

MINUTES OF THE MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, August 28th, 2014

I. CALL TO ORDER/ROLL CALL (6:00pm)

Commissioners Present: Johnson, Pinske, Stockness, Vanderpool

Commissioners Absent: Becker

Staff: Parker, Caldwell

II. APPROVAL OF MINUTES – July 16, 2014

Corrections: (1) change TAS to TSA under the Approval of the Agenda; (2) page 5/5, move the native drought-tolerant plant paragraph under the viewshed discussion.

Motion (Stockness/Vanderpool) to approve the minutes as corrected.

Passed unanimously (4-0).

III. APPROVAL OF AGENDA

Motion (Johnson/Vanderpool) to approve the agenda.

Passed unanimously (4-0).

IV. ITEMS FROM THE FLOOR

John Homan, property owner and applicant for the Homan Subdivision project north of the City spoke following the Frame 2014-02 Agenda Item. He will be resubmitting his project application to the County in the next few weeks and wanted to keep the Planning Commission abreast of the progress. He noted that he had made several changes to the project in order to address the neighbors' and City's concerns.

V. AGENDA ITEMS

- 1. Frame 2014-02:** Design Review and Coastal Development Permit for a 550 sq. ft. addition to and remodel of an existing 715 sq. ft. 1-bdrm, single story residence; project will add 1 bedroom, 1 bathroom, and 1 office to the residence; project also includes removal and installation of new roof framing with essentially no increase in height and installation of a new 2-bedroom septic system. Located at 426 Wagner St.; APN: 042-102-28.

Commissioner Stockness recuses herself from the discussion based on the assumption of direct financial conflict as a result of the proximity of the project to her property and her perception of the project's impact to the neighborhood. Though Commissioner Vanderpool lives within the 300 ft. radius of the project, there is not an assumed conflict, since he does not own the property, and he stated that he felt he had no conflict regarding the project.

Commissioner Comments

The Commission and Planner Parker discuss the required setbacks for the project. Planner Parker responds to the Commissioner's questions and explains that the garage abuts the house, was permitted prior to the 1980s so it is now nonconforming as to the front setback. Commissioner Johnson was concerned specifically with the front yard setbacks and porch roof. In the Urban Residential (UR) zone, a 20 ft

setback is required. The project's property line is in the center of Wagner Street, which is a private road in this location, and 18.5 feet from the house. However, the front part of the house is not being altered and the existing structure can be modified as long as the degree of nonconformity is not increased.

Certain features, such as the covered porch, can extend 4 ft. into the front setback, or 2.5 ft. from the front of the existing house. (An uncovered porch can extend up to 8 ft. into a front setback.) The existing porch, which is wider than 2.5 ft., is nonconforming as to the front setback. The applicant's architect, Sarah Atkins, suggests that she can design the roof of the porch extension to maintain the required setback, but noted that porch foundation meets the required setbacks as proposed. Planner Parker noted that this is what would be required by the current zoning ordinance standards and that a condition of approval is included that the porch addition must meet current setbacks.

Commissioner Johnson and Planner Parker discuss the OWTS. The current tank and leachfield, which are located under the proposed addition, will be abandoned and a new system installed. The system will be completely rebuilt under a repair permit as designed by DEH staff. The system is non-standard under the OWTS Ordinance and lacks a reserve area, which is considered a minor nonconformance. Planner Parker states that the Health Department didn't see any need to require an officially permitted reserve area, which would require the applicant to hire a consultant and conduct detailed soil testing; DEH staff felt there was ample room in the front yard to accommodate a reserve field and that the soils on the site were adequate. The applicant originally proposed a 3 bedroom residence, which would require further permitting and upgrades of the septic system if it is proposed again in the future.

The issue of lot coverage is then discussed. Though the proposed residence is fairly small, due to the large existing workshop, the property would have a 37% lot coverage. The City does not have codified lot coverage standards but uses a 25% maximum floor-to-lot area ratio based on a 2,000 sq. ft. house on an 8,000 sq. ft. lot; this project does have a relatively large footprint, but there is still room to accommodate a new septic system. The old workshop will not be modified and will continue to be used as storage; it was not constructed to accommodate living space.

Public Comment

Diane Stockness (493 View Ave) lives behind the project and is concerned about the structure-to-lot ratio and location of the leachfield. She states that normally leachlines have a 10 ft setback requirement from structures and property lines; this project does not appear to meet those setbacks. Planner Parker states that she relies on DEH staff's review of the project to meet septic needs as they serve as the City's Health Officer. She also notes that DEH staff designed the system. They permitted the system and signed off on it. The leachlines are proposed to be 8 ft. from the house and 8 ft. from the property line, splitting the difference; it did not appear that an exception was required.

Commissioner Stockness also brings up a concern for parking in relation to the narrow street and the fact that the high lot coverage exacerbates the lack of street parking. She also is concerned about the roofline, the potential for the office to be a third bedroom and the potential use of the residence as a vacation rental. Planner Parker notes that a standard condition of approval has been included that a deed restriction must be recorded that limits the property to a single 2-bedroom residence. The City's VDU ordinance would limit the occupancy based on the 2-bedroom septic system if it were used as such.

There is a discussion about parking and the street size; the project architect confirms that there is ample off-street parking--two cars can fit in the driveway and two cars fit in the garage. Commissioner Stockness asks if there will be a bathroom in the garage and if it would impact the septic system. Planner Parker states that a septic system is designed based on the number of bedrooms, not bathrooms. A condition of approval requires City review if the number of bedrooms is increased.

The project architect confirms that the landscaping will be unaffected. Commissioner Stockness points out that there is a large holly tree in the northwest corner of the property that could affect the septic system. Planner Parker reiterated that the system was designed by DEH staff based on a site visit. The City's OWTS Management Program requires periodic inspections of the system, and the tree could be removed in the future if it causes problems.

Per request, Planner Parker reviews the history of Wagner Street and what portions are public and private.

Commissioner Stockness is still concerned about the lot coverage of the area as related to the building, septic, density of the street and rental status. Planner Parker states that the City cannot regulate the rental of the property or who rents it. The project architect notes that the County's lot coverage maximum is 35%. Planner Parker agrees that the lot coverage is fairly high, but states that the City does not have a maximum percentage and that the project meets the zoning regulations. As for the septic system, if the leach line fails, there is area for a new leachfield and that DEH is satisfied with the design.

Commissioner Comments

There is another discussion about the porch roof overhang and setback and whether the small proposed extension of the porch, which maintains the existing nonconforming setback, is really an increase in nonconformity. The project architect says that she can reduce the width of the overhang to meet the current required setback or leave it as proposed. She states that the overhang on the roof is 6" and the overhang on the house is 12". The Commissioners generally agree that it would make sense for the small addition to match the existing porch and that it would look strange if it did not. However, since the City does not have any other allowance or exception to the zoning standards except for a variance, Staff cannot recommend it. The porch is small and existing nonconforming, but the setbacks are required for new additions, including the porch. The Commission discusses rewording the condition of approval to allow the porch extension to match the existing porch setbacks.

Commissioner Johnson summarizes and responds to Commissioner Stockness' concerns. He states that he is comfortable with the septic system because the County, as experts, permitted it. He appreciates the issue of the lot coverage, but, as it relates to parking, more than the required spaces exist, even if the residence is changed to a 3-bedroom house. As for the difference between a bedroom and an office, the Building Code defines that. However, the VDU Ordinance will stipulate how many people can stay in the residence; this limits the cars, people and stress on the septic system. The lot coverage is high, but it meets requirements. The leach line locations, even if they are close to the residence, will be rated by performance standards and monitored and maintained through the City's OWTS ordinance.

Commissioner Vanderpool notes that he is concerned about the septic system and the possibility of converting the shop to living space. Planner Parker states that this is a concern and ongoing issue for this and a number of large 2-bedroom houses in the City. However, there are several layers of regulations that will help prevent that, including the required deed restrictions, the OWTS Management Program and building codes.

Motion (Johnson/Vanderpool) to adopt the required findings and approve the project as conditioned in the staff report and with the proposed modification to Condition 9, which will read as follows: The proposed roof line overhang shall remain the same as the existing roof and shall not be closer to the front property line than the existing roof line. Passed unanimously (3-0).

VI. COUNCIL & STAFF REPORT

The Council did not meet last month. Kim Tayes appealed the State Parks project reviewed last month. The appellant and Parks met today with City and Coastal Commission staff and the project has been scaled back. The project is now just a non-native removal and view trimming and tree maintenance will be discussed under a separate permit in the future.

The status of the VDU Ordinance has not changed. Planner Parker met with Clean Beaches on Wednesday and is close to securing the funding for that grant. The LCP grant is pending and the General Plan is in progress.

Commissioner Stockness gives a brief trail report and Planner Parker suggested she meet with her at her office to provide more details.

VII. ADJOURNMENT

Meeting adjourned at 7:25 pm.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Mike Pinske

Planning Commission Chair