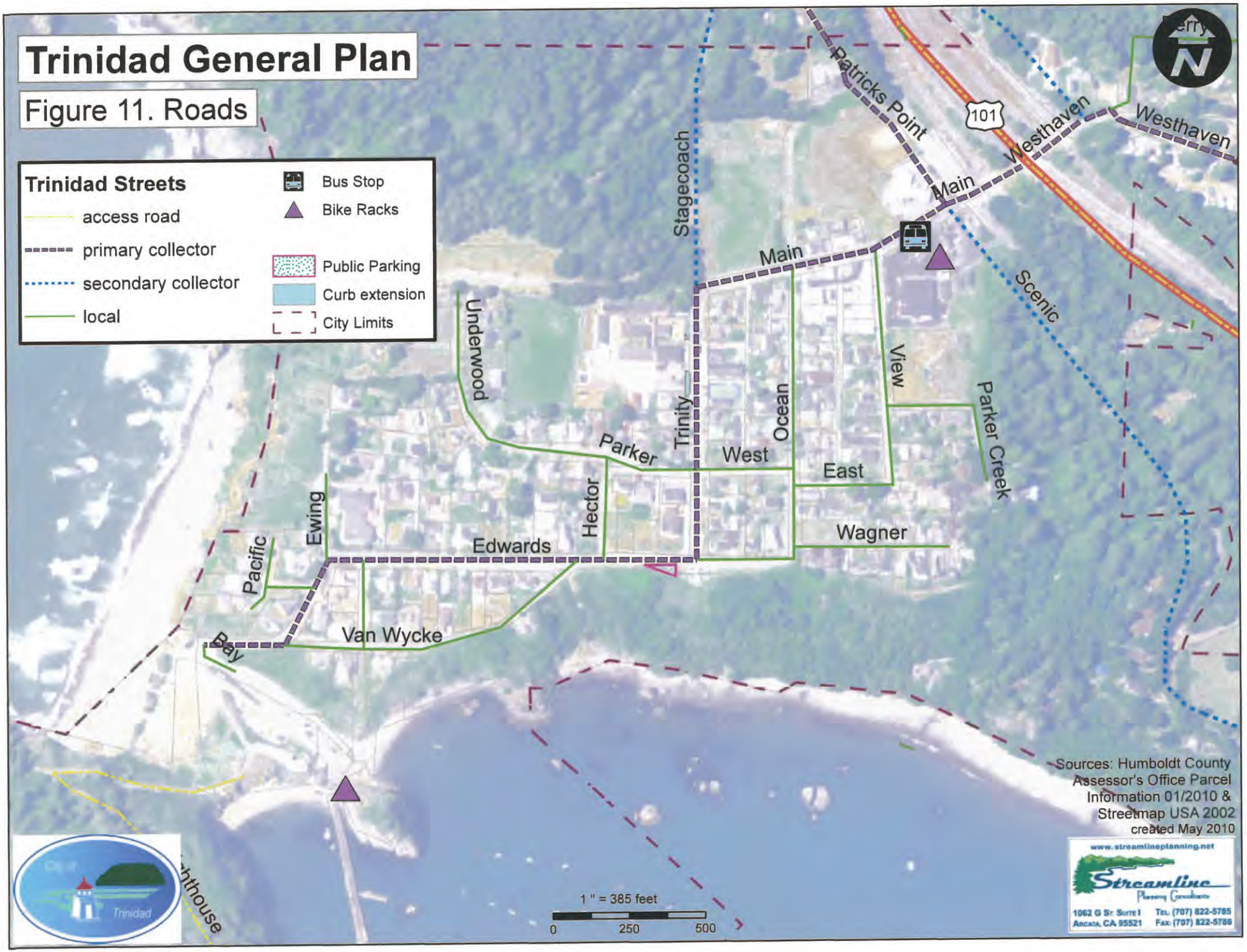
AGENDA ITEM #2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

2. General Plan Update: Discussion of the Draft Circulation Element, General Plan Update

Trinidad General Plan

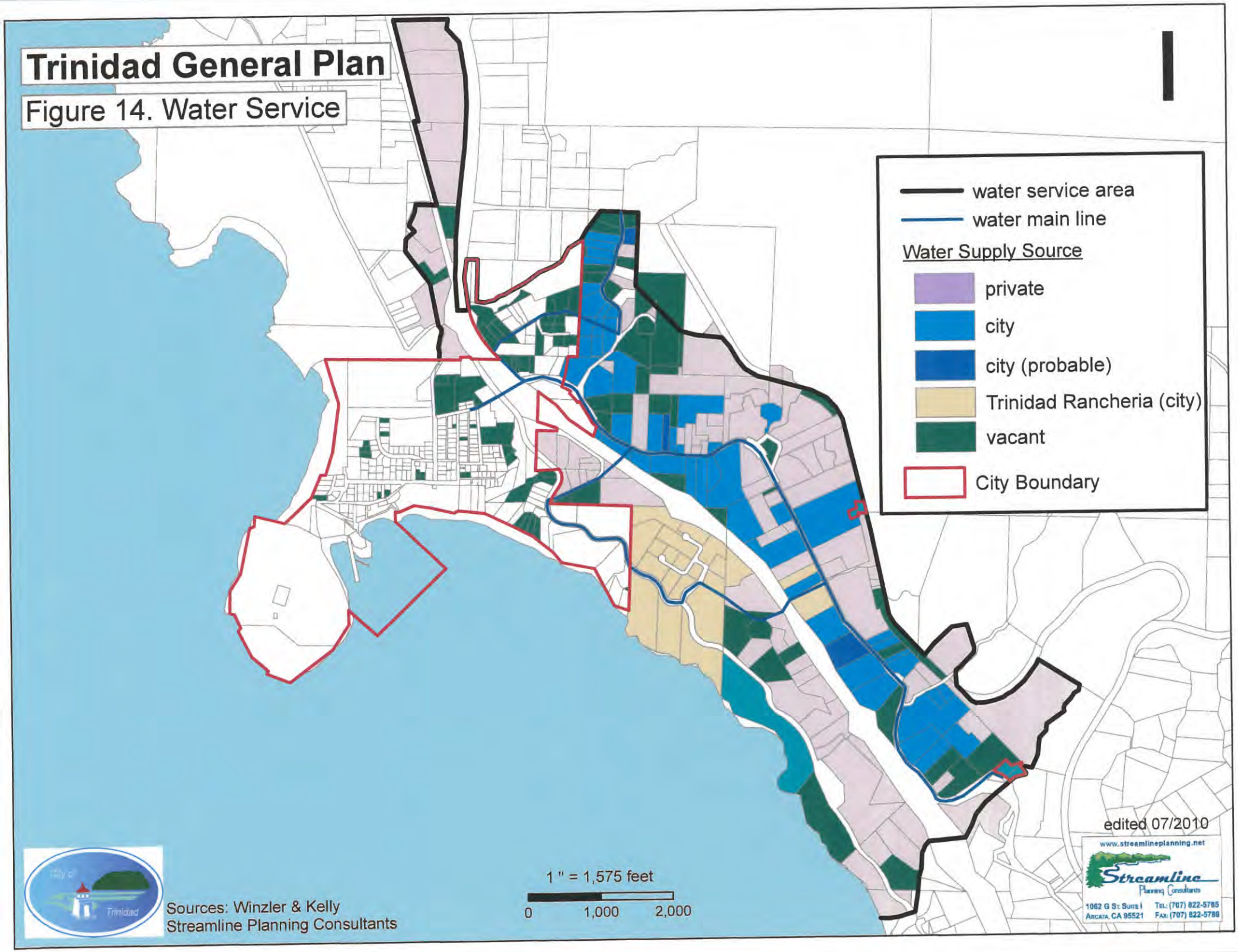
Figure 11. Roads



Trinidad General Plan
Figure 13. Utilities
Fire hydrants
Streetlights
Utility poles
without streetlight
with streetlight
City Limits
Parcels
N
Frontage Rd.
Westhaven Dr.
Stagecoach Rd.
U.S. 101
Main St.
View Ave.
Parker Creek Dr.
Scenic Dr.
Trinity St.
Ocean Av.
Underwood Dr.
Parker St.
West St.
East St.
Ewing St.
Pacific St.
Hector St.
Wagner St.
Edwards St.
Azalea Way
Galiando St.
Edwards St.
Van Wycke St.
Bay St.
Scenic Dr.
1 " = 400 feet
0
250
500
Sources: Humboldt
Assessor's Office Parcel
Information 01/2010
created 04/20/2010
www.streamlineplanning.net
Streamline
Planning Consultants
1062 G St Suite I
Arcata, CA 95521
Tel. (707) 822-5785
Fax (707) 822-5786

Trinidad General Plan

Figure 14. Water Service



Sources: Winzler & Kelly
Streamline Planning Consultants

Trinidad General Plan

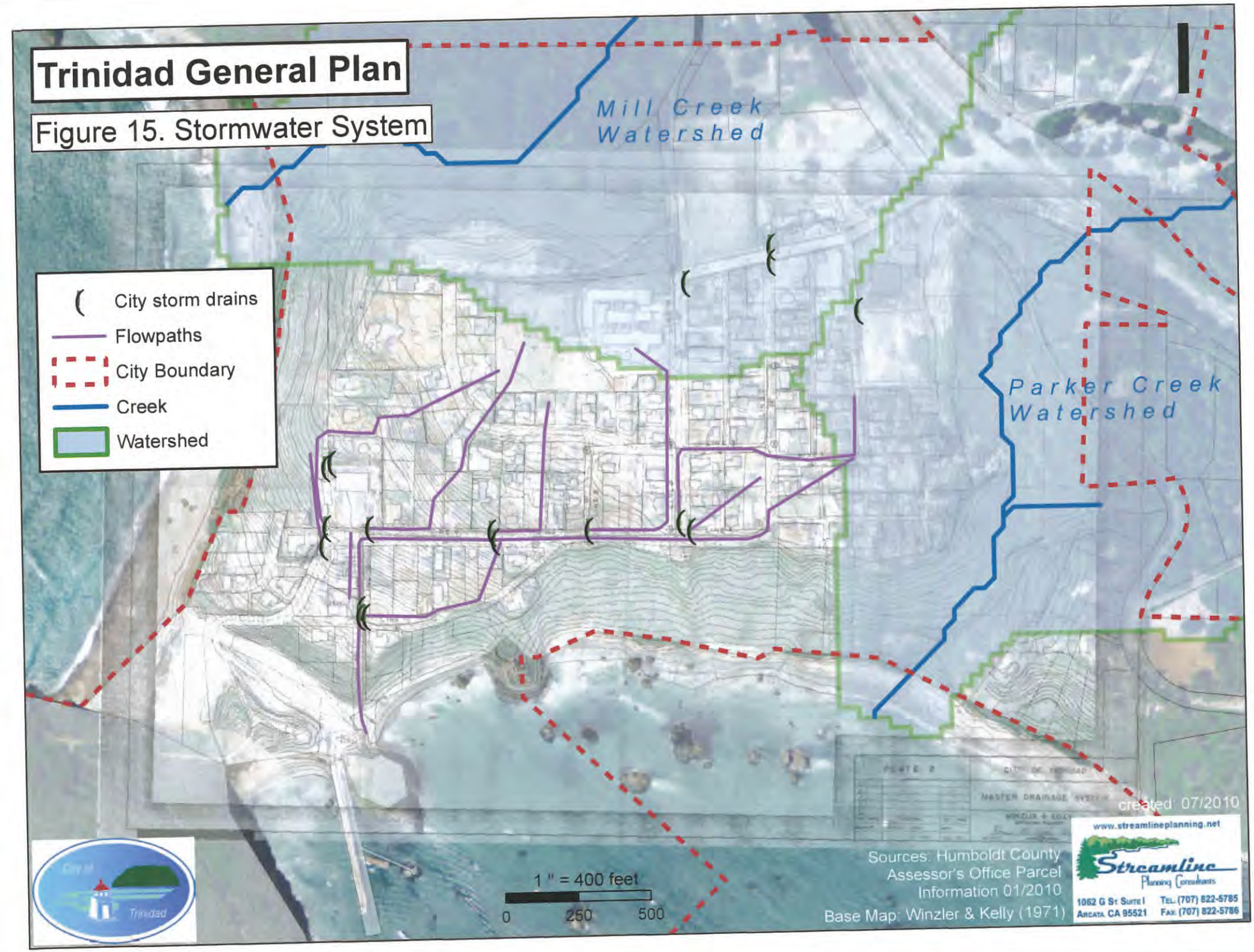



Figure 15. Stormwater System