Posted: February 18, 2011

City of Trinidad

NOTICE AND CALL OF A MEETING OF THE

TRINIDAD PLANNING COMMISSION

The Trinidad Planning Commission will hold a specially scheduled meeting on
WEDNESDAY FEBRUARY 23rd, 2011, AT 6:00 P.M.,
in Town Hall at 409 Trinity Street.

The following items will be discussed:

I. **ROLL CALL**

II. **APPROVAL OF MINUTES** – October 20, 2010

III. **APPROVAL OF AGENDA**

IV. **ITEMS FROM THE FLOOR**

V. **AGENDA ITEMS**

Discussion / Decision / Public Hearing / Action

1. Perry 2011-01: Design Review, Conditional Use Permit, and Variance to expand Trinidad Massage and Day Spa to this location. The Use Permit is required for the change of use of the existing building. Design Review is required for the proposed new exterior signs. The Variance is required because the site lacks two of the parking spaces required by the Trinidad zoning ordinance. No major remodeling is proposed. The building is currently being used as a residence, and prior to that was a retail quilt shop. Located at 529 Trinity St. APN: 042-101-09

2. Rancheria 2011-02: Design Review and Conditional Use Permit to install a tsunami warning siren near the Seascape vacation rental. The purpose of the project is to warn beachgoers, harbor users and boaters of a tsunami hazard as part of the Remote Community Alert Systems Program funded by the Office of Emergency Services and in coordination with the National Tsunami Hazard Mitigation Program. The siren will be mounted on a telephone pole approximately 35 ft. in height. Located at 1 Bay St.; APN: 042-071-08.

VI. **STAFF REPORT**

VII. **ADJOURNMENT**

PLEASE DO NOT REMOVE OR COVER UP

MINUTES OF THE REGULARLY SCHEDULED MONTHLY MEETING OF THE TRINIDAD PLANNING COMMISSION
WEDNESDAY, OCTOBER 20, 2010

I. CALL TO ORDER/ROLL CALL

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

II. APPROVAL OF MINUTES

August 18, 2010
Becker abstains so there is no vote as no quorum exists.
-Page 1/5: Modify 964 907 sq. ft. to 964,907 sq. ft.
-Page 2/5: Add construction on to the last sentence of the first paragraph.
-Page 2/5: Change the extension of proposed design scaled back 'to' rather than 'by.'
-Page 3/5: Clarify that Bob Lake (resident) was stating that looking through the windows, the further west you go, the more the building becomes visible. The dining room window has the best view.

September 15, 2010
-Page 4/5: Note that the Motion passed 3-0 because Commissioner Fraser recused herself.
-Page 4/5: The Staff Report is referring to the "Moss Subdivision," not "Moss Landing."

III. APPROVAL OF AGENDA

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

IV. ITEMS FROM THE FLOOR

None.

V. AGENDA ITEMS

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

   This portion of the meeting is less formal and the purpose is to review the draft General Plan. The Commission is working on the draft General Plan without public input. Commissioner Johnson hopes to engage the public, perhaps through a letter of process, update and plans from Stan or Steve. T. Parker thinks that's a good idea.

   The Energy section is not completely finished; there is more room for comments.

   Figure 10 is for roads and trails but applicable to conservation.

   Commissioner Becker inquired as to if Trinidad's Scenic Drive can be designated as a State Scenic Road. Parker responds that the county didn't want to go that direction because it comes with limitations.

Commissioner Johnson stated that the County's Circulation Element spends a good deal of time on wheelchair accessibility—which is embedded in Trinidad's, but not as detailed. Parker notes that ADA access is an issue in Trinidad.

Edits are suggested. Parking is discussed and Parker mentions that the parking issue has fluctuated in importance over the years.

Commissioner Fraser questions the impermeable surfaces program. Parker explains that it's a conundrum: unpaved surfaces in the City allow for sediment issues while impermeable surfaces increase discharge into the bay, though they're sometimes better for the bluffs. Trinidad is pretty built out; impermeable surfaces can't be prohibited in the County, but they can be in the City if they increase contributions into the bay.

Future water source needs and wastewater processing are discussed. Increases in development, including the Rancheria, Anderson, and Homen projects, could place additional demands on these systems. Commissioner Johnson suggests that the policies and background shows the direction that should be taken. Access to availability, how to balance reserves, upgrades, and Luffenholtz as a viable water source in 20 years can be discussed. Parker mentions the groundwater study for stormwater policies. Liaison Bhardwaj asks who does the annual water report and Parker mentions that Winzler and Kelly does. She also agrees to eventually compile a list of periodically updated documents for the City for reference.

Liaison Bhardwaj gives notes on the roads that include street improvements, the lack of walking options on Scenic Drive, including more descriptions regarding Edwards Street (narrow, varied traffic, blind driveways). She notes that the Circulation Element will be a big undertaking, especially when energy is added in. Perhaps the Housing Element should be updated next and Noise and Safety after that. A Community Design Element would make the Planning Commission's job easier. The Zoning Ordinance could be updated to meet the General Plan and then submitted to the Coastal Commission. Parker agrees that the Housing Element should be reviewed next.

Lighting and power lines are discussed, including lowering light poles, residents requesting fewer lights or more well-placed lights and grounding of power lines.

Commissioner Johnson acknowledges that the Circulation Element should continue to be refined and the Housing Element reviewed next.

Parker reminds everyone that the next meeting is November 17.

VI. STAFF REPORT

Parker stated that she's concentrating on finishing up the Clean Beaches grant. They have repaired or replaced 24 OWTS. Only 12 people called about free inspections. The City Council adopted the OWTS Ordinance.

Commissioner Fraser suggested doing more education about septic tanks.

VII. CITY COUNCIL LIAISON

The Van Wyke trail is slumping. Brian found two breaks in the drainage pipe and they're looking into moving the trail uphill. This requires 3 easements from property owners or else the trail will just be closed.

There was a newspaper article about Luffenholtz as the City's water supply. It discusses the carbon levels in the water from decaying leaves and the amount of chlorine the City adds to the water. The violation is not bad.

The Native Plant Society is partnering with the City to remove Pampas grass.

The OWTS project is on the agenda.

VIII. ADJOURNMENT

Meeting adjourned at 8:41pm.

Submitted by:

Trever Parker

City Planner

Approved by:

_____

Richard Johnson

Planning Commission Chair

Filed:	March 23, 2009
Staff:	Trever Parker
Staff Report:	April 21, 2009
Commission Hearing Date:	April 29, 2009
Commission Recommendation:	
City Council Action:	

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO:	2011-01
APPLICANT (S):	Katherine Perry
PROPERTY OWNER:	Patti Fleschner
PROJECT LOCATION:	521 Trinity Street
PROJECT DESCRIPTION:	Design Review, Conditional Use Permit, and Variance to expand Trinidad Massage and Day Spa to this location. The Use Permit is required for the change of use of the existing building. Design Review is required for the proposed new exterior signs. The Variance is required because the site lacks parking as required by the Trinidad zoning ordinance. No major remodeling is proposed. The building is currently being used as a residence, and prior to that was a retail quilt shop.
ASSESSOR'S PARCEL NUMBER:	042-101-09
ZONING:	PD – Planned Development
GENERAL PLAN DESIGNATION:	PD – Planned Development
ENVIRONMENTAL REVIEW:	Categorically Exempt from CEQA per § 15301 of the CEQA Guidelines exempting minor alterations to existing facilities or §15303 exempting a change of use in a small structure.
APPEAL STATUS:	

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project ~~is~~ ___ / **is not _X_** appealable to the Coastal Commission per the City's certified LCP, but may be appealable per Section 30603 of the Coastal Act.

SITE CHARACTERISTICS:

The property is located on the east side of Trinity Street, the second parcel south of West Street. Access to the existing residence / proposed day spa at the front of the property is via Trinity Street, though a driveway and concrete walkway run along the north side of the front building and providing access to the rear building. The parcels to the north and south of the property are currently being utilized for residential purposes. At present, the 7,200 sq ft lot accommodates a 770 sq ft rental house (formerly "Oceanwave Quilts") on the front (western side) of the property, where the proposed spa will be located. The 800 sq. ft. accessory structure in the back (toward the east), which previously housed the Trinidad Museum, is now Moonstone Crossing Tasting Room. Three off-street parking spaces are provided on the site – two allocated for the tasting room and one for the residence. The property is generally flat. There is an existing septic system on the property approved to accommodate a mix of uses.

STAFF COMMENTS:

All uses in the Planned Development (PD) Zone require a Use Permit, including any change in use (§17.36.020). The application materials show the project location, the site plan and the proposed location of internal walls. Please note that §17.36.080 requires all uses in the PD Zone to be approved by the City Council. Therefore the Planning Commission approval of this use permit should be in the form of a recommendation to the Council as worded in the sample motion towards the end of this document. Because the parcel includes two buildings, the driveway, parking and yard areas are shared to some degree. However, the project will not affect any of the external characteristics of the site or building, nor will it affect the use of the back building as a tasting room or preclude it from other future uses.

The proposed change of use of the structure will not alter the footprint of the building and there will be no external changes other than the signage. Zoning Ordinance §17.56.160 requires Design Review approval for signage. The property does lack two required parking spaces, and so a Variance from these parking requirements is also being requested. These three different approvals (Use Permit, Design Review and Variance) should be acted upon separately, and the Planning Commission should first consider the Variance because that will affect the approval and conditions of the Use Permit.

Potential Conflicts of Interest

Although Commissioner Vanderpool lives on property that is a little over 300 ft. from the subject property, he is renter and does not own the property, so there would not be any assumed conflict of interest in accordance with the Fair Political Practices Act.

ZONING ORDINANCE/GENERAL PLAN CONSISTENCY

The property where the project is located is zoned PD – Planned Development. The purpose of this Zone is to provide flexibility when considering what type of development should be permitted. These sites are suitable for one or more types of uses so long as the design of new development is particularly sensitive to the surrounding area. This zone allows for the development of personal services, and professional offices as well as some limited

commercial uses. The proposed use of the site as a day spa is consistent with these allowable uses.

The Zoning Ordinance (§17.36.020) defines the established purpose of the planned development (PD) zone as *"either residential areas where limited commercial activity may be appropriate, subject to special integrating design, or they are areas where design flexibility is needed to adapt appropriate uses to the site and to surrounding uses. Limited commercial uses, including visitor accommodations, visitor services, recreational uses, offices, gift shops and personal services may be appropriate."* The proposed development will use the space for a day spa, offering messages, esthetics and classes, a category not specifically enumerated in line item §17.36.020.B. However, it does fall within the category of "personal services", similar to other nearby permitted uses in the same zone. It also provides a "visitor service" as well as services to residents and is therefore consistent with the uses allowed with a use permit.

PD Zone Requirements

The minimum lot size in the PD zone for this type of project is 8,000 sq. ft. (§17.36.030). The lot in question is 7,200 sq. ft. and constitutes a nonconforming lot. Under section 17.64.020, although the lot is stipulated as nonconforming, it is still considered a legal building site for uses permitted in the pertinent zone. In conjunction with §17.64.010.A, the structures within this lot may be extended, altered or repaired provided that such alteration, repair or extension does not increase the degree of nonconformance. The proposed project is in compliance with this requirement. The lot is not nonconforming as to density per Zoning Ordinance (§17.36.040), which only allows one residence per 8,000 sq. ft., because only one residence is located on the lot and that building is now proposed for use as the spa. This project will not increase the density or size of buildings and will therefore not increase any nonconformance. The existing building is one story and the height will also not be altered by this project.

Required yards in the PD Zone for this type of project are the same as for the UR (Urban Residential) zone (§17.36.050): front – 20 ft.; rear – 15 ft.; and side – 5 ft. The required yards are met by the existing buildings with the exception of the rear yard setback requirement of 15 ft. However, this project will not alter the existing setback, which is legal, nonconforming, therefore, subject to §17.64.010.A as described above. Zoning Ordinance §17.36.070 deals with open space requirements for multiple unit development, which does not apply to this project. In addition, the applicant has complied with the application requirements set forth in §17.36.080 that are applicable to this project.

Parking

Parking in the PD Zone is regulated by Zoning Ordinance §17.56.180.B(8). This section stipulates that all uses, including a combined residence and business, require 3 parking spaces for up to 500 sq ft of the business floor area and 1 space for each additional 300 sq ft of business floor area. The project site currently includes the tasting room as well as the building previously used as a residence in the front, making it a combined residence and business. The current residence that is proposed to be converted into the day spa is approximately 770 sq. ft.

Two parking spaces in front of the wine tasting business are allocated to that business, and the one other space currently existing on the lot was allocated for the residence. When this front building was previously a retail shop, it was determined that a total of 4 spaces were needed for the quilt shop based on the square footage of the business. The Museum was originally approved with no required parking spaces. The Museum existed in this space since at least since 1984. The property has historically included a mix of commercial and residential uses, including being a vacation rental in the past. For the retail shop (Ocean Wave Quilts) a Variance was approved to reduce the required parking by one space to a total of 3 (with none for the Museum). The Variance was requested because the Native Plant Garden adjacent to the Museum would have had to be removed in order to accommodate a forth parking space. The Variance was conditioned on the Native Plant Garden and Museum remaining. Although the Museum has moved, the Native Plant Garden has been retained as part of the new use.

The property owner, Patti Fleschner provided the following summary of the history of parking on the site: *"Trinidad Museum occupied rear building 1984-2009. Ocean Wave Quilts occupied the front building 1994-2006, so it was twelve years that there was a shared commercial use in both buildings with no parking issues. Sandi Globus, Ocean Wave Quilts owner, had six part time employees at her shop. No reported parking problems."*

Because of the site's past history of a mix of uses being accommodated with the existing parking, this lot can be considered non-conforming as to parking. Nonconforming lots are considered to meet the off-street parking requirements for the existing uses. If a new use that would have greater parking requirements is proposed, then more spaces would be required (§17.64.040). However, the new use only has to provide additional parking equaling the difference between what is currently required and what the new use would require. This means that a new use does not have to make up for existing nonconforming parking. Considering the existing uses and parking, Moonstone Crossing was approved with 2 spaces and no variance, leaving one space for the residence. Residences should provide 2 off-street parking spaces in accordance with Zoning Ordinance §17.56.180.B(2). The day spa would be considered to require 4 parking spaces according to the zoning ordinance. But since the building is already non-conforming as to one space, then the spa only needs two additional spaces in order to meet the parking requirements.

It appears that there may be room to provide one additional parking space adjacent to the existing residential space, but it would be 1 ft. short of the required 8.5 ft. width. Trinidad allows compact spaces that are shorter, but not narrower than standard spaces. Humboldt County does allow compact spaces of 7.5 ft. Although there may be limited room there for 4 cars to maneuver, the configuration has not changed in 20 years, and can not change without removing the garden or other structural elements. In addition, parking facilities for 4 or more vehicles have additional requirements such as a larger driveway width and turn-arounds that could not be accommodated on this lot. There also would be room in the front yard, adjacent to the street to provide additional parking. Therefore, if the Planning Commission does not approve the Variance, but is considering approval of the Use Permit, then a condition should be included requiring the construction of two additional parking spaces in this location. However, adding parking in the front would remove on-street parking as well as cover some of the potential reserve leachfield area. Therefore, staff has determined that a Variance from

the requirement to add two additional parking spaces is a reasonable request. The applicant has provided responses to the required Variance findings, which are included below. This is because staff generally can not recommend approval of Variances except in limited situations due to strict legal interpretations.

Signs

The project is subject to the Specific Use Regulations criteria set by the Zoning Ordinance Chapter 17.56. Section 17.56.160 identifies the requirements for signs in the PD Zone. The applicant has provided a description of the signs, including the size, location and materials, as well as a drawing of the logo that will be used. Although the drawing is in black and white, the applicant has also provided a description of the colors that will be used.

The proposed signs will be placed in the same location and will be the same size as the previous quilt shop signs – one on the existing posts in the front yard and one above the entry. The applicant has submitted information describing the size, and general layout of the proposed signs. Both signs will be approximately 10 sq. ft. in size. The fist sign will be located in the front yard on the existing posts that were used for the quilt shop sign. This sign will measure approximately 48" x 30" with a maximum height of 68" off the ground and will be made of wood or hard plastic. It will contain the spa logo and the name of the business – Trinidad Message and Day Spa. The second sign will be located on the building, attached to the front porch. That sign will be 45" x 32" in size and will be made of the same materials and colors as the first sign. Colors will generally be as follows as described by the applicant: *"blue water, yellow, golds for the sky, green plants, white, and light pink/purple for the lotus. All very moderate hues but will be enough to be eye catching in the grey fog. Nothing florescent or garish."*

Trinidad sign regulations allow each lot a total advertising area of 1 sq. ft. of signage for every 1 ft. of street frontage of the lot. In this case, the lot is 60 ft. wide, allowing a maximum total of 60 sq. ft. of signage. In addition, the regulations allow a maximum square footage for any one sign of 50 sq. ft. The existing signage for the Moonstone Crossing building is 34 sq. ft. including both signs (20 sq. ft. for the one on the street, and 14 sq. ft. for the one on the building). With the proposed two additional signs of 10 sq. ft. each, the total square footage of signage on the lot will be 54. This signage complies with the City's requirements, but the new signs do require Design Review approval from the Planning Commission.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Although the proposed project will not alter any buildings, the placement of the new signs does require Design Review. Recommended Design Review / View Preservation Findings are written in a manner to allow approval, without endorsing the project. However, if public hearing information is submitted or public comment received indicating that views, for instance, may be significantly impacted, or the structure proposed is obtrusive, the findings should be reworded accordingly.

Design Review Criteria

A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: The proposed signs will be placed where signs for the quilt shop previously existed, and will utilize the existing supports.

B. *Structures in, or adjacent to, open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.* Response: The project site is not in or adjacent to any open space areas except the school yard. The proposed signs will be consistent with the existing and previous signs and surrounding development.

C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: The sign material will be wood or hard plastic that includes the business name and logo. Colors will be in earth tones matching the objects in the logo.

D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used.* Response: Plants would block the proposed signs. The site is already landscaped, and there will not be significant changes to the structures. Plants can be found unnecessary for this project.

E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: The proposed signs will be located where the quilt shop signs previously existed. They will reflect the Trinidad Day Spa name and logo.

F. *New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.* Response: No utilities are required for this project. Existing utilities are shown on the site plan.

G. *Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should be a single design theme.* Response: No off-premise signs are proposed as part of this project.

H. *When reviewing the design of commercial or residential buildings, the committee shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:*
   1. *Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four 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.

H. *Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.*

Response: No new buildings are proposed as part of this project.

View Protection

A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: This project is not visible from open space areas and the only structural changes proposed are the new signs.

B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.* Response: Although the new signs will be over three feet high, one is on the building, and the other is located near the street where a sign previously existed. The project does not have the potential to significantly block views.

C. *The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility: and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction.* Response: No new buildings are proposed as part of this project.

D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.* Response: There was no residence that was destroyed by fire associated with this project.

E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards.* Response: Although close, the proposed project is not within 100 feet of the Tsurai Study Area, Holy Trinity Church, the Memorial Lighthouse or the

Cemetery. No new buildings are proposed, and the signs proposed will be located where signs previously existed in the same location.

USE PERMIT FINDINGS:

The property where this project is located is zoned PD – Planned Development. *"The planned development zone is intended to be used in areas designated as Planned Development in the general plan. These areas are either residential areas where limited commercial activity may be appropriate, subject to special integrating design, or they are areas where design flexibility is needed to adapt appropriate uses to the site and to surrounding uses. Limited commercial uses, including visitor accommodations, visitor services, recreational uses, offices, gift shops and personal services may be appropriate."* Thus the intended use of the building as a day spa is within the guidelines of the ordinances, subject to Planning Commission recommendation of, and City Council approval of a use permit and based on the findings described below (Section 17.72.040):

A. *The proposed use at the site and intensity contemplated and the proposed location will provide a development that is necessary or desirable for and compatible with the neighborhood or the community.* Response: The neighborhood consists of a combination of Residential, Retail/Commercial and Commercial units. The day spa would be surrounded by similar mixed uses and the property has historically contained retail and services. The spa business already exists nearby in Trinidad, and this new location will be an expansion of an existing business that serves both tourists and residents. This is similar to and compatible with other nearby uses including the Eatery, Bed and Breakfast and Art Gallery.

B. *Such use, as proposed, will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity or injurious to property improvements or potential development in the vicinity with respect to aspects including but not limited to the following:*

1. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;* Response: There are no proposed changes to the size, shape or arrangement of the current structures, with the exception of minor re-identification changes required for the on-site signs.

2. *The accessibility of the traffic patterns for persons and vehicles, and the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;* Response: Spa activities occur by appointment. The arrangement of parking and access will not be altered from previous uses. There is limited parking on-site that is addressed more thoroughly in the Variance findings below. However, the property owner has indicted that there have not been parking problems or issues on the site for the past 25 years and that there is adequate on-street parking located in the vicinity of the building.

3. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;* Response: No proposed activity will emit noise, glare, dust or odor.

4. *Treatment given, as appropriate, to such aspects as landscaping, screening, open space, parking and loading areas, service areas, lighting and signs;* Response: No changes to landscaping or current loading areas are proposed. Minimal changes to on-site signage are proposed to identify the new building occupant, which requires Design Review approval addressed above.

C. *That such use or feature as proposed will comply with the applicable provisions of this title, will be consistent with the policies and programs of the general plan and will assist in carrying out and be in conformity with the Trinidad coastal program.* Response: As discussed above, under the "Zoning Ordinance / General Plan Consistency" section, the proposed project can be found to be consistent with the City's Zoning Ordinance, General Plan and Local Coastal Program. The parking will be in compliance with the zoning ordinance requirements, either through the granting of a Variance is granted or conditions requiring additional parking to be constructed.

D. *That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment.* Response: There will be no significant adverse environmental impact. The project is categorically exempt from CEQA per §15301 exempting minor alterations of existing structures or §15303 exempting conversion of use in small structures.

E. *When the subject property is located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater, that:* Response: The property is not located between the sea and the first public road or within 300 ft. of a beach.

VARIANCE FINDINGS

Because the number of parking spaces will not comply with Zoning Ordinance §17.56.180.B(8), Variance findings need to be made in order to approve this project without requiring two additional parking spaces. Govt. Code Section 65906 defines certain limitations to granting a variance. One such provision limits consideration to natural, physical conditions of the property where application of the general regulations would be confiscatory or produce unique hardship to the property owner. City staff, State Law and the Courts have all taken a strict interpretation of Variance provisions, generally only recommending them for severely, physically limited properties. In order to avoid setting precedence, staff does not normally recommend approval of variances, regardless of their nature or impact, when the owner has alternative options, even though those options may be less desirable, and when there are viable use(s) available on the lot. The Planning Commission should evaluate whether the required findings can be made to approve this project. Responses to the required findings

have been provided by the applicant. The following is an explanation of variances from the *California Planning Guide* put out by the Governor's Office of Planning and Research:

> *"A variance is a limited waiver of development standards allowed by the zoning ordinance. It may be granted, after a public hearing, in special cases where: (1) strict application of the zoning regulations would deprive property of the uses enjoyed by nearby lands in the same zone; and (2) restrictions have been imposed to ensure that the variance will not be a grant of special privilege.*
>
> *"A variance does not permit a use that is not otherwise allowed in that zone (for example, a commercial use may not be approved in a residential zone by variance). Economic hardship alone is not sufficient justification for approval of a variance. Typically, variances are considered when the physical characteristics of the property make it difficult to use. For instance, in a situation where the rear half of a lot is a steep slope, a variance might be approved to allow a house to be built closer to the street than usually allowed."*

Section 17.72.030 of the Trinidad Zoning Ordinance allows that: *A variance may be granted only upon adoption of written findings showing that all of the following conditions are present:"* (emphasis added) The responses below have been provided by the applicant.

A. *That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class or district.* Response: The business will require at maximum 3 on street parking spots and would not be able to operate unless the variance is granted. One parking spot will be for a contractor therapist who works between 1.5-4 hours per day and the other two parking spots would be for clients/customers who would park for 1.5 -2 hours at a time. Please note the maximum number of parking spaces needed is only if the spa is fully booked to capacity. This is not always the case and more commonly the business will only require one on street parking spot when minimally booked with one client at a time. This is the most common occurrence.

   Therapists are able to unload supplies in the loading zone driveway for a maximum of 10 minutes (as per agreement with owners of Moonstone Crossing) and are then able to park at an appropriate parking spot if needed to provide sufficient parking for the nearby businesses and residences as needed.

B. *That owing to such exceptional or extraordinary circumstances the literal enforcement of specific provision of this title would result in the practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.* Response: If nearby street parking is not allowed, in some cases, clients that are in pain or recovering from injury and may not be able to patronize the business for the therapeutic services offered. The customers of the business are also patrons of the other businesses in the city and frequently plan their visits to include local shopping, site seeing, etc.

C. *That such variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties.* Response: The unique business proposed, adds to community well being and benefit as an attraction to residents and visitors. It also enhances city revenue. The proposed variance will not constitute a grant of special privilege as other local businesses thrive under similar, imperfect circumstances.

D. *That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class or district.* Response: This variance is necessary for the operations and enjoyment of services provided by the business for the city's residents and visitors as is allowed for other businesses within the city and is a substantial property right of said property.

E. *That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvement in the vicinity.* Response: Granting the variance will not be materially injurious to the property or improvement in the vicinity.

F. *That the granting of such variance will be consistent with the general purpose and intent of this title and will be in conformity with the policies and programs of the general plan and the Trinidad coastal program.* Response: The granting of this variance is consistent with the general purpose and intent of this ordinance and is conformity with the policies and programs of the General Plan and the Trinidad Coastal Program.

G. *That the variance will not permit a use other than a use permitted in the applicable zoning district.* Response: The variance does not permit a use other than a use permitted in the applicable zoning district.

H. *That either the variance will have no significant adverse environmental impact or there are not feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the variance may have on the environment.* Response: Granting the variance will have no significant adverse environmental impact.

I. *When the subject property is located between the sea and the first public road paralleling the sea...* Response: Not applicable.

Additional information provided by the applicant:

Please note: it is the intention of the business owner to provide clear and specific guidelines for appropriate parking areas to its contractors, clients and customers. This will include a map on the business website, verbal clarification and confirmation of appropriate parking area usage by the businesses contractors and customers upon time of service. If a contractor or customer has parked in a spot that is not permitted or acceptable said person will be asked to relocate the vehicle to an appropriate parking area prior to start of services/appointments.

Historically, during the operations of Ocean Wave Quilts and the Trinidad Museum at or behind the 529 Trinity St. location the businesses had at any one time up to 6 part time employees, numerous customers and visitors that far exceeded the number of customers at any one time that would patronize the proposed business at 529 A Trinity St and the business located behind the property (Moonstone Crossings).

Ocean Wave Quilts occupied the front property (529 A Trinity) from 1994-2006 and the Museum occupied the back property from 1984-2009. For a 12 year period there was shared commercial use in both buildings and no parking issues arose from this shared use. There were also no reported parking problems with the 6 part time employees (and additional customers at any one time) who worked at the Quilt Shop during that time.

There is sufficient street parking on West St. around the corner that does not interfere with the Trinidad Eatery, Gallery or Moonstone Crossings parking needs. The majority of the adjacent neighbors to this property (both residents and businesses) have been consulted and are in support of and willing to accommodate the proposed new business at this location.

SLOPE STABILITY:

The project site is not mapped as being unstable or of questionable stability on Plate 3 of the General Plan.

SEWAGE DISPOSAL:

There are two septic tanks—a primary tank located under the driveway, and a secondary tank located closer to the leachlines that run east-west between the driveway and the concrete walkway to the rear building. The existing sewage disposal system is older, and might be undersized for today's standards, but it has been upgraded as part of past project approvals. The property owner has previously submitted proof that the tank is regularly inspected and pumped and has been deemed to be working "great" by a qualified professional. The proposed uses should not constitute intensification in the use of the sewage disposal, especially since the spa will not be doing laundry. A referral was sent to the Health Dept. for this project. In response, they had no concerns and recommended approval.

LANDSCAPING AND FENCING:

This project does not involve any new landscaping or fencing. It is proposed to retain the Native Plant Garden as is at this time.

STAFF RECOMMENDATION

The approval of this project requires several different motions. Because approval of the Variance can affect the ability to approve the other aspects of this project tonight or the required conditions, I have listed that one first.

Variance

Based on the above analysis, the proposed project can be found to meet the Design Review / View Protection, Use Permit requirements, sewage disposal and other requirements. However, because of the Variance request, the project by definition does not meet all the provisions of the Zoning Ordinance and General Plan. There are not non-man-made physical limitations on this lot that prohibit development. There are existing viable uses on the lot and there are alternatives for meeting the parking requirements, which support that a Variance is not necessary and limits the findings that can be made. Adding parking spaces in the front of the lot is one of those options even though it would remove existing on-street parking and would cover a potential reserve leachfield area. Because of the legal limitations explained above, staff does not generally recommend approval of variances. Remember that in disapproving a project, it should be documented which of the findings specifically can not be made. If the Planning Commission agrees with staff's analysis, the proposed motion might be similar to the following:

Based on the information submitted in the application included in the staff report and public testimony, I find that Variance findings ___ and / or ___ can not be made because the use is not limited because of the natural, physical characteristics of the property, the owner has other options, and / or has an existing viable use of the property, and I move to deny the variance.

If the Commission does not agree with staff's analysis, feels the findings can be made, or if the public presents evidence that conflicts with the information contained in this staff report, the Commission may choose to approve the Variance. If the Commission does decide to approve the project, the approval should be based on being able to make all the findings, including specific aspects of this project that would not normally apply to other projects in order to avoid setting precedence.

Based on application material, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required findings in this staff report and approve the Variance as requested and as conditioned in this staff report.

Design Review

Based on the above analysis, the signs can be found to be consistent with the City's Zoning Ordinance and General Plan and other policies and regulations, and the necessary findings for granting approval of the project can be made. If the Planning Commission agrees with staff's analysis, the proposed motion might be similar to the following:

Based on application materials, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required Design Review and View Protection findings in this staff report and approve the signs as proposed and as conditioned in this staff report.

Use Permit

Based on the above analysis, approval of a Variance, and as conditioned below, the proposed Use Permit can be found to be consistent with the City's General Plan and Zoning

Ordinance. If the Planning Commission agrees with staff's analysis, the proposed motion might be similar to the following:

Based on the information submitted in the application, included in the staff report and public testimony, I move to adopt the information and Conditional Use Permit findings in this staff report and recommend approval of the Use Permit to the City Council as conditioned in this staff report.

PLANNING COMMISSION ALTERNATIVES

If the Planning Commission does not agree with staff's analysis, or if information is presented during the hearing that conflicts with the information contained in the staff report, the Planning Commission has several alternatives.

A. Alter the proposed conditions of approval to address any specific concerns on the part of the Commission or the public.
B. Delay action / continue the hearing to obtain further information.
    - In this case, the Planning Commission should specify any additional information required from staff or the applicant and / or suggestions on how to modify the project and / or conditions of approval.
C. Denial of the project.
    - The Planning Commission should provide a motion that identifies the Finding(s) that can not be made and giving the reasons for the inability to make said Finding(s).

CONDITIONS OF APPROVAL

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk to place receipt in conditions compliance folder prior to occupation of building with the business.*

2. Based on the findings that community values may change in a year's time, approval of this Design Review and Use Permit is for a one-year period starting at the effective date and expiring thereafter unless the project has been completed or an extension is requested from the Planning Commission prior to that time. *Responsibility: City Clerk to verify prior to occupation of the building with the business.*

January 21, 2011
To: Trinidad City Planning Commission
From: Katherine Perry Owner Trinidad Massage & Day Spa (TMDS)

Proposal: Expand current business to 529 Trinity St. (Former Quilt Shop)

Trinidad Massage & Day Spa has outgrown its current location at 460 Main St. That location has only one treatment room and one exit. I am looking to expand the business by having an additional location at 529 Trinity St. This location provides two treatment rooms, two exits, a reception area and a kitchen/staff room.
I have been working out of the space at 460 Main Street since 2000 when it was operated by Amanda Gates and was called "Sand Dollar Center for Well Being". In 2008 Amanda sold the business to me and it has continued to grow and be successful.
The intention is to be able to serve the regular local clientele as well as the tourists, vacationers & wedding parties who visit Trinidad throughout the year. We offer Professional Therapeutic Massage, Esthetics (facials and waxing services) and classes on related topics. With just the current location we are not able to accommodate all the requests or clients.
The spa is an asset to the city in its ability to provide therapeutic services to its residents and visitors for stress management, preventative health benefits, relaxation and enjoyment. Many of our guests utilize the many wonderful things Trinidad has to offer such as restaurants, beaches, vacation rentals, B&B's and other attractions/services. TMDS seeks to continue being a part of growing Trinidad as a destination location for visitors from near and far. As a business that offers these health and beauty services Trinidad will continue to be able to provide a true retreat for visitors who seek out the full vacation experience.

The following are key points that I would like to address as community concerns and considerations:
~Septic: The spa will NOT be doing any laundry at the facility therefore water consumption and impact on septic will be minimal and within capacity. Water usage will be limited to: Hand washing, Clients shower facility, sanitation of equipment and supplies, maintenance of decorative flowers and plants. Current usage at the Main St. location is minimal; amount will be similar for the Trinity St. location. Usage information can be made available and may be included in this proposal. Gabe Adams will provide record of water usage if needed.
~Parking: The spa will need at the most 4 spaces for both the therapists and the clients. One car can be parked behind the building; this spot will be occupied by the Spa owner or one of the therapists, which will not block the current driveway. This leaves 2-3 cars that will need to be parked on the street. The spa is committed to informing its contractors and visitors of appropriate and allowable parking areas on its website, brochures and via verbal confirmation on the phone. Loading and unloading of supplies will take a maximum of 10 min in the driveway area and no parking will occur. The Moonstone Winery owners have approved this and

permission to use driveway as a loading zone for a max of 10 minutes will be respected.
~Signage: The spa will stay in compliance with city signage regulations and will consider all views and placement in order to not block the view from its neighbors or otherwise. There are posts for signage already on the property that was used by the Quilt Shop. This signage was approved at that time.
~ADA: Currently the 529 Trinity location does not accommodate ADA specifications. A "No Public Restroom" sign and policy would be put in place. Any accommodations made to the property for ADA purposes will be decided by the property and business owner.
~Hours of operation/Seasonal impact: The spa is a professional appointment based business. All clients are screened prior to booking and informed of parking requirements. Sessions generally run from 1-2 ½ hours. Appointments are available from 8am -7 pm, 7 days a week. In the past the business has taken into consideration Trinidad events such as the Clam Beach Run and Fish Festival by minimizing available appointments during those events to allow extra parking for needs of the city. Busy season is the summer months as well as the holidays in Nov/Dec.
~The spa does not employ its therapists/Estheticians, rather they are Independent Contractors who sign an annual contract agreement and are informed of regulations, and considerations for the city. All are required to provide proof of liability insurance to the owner of the Spa. The spa and property owner are indicated as an Additional Insured Endorsement on the policy. Independent contractors are required to purchase and maintain a Trinidad Business License. Retail offerings are in compliance with the California Board of Equalization and 9% Trinidad sales tax is collected and submitted annually.

I have or will be contacting and/or communicating with the neighbors and adjacent businesses to hear any concerns or thoughts they may have about this proposal. All have been in support of this expansion and additional business in Trinidad thus far.

In all cases, I am very open to hearing any concerns and topics not covered for consideration. It is my intention to accommodate and/or meet the needs of the property owner, city and the business in regard to any impact the business may have in the long or short term.

Please find attached letters of recommendations and other supporting documents. (Being mailed directly to city hall or will be provided by Katherine Perry)

Thank you for your time and consideration,

Katherine Perry
Trinidad Massage & Day Spa
(707) 677-9225
trinidadspa@earthlink.net
PO Box 74 Trinidad, CA 95570

29 TRINITY ST.
M & P FLESCHNER
28 APRIL 1994

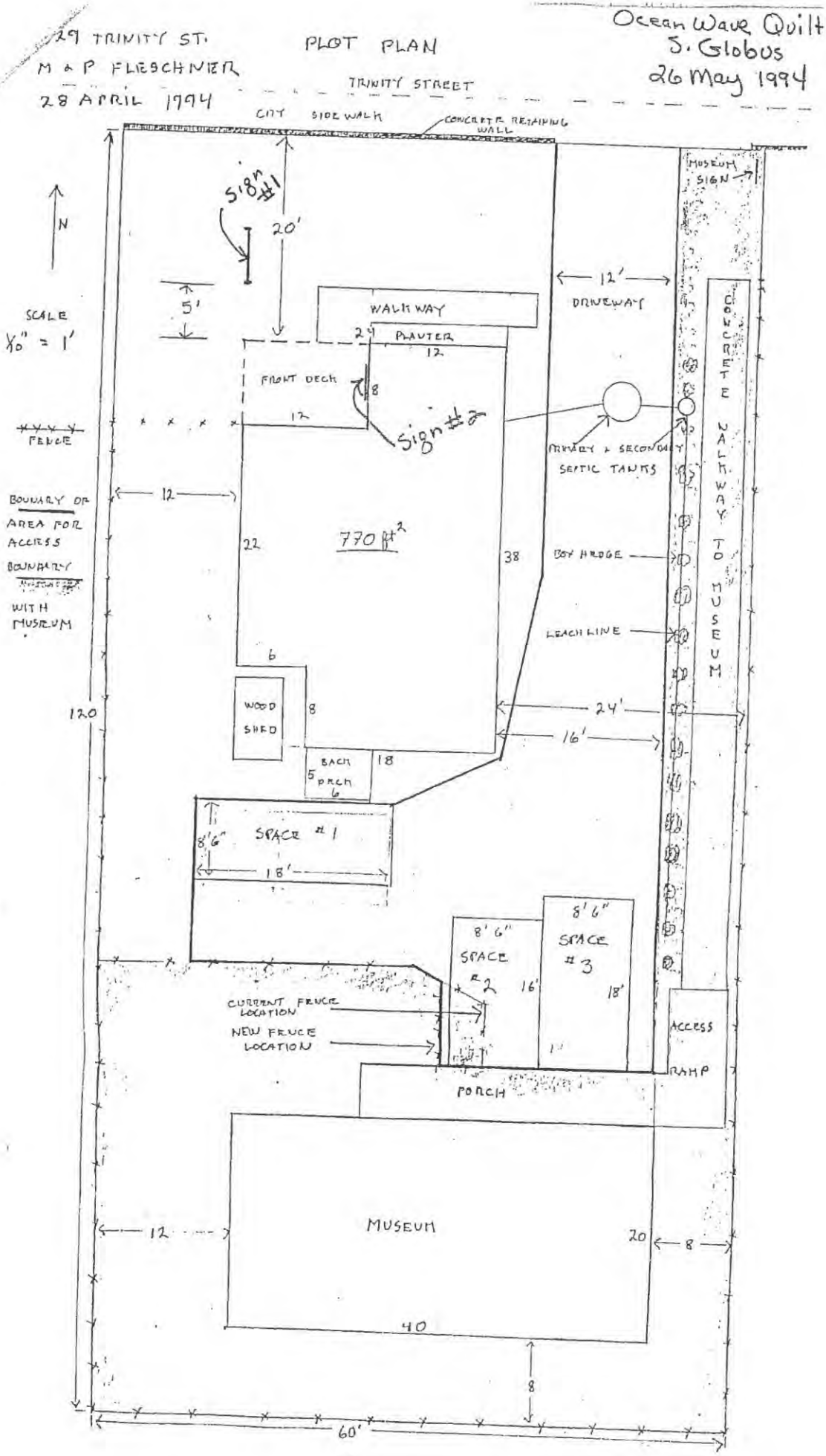
PLOT PLAN

Ocean Wave Quilt
S. Globus
26 May 1994

PLOT PLAN FOR
KATHERINE PERRY

PERMIT CUP
FOR CONVERSION TO
MASSAGE & DAY SPA.

[APP # 2011-01]



City of Trinidad

From: Spa Address [trinidadspa@earthlink.net]
Sent: Saturday, January 22, 2011 8:59 AM
To: Trinidad City Clerk
Subject: Attn: Gabe

To whom it may concern,
I am very pleased to learn that Katherine Perry is planning to expand her spa business in Trinidad. I have known Katherine for many years, and have been a client for as long as she has practiced in Trinidad. In addition to being a fine massage therapist (she keeps me going), she is a responsible and conscientious businesswoman and impresses me with her innovative ideas for marketing and providing better service. She provides wonderful care to us locals, and also draws business from other areas. She has respect for her clients, associates and the community, and this next phase of her business will be an asset to Trinidad.

Sincerely,
Kathrin Burleson

www.KathrinBurleson.blogspot.com
www.KathrinBurleson.com

Gabe can you print and put in with my application?
Thank you!
Katherine Perry
Trinidad Massage & Day Spa
(707) 677-9225
trinidadspa@earthlink.net
www.trinidadmassage.com

Pamela Netzow CPA (inactive)
1337 Stagecoach Road
Trinidad CA 95570
707-677-0149

January 20, 2011

Trinidad Planning Commission
c/o Katherine Perry
P O Box 74
Trinidad CA 95570

Re: Trinidad Massage and Day Spa

Dear Sirs:

This letter is in support of the expansion of Trinidad Massage and Day Spa into a second location on Trinity Street.

I have been fortunate to receive therapeutic massage services from TMDS monthly for several years. It is valuable to have services of such high professional and technical caliber available to Trinidad's residents and visitors.

Katherine Perry is a gifted professional and a skilled businesswoman. Her credentials are exceptionally high in her field, as both a practitioner and an educator. I am grateful she has chosen to practice in Trinidad for the longer term, as this expansion indicates.

The location for the expansion appears perfectly suited for a return of the building to commercial use.

Respectfully submitted,

Date: January 31, 2011
To: Katherine Perry
Trinidad Massage & Day Spa
From: Donald Bremm, Moonstone Crossing Tasting Room co-owner

Re: Letter of support for Trinidad Massage and Spa

This is a letter of support for Katherine Perry's project to establish her business in the building in front of ours located at 529 Trinity Street. I feel the businesses would complement each other and be mutually beneficial. Issues regarding foot traffic, noise, parking, etc. have been discussed and no problems are foreseen. I would recommend that the City of Trinidad Planning Commission grant this permit request.

Filed: January 31, 2011
Staff: Trever Parker
Staff Report: February 14, 2011
Commission Hearing Date: February 23, 2011
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO:	2011-02
APPLICANT (S):	Trinidad Rancheria
AGENT:	NA
PROJECT LOCATION:	1 Bay Street (Harbor Area)
PROJECT DESCRIPTION:	Design Review and Conditional Use Permit to install a tsunami warning siren near the Seascape vacation rental. The purpose of the project is to warn beachgoers, harbor users and boaters of a tsunami hazard as part of the Remote Community Alert Systems Program funded by the Office of Emergency Services and in coordination with the National Tsunami Hazard Mitigation Program. The siren will be mounted on a telephone pole approximately 35 ft. in height.
ASSESSOR'S PARCEL NUMBER:	042-071-08
ZONING:	C - Commercial
GENERAL PLAN DESIGNATION:	C – Commercial
ENVIRONMENTAL REVIEW:	Categorically Exempt from CEQA per the CEQA Guidelines §15303 exempting construction of small structures and/or §15311 exempting placement of accessory structures.
APPEAL STATUS:	

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project **is _X_ / ~~is not~~ ___** appealable to the Coastal Commission per the City's certified LCP, and may be appealable per Section 30603 of the Coastal Act.

SITE CHARACTERISTICS:

The tsunami warning siren will be placed on parcel 042-071-08, which is located in the Trinidad Harbor area near the end of Bay Street. The property currently contains the Seascape restaurant and appurtenant facilities, the two residences used as vacation rentals and most of the paved parking area associated with Trinidad Harbor. This parcel, along with the adjacent ones, is owned by the Trinidad Rancheria. Portions of the site are relatively flat, with areas to the southwest becoming steep. The siren will be placed on the concrete slab to the west of the vacation rental that sits above the Seascape Restaurant.

STAFF COMMENTS:

The siren is permanent, and will serve as a warning for tsunamis. Large earthquakes of distant or local origin can cause tsunamis which can be very damaging in California. The frequency of occurrence for such events is considered relatively high. The following are some excerpts from the grant proposal funding the installation of the tsunami.

This project, Improved Tsunami Warning Systems for Northern California's Remote Coastal Communities, augments the existing siren warning systems along the coast of northern California. The Project area includes two counties, Del Norte County and Humboldt County, and one tribal nation, the Smith River Rancheria.

The coastal and offshore areas of Del Norte and Humboldt Counties are among the most seismically active areas in the United States. The Project area targets the tsunami hazard concentrated in low-lying coastal communities and communities near the estuaries of large rivers. Populated areas are isolated from each other and from regional urban centers. Roads, communication links, and critical lifelines connecting populated areas are extremely vulnerable to disruption from strong shaking, tsunami inundation, and other likely effects of a large Cascadia earthquake.

The project will cost-effectively improve advance warning time within populated communities along California's north coast. Expanding the number of siren locations and adding remote activation capability to the existing system is appropriate and effective technology, as the local population already understands and is responsive to the long-standing system. The counties and tribes have also acquired donated siren units, and project funding will focus on new siren installation (12 new locations) and acquisition/installation of remote activators throughout the system (19 total locations).

As a result of the system expansion proposed by this project, coverage of resident, working and recreating populations by the siren warning systems be significantly raised; from 16 to 95 percent in Del Norte County; from 50 to 100 percent on the Smith River Rancheria of the Totowa Tribe; and from 16 to 79-84 percent in Humboldt County. Additionally, wider siren coverage will free first responders from general public notification duties and allow them to concentrate on assisting with evacuation of special needs populations. Finally, installation of remote activators will save lives by greatly reducing the time between tsunami warning and siren activation. The Improved Tsunami Warning Systems for Northern California's Remote Coastal Communities Project (Project) augments the existing Tsunami Warning Siren Systems in California's two northern-most coastal counties.

The counties' siren notification systems are one component of a larger comprehensive public warning program. County and local tsunami contingency plans include a tsunami sign warning system, public education seminars/presentations, coastal tsunami hazard mapping, tsunami evacuation route identification and mapping, and related citizen public education and preparedness support actions. As with any emergency notification system, an informed public is the key to its successful use, as the message received must be clearly understood and then acted upon to be effective. The local populace within the project area is familiar with and responsive to siren activation.

The Project goal is to save lives in the event of a significant tsunami through the following objectives: Additional sirens will increase penetration of warning notification to those who live, work and recreate in the tsunami inundation zones. Additional sirens and remote siren activation will free first responders from general public notification duties and allow them to concentrate on assisting with evacuation of special needs populations. Remote siren activation capability will also reduce the time between tsunami warning and siren activation and create system redundancy. Interoperability with NOAA systems will facilitate cooperation and coordination with federal and local emergency management partners.

Augmentation of current siren warning systems has already been identified as a priority by county, tribal and local plans, to be implemented as funding is identified and secured. The counties and tribes have acquired siren units surplused by a local utility, and this Project will focus on installing sirens at new locations and acquisition/installation of remote activators throughout the system.

The counties' proposed siren systems employ a proven method for notifying persons located in geographically-defined areas. The technology has been in use nationally for many years for address of various hazards. It utilizes standard, off-the-shelf radio receivers to receive the tsunami warning signal directly from the National Weather Service via the Emergency Alert System activation. Sirens are used in conjunction with other notification methods such as via public television and radio (Emergency Alert System), National Weather Service warnings (NOAA Weather Radio), community public alerting systems (Telephone Emergency Notifications Systems), and the planned use of public assets (police, fire, emergency medical services) to ensure the local government's ability to notify the public of impending danger.

Please note that the attachments include site plans as well as photos in an attempt to document the visual impacts of the siren. The first photo of a siren is one of the same size and make that has already been installed elsewhere in the County. The other three photos have the siren photoshopped in from various viewpoints. One thing to keep in mind about these photos is that the scale of the siren is only approximate.

Potential Conflict of Interest

It has been determined that Commissioner Fraser owns property within 300 ft. of the project property. All other Commissioner's are more than 500 ft. away. City Attorney Hagen's November 2008 conflict of interest memo outlined 6 criteria to reduce the assumed conflict / financial interest distance from the standard 500 ft. to 300 ft. for small jurisdictions. However, this would not apply in this case, since the Fraser property is approximately 290 ft. from the subject property at the closest point. Since the 300 ft. limit is just an assumed conflict, each individual Commissioner has the option to refute

the assumption of conflict if they feel that they will not gain or lose monetarily from the project (even just one cent either way). This project is intended to improve public safety and is not likely to impact much of the viewshed of Trinidad.

ZONING ORDINANCE/GENERAL PLAN CONSISTENCY

The Harbor Study Area, consisting of parcels 042-071-08, -12, -13, -14, is an Area of Deferred Certification in the City's Local Coastal Program (LCP). This means that the Coastal Commission has not certified the City's zoning and land use designation of the parcels in this area. As a result, the City has not been given the authority to issue Coastal Development Permits (CDPs) in the Harbor Area and the Coastal Commission retains jurisdiction. However, the City did legally adopt a General Plan and Zoning Ordinance that covers this area, and the City has land use authority other than for CDPs. Therefore, the City still has authority over Design Review, Use Permits and other development approvals in the Harbor Area. To further complicate matters, in 1992, the City amended its General Plan and Zoning Ordinance to create a Harbor (H) Zone in this area with it own set of regulations. The changes were adopted at the City level pursuant to State Law, including public hearings. An LCP amendment was submitted to the Coastal Commission, but due to the unknown status of whether City limits included the actual Harbor, and other issues, that amendment was withdrawn and never certified. Because there were no conditions or stipulations put on this rezoning by the City, it may be valid in terms of City land use documents, but the status is unclear. Because the 'Harbor' zoning was never considered by the Coastal Commission, we are reviewing this project under the original land use regulations from 1980. The Rancheria is working separately with the Coastal Commission to coordinate review and get approval or a waiver for the required Coastal Development Permit.

The project will be located on a parcel that is zoned C – Commercial. The purpose of the C Zone is to provide for services that meet the needs of residents and visitors. Uses that serve the commercial fishing industry are also appropriate. The General Plan recognizes that fishing and tourism are major industries within the community and should be encouraged. The purpose of this project is to protect public safety by providing visitors and locals alike with an early warning system for an approaching tsunami hazard. This will improve functionality of the harbor area for the public and the structure is consistent with the intent and allowable uses of the zoning ordinance. The structure will be located on a large parcel, and regulations dealing with lot size, density and setbacks do not apply.

Height is an issue that warrants some consideration. Zoning Ordinance §17.44.070 limits building heights in the C zone to 25, except that a use permit may be issued for greater heights. Since §17.08.010 states that *"'building' shall include the word 'structure'"*, then this height limit also applies to other structures besides buildings. The entire siren structure will be approximately 35 ft. tall – including a 35 ft. pole buried 6 ft. in the ground with the siren mounted on top of that. Zoning Ordinance §17.56.100 excludes *"chimneys, vents, flagpoles, conventional televisions reception antennas, ventilating are air conditioning equipment, parapet walls and similar architectural and*

mechanical appurtanences" from the height requirements. Staff would interpret this as including utility poles as a similar appurtanence to those listed as it is an accessory use to those already existing in the harbor. This interpretation is supported by the fact that the City does not require a Use Permit for other utility poles in town as far as I know. However, due to the sensitivity of the area, previous controversies and the time limitations for the approval of this project, staff has included the use permit findings to allow a greater height in case it is found necessary. However, staff does not recommend that the use permit be required unless the Planning Commission disagrees with the above analysis or the public presents evidence to the contrary.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Because the structure will be over 3 ft high, Design Review approval is required. Recommended Design Review / View Preservation Findings are written in a manner to allow approval, without endorsing the project. However, if public hearing information is submitted or public comment received indicating that views, for instance, may be significantly impacted, or the structure proposed is obtrusive, the findings should be reworded accordingly.

Design Review Criteria

A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: The location of the siren has been chosen to get maximum sound lines of sight to both Trinidad State Beach, the harbor area itself and the City's southern beaches. Placement of the pole will require little surface disturbance and will not significantly alter the ground surface. A small trench is also required along the driveway to the vacation rental to connect the siren to the existing utilities there.

B. *Structures in, or adjacent to, open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.* Response: The project site is located near to Open Space areas. The pole will be made of wood, similar to the nearby utility pole. The siren construction is for utility purposes and not modifiable.

C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: The structure will be similar to the nearby utility pole.

D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used.* Response: The pole will be located near the driveway to the vacation rental in an

area that is already disturbed and developed. Plants would not be able to screen the 35 ft. tall siren and could hinder the noise output. Therefore, screening can be found to be unnecessary.

E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: No signs are proposed as part of this project.

F. *New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.* Response: Required utilities will be placed in an underground trench.

G. *Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should be a single design theme.* Response: No off-premise signs are proposed as part of this project.

H. *When reviewing the design of commercial or residential buildings, the committee shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:*
   1. *Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four 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.*
   H. *Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.*

   Response: No new buildings are proposed as part of this project.

View Protection

A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: Although the project site is located near to beaches and trails, the siren must be placed in an elevated location in order to heard for the greatest distance possible in order to maximize public safety. The siren will be mounted on a wooden pole located nearby to an existing and similar utility pole.

B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.* Response: Although the siren will be readily visible from many locations, it does not present a significant view blockage because its profile is very narrow.

C. *The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct*

a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility: and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction. Response: No new buildings are proposed as part of this project.

D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.* Response: There was no residence that was destroyed by fire associated with this project.

E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards.* Response: The project is not located within 100 ft. of any of the listed sites. No new buildings or temporary structures are proposed.

USE PERMIT FINDINGS:

As described above, staff considers the siren an accessory use or structure to the primary uses and structures already existing on the lot. As such, it could be considered to fit into §17.56.100 as "*similar architectural and mechanical appurtanences*" that would not be included in the 25 ft. height limitation in the C zone. However, if the Planning Commission feels differently, or the public presents evidence that conflicts with staff's interpretation, then a Use Permit may be granted for the taller height using the following findings:

A. *The proposed use at the site and intensity contemplated and the proposed location will provide a development that is necessary or desirable for and compatible with the neighborhood or the community.* Response: The intent of the siren is to improve public safety by providing an early warning tsunami siren. The height of the structure is standard and necessary to maximize the sound distance.

B. *Such use, as proposed, will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity or injurious to property*

improvements or potential development in the vicinity with respect to aspects including but not limited to the following:

1. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;* Response: The intent of the siren is to improve public safety by providing an early warning tsunami siren. The height of the structure is standard and necessary to maximize the sound distance. The pole will be located in an area not generally accessible to the public and will not pose a hazard.

2. *The accessibility of the traffic patterns for persons and vehicles, and the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;* Response: The proposed siren will not affect traffic or parking except during construction.

3. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;* Response: The siren will not emit glare, dust or odor, and will only emit noise in response to an official tsunami warning.

4. *Treatment given, as appropriate, to such aspects as landscaping, screening, open space, parking and loading areas, service areas, lighting and signs;* Response: No changes to landscaping or current loading areas are proposed.

C. *That such use or feature as proposed will comply with the applicable provisions of this title, will be consistent with the policies and programs of the general plan and will assist in carrying out and be in conformity with the Trinidad coastal program.* Response: As discussed above, under the "Zoning Ordinance / General Plan Consistency" section, the proposed project can be found to be consistent with the City's Zoning Ordinance, General Plan and Local Coastal Program.

D. *That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment.* Response: There will be no significant adverse environmental impact. The project is categorically exempt from CEQA per §15303 exempting construction of small structures.

E. *When the subject property is located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater, that:*

1. *The development provides adequate physical access or public or private commercial use and does not interfere with such uses.* Response: The project will not physically interfere with coastal access.

2. *The development adequately protects public views from any public road or from a recreational area to, and along, the coast.* Response: The location and narrow profile of the proposed siren will maximize public safety while minimizing view obstruction.

3. *The development is compatible with the established physical scale of the area.* Response: The siren is similar to an adjacent utility pole.

4. *The development does not significantly alter existing natural landforms.* Response: Only minimal ground disturbance will be required, and landforms and topography will not be altered.

5. *The development complies with shoreline erosion and geologic setback requirements.* Response: The pole will be located in a flat area will away from any bluff.

SLOPE STABILITY:

The siren will be located in an area that is designated as having "questionable stability" on Plate 3 of the General Plan. However, very little ground disturbance will be necessary to place the pole. It will be buried 6 ft into the ground in an area that is flat, already developed and adjacent to the existing vacation rental driveway. The applicant has submitted structural drawings and calculations that will be reviewed by the City's Engineer and Building Official. In addition, because the Harbor is an area of Deferred Certification, the City's authority is generally limited to land use and Design Review; the Coastal Development Permit requirements will be dictated by the Coastal Commission.

SEWAGE DISPOSAL:

The placement of a temporary sign does not require sewage disposal and will not affect the existing system.

LANDSCAPING AND FENCING:

This project does not involve any new landscaping or fencing.

PLANNING COMMISSION ACTION

Based on the above analysis, the signs can be found to be consistent with the City's Zoning Ordinance and General Plan and other policies and regulations, and the necessary findings for granting Design Review approval of the project can be made. If the Planning Commission agrees with staff's analysis, the proposed motion might be similar to the following:

Based on the information submitted in the application, 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 in this staff report.

CONDITIONS OF APPROVAL

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application or to receive a waiver of fees from the City Council. *Responsibility: City Clerk to place receipt in conditions compliance folder prior to sign placement.*

2. The applicant shall submit documentation of approval or waiver of a Coastal Development Permit for the project from the Coastal Commission. *Responsibility: Building Official to confirm at time building permits are issued.*

3. Recommended conditions of the City Building Official and City Engineer shall be required to be met as part of the building permit application submittal. *Responsibility: Building Official prior to building permits being issued.*

4. Construction related activities are to occur in a manner that incorporates storm water runoff and erosion control measures in order to protect water quality considerations near the bluffs. Specific water quality goals include, but are not limited to:
    a. Limiting sediment loss resulting from construction
    b. Limiting the extent and duration of land disturbing activities
    c. Replacing vegetation as soon as possible
    d. Maintaining natural drainage conditions

    Responsibility: Building Official to confirm at time building permits are issued.

TSUNAMI SIREN I

TRINIDAD HARBOR & B

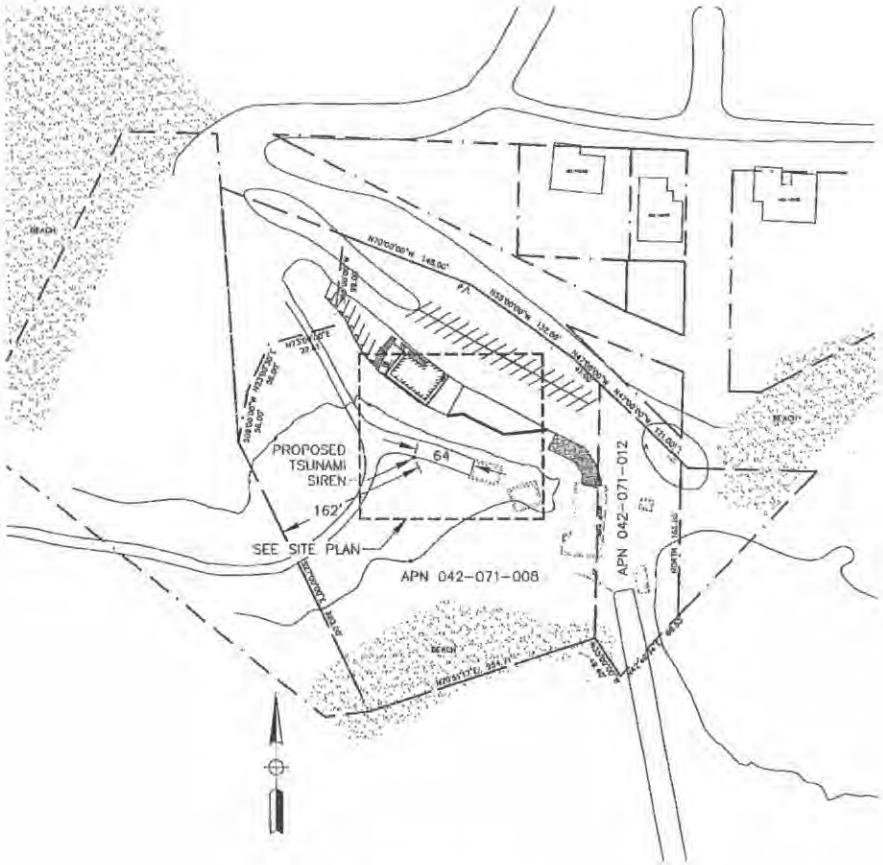
APN 042-071-0

PREPARED

LACO ASSOC

FOR

TRINIDAD RAN



VICINITY MAP
SCALE: 1" = 100'

LOCATION MAP
SCALE: 1" = 1000'

Feb 15,2011 - 2:41pm
T:\CadFiles\7100\7143 Trinidad Harbor Tsunami Siren\DWG\ 7143 TSUNAMI SIREN_1_1_1741a.dwg

NSTALLATION
BEACH PROJECT
08 & 012
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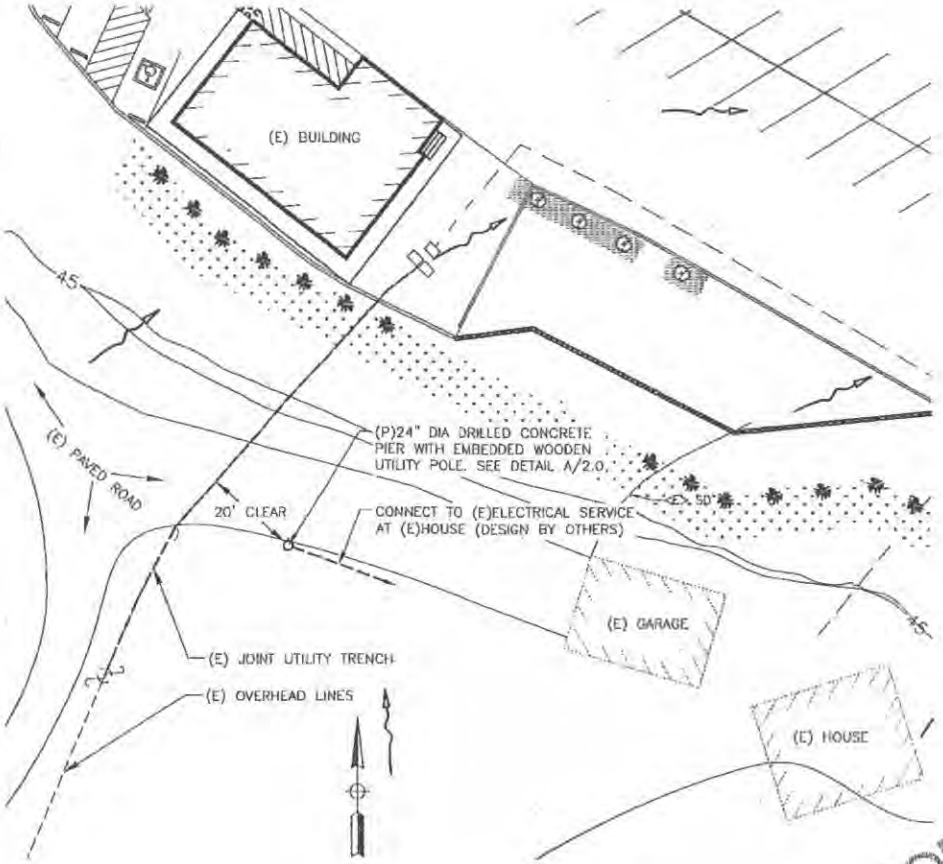

SITE PLAN
SCALE: 1" = 20'

REDUCED COPY

1"
GRAPHIC SCALE MEASURES 1 INCH ON FULL-SIZE PLANS.

REGISTERED PROFESSIONAL ENGINEER MATHIAS KOWLER TOEWS No. 70251 Exp. 9/30/12 CIVIL STATE OF CALIFORNIA

LACO ASSOCIATES
CONSULTING ENGINEERS
21 W 4TH ST. EUREKA, CA 95501 (707)443-5054

NO.	REVISION	CHK	DATE

TSUNAMI SIREN INSTALLATION
TRINIDAD HARBOR & BEACH PROJECT
TITLE PAGE AND SITE PLAN
TRINIDAD RANCHERIA
APN 042-071-08, & 12

SCALE	AS SHOWN
DRAWN	NKT
CHECK	LMO
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DATE	02/13/11
JOB NO.	7143.01
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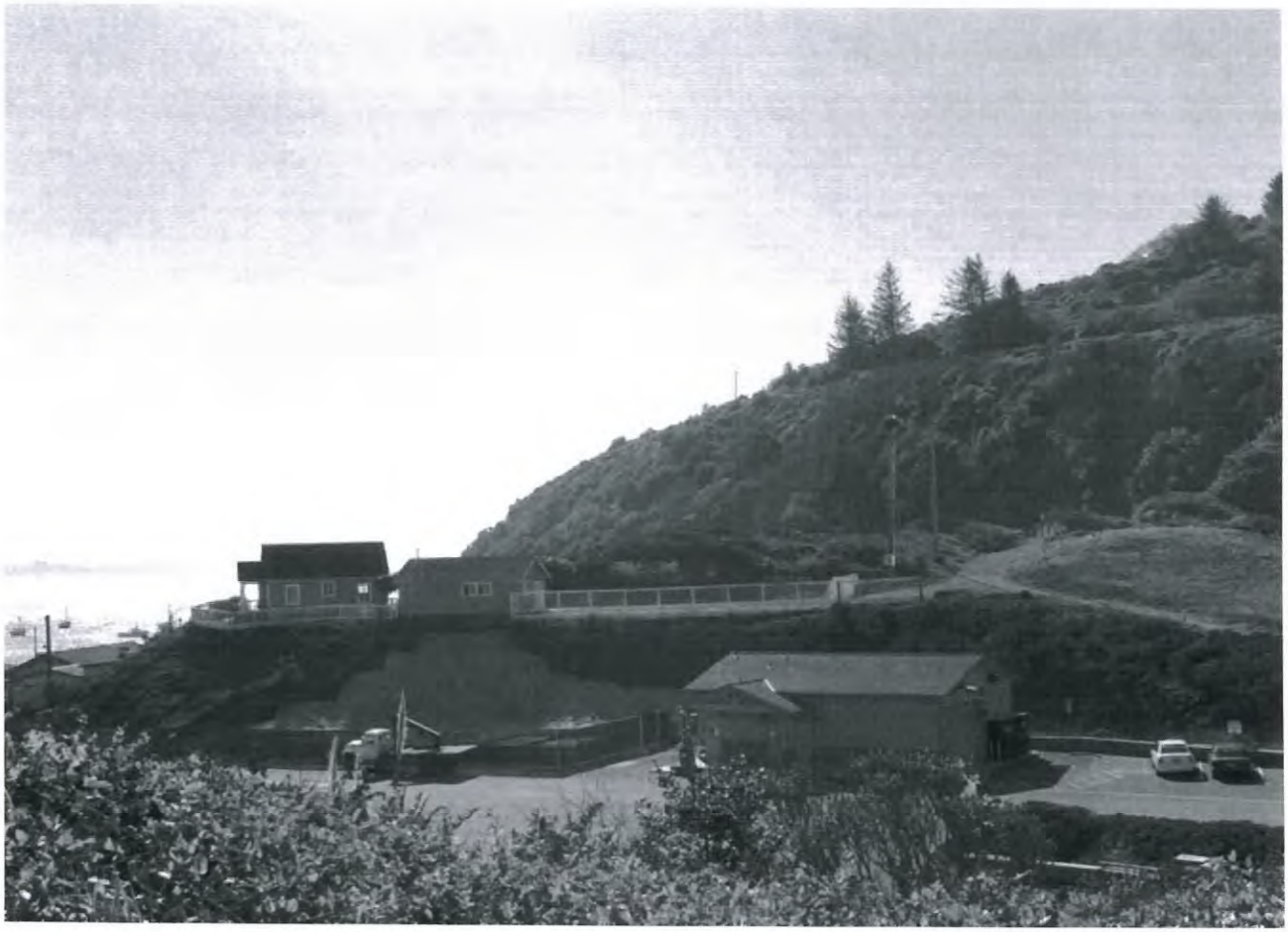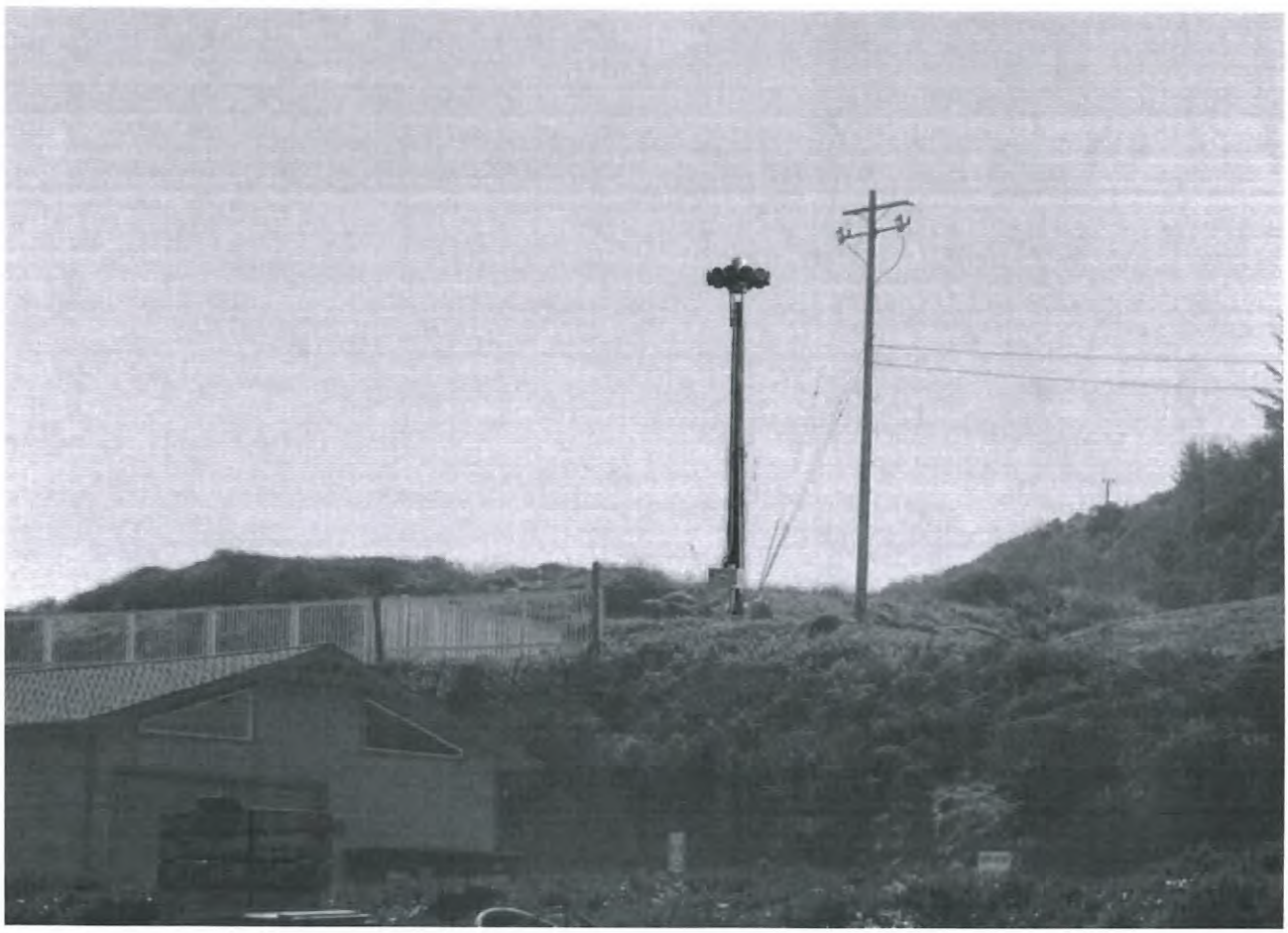
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