



Filed: April 18, 2012  
Staff: Trever Parker  
Staff Report: May 4, 2012  
Commission Hearing Date: May 16, 2012  
Commission Action:

**STAFF REPORT: CITY OF TRINIDAD**

APPLICATION NO: 2012-01

APPLICANT / OWNER(S): Stephen Leach / Mathew Sutton

AGENT: NA

PROJECT LOCATION: 565 Trinity Street

PROJECT DESCRIPTION: Design Review, Use Permit and Coastal Development Permit to add 526 sq. ft., including a new 376 sq. ft. second story 3rd bedroom, to an existing 1,115 sq. ft. 2-bdrm, single-family dwelling. The project also includes demolition of a detached, nonconforming second dwelling unit that was destroyed by a fire and installation of a new 3-bdrm septic system.

ASSESSOR'S PARCEL NUMBER: 042-101-010

ZONING: PD – Planned Development

GENERAL PLAN DESIGNATION: PD – Planned Development

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per §15301 of the CEQA Guidelines exempting alternations to existing structures and §15303, exempting new construction 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 ~~is~~ / **is not** X appealable to the Coastal Commission per the City's certified LCP, but **is** appealable per Section 30603 of the Coastal Act.

## **SITE CHARACTERISTICS:**

The project site is located on the west of Trinity Street and is composed of a two-bedroom, single-family residence and a detached, fire-damaged accessory dwelling unit. Access to the property is from Trinity Street, and the driveway is located on the northwest corner of the property. The parcel is zoned Planned Development (PD). Surrounding uses include single-family residences, mixed use parcels, the bed & breakfast and a restaurant. The surrounding parcels fronting Trinity Street are zoned Planned Development (PD) with the exception of the Trinidad Eatery, across the street and to the north, which is zoned Commercial (C). Directly behind (east) the property are UR-Urban Residential parcels. At present, the 6,960 sq. ft. lot accommodates a 1,115 ft<sup>2</sup> house on the west half and the burned, 800 ft<sup>2</sup> detached 2<sup>nd</sup> unit on the eastern side. Two off-street parking spaces are provided on the site. The property has minimal slope except adjacent to Trinity Street where it slopes toward the street. There is an existing septic system on the property that will be replaced with a new 3-bdrm system.

## **STAFF COMMENTS:**

All uses in the Planned Development (PD) Zone require a Use Permit, including any change in use (§17.36.020). Further, §17.36.080 requires all uses in the PD Zone to be approved by the City Council. However, no new or change of use is proposed for this project; the current use is for a single-family dwelling, and the proposed use is for the same. Therefore, a new use permit, and therefore City Council approval, will not be required. Because a new structure and addition are proposed, Zoning Ordinance §17.56.160 requires Design Review approval. Planning Commission approval on the Design Review and View Protection findings are final (unless an appeal is filed). The application materials show the project location, the site plan and an elevation of the proposed structure.

Referrals were sent to the Building Inspector, Division of Environmental Health (DEH) and the City Engineer. The Building Inspector noted that a building permit will be required. DEH stated that they did not have enough information at the time of the original application to recommend approval. Since then the applicant has been in contact with DEH and has hired a professional to conduct soils testing and to design a new 3-bdrm system. The design of the project had to be altered by removing the previously proposed garage and office building in the back to make room for the septic system. As a result more square footage is proposed for the primary structure than the original plans. The City Engineer also reviewed the project and submitted the following comments; my responses follow in italics:

- 1 The City Planner should verify that the proposed design conforms to the City's minimum required setback distances. *This is part of the City Planner's standard review process and setbacks are discussed in the staff report below.*
- 2 The Site Plan should show the size and location of existing septic tank and leach field(s), and whether they are to be demolished and removed, or abandoned in place.

*The existing septic tank and leach fields are not shown on the site plan, but the proposed ones are. DEH has responsibility for approving the septic system design, and the project will be conditioned on receiving DEH approval.*

- 3 The Site Plan should show the minimum required setback distances for proposed primary and reserve leach fields (from water lines, property lines, buildings, steep slopes, etc). The dimensions of the proposed primary and reserve leach fields should also be provided. The sewage disposal system should be reviewed by Humboldt County Department of Public Health Division of Environmental Health and may need to be re-permitted. *Again, this is part of the Planner's standard review process, and septic design and placement is the responsibility of DEH.*
- 4 The Site Plan should show the existing and proposed underground utilities (water, electrical, sewer, leachlines, etc.) within the subject parcel. *Utilities are shown on the site plan.*
- 5 The existing concrete driveway apron should be reconstructed to comply with the current California Building Code and the Americans with Disabilities Act. *This has been included as a Condition of Approval and will be verified as part of the building permit process.*
- 6 The amount of new impervious area (e.g. concrete paving, roofs, etc.) should be limited and applicant should be encouraged to utilize low impact development techniques to mitigate any increase in stormwater runoff resulting from new impervious areas and to reduce the any adverse impacts to water quality. *Only minimal new impervious surfaces are proposed, since most of the improvements are already existing. In addition, as a requirement, this suggestion needs to be carefully considered as LID and stormwater infiltration can negatively affect the septic system and the nearby bluff.*
- 7 The applicant should provide a detailed erosion and sediment control plan to be implemented during construction to minimize erosion and prevent the transport of sediment laden stormwater to sensitive water bodies. *Erosion control is a standard condition of approval should construction take place during the wet season. In addition, the site is relatively flat with minimal grading proposed, and runoff should not be a significant issue.*
- 8 The proposed addition/remodel should be reviewed by the building official for conformance with applicable codes and standards, including compliance ADA guidelines. If the building official needs some assistance in review, we can provide it if specifically requested. *As part of the standard review process, a referral was sent to the Building Inspector, and a building permit will be required.*

### **Potential Conflict of Interest**

Commissioner Vanderpool lives within 500 ft. of the project site (approximately 340 ft.). There is an assumed financial conflict of interest in accordance with the Fair Political Practices Act if a Commissioner owns property within 500 ft. of a project (see City Attorney, Paul Hagen's, memo of November 14, 2008 for more information). However, the assumed conflict is for 'real interest' in property, which can include leaseholders, but generally not month-to-month renters. Also, this assumed conflict area may be reduced to a 300 ft. radius in small communities if certain conditions are met, which they are in this case. Therefore there is no assumed conflict of interest..

## 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, professional offices and some limited commercial uses. The proposed use of the site as a residence will not change the current use of the site.

### **PD Zone Requirements**

The primary use of the lot is for residential purposes. The applicants plan on adding a 2<sup>nd</sup> story master bedroom to the primary residence as well as some additional square footage to the first floor, increasing the 1-story, 2-bedroom house to a 2-story, 3-bedroom residence; 376 s.f. will be added to the second story and 150 s.f. to the first floor. In addition, an 800 s.f. second unit / garage structure that was partially burned is proposed to be removed and not replaced. A small storage shed (64 s.f.) will also be removed, but is not included the square footages because construction or removal of an accessory structure of that size does not require a permit. Table 1 summarizes the project square footages. The minimum lot size in the PD zone is 8,000 ft<sup>2</sup> (§17.36.030) and the lot in question is 6,960 ft<sup>2</sup>. Though the lot is under the minimum, it is a legally developable lot. The maximum density in the PD zone is 8,000 sq. ft. per residential unit.

**TABLE 1 - AREAS**

	EXISTING	PROPOSED
LOT AREA	6,960 s.f.	6,960 s.f.
FLOOR AREA		
1 <sup>st</sup> Floor	1,102 s.f.	1,252 s.f.
2 <sup>nd</sup> Floor	0 s.f.	376 s.f.
(Burned) second unit	800 s.f.	0 s.f.
<b>Total Residential Space</b>	<b>1,902 s.f.</b>	<b>1,628 s.f.</b>
Footprint of structures	1,902 s.f.	1,252 s.f.
FLOOR TO LOT AREA RATIO		
<b>Total Residence</b>	<b>27.3 %</b>	<b>23.4 %</b>
Total Footprint (lot coverage)	27.3 %	18.0 %

Required yards in the PD Zone for a residential 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 will be met as shown on the site plan. The minimum setbacks for both buildings, as shown on the plans, will be as follows: front – 23 1/2 ft.; rear – 56.5 ft.; south side – 5 ft.; and north side – 12 ft. Architectural features such as eaves are allowed to extend up to 3 ft. into a required side yard, and the proposed structure also meets this requirement, proposing 2 ft overhangs. At 22 ft in height from the average ground elevation, the

proposed residence with the second story addition complies with the PD zone's maximum building height of 25 ft.

Zoning Ordinance §17.36.070 deals with open space requirements for lots with dwelling units, and the project is in clear compliance with the 25% open space requirement. In addition, the applicant has complied with the application requirements set forth in §17.36.080 that are applicable to this project.

Parking in the PD Zone is regulated by Zoning Ordinance §17.56.180, which requires two spaces in addition to any garage spaces for single-family residences. The project site does not have a garage, and two off-street parking spaces are indicated in the driveway adjacent to the residence (tandem parking spaces are allowed). It appears there is room for at least one additional tandem space in the driveway. The spaces meet the minimum required dimensions of 8.5 ft by 18 ft.

### **DESIGN REVIEW / VIEW PROTECTION FINDINGS:**

Because the project will be altering the external profile of the structures, Design Review and View Protection 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 site is flat where the structures are located and proposed grading will be minimal. The applicants are also proposing to pave the existing driveway, parking and walk. Drainage, via downspouts, is to the street.
- 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.
- 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: Grey 'hardiplank' siding will be utilized along with asphalt shingles for the roof, which is consistent with existing and nearby development.

- 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: No trees will be removed with this project. The site is already landscaped, and no major changes are proposed, so that additional 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: The applicants will use the existing underground utilities.
- 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.* Response: The proposed residence would be 1,628 ft<sup>2</sup>, well under the 2,000 sq. ft. maximum guideline. In addition, lot coverage will be approximately 23.7%, where the Planning Commission uses a guideline of 25%
  2. *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: Not applicable.

## **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 may be minimally visible from the Memorial Lighthouse and the head of the Axel Lindgren Memorial Trail at the intersection of Edwards and Trinity Streets. However, visibility of the subject property is limited by the bed and breakfast, and the development is consistent with surrounding residential development.
- 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: The project, due to its location, does not have the potential to significantly block views from public viewing points.

- 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: The project is not located in an SR or UR zone. However, this standard could still be applied to the PD zone. This project may have some potential to block private views since it is adding a second story. However, that impact is somewhat minimized by the fact that there is a large structure (the bed and breakfast) between the ocean and the proposed project. In addition, the structure is of a modest size, and the second floor allows a reasonable increase in square footage while protecting the area needed for the new septic system.
- 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: The structure damaged from the fire was a nonconforming 2<sup>nd</sup> unit, which will be demolished. The primary residence was not damaged by the fire; the proposed second story on the house is a remodel.
- 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 more than 100 ft. from the Memorial Lighthouse, Tsurai Study Area, Holy Trinity Church, and the Cemetery. The project entails a modest increase in the size of an existing structure and is consistent with nearby development and so will not impact these sensitive sites.

## **SLOPE STABILITY:**

The project site is not mapped as being unstable or of questionable stability on Plate 3 of the General Plan. The project is located outside of the City's slope stability map for areas

mapped "unstable" or "questionable stability" and is also located at the edge but outside of the Alquist-Priolo Fault Zone. Therefore, no geologic study is required by the Zoning Ordinance.

### **SEWAGE DISPOSAL:**

The proposed structure will increase the existing 2-bedroom primary residence into a 3-bedroom residence and will also add a half-bath. These changes result in the requirement for a new septic system that meets all current standards including soil testing and a reserve area. The applicant hired a professional consultant to conduct the necessary testing and septic design. The tank and leachfield areas are shown on the revised site plan. The applicant will be required to obtain a permit for the new system from DEH.

### **LANDSCAPING AND FENCING:**

Landscaping will not be significantly altered by this project. It is proposed that all existing trees remain on site.

### **PLANNING COMMISSION ACTION**

The approval of this project requires two different motions. Example language for the motions is included below.

#### ***Design Review***

Based on the above analysis, the project 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. The Planning Commission agreed with staff's analysis, and approved the Design Review with the following motion:

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 addition and construction of a garage as proposed and as conditioned in this staff report.

### **CONDITIONS OF APPROVAL**

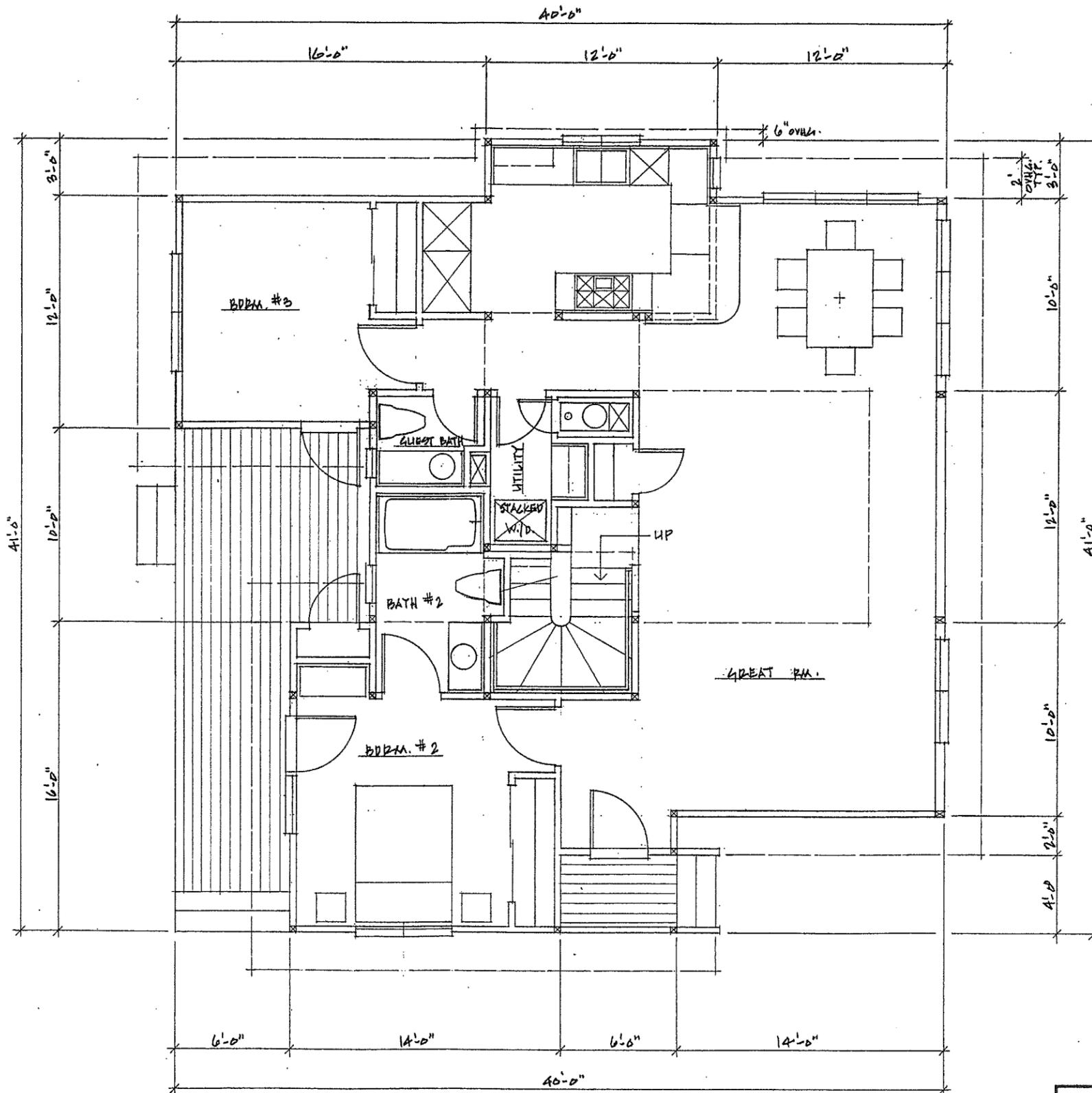
1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: Building Official prior to building permits being issued.*
2. Based on the findings that community values may change in a year's time, approval of this Design Review and 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: Building Official prior to building permits being issued.*

3. Construction related activities are to occur in a manner that will not impact the integrity of the septic system. The leachfield area shall be staked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the contractor. If the existing system area is impacted by construction activities, an immediate Stop-Work Order will be placed on the project. The contractor will be required to file a mitigation report for approval by the City and County Health Department prior to permitting additional work to occur. *Responsibility: Building Official to verify prior to building permits being issued and during construction.*
4. Recommended conditions of the City Building Official shall be required to be met as part of the building permit application submittal. Grading, drainage, ADA compliance and street improvements will need to be specifically addressed at the time of building permit application. *Responsibility: Building Official prior to building permits being issued.*
5. 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
6. Applicant shall demonstrate that the site can support a primary and reserve drainfield by obtaining a sewage disposal system permit from the Humboldt County Division of Environmental Health. The system must include risers and an in-line filter. *Responsibility: Building Official to verify prior to building permits being issued and during construction.*
7. The applicant is responsible for submitting proof that a statement on the deed, in a form approved by the City Attorney, has been recorded indicating that any increase in the number of bedrooms above a total of three bedrooms or use of the property in excess of a single unit will require City approval of adequate sewage disposal capabilities and other applicable standards. *Responsibility: Building Official to verify prior to building permits being issued.*



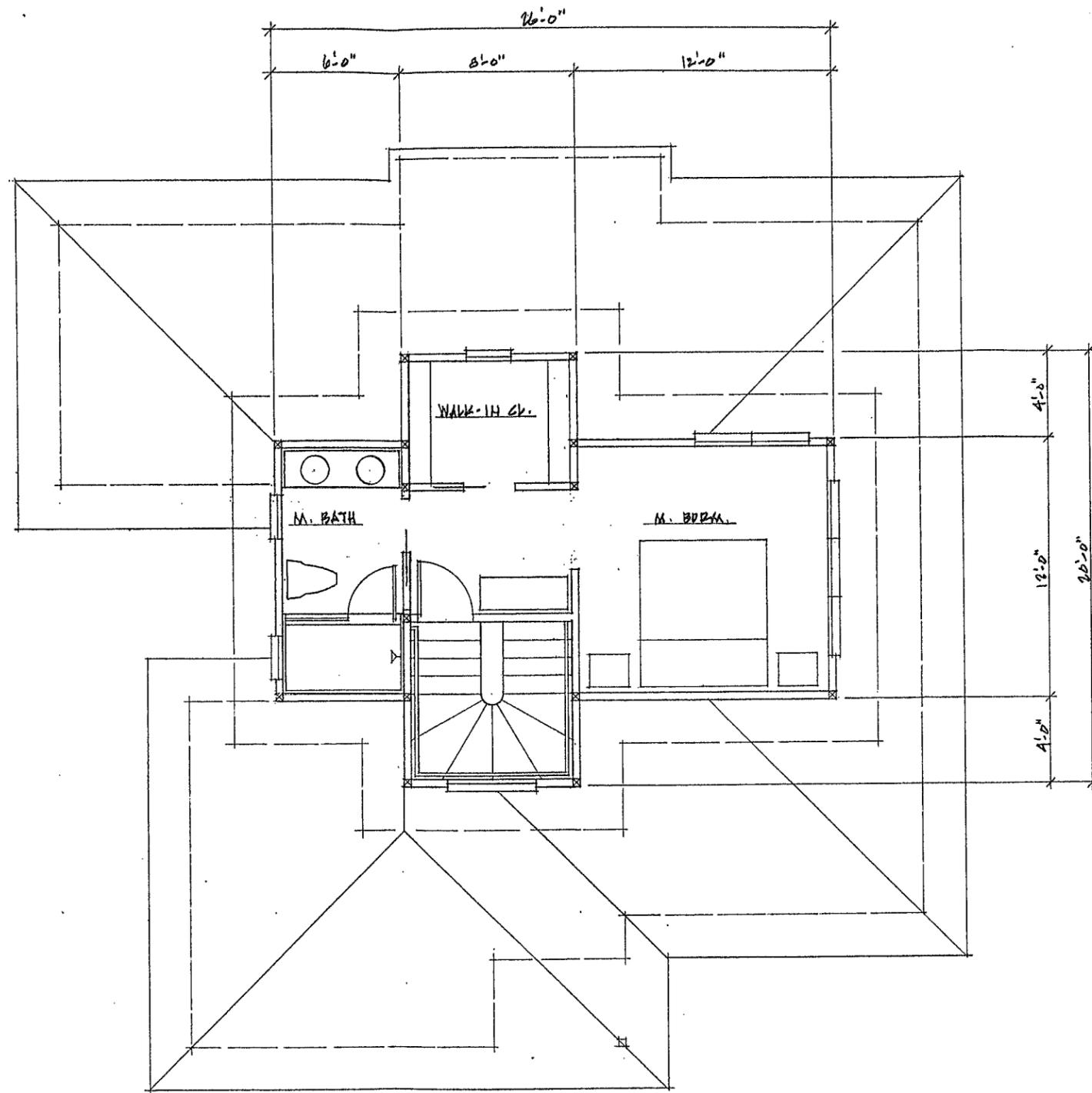


1<sup>ST</sup> FLOOR PLAN

1/4" = 1'  
 A.P.N. 42-161-010



PROJECT: REMODEL SINGLE FAMILY RESIDENCE 565 TRINITY ST., TRINIDAD		
SCALE:	APPROVED BY:	DRAWN BY:
DATE: 6-13-12		REVISED:
DESIGNER: KEITH K. STEARNS		
OWNER: MATTHEW SUTTON		DRAWING NUMBER 1



2<sup>ND</sup> FLOOR PLAN  
 1/4" = 1'  
 A.P.N. A2-101-010



PROJECT: RENOVEL SIMONE FAMILY RESIDENCE 565 TRINITY ST., TRINIDAD.		
SCALE:	APPROVED BY:	DRAWN BY:
DATE: 6-13-12		REVISED:
DESIGNER: KEITH M. STARRS		
OWNER: MATTHEW SLITTON		DRAWING NUMBER 2



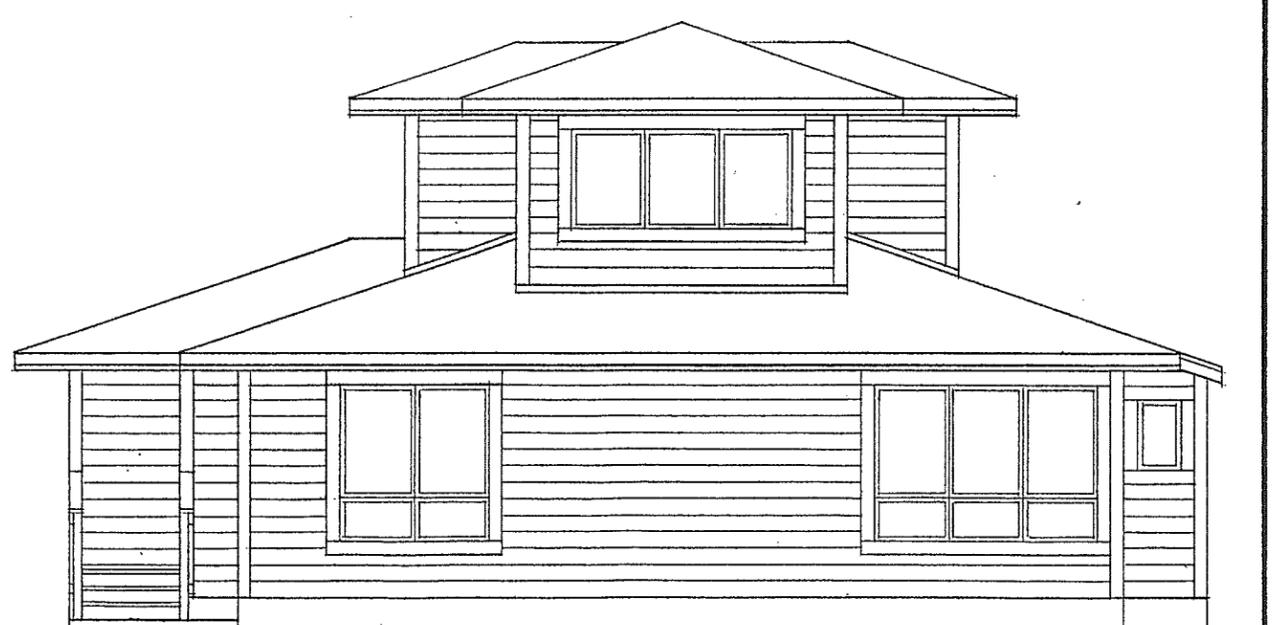
SOUTH ELEVATION



EAST ELEVATION



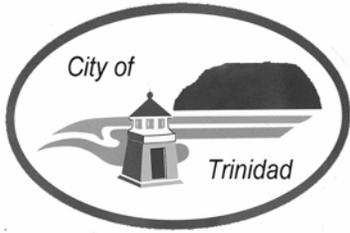
NORTH ELEVATION



WEST ELEVATION TRINITY ST. A.P.N. A2-101-010

1/4"=1'

PROJECT: REMODEL SINGLE FAMILY RESIDENCE		
565 TRINITY ST. TRINIDAD		
SCALE:	APPROVED BY:	DRAWN BY:
DATE: 6-13-12		REVISED:
DESIGNED: KEITH W. STEADYS		
OWNER: MATTHEW SUTTON		DRAWING NUMBER
		3



Filed: June 12, 2012  
Staff: Trever Parker  
Staff Report: June 13, 2012  
Commission Hearing Date: June 20, 2012  
Commission Action:

**STAFF REPORT: CITY OF TRINIDAD**

APPLICATION NO: 2012-04

APPLICANT (S): Trinidad Civic Club

AGENT: Charles Netzow

PROJECT LOCATION: Trinidad Memorial Lighthouse  
Edwards and Trinity Streets  
Trinidad, CA 95570

PROJECT DESCRIPTION: After-the-fact Design Review and Coastal Development Permit to remove fencing, conduct landscaping (removal of sod and invasive blackberries) and terrace an existing slope to provide access to the Axel Lindgren Memorial Trail through the Memorial Lighthouse Civic Club property. Most of the work has already taken place.

ASSESSOR'S PARCEL NUMBER: 042-091-04

ZONING: PR – Public & Religious

GENERAL PLAN DESIGNATION: PR – Public & Religious

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per §15304 of the CEQA Guidelines exempting minor alterations to land.

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 per Section 30603 of the Coastal Act.

## **SITE CHARACTERISTICS:**

The proposed project is located at the Trinidad Memorial Lighthouse (MLH) on Civic Club property located at the top of the bluff near the intersection of Trinity and Edwards Streets. Most of the site is relatively flat due to past grading, but slopes towards the bluff to the south. Surrounding the property to the south, east and west is City property that makes up a portion of the Tsurai Study Area (TSA). Residential development is located to the north, across Edwards Street. Access to the site is via walkways and stairs from Edwards Street.

## **STAFF COMMENTS:**

As stated by Patti Fleschner, representing the Civic Club, the goals of the project are as follows:

1. Remove an unsafe and unattractive fence barrier below the MLH
2. Beautify the grounds
3. Preserve and protect the site from erosion as much as is humanly possible within the limits of a meager Trinidad Civic Club budget
4. Provide safe and graceful access to the Axel Lindgren Memorial Trail (ALMT)
5. Respect the public bluff site for the people who are commemorated at the site and for the people who lived at the village site before to the best of our ability.

According to Civic Club representatives, the Civic Club was considering a landscaping and beautification project and met at the site on Feb. 18 with Kelly Lindgren of the Tsurai Ancestral Society to discuss ideas and opportunities for grounds improvements. At this meeting the idea of removing the fence along the southern boundary of the property to provide access to the ALMT was discussed and verbally agreed to. However, the exact details of the work to be done were not finalized. Due to vacations and health issues, various people were heading up the project at different times. Civic Club representatives contacted the City and discussed the fence removal with the City Building Inspector, John Roberts, who indicated that no building permit was necessary. Thinking that the City and everyone involved in the project was in agreement on moving forward with the project, the improvements commenced (description of the work below). Unfortunately there was misunderstanding / miscommunication regarding the exact specifications and the amount of the work to occur. And the project design likely evolved over the months with the various people involved. Because of the sensitivity of the area, and because earthmoving activities occurred, a Coastal Development Permit should have been obtained prior to the work proceeding. At this point, the work is about 90% complete and the Civic Club would like to get the project finished as soon as possible since it is now the height of tourism season.

The following is a description of the work that occurred from Charles Netzow, who carried it out:

*I am 90% complete with the project I was told was verbally approved by the Tsurai Ancestral Society and the City of Trinidad. Following the attached plan drawn by a hired landscape designer I removed 6 fence posts set in 200 pounds of concrete each which I*

*disposed of at Kern Construction yard. Using a hand shovel and fingers, I then removed approximately 1/2 yard of sod - grass and its roots going about 1 inch into the dirt - and disposed of that at a dump site. It is not recoverable. I then removed about 1- 2 yards of loose dirt that was mingled with fist to head size imported quarry rock. This rock was kept on site and carefully placed on a slope where invasive species of berries and grasses had first been removed, serving to stabilize the slope that will be the route draining water will move over as it exits the Memorial Lighthouse grassy area. The loose soil was taken to the Trinidad Museum site and is there now, in an isolated pile. No mechanized equipment was used in this project, only hand tools.*

*I then terraced the site using 6" high wood for stair risers and 18" wide x 3" thick areas of gravel as treads. About 2 yards of 3/8 minus sharp angular gravel was imported and used in the process.*

*When the representative of the Tsurai Ancestral Society was asked to observe the work at 90% completion, their reaction was that it was a "wonderful job", they "loved it" and they were glad to see the steps opened up to the traditional route.*

*I am no longer working on the project having been requested by the city to voluntarily stop and then ordered to stop. Best practices erosion control and site management are in place.*

## **Consultation since the last meeting**

This issue was first heard at the June 20<sup>th</sup> meeting, where a continuance was requested by both representatives of the Yurok Tribe and the Tsurai Ancestral Society (TAS) to allow more time to review and comment on the project. Representatives of the Civic Club set up a meeting between themselves, the Yurok and the TAS for Friday July 6, 2012. Unfortunately, the TAS was not able to make it to the meeting. The Yurok representatives (Bob McConnell, Heritage Preservation Officer and Buffy McQuillen, Repatriation and Collections Manager) indicated that they would not object to the project as long as the dirt that was removed is returned to the site. The plan for putting the dirt back on the site will be to disperse / sift it over existing vegetation so that it does not pose an erosion risk. The Yurok also requested that an MOU be developed between the Civic Club and the Yurok to provide a process for notification and consultation for future projects on this site. They also requested a few changes to the staff report, which have been accommodated. No additional comments have been received from the TAS at this time other than the statements made at the last meeting. TAS objections at that time were based on the fact that soil had been removed and that the improvements, though the fencing was removed, did not open or follow the traditional access to the ALMT.

## **ZONING ORDINANCE/GENERAL PLAN CONSISTANCY:**

In most areas of the City, a project of this scale would be exempt from permit requirements. Section 17.72.070.C provides exemptions from Coastal Development Permits. Item three includes exemptions for grading that include (a) 1000 sq. ft. of surface area, or (b) 50 cubic yards, and this project is less than both of these. However, these exemptions do not apply outside of the identified stable areas as mapped on Plate 3 of the General Plan (b.i). In addition, current Coastal Act regulations (14 CCR

§13253) require a permit for work within 50' to 100' from the edge of a coastal bluff (depending on the type of work), and the project is clearly within this limit.

This project requires a Coastal Development Permit, and also Design Review due to the changes in topography and public trail access (though existing trail access will not be altered). The project is located on a parcel zoned PR – Public and Religious. The regulations of this zone are minimal, including only permitted uses, minimum lot size, yards and maximum building height, none of which apply to the proposed improvements. However, this project is located adjacent to a sensitive open space area and on top of an ocean bluff. The site itself is designated as being of “questionable stability” on Plate 3 of the General Plan, and other areas of the bluff are mapped as being “unstable.” Therefore, the applicable requirements of the SE – Special Environment zone must also be considered. Most of these are not applicable, including the requirements for development in the tsunami hazard area (§17.20.070), on the bluff face (§17.20.080), in a stream protection area (§17.20.100), or in the Tsurai Study Area (§17.20.110). Other sections apply to buildings and structures as opposed to landscaping, such as the requirements for development on slopes near bluffs (§17.20.090), or requirements for open space protection (§17.20.120).

The main concern for this project is erosion and bluff stability, because it is located in an area of ‘questionable stability.’ One of the project purposes was to reduce erosion and increase stability along with public safety. There was a small drop-off below the fence that was removed that needed to be smoothed and terraced to reduce erosion potential and to protect public safety in order to open the area to the public. Zoning Ordinance §17.20.130 includes requirements for review by a qualified geologist. This section requires a site visit and a determination from the geologist that the “proposed development will not significantly increase erosion and slope instability and that any potential adverse impacts have been mitigated to the maximum extent feasible.” The Civic Club had a Certified Engineering Geologist (#1895), David Lindberg, visit the site on June 18 and review the project. David is familiar with the site, and has worked on a number of projects in the area. His findings were that the improvements should improve the stability of the site and reduce erosion. He had no further recommendations.

Policy 69 of the General Plan states in part: *“There shall be no disturbance, vegetation removal or construction, except for a protective fence around the burial ground, on lands designated as Open Space within the Tsurai Study Area without the approval of the lineal descendants of Tsurai, Trinidad Rancheria, City of Trinidad and the State Historic Preservation Officer.”* The project is not located within the Tsurai Study Area, but is adjacent to it. Interested parties have been notified and given an opportunity to comment on the project.

Policy 74 of the General Plan protects Open Space areas lying south of Edwards and Van Wycke streets from development in order to maintain the unparalleled views of the coastline. This project is consistent with this policy since it does not affect views from these areas.

This project is consistent with the purposes of the Coastal Act (§30001.5) and Trinidad's Local Coastal Plan by improving public access to and along the coast and enhancing public recreational opportunities and public safety consistent with sound resource conservation principles and private property rights. This coastal development permit process allows for maximizing public participation in the proposal, consistent with Coastal Act §30006. The project has been sited and designed to protect views to and along the coastline and other scenic resources, to minimize the alteration of existing landforms and to be visually compatible with the character of the surrounding areas, as required by Coastal Act §30251.

## **LANDSCAPING AND FENCING**

The project consists of landscaping and removal of existing fencing.

## **SLOPE STABILITY**

The project is located on property designated as questionable stability. The proposed improvements will only require minimal disturbance of soils that consist of fill that has already been disturbed and landscaped. Part of the purpose of the project was to reduce erosion and increase stability of the slope where the fence was removed. A geologist has reviewed the site and work that was completed and found that stability would not be affected and erosions would not be increased by the project.

## **SEWAGE DISPOSAL**

There is no sewage disposal system associated with this project or property.

## **DESIGN REVIEW/VIEW PRESERVATION FINDINGS:**

Because the project altered a structure and the natural contours of the land, this project is subject to the Design Review and View Preservation criteria set by Zoning Ordinance Section 17.60. 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 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: Only minimal grading was

required; the slope below the fence needed to be terraced to allow safe public access through the area and to the ALMT once the fence was removed.

- 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 proposed landscaping and terraced steps, consisting of wood and gravel, are consistent with other nearby improvements and consistent with public access and safety.
- 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: Materials used for the improvements are natural, including wood, rock and gravel.
- 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 site is already landscaped, and vegetation placed within the trail / walkway area would impede public access. Invasive species were removed as part of the 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: No on-premise signs are proposed as part of the 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: No utilities are required for the project.
- 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 the 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:* Response: No buildings are associated with 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: Though visible from trails and open space areas, the project is small and consistent with surrounding

development; the project purpose is for beautification of the site and public access and safety.

- 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: Public coastal views will not be impacted by the project; the existing fence was removed as part of the project.
- C. *The committee shall recognize that owners of vacant lots...* Response: No building is associated with this project, and coastal views from residences will not be impacted by the project.
- D. *If a residence is removed or destroyed by fire or other means...* Response: No previous residence was destroyed.
- 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 located within 100' of the Tsurai Study Area and the Memorial Lighthouse. The project is intended to improve the appearance of the lighthouse property and to improve access to the ALMT. Erosion control improvements have been included. A Certified Engineering Geologist found that the project will not affect the bluff stability or erosion above the TSA.

#### **STAFF RECOMMENDATION:**

As conditioned, the project is consistent with the City's Zoning Ordinance and General Plan and the necessary findings for granting approval of the project can be made. Should the Planning Commission find that the Design Review / View Protection Findings can be made, then staff recommends that the Planning Commission approve the project with a motion similar to the following:

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 and approve the project as submitted and as conditioned herein.

## **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 unless an exception or waiver is approved by the City Council.
2. The applicant shall employ a certified monitor, as necessary, from either the Yurok Tribe or Tsurai Ancestral Society to monitor the construction site for cultural and archeological resources. The monitor will be present during any additional excavation or ground disturbing activities, including the soil relocation.
3. The Civic Club is responsible for ensuring that the soil that was removed from the site (other than the sod that is not recoverable) is returned to the site. Erosion control Best Management Practices or site dispersal will be incorporated to ensure that the soil does not pose an erosion hazard.

TO EDWARDS STREET

BOUNDARY LINES

LIGHTHOUSE BUILDING

LAWN (EXISTING)

BENCH

REMOVE EXISTING FENCE

ROSES BOARDER REMAINS IN PLACE

BOULDERS

1ST STEP (EXISTING)

TRAIL DOWN TO BEACH (EXISTING)

EXISTING FENCE REMAINS IN PLACE

RETAINING WALL

EXISTING TRAIL

COMPACTED CRUSHED GRAVEL

EXISTING TRAIL

NORTH

# TRINIDAD CIVIC CLUB

LANDSCAPE CONCEPTUAL DRAWING

MARCH 2012

SCALE 1" = 10'