



## MEMORANDUM

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**TO:** Trinidad Planning Commission

**FROM:** Trever Parker, City Planner

**DATE:** October 24, 2014

**RE:** LCP Update Guide Consistency & Potential Commissioner Tasks

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At the last meeting, we reviewed the consistency analysis document I prepared that compares the Draft General Plan with the Coastal Commission's LCP Update Guide. This analysis has identified a few data gaps and shortfalls. It was noted that there are a number of tasks that Commissioners could potentially complete or help with. In some cases, you may have better access to the information, and any help you can provide would save some cost to the City. I have pulled out a list of potential tasks from the LCP analysis and listed them below for discussion and assignment. The list below includes items I thought that Commissioners might find interesting and / or be in a good position to acquire the data.

The consistency analysis also brings up several questions that should be discussed and possibly voted on by the Commission, which I will compile and present at a future date. There are also some policy gaps where we need to consider some additional policy language; I think the best approach for that would be for me to provide you with some sample or suggested policies, but if someone is interested, they could tackle that task as well (the LCP Update Guide provides many examples and further resources). For this meeting I have printed the current version of the consistency analysis in its entirety. Due to its length and the fact that I will be continuing to add more sections to it without altering the existing text, I ask that you retain this copy for future meetings so that I can save paper and just give you any additions.

### Information Needs to Research

- Map existing / outstanding Offers to Dedicate (open space or public access easements) and discuss acceptance potential with the Land Trust.
- Review status of trail easements and identify where new easements may be needed (e.g. existing trails without official easements, along beaches, Van Wycke).

- Estimates of visitorship (tourist numbers) and facilities use. Check with Chamber, Rancheria, State Park, and Marine Lab for counts, and possibly RV Parks and VDUs / TOT.
- Estimates of unmet and future demand of public facilities and access. Are there any deficiencies or unmet needs. Are there any identifiable trends in use or tourism numbers, future projections (even if done on a county level or another jurisdiction)?
- Identify any encroachments on or disincentives to the use of public beaches, access or trails such as illegal no parking or access signs or barriers (signs and 4x4 posts on Wagner Street trail access), or any private development or landscaping that hinders access.
- Inventory of temporary events that occur in Trinidad that potentially warrant some oversight or regulations (e.g. weddings on the beach or films).
- Are there any 'rogue' trails or unofficial access points that should be recognized?
- Existing parking conflicts, issues, availability.
- Inventory and map of existing visitor-serving accommodations (e.g., campground, RV parks, motels, inns) by type, capacity, ownership and price range.
- Occupancy rates or other usage statistics for day use and overnight visitor-serving facilities and recreation areas.
- Identification of any policies that might be in conflict with each other.

In other General Plan news, I am working with Coastal Commission staff to finalize the scope of work and budget for the LCP update grant contract. That grant should start within the next month. There is a lot to do under the grant during the two year contract. The first year will focus on public outreach, tribal consultation, evaluation and consistency analysis of the LCP implementing ordinances, and synthesizing existing information relevant to planning for climate change and sea-level rise.

## LCP Guidance – Draft General Plan Comparison

### 1. Public Access Component

*“One of the fundamental goals of the Coastal Act is to provide maximum public access to the coast. This includes protecting existing and providing new public access. The Coastal Act also recognizes that the provision of public access needs to take into account public safety concerns and the protection of private property and natural resources from overuse. In general, LCPs should provide policies and standards to assure that existing public access to an along the shoreline is both planned for an provided with new development when warranted. Access components should also reflect new laws related to both the California Coastal Trail and complete streets as described below.”* The City has a Public Access section within the Conservation, Open Space and Recreation Element (CONS-20\*). There are also a number of public access policies that are found within the Circulation Element, and these should also be copied to the Public Access section.

#### **Should Include:**

- Descriptions and maps of existing, required, suitable and planned access, including segments of the California Coastal Trail and the status and location of those subject to offers to dedicate easements or deed restrictions;
  - Figure 10: Recreation and Trails map shows existing and proposed trails and the CA Coastal Trail
  - Map existing OTDs, discuss with Land Trust
  - Need to review status of trail easements and where new easements may be needed (e.g. along beaches and Van Wycke)
  
- Estimates of visitor and facilities use (see Section 2 - Recreation of this Guide);
  - Check with Chamber, Rancheria, State Park and Marine Lab for any counts
  - Also possibly VDUs, RV parks, etc
  - Recreation section needs a bit of a re-write
  
- Estimates of unmet and future demand and identification of deficiencies by location and type of access;
  - Not sure quite what this entails, but I don't think it has been done
  - Are there any deficiencies? What are access types?
  
- Assessments of any public safety or fragile resources concerns that may require additional access management measures;
  - Tsunami hazards, high surf, falling
  - Generally discussed in Public Safety Element, but not specifically regarding public access and recreation
  - TSA / TMP
  - Biological report identifies RT&Es and ESHAs. Other fragile resources would be unstable bluffs

- Identification of encroachments on, or disincentives to use of, public beaches or accessways (e.g. illegal no parking signs or barriers, private development or landscaping on beaches) and measures to remove or reduce them;
  - Frame easement 4x4 posts
  - Private road signs on Wagner
  - Lack of signage on some trails, particularly within the TSA
  - None of these are officially documented in draft
  
- Measures to ensure new access (*shouldn't this also include protect existing?*), through the regulatory program or other mechanisms;
  - Because of Trinidad's small size and existing variety of access, is new access needed or appropriate?
  - CONS-20.4\* (p. 20): require public access easements for existing and proposed trails
  - CONS-20.1 protect existing access (p. 20): statement 'shall have access' to existing trails
  - CONS-20.2 (p. 20): require offers to dedicate
  - CIRC-4.6 (p. 26): support for CA coastal trail
  
- Measures to manage access and other activities on beaches in a manner that protects the public access;
  - CONS-20.3 (p. 20): ordinance provisions for obstructions
  - CONS-20.4 (p. 20): require access easements
  - Need to identify or add policies for managing temporary events such as weddings and films
  
- Measures to expand access through sufficient parking and alternative transportation;
  - CONS-20.5 (p. 21): encourages transportation corridor linkages
  - CIRC-2.3 (p.11): addresses 2-hr parking along Edwards to accommodate public access
  - CIRC-2.5 (p.12): addresses parking and shuttles for special events (incl. Fish Fest)
  - CIRC-3.3 (p. 13): encourages a shuttle to the harbor
  - CIRC-4.1 (p. 14): encourages ped and bike facilities
  - Program CIRC-4.2.3: trail plan
  
- Identification of potential prescriptive rights and measures to ensure such rights are protected;
  - I am not aware of any new accesses since the previous LCP was adopted
  
- Measures to site new development to not impede access and to be compatible with public access areas;
  - CONS-20.4 (p. 20): require access easements
  
- Mitigation measures for unavoidable impacts of recreational beach loss from permitted development;
  - Not sure how this would ever be an issue

- Zoning ordinance provisions that provide for accessways and access facilities;
  - NA as of now
- Signing provisions.
  - Sign section in DR element for design
  - TMP and Cultural Element for TSA signage

**Issues to Address:**

- Implementing the CA Coastal Trail
  - CIRC-4.6 (p. 15): generic support for the trail
  - Mapped on Figure 10
  - CONS-20.5: promotes transportation corridor linkages (not CCT specific)
- Expanding non-automotive transportation
  - Complete Streets
    - The City's draft Circulation Element is consistent with these policies by addressing public transit and alternative modes of transportation, including pedestrian and bicycle travel.
  - Beach shuttles
    - CIRC-2.5 (p.12): addresses parking and shuttles for special events (incl. Fish Fest)
    - CIRC-3.3 (p. 13): encourages a shuttle to the harbor
  - Bicycle planning
    - CIRC-4.1 and Programs CIRC-4.1.1 – 4.1.3 (p. 14): address and promote pedestrian and bicycle facilities and safety
- Preventing loss of public access
  - Encroachments
    - CONS-20.3 (p. 20): addresses obstructions
    - Does not address structural encroachments, such as would require a permit. Should not be an issue in OS zones, which covers most of the coast and trails
    - Should there be a policy to address shoreline protective structures? (including TSA)
  - Temporary events
    - Not sure of any specific policy – do a search
    - If there isn't one, we should have one
  - Street and accessway closures
    - Not specifically addressed; should recognize that closures require CDP
  - Street abandonment
    - This shouldn't be much of an issue, but it would be easy to add a policy to protect public access if any public streets are abandoned (suggest retaining an easement)
  - Retaining public access
    - CONS-20.1 (p. 20): guarantees access to coastal resources including the existing trail system
    - CONS-20.2 (p. 20): requires offers of dedication to protect public access
    - CONS-20.4 (p. 20): requires access easements along existing and proposed trails
  - Gated roads

- CIRC-1.4 (p. 9): prohibits restriction of public access on private roads
- Parking restrictions
  - CIRC-2.3 (p.11): addresses 2-hr parking along Edwards to accommodate public access (this policy seems to encourage time limits to improve public access, but the LCP guide seems to indicate parking time limits interfere with public access)
  - May need some parking study / info / documentation
- Parking and admission charges
  - Figure 11 shows private and public parking (Murphy's and Park-and-Ride not shown; was there a reason for that?)
  - Biggest issue would be the harbor area; should be considered as part of harbor policies; do need to reserve parking for paying customers of restaurant and boat launch
- Misleading signs and markings
  - Need an inventory, even if superficial; are there others besides Wagner?
  - I don't think we have any policies for these; need to develop (do a search)
- Recreational beach valuation
  - This section suggests having a formula with which to evaluate the loss of beach / recreational value from shoreline structures. I think the potential for this in Trinidad is very limited, and a formula goes beyond the scope of Trinidad's resources.
  - Existing policies protecting, retaining and creating public access should suffice, along with existing zoning and development limitations
- Comprehensive beach management
  - These can be management policies, or a policy to develop a beach management plan that addresses such things as seasonal restrictions, grooming and temp / periodic events. I don't think this is much of an issue

\*Note that CONS-20.# policies should be edited to be 16.# in the Conservation and Open Space Element

## **2. Recreation and Visitor-Serving Facilities**

*"The Coastal Act places a high priority on protecting and maximizing recreation and visitor serving land uses, including lower cost facilities."* LCPs need to reserve adequate areas and infrastructure capacity to meet current and projected recreation and visitor facility needs. The City has a Public Recreation section within the Conservation, Open Space and Recreation Element (CONS-15).

### **Should Include:**

- Inventory and map of existing shoreline and near-shore recreational areas and facilities and support facilities (e.g., beaches, harbors, parking lots/spaces, visitor-serving commercial);
  - Figure 10 shows existing and proposed trails (proposed needs more consideration), bike racks, benches and vista points;
    - Consider proposed trails, additional vista points; make 11 x 17
    - Should this map show the school, tennis courts and park?

- Figure 11 shows parking
    - Why isn't Murphy's shown
  - May need an additional map
    - Show harbor facilities (launch, pier, etc.), Marine Lab, others?
    - What is visitor-serving commercial? (restaurants and shops could change)
  - May want a map showing beaches, trails, parks, etc. for the larger planning area
- Inventory and map of existing visitor-serving accommodations (e.g., campground, RV parks, motels, inns) by type, capacity, ownership and price range;
- We do not have this at all; does a Commissioner (or two) want to take this on; should include the entire planning area, or just near Trinidad
- Occupancy rates or other usage statistics for day use and overnight visitor-serving facilities and recreation areas;
- Can we get this from the TOT data? (Otherwise, we don't have this at all.)
- Demand projections for future recreational and visitor-serving facilities;
- Don't have this information. Is this necessary for such a small City?
  - Not sure how we would get this info other than extrapolating from a larger County-wide or other study.
- Designations and zoning of suitable oceanfront lands for recreational uses;
- Includes the Harbor Area and Zone
  - Most other ocean-front areas are designed open space, which would preclude most development; includes Trinidad Head and TSA
  - Some special environment zoning along the coast, which requires an easement on non-developed areas
  - Probably not worth considering a 'recreation' land use designation, because most of the ocean-front areas are also ESHAs. But do need to ensure the OS zone allows for appropriate recreation.
- Land use map designations and corresponding zoning for adequate recreation and visitor-serving facilities suitably located and sufficient to meet projected demand;
- The only VS designated lands in Trinidad are the two trailer parks (Trinidad Trailer Court and Hidden Creek). Realistically, these serve long-term residents more than visitors.
  - PD zone has the flexibility to allow visitor serving uses, but does not require it.
  - Vacation rentals are the primary overnight accommodations in town. Currently there is no cap on them, so they can accommodate future demand. However, the City does want to consider a cap, but would likely have to prove (e.g. studies) that it will meet future demand.
- Designations and zoning for upland facilities needed to support expanded recreational water use and suitably located;
- The only suitable area would be the Harbor Area. Should that designation be expanded to some of the parking areas rather than the current OS zoning?

- Measures to impart priority to visitor-serving commercial uses in mixed-use zones (see Section 6. Planning and Locating New Development);
  - This does not current existing in the PD zone.
  - This seems more appropriate for the zoning ordinance, but a policy could direct such a change.
  - Need to see some examples; I can see incentivizing, but how do your prioritize when someone comes in with a different proposal that is still consistent with the reg'ns. Isn't this why you have a visitor services zone?
  
- Requirements for deed restrictions and other measures to ensure that visitor-serving uses retain their primary function of serving visitors over time;
  - There is no such policy in the current draft; would be easy to include
  
- Identification of potential public agency acquisitions, development or redevelopment, and management of public recreation and visitor-serving facilities.
  - There is no longer a policy about the City acquiring federal property on Trinidad Head if it is disposed of.
  - Trinidad Head and TSA could fall into another agency's hands.
  - CONS-15.1 and CONS-15.6 (p. 19) encourage restrooms in various locations
  - CONS-15.2 encourages the City and Chamber to work together to provide and maintain visitor information
  - CONS-15.3 encourages litter control
  - CONS-15.4 directs the City to maintain Town Hall as a community center
  - CONS-15.5 addresses recreation and vehicles on Trinidad Head
  
- Measures to provide parking for and alternative transportation to recreation and visitor-serving facilities (see Section 1. Public Access).
  - Several policies within the Circulation Element address this issue; these need to be copied into the Public Access section.
  - Also see 'Public Access'

**Issues to address:**

- Condominium hotels / timeshares
  - Guidelines say to consider specifically how these meet overnight visitor accommodation needs. Being on septic and small lots, it's hard to imagine this ever coming up. However, it would be easy to include a policy that they would not be appropriate in Trinidad.
  
- New overnight facilities, upgrades and conversions
  - This topic is intended to address, require, protect and retain lower-cost visitor accommodations, since the trend has been to upgrade existing facilities and build new luxury accommodations.
  - The City's Housing Element places and emphasis on affordable housing, but does not specifically address visitor services; otherwise, this issue is not directly addressed.

- The RV parks include lower-income accommodations, but tend to be longer term than overnight. There are a variety of accommodations within the planning area (camping, RVs, cabins, motels, fancy B&Bs, vacation rentals). \*This is where the inventory of accommodations would come in handy.\*
- There will never be large luxury hotels in the area due to septic limitations
- A mix of housing provides for a mix of VDUs

Short-term (or vacation) rentals

- The City has a shiny new VDU ordinance
- Limitations on VDUs must carefully consider the coastal act. (This means a cap would likely have to document that it will meet future needs, and the inventory mentioned above would be useful here again.)

Renovation of harbors and marinas

- LU-4 (p. 10-11) policies address harbor area policies, which protect coastal dependent uses and ESHAs.
- LU-4 policies address new and intensified uses rather than redevelopment.
- Trinidad pier was recently replaced; not much new development could occur due to existing limitations.
- This topic also addresses the issue of access, variety and costs
- LU-5 (p. 12-13) policies address the potential for aquaculture

### **3. Water Quality**

*“The Coastal Act requires the protection and enhancement of marine and coastal water resources, including water quality. Nonpoint source pollution, also called polluted (or stormwater) runoff, is the nations leading cause of water pollution both at the coast and inland. Protection of coastal water resource requires not only minimizing pollutants in runoff, but also minimizing alteration in a site’s natural hydrologic balance, measure in terms of the runoff flow regime (i.e. runoff volume, flow rate, timing and duration). In California, the Coastal Commission and the State Water Resources Control Board have developed a state NPS pollution control program that provides a coordinated statewide approach to managing NPS pollution, and conforms to federal Clean Water Act and Coastal Zone Management Act requirements. LCPs should be updated to include policies, standards, and ordinances that establish coastal water resource protection strategies and priorities for development, both during construction and over the life of a project.”* The draft General Plan has a Water Resources and Water Quality component within the Conservation and Open Space. This section is set up somewhat differently from the others, and it is the only section, along with Biological Resources that includes ‘principals’ as well as goals and policies. The section includes two broad goals and the policies are loosely organized along / under the principals.

#### **Should include:**

*Policies addressing watersheds*

- Mapping of the jurisdiction's coastal zone watersheds, to support watershed assessment and planning.
  - We have this and more in the TICWMP
  - Figure 6 (Conservation and OS Element)
  
- Identification of land uses in portions of the jurisdiction's watersheds that are within the coastal zone, and their relative impacts on coastal water resources.
  - Figure 3 (Land Use Element) shows creeks, jurisdictional boundaries, and the coastal zone, but not individual watersheds.
  - Figure 4 (Land Use Element) shows land use and jurisdictions, but not coastal zone or watersheds.
  - Most of the developed portions of the watersheds are in the lower areas, often within the Coastal Zone.
  - The TICWMP and associated watershed assessments and action plans comprehensively address the impacts of development on coastal water quality.
  
- Identification of potential pollutant sources and changes in watershed hydrology in the coastal zone that may adversely impact coastal resources.
  - Three primary pollutants of concern were identified as part of the TICWMP process: sediment, stormwater and septic. The draft GP water quality policies specifically address stormwater and sediment; septic only has one supporting policy in this section; there are a couple more in the Circulation Element addressing septic management, but not water quality per se.
  - The ASBS monitoring has identified additional issues of concern, though levels are all low: **copper, nickel, pesticides / fertilizers - verify**
  - Impervious surfaces are a hydrologic issue, but because the area is mostly rural, it is less of an issue than in more developed areas. Promotion of LID as a stormwater control has been a focus.
  
- Policies to protect coastal areas that help maintain the hydrologic balance (e.g., open space where rainfall can infiltrate or drain slowly to surface waters).
  - CONS-2.8 (p. 5): maximize infiltration
  - CONS-2.10 (p. 5): site designs should mimic natural hydrology
  - CONS-2.11 (p. 6): lists of item used in site design to protect water quality, hydrology and sensitive areas
  - CONS-3.1 (p. 6): promotes LID
  - Biological resource policies (CONS-6, 7 & 8) protect ESHAs
  - CONS-14.1 (p. 17): maintain beaches and bluffs as open space
  - CONS-14.2 (p. 17): limits development on Trinidad Head
  - CONS-14.4 (p. 17): requires open space easements
  - CONS-14.7 (p. 17): establishes OS / RPZs
  - \*Note that the number of this element needs some work and rearranging\*
  - CIRC-8.2 (p. 22): implement stormwater improvements, including LID
  - CIRC-9.1 (p. 22): incorporate stormwater runoff, erosion and sediment control, and water quality considerations in permit reviews

- CIRC-9.2 (p. 22): encourage LID
- CIRC-9.4 (p. 23): BMPs to be CASQA compliant

Policies to support watershed management that provides protection of water resources; for example, (1) addressing priorities identified in recent watershed assessments, (2) designating conservation areas and buffers to protect riparian vegetation and wetlands, and (3) preventing long-term or cumulative adverse impacts on water quality from development not connected to a sanitary sewer system.

- Also see above and ESHA section
  - The City's existing and draft general plans take a watershed approach (the City's planning area from the 1970's is based on watershed boundaries)
  - Principal for water resource protection A (p. 3) directs the City to take a watershed approach to project water resources
- (1) *Three primary pollutants of concern were identified as part of the TICWMP process: sediment, stormwater and septic. The draft GP water quality policies specifically address stormwater and sediment; septic only has one supporting policy in this section; there are a couple more in the Circulation Element addressing septic management, but not water quality per se.*
- CONS-5.1.2 (p. 7) & CIRC-8.3 (p. 22): implement water quality monitoring program to address NPS, particularly for ASBS
- (2) CONS-2.11 (b, d, f) (p. 6): site development to protect and provide buffers to areas that provide water quality benefits, riparian corridors, wetlands and the shoreline
- CONS-5.1 and program (p. 7): protects and addresses the ASBS
  - CONS-6.1, 2 & 3 (p. 10): address / limits allowable uses in water ESHAs
  - CONS-6.4 (p. 11): landscaping in ESHAs should be native; invasives must be removed
  - CONS-6.9 and program (p. 11): requires review by a biologist for hydrologic changes in ESHAs
  - CONS-6.10 (p. 11): protects riparian vegetation
  - CONS-7.1 & 2 (p. 12): require ESHA buffers / setbacks
  - CONS-8.1 (p. 12) protect streams and riparian areas
  - CONS-8.2 (p. 12): cooperate with groups and owners to preserve watercourses
  - CONS-8.3 (p. 12): minimize disturbance of native riparian vegetation
- (3) CONS-2.6 (p. 5) & CIRC-11.1 (p. 25): develop OWTS management program
- Various policies regulating the siting of development to protect water quality and ESHAs
  - CONS-10.1 (p. 15): requires specific studies in areas with soil limitations (including to review and assess OWTS design)
  - CONS-10.2 (p. 15): require OWTS design prior to review of development proposals in areas with soil limitations
  - CONS-10.3 (p. 16): ensure OWTS is designed for site conditions
  - CONS-14.8 (p. 18): develop public education to protect OS, including from OWTS
  - CIRC-11.2 (p. 25): pursue funding for source tracking and septic upgrades

Policies to support and complement the requirements of California's [Storm Water Permit programs](#), [TMDL implementation plans](#), Regional Water Quality Control Plans (i.e., [Basin](#)

[Plans](#)), and other runoff water quality and hydrology management requirements of the SWRCB and Regional Water Quality Control Boards.

- CIRC-2.7 through CIRC-2.11 (p. 5-6) address stormwater management, water quality and conservation (no reference to MS4 permit though)
- CONS-5.1 (p. 7): addresses discharge to the ASBS and references the Ocean Plan
- CONS-5.2 (p. 7): addresses ‘Development of Special Concern;’ this may be an MS4 permit issue
- TMDLs are not mentioned; may want to include a policy for impaired water bodies (e.g. Mill Creek (Trinidad State Beach) currently 303d listed for bacteria.
- CIRC-8 (improve stormwater treatment system) and CIRC-9 (minimize runoff and pollutants) policies address stormwater runoff and the City’s stormwater system, but no state laws or policies are mentioned
- CIRC-11 are the wastewater policies, which refer to the statewide regulations (needs update to final version), Basin Plan and Humboldt County regulations.

#### *Policies addressing development*

Policies that address water quality protection at all stages of development, including planning land uses, subdivisions, project-specific site design, alternatives analyses, construction, and post-development stages. (Note that the ones listed here are specific to water quality protection; there are a number of other policies addressing these stages of development and protection of ESHAs, which may also tie into water quality protection.)

- Planning:
  - CONS-2.7 (p. 5): develop stormwater management program (and CIRC-8.1 p. 21)
  - CONS-5.1.2 (p. 7): implement water quality monitoring program to assess and reduce NPS
- Subdivision:
  - CONS-6.7 (p. 11): prohibit subdivisions in ESHAs
- Site design:
  - CONS-2.1 (p. 4): minimize site disturbance and avoid erosive areas
  - CONS-2.2 (p. 5): minimize vegetation disturbance
  - CONS-2.8 (p. 5): maximize infiltration
  - CONS-2.10 (p. 5): site designs should mimic natural hydrology
  - CONS-2.11 (p. 6): lists of item used in site design to protect water quality, hydrology and sensitive areas
  - CONS-5.2 (p. 7) addresses Development of Special Concern (larger projects that have high discharge)
- Alternatives:
  - ??None?? I don’t see there being many alternatives to proposed development in Trinidad, since it is already pretty limited.
  - CIRC-9.1 (p. 22): Incorporate runoff, erosion and water quality considerations in permit reviews and staff recommendations
- Construction:
  - CONS-2.3 (p. 5): address erosion and sedimentation during construction with BMPs
  - CONS-2.4 (p. 5): prohibit grading on steep slopes during the rainy season
  - CONS-2.5 (p. 5): stabilize soil and revegetate ASAP

- Post development:
  - CONS-1.1 & 2 (p. 4): promote public education to protect water quality
  - CONS-3.1 (p. 6): promotes LID, incentivize for property owners
  - CIRC-9.3 (p. 22): encourages LID and BMPs
  - CIRC-11.1 (p. 25): implement OWTS program to ensure OWTS and water quality standards are met

Policies to ensure that Coastal Development Permits incorporate appropriate Best Management Practices (BMPs) in new development and redevelopment. BMPs are practices to minimize adverse impacts on waterbodies from changes in post-development runoff quality and the runoff flow regime (i.e., volume, flow rate, timing, and duration). BMPs can include structural devices or systems, operational procedures, and activities such as training. Example BMPs can be found in the [California Stormwater Quality Association's](#) Stormwater BMP Handbooks. Local governments should develop guidance to assist applicants in selecting appropriate BMPs.

- CONS-2.3 (p. 5): address erosion and sedimentation during construction with BMPs
- CIRC-9.3 (p. 22): encourages LID and BMPs
- CIRC-9.4 (p. 23): BMPs to be consistent with current CASQA handbook

Policies for review of coastal development permit applications to ensure that potential adverse impacts from stormwater runoff to coastal water quality and hydrology are minimized, both during construction and post-development.

- CIRC-9.1 (p. 22): Incorporate runoff, erosion and water quality considerations in permit reviews and staff recommendations
- Seems like most of these policies are intended to apply to development applications; how is this different?

Policies for review of coastal development permit applications to ensure that dry-weather runoff is minimized if it may potentially have adverse impacts to coastal waters. Dry-weather runoff is composed of discharges unrelated to precipitation, resulting from urban land uses such as landscape irrigation.

- I don't think we have any such policies, but this issue is addressed in the Ocean Plan for ASBS discharges. It will also likely be a requirement as part of the MS4 permit currently being developed. Would be easy to add such a policy.
- This could also be addressed through water conservation policies and a landscape ordinance:
  - CONS-4.1 (p. 6): Develop water conservation program

Identification of the "design storm" sizing criteria that will dictate the design of BMPs, as follows:

Treatment Control BMPs: Typically the 85<sup>th</sup> percentile 24-hour storm event for volume-based BMPs, or the 85<sup>th</sup> percentile 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

Runoff Control BMPs using flow retention techniques: Typically the 85<sup>th</sup> percentile 24-hour storm event.

Runoff Control BMPs using peak management techniques: Typically the 2-year through 10-year storm events.

- This seems like it would be most appropriately addressed through zoning regulations as opposed to GP policies.
- Onsite retention may not be feasible in all cases considering OWTS use

*Organization and specificity of water quality policies*

- Consider consolidating water quality policies into designated Water Quality chapters or sections to ensure that the policies guide updating of the implementing standards, and that such implementing standards are consistent with and adequate to carry out the Land Use Plan.
  - The Draft Conservation, Open Space and Recreation Element contains a dedicated section for water quality policies. However, it appears that there are a few others that are scattered around in other elements, particularly the Circulation Element that should be copied over to the water quality section.
- Ensure that there are no requirements elsewhere in the LCP that create inadvertent conflicts with water quality and hydrology protection policies, standards, and BMPs. For example, a policy that requires curbing around parking lots may conflict with a policy that requires directing parking lot runoff into vegetated areas for infiltration.
  - This needs to be done (for the entire Draft GP). By consolidating all the water quality related policies into one section, conflicts should be minimized.
- Ensure that the LUP provides policies with appropriate detail and specificity to effectively guide the update of the LCP Implementation Plan (IP) standards and implementing ordinances. When standards are discussed in this document, it refers to implementing standards in the IP.
  - The purpose of the programs within policies is to provide specific guidance for implementation standards.

**Model set of water quality policies for development**

All applications for a Coastal Development Permit for development that has the potential for adverse water quality or hydrology impacts to coastal waters shall be required to comply with the following policies:

*Principles*

- Protect and Restore Water Quality: Protect and, where feasible, restore the quality of coastal waters to implement Coastal Act policies (in particular Sections 30230 and 30231). Coastal waters include the ocean, rivers, streams, wetlands, estuaries, lakes, and groundwater.
  - Goal CONS-1 (p. 3): Actively protect and improve the quality and quantity of water in streams and creeks within the City's planning watershed area
  - Goal CONS-2 (p. 3): Actively protect and improve the quality of ocean water within and nearby areas which impact the ASBS / CCA

- Minimize Pollutants in Runoff from Development: Plan, site, and design development to minimize the transport of pollutants in runoff from the development into coastal waters.
  - Water Resource Protection Principle B (potential pollution targets): Identifies the known and possible pollution concerns
  - Water Resource Protection Principle E (BMP Policies): requires incorporation of BMPs into development projects.
  - Policies CONS-2.1 through CONS-2.5 (p. 4-5): address sediment reduction
  - CONS-2.6 (p. 5): addresses OWTS management
  
- Minimize Hydromodification: Plan, site, and design development to minimize post-development changes in runoff volume, flow rate, timing, and duration, to prevent adverse changes in the hydrology of coastal waters (i.e., hydro-modification).
  - CONS-2.7 through CONS-2.11 (p. 5-6): address minimization of stormwater runoff focusing on infiltration
  - CONS-3.1 (p. 6): promotes LID
  - CIRC-9.2 (p. 22): Encourage LID and BMP to preserve hydrologic function

*Policies for Regulating All Development*

- Address Runoff Management Early in Site Design: Address runoff management early in site design planning and alternatives analysis, taking into account existing site characteristics that affect runoff (such as topography, drainage, vegetation, soil conditions, natural hydrologic features, and infiltration conditions) in designing strategies that minimize post-development changes in the runoff flow regime, control pollutant sources, and, where necessary, remove pollutants.
  - CONS-2.1 (p. 4): minimize land disturbance and avoid erosion, steep slopes and unstable areas.
  - CONS-2.2 (p. 5): minimize vegetation disturbance
  - CONS-2.4 (p. 5): prohibit grading on slopes over 15% during rainy season
  - CONS-2.10 (p. 6): design and site development to reduce pollution and hydrologic modification
  - CONS-2.11 (p. 6): requirements for siting development to minimize impacts (water quality and hydrology)
  - CIRC-9.1 (p.22): Incorporate stormwater runoff, erosion, sediment control and other water quality concerns into permit conditions of approval
  
- Use Source Control BMPs in All Development: Use Source Control Best Management Practices (BMPs), which can be structural features or operational actions, in all development to minimize the transport of pollutants in runoff from the development.
  - CONS-2.3 (p. 5): Address erosion and sedimentation during construction with BMPs
  - CONS-2.5 (p. 5): Utilize soil stabilizing BMPs
  - CONS-2.8 (p. 5): Maximize infiltration and / or utilize BMPs to reduce polluted runoff
  - CONS-9.2 (p. 15): Encourage BMPs for erosion and sediment control during construction and road maintenance
  - CIRC-9.2 (p. 22): Encourage LID and BMP to preserve hydrologic function

- CIRC-9.4 (p. 23): Directs BMPs to be consistent with current CASQA Handbook
- Give precedence to a Low Impact Development Approach to Stormwater Management: Give precedence to the use of a Low Impact Development (LID) approach to stormwater management in all development. LID emphasizes management of stormwater close to its source, using small-scale integrated site design and management practices to preserve or replicate the site's natural hydrologic balance through infiltration, evapotranspiration, filtration, detention, and retention of runoff.
- CONS-3.1 (p. 6): promotes LID
  - CIRC-9.2 (p. 22): Encourage LID and BMP to preserve hydrologic function
- Protect and Restore Natural Hydrologic Features: Plan, site, and design development to protect and, where feasible, restore natural hydrologic features such as groundwater recharge areas, natural stream corridors, floodplains, and wetlands.
- CONS-2.10 (p. 6): design and site development to reduce pollution and hydrologic modification
  - CONS-2.11 (p. 6): requirements for siting development to minimize impacts (water quality and hydrology)
  - CONS-8.1 (p. 12): preserve and restore streams and riparian areas
  - CONS-8.2 (p. 12): cooperate with organizations and owners to enhance streams
  - CONS-8.3 (p. 12): pursue funding to restore creeks
- Preserve or Enhance Vegetation: Plan, site, and design development to preserve or enhance non-invasive vegetation to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.
- CONS-2.2 (p. 5): minimize vegetation disturbance
  - CONS-2.11 (p. 6): requirements for siting development to minimize impacts (water quality and hydrology)
  - The following policies preserve vegetation, but are specific to ESHAs and buffers
    - CONS-6.4 (p. 11): requires native or non-invasive vegetation within or near ESHAs
    - CONS-6.10 (p. 11): protects vegetation within ESHAs
    - CONS-7.2 (p. 12): prohibits vegetation removal in ESHA buffers with some exceptions
    - CONS-8.3 (p. 12): Develop guidelines for stream maintenance to protect vegetation
  - CONS-8.5 (p. 13): Require site planning, construction and maintenance to preserve trees and native vegetation
- Maintain or Enhance On-Site Infiltration: Plan, site, and design development to maintain or enhance on-site infiltration of runoff, where appropriate and feasible.
- CONS-2.8 (p. 5): Maximize infiltration and / or utilize BMPs to reduce polluted runoff
  - CONS-2.10 (p. 6): design and site development to reduce pollution and hydrologic modification
  - CONS-2.11 (p. 6): requirements for siting development to minimize impacts (water quality and hydrology)

- CONS-3.1 (p. 6): promotes LID
  - CIRC-9.2 (p. 22): Encourage LID and BMP to preserve hydrologic function
- Minimize Impervious Surfaces: Minimize the installation of impervious surfaces, especially directly-connected impervious areas, and, where feasible, increase the area of pervious surfaces in re-development, to reduce runoff.
- There is not a policy that promotes or requires minimizing impervious surfaces directly. However, by encouraging LID and infiltration, that is somewhat implied. It would be easy to add a new policy or language to an existing policy. It just needs to be recognized that infiltration needs to take septic treatment into consideration.
- Avoid Adverse Impacts of Stormwater Outfalls: Avoid construction of new stormwater outfalls and direct stormwater to existing facilities with appropriate treatment and filtration where feasible. Where new outfalls cannot be avoided, plan, site, and design stormwater outfalls to minimize adverse impacts on coastal resources, including consolidation of existing and new outfalls where appropriate.
- With Trinidad surrounded by an ASBS, new outfalls are prohibited by the Ocean Plan. The City is working toward eventually eliminating the existing outfall through infiltration and filtration.
  - Program CONS-5.1 (p. 7): Implement program to reduce discharges to ASBS
  - CIRC-8.2 (p. 22): Improve stormwater system to reduce volume and loading of stormwater entering the ASBS.
- Prevent Adverse Impacts to Environmentally Sensitive Habitat Areas from Runoff: In areas adjacent to an Environmentally Sensitive Habitat Area (ESHA), plan, site, and design development to protect the ESHA from any significant disruption of habitat values resulting from the discharge of stormwater or dry weather flows.
- CONS-6.9 (p. 11): Requires drainage and erosion control plan for development on properties with ESHAs
  - Program CONS-6.9.1 (p. 11): requires review by a biologist for projects that may alter runoff volume, velocity or duration that may affect an ESHA
  - CONS-7.1 and Program CONS-7.1.1 (p. 12): require buffers to protect ESHAs
- Manage BMPs for the Life of the Development: Implement appropriate protocols to manage BMPs (including ongoing operation, maintenance, inspection, and training) in all development, to protect coastal water quality for the life of the development.
- There is no policy that specifically addresses long-term maintenance and operation of BMPs
- Minimize Water Quality Impacts During Construction: Minimize water quality impacts during construction by minimizing the project footprint, phasing grading activities, implementing soil stabilization and pollution prevention measures, and preventing unnecessary soil compaction.
- CONS-2.1 (p. 4): Minimize land disturbance during construction
  - CONS-2.2 (p. 5): Minimize vegetation disturbance during construction

- CONS-2.3 (p. 5): Address erosion, sedimentation and other pollutants during construction
- CONS-2.4 (p. 5): Prohibit grading on steep slopes during the wet season
- CONS-2.5 (p. 5): Stabilize disturbed areas ASAP
- CONS-8.6 (p. 13): Construction timing may be limited by wet season

*Policies for Regulating Developments of Water Quality Concern*

Certain categories of development have a greater potential for adverse impacts to water quality and hydrology due to the extent of impervious surface area, type of land use, or proximity to coastal waters. These categories of Developments of Water Quality Concern shall be identified in the LCP. Additional BMPs may be required for a Development of Water Quality Concern, such as the use of an LID approach to retain on-site the runoff from the appropriate design storm, Treatment Control BMPs to remove pollutants, and/or Runoff Control BMPs to minimize adverse changes in the runoff flow regime. The LCP shall specify the appropriate design storm for sizing Treatment Control and Runoff Control BMPs, and the amount of added impervious surface area that will trigger the requirement for Runoff Control BMPs.

- CONS-5.2 (p. 7): Defines Development of Special Concern (greater than 5,000 s.f. of impervious surface; higher than GP densities; high strength wastewater; or direct discharges to water)
- There is very little potential in Trinidad for this type of development.
- Program CONS-5.2.1 (p. 7-8): Adopt and implement zoning and grading standards that require (1) a Water Quality Management Plan; (2) estimates of pollutant loads and runoff volumes; and (3) detail Site Design and Source Control BMPs at a minimum, and Treatment Control BMPs may be required.

All applications for a Coastal Development Permit for a Development of Water Quality Concern shall be required to comply with the following additional policies:

- Program CONS-5.2.1 (p. 7-8): Directs adoption of zoning / grading standards for Developments of Special Concern, including requiring: a Water Quality Management Plan be prepared by a qualified professional; estimates of increased pollutant loads and runoff; detailed BMPs.
- Others from the list below could be added.

Conduct a Site Characterization and Document Expected BMP Effectiveness: Conduct a polluted runoff and hydrologic site characterization by a qualified licensed professional, early in the development planning and design stage, and document the expected effectiveness of the proposed BMPs.

Use LID, Site Design, and Source Control BMPs to Retain Runoff On-Site: Implement an LID approach to stormwater management that uses Site Design and Source Control BMPs to retain on-site (by means of infiltration, evapotranspiration, retention, or harvesting) the volume of runoff from the appropriate design storm, to the extent appropriate and feasible.

Conduct an Alternatives Analysis: Proposed development that does not include the use of LID, Site Design, and Source Control BMPs that will retain on-site the runoff from the

appropriate design storm shall conduct an alternatives analysis to demonstrate that there are no appropriate and feasible alternative project designs that would substantially improve on-site runoff retention.

- Use Treatment Control BMPs as Necessary: Use a Treatment Control BMP (or suite of BMPs), sized for the appropriate design storm, to remove pollutants of concern from runoff, if using appropriate and feasible LID, Site Design, and Source Control BMPs will not be sufficient to retain on-site the runoff from the appropriate design storm, or if additional pollutant removal is necessary to protect coastal waters.
- Use Runoff Control BMPs if the Development Adds More than 15,000 Square Feet of Impervious Surface Area: Use a Runoff Control BMP (or suite of BMPs), sized for the appropriate design storm, to minimize adverse post-development changes in the runoff flow regime, for a development that adds a net total of more than 15,000 square feet of impervious surface area, if using appropriate and feasible LID, Site Design, and Source Control BMPs will not be sufficient to retain on-site the runoff from the appropriate design storm.

### **Issues to Address**

- Use of a Low Impact Development Approach
  - The City's draft General Plan emphasizes the use of LID technologies. The City has implemented its own LID projects to address stormwater runoff. Could update some of the narrative, but the policies generally appear accurate.
- Effect of Impervious Surfaces on the Hydrologic Balance
  - As noted above, there is not a policy that promotes or requires minimizing impervious surfaces directly. However, by encouraging LID and infiltration, that is somewhat implied. It would be easy to add a new policy or language to an existing policy. It just needs to be recognized that infiltration needs to take septic treatment into consideration. Could add more information to the narrative regarding the issue of imported water that is infiltrated through OWTS, which partially offsets the impervious surfaces.
- Control of Runoff from Landscape Irrigation
  - CONS-4.1 and Programs CONS-4.1.1 through 4.1.3 (p. 6-7): address water conservation in general.
  - Program CONS-4.1.3 (p. 7): Adopt a water efficiency landscape ordinance. I believe this is also a requirement of the MS4 Permit and ASBS Exception request.

## **4. Environmentally Sensitive Habitats and Other Natural Resources**

The Coastal Act sets high standards for the protection of Environmentally Sensitive Habitat Areas (ESHA), including various types of wetlands, riparian areas, coastal prairies, woodlands and forests, and other natural resources in the coastal zone. The Commission has gained significant experience in applying the Coastal Act and LCPs to the protection of such resources. Also, there have been some important changes regarding the protection of ESHAs that stem from

new scientific research, such as the identification of new sensitive species, or from court decisions interpreting the requirements of the Coastal Act.

**Should Include:**

- A definition of *ESHA* that is consistent with the Coastal Act §30107.5;
  - The definition of ESHA in the Draft General Plan Glossary is taken verbatim from the referenced Coastal Act section.
  - Should add “or as currently defined by the Coastal Act” to these types of definitions.
  
- A definition of *wetland* that is consistent with Coastal Act §30121 and §13577(b) of the Code of Regulations;
  - Coastal Act §30121: *"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.*
  - The current draft of the City’s General Plan Glossary includes 3 definitions of wetlands: (1) Coastal Commission regulations §13577(b); (2) DFG / USFWS from Cowardin (1979) (1 parameter); (3) USACE from 33 CFR 328.3(b) and 40 CFR 230.3(t).
  - I’m not aware of any wetlands in Trinidad other than riparian areas and small wet areas around springs. Should just go with Coastal Commission definition(s).
  
- A statement that the condition of the wetland does not affect its regulatory status as a wetland, as defined in your LCP;
  - Based on my reading of the existing draft GP policies, wetlands would be regulated as ESHAs regardless of their condition.
  - However, this would be easy to add to the definition of wetlands.
  
- An ESHA map and descriptions of existing, known sensitive habitat areas;
  - Figure 7a identifies ESHAs and Open Space within the City. The only ESHAs identified are Estuarine and Marine Wetland and Deepwater habitats.
  - Figure 7b identifies ESHAs and OS within the Planning Area. The only other additional habitat identified in the Planning Area is Freshwater Forested / Shrub Wetland
  - Should also identify riparian and other areas such as Trinidad Head (identified as OS). What should this include – bluff faces, coastal scrub...etc?
  - Biological Principle A (p. 9): describes known ESHAs
  
- A statement that the ESHA maps are not an exhaustive compilation of the habitat areas that meet the ESHA definition;
  - Such statement needs to be added to Maps 7a and 7b.
  - Biological Principle A (p. 9): identifies known ESHAs and notes that there is potential for ESHAs to occur outside of mapped areas.
  
- Requirements for conducting site-specific biological evaluations and field observations to identify ESHA and other sensitive resources and potential impacts, including cumulative impacts, at the time of proposed development or plan amendment applications;

- CONS-6.11 (p. 11): requires a Biological Report for development applications within or adjacent to known or possible ESHAs
- Requirements for a historical analysis of disturbed areas adjacent to or within ESHA to determine if these areas were cleared or disturbed pursuant to a valid local or Coastal Commission coastal development permit;
- This is not addressed in the Draft GP, but sounds rather onerous. In what cases would this be required? Would it be easier to do such analysis once now?
- Requirements for determining and protecting adequate buffers to ESHA based on scientific evaluation;
- Biological Principle C (p. 10): maintain appropriate buffers
  - CONS-7.1 (p. 12): limits development adjacent to ESHAs
  - Program CONS-7.1.1 (p. 12): establishes a 100 ft. buffer, with exceptions
  - CONS-7.2 (p. 12 ): prohibits native vegetation removal in buffers in most circumstances
- Designations and zoning, where practical, over ESHAs that limit uses to resource-dependent ones;
- The OS and SE designations have been applied to known ESHAs, such as bluff faces and riparian corridors, and severely limit development.
  - The OS designation (LU element p. 4) includes public agency open space lands, parklands, the TSA, beaches, near and offshore rocks and areas seaward of MHW. Purpose is for preservation. Allows recreation and land management along with limited development of appropriate technology and cultural and interpretive elements.
  - The SE designation (LU element p. 5) is applied to limit development due to hazards or sensitive resources on otherwise developable property in order to minimize alteration of landforms and vegetation. Development is only allowed within SE designations if development would be otherwise precluded. No subdivision and only one residential unit is allowed.
- Allowable uses that may result in the diking, filling or dredging of wetlands, lakes, and open coastal waters only when consistent with Coastal Act §30233;
- CONS-6.1 (p. 10): Only allow diking, filling and dredging of coastal waters, wetlands, creeks and other waters if there is no feasible less damaging alternative and if the impacts have been mitigated. Directs grading and / or zoning ordinance to adopt additional provisions.
  - LU4.3 (p. 11): Requires dredging or filling to be consistent with §30233
  - CONS-6.2 (p. 10): Limits alterations of stream channels.
  - CONS-6.11 (p. 11): Requires a biological report for any development within or adjacent to ESHAs to ensure the requirements of the Coastal Act and LCP are met.
  - CONS-8 policies (p. 12-13) protect riparian habitat, native animals and vegetation.
  - OS Policies (starting on p. 17) protect beaches and bluffs.
  - SAF-1 Policies (p. 13-14): Limit development on bluffs and shorelines.
- Protective policies carrying out Coastal Act §§30230, 30231, 30233 and 32040;

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- 30230. *Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*
  - CONS-5.1 (p. 7): Provides special protection for the ASBS.
  - Most marine resources are within the jurisdiction of the Coastal Commission.
  - LU-4 Policies (p. 10-11) regulate development in the Harbor Area.
  - LU-4.7 (p. 11): Requires new harbor development to evaluate impacts to the ASBS.
  - LU-5 Policies (p. 12-13) regulate potential development of aquaculture.
  - LU-5.1 (p. 12): Requires aquaculture facilities to be sited and designed to protect the ASBS.
  - LU-5.2 (p. 112): Requires aquaculture facilities to protect biological productivity.
- 30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*
  - This seems too broad to try to list every applicable policy, particularly when each of these issues is more specifically addressed elsewhere.
  - Policies CONS-2.1 – 2.5 (p. 4-5) address sediment reduction.
  - Policy CONS-2.6 (p. 5) addresses OWTS management
  - Policies CONS-2.7 – 2.11 (p. 5-6) address stormwater runoff and pollution
  - Policy CONS-3.1 (p. 6) encourages LID
  - Policy CONS-4.1 (p. 6-7) addresses water conservation (groundwater supply and depletion is not an issue in Trinidad).
  - Policies CONS-6.1 – 6.3 (p. 10): Prohibit alteration of ESHAs, including streams and waterbodies, under most circumstances.
  - Policy CONS-6.4 (p. 11): Requires native vegetation in developments adjacent to ESHAs and buffers
  - Policy CONS-6.10 (p. 11): Protects vegetation within ESHAs, including riparian habitat.
  - Policies CONS-7.1 – 7.2 (p. 12) protect ESHA buffers.
  - Policies CONS-8.1 – 8.4 (p. 12) are designed to protect and improve native habitat and watercourses.
  - Policies CIRC-8.1 – 8.3 and 9.1 – 9.4 (p. 21-23) address stormwater management and control, LID, BMPs and water quality.
  - Policies CIRC-11.1 – 11.3 (p. 25) address wastewater management and OWTS.
- 30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible*

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mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource-dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

o See response to previous check box (references this same section)

- 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

- CONS-6.3 (p. 10): Includes the language of (a) above.
- CONS-6.9 (p. 11): Requires a drainage and erosion control plan for development on parcels with ESHAs.
- CONS-6.10 (p. 11): Protects vegetation within and near ESHAs.
- CONS-6.11 (p. 11): Requires a biological report for development within or near ESHAs.
- CONS-7.1 (p. 12): Requires development adjacent to ESHAs to be sited and designed to prevent impacts.
- There isn't a policy like this that is specific to recreation.

- Designations and zoning of areas adjacent to ESHAs to ensure uses are compatible with the protection of the resources;
  - Description of OS and SE zoning designations (LU Element p. 4-5).
  - There doesn't appear to be a policy linking zoning and ESHAs
  - Figure 1: Land Use Designations show OS and SE designations for bluffs, riparian habitat and other ESHAs.
  - Trinidad is small with limited zoning designations. Doesn't make sense to add a bunch of new designations, but could use overlays within and adjacent to ESHAs.
  
- Policies to ensure compatibility between ESHAs and adjacent land uses;
  - CONS-6.9 (p. 11): Requires a drainage and erosion control plan for development on parcels with ESHAs.
  - CONS-6.10 (p. 11): Protects vegetation within and near ESHAs.
  - CONS-6.11 (p. 11): Requires a biological report for development within or near ESHAs.
  - CONS-7.1 (p. 12): Requires development adjacent to ESHAs to be sited and designed to prevent impacts.
  
- Measures to address landscaping and vegetation clearance for fire protection purposes to avoid and minimize impacts to ESHA;
  - Such a policy specific to fire clearance and ESHAs does not exist.
  - However, there are policies that prohibit and minimize vegetation removal within and adjacent to ESHAs that would still apply.
  
- Protective policies to avoid or minimize the removal of native tree species of special concern;
  - CONS-2.2 (p. 5): Minimize disturbance of natural vegetation during construction, including mature trees.
  - CONS-2.11 (p. 6): Development shall be sited to (e) minimize disturbance of natural areas, including significant trees.
  - CONS-8.5 (p. 13): Requires site design, planning, construction and maintenance preserve trees and native vegetation (regardless of ESHA status)

- Other policies limit / prohibit vegetation removal in general within ESHAs and buffer areas.
  - No policy specific to species of special concern.
  - Views and Vegetation ordinances provides a process for designating ‘heritage trees.’ The importance of public coastal views must be balances with vegetation growth.
- Measures to avoid invasive species;
- CONS-6.4 (p. 11): Requires landscaping within or adjacent to ESHAs to be native and no listed invasive or noxious plants are allowed.
  - CONS-8.10 (p. 13): Holistically addresses invasives by prohibiting them in public landscapes and including measures to remove them where they already exist, encouraging public education and requiring new development to avoid them.
- Mitigation measures for any resource-dependent or other allowed uses in ESHA, including mitigation ratios for unavoidable loss of ESHAs;
- Mitigation ratios would be appropriate within the zoning / grading regulations.
  - CONS-6.2 (p. 10): limits uses and requires mitigation for stream alterations.
  - CONS-6.11 (p. 11): Requires a biological report for developments in or adjacent to ESHAs that includes recommendations for CA and LCP consistency.
  - This does not seem to be well addressed.
- Requirements for protection of ESHA through the use of open space easements or deed restrictions;
- CONS-14.4 (p. 18): Requires easements to protect OS, SE and ESHAs.
- Requirements for ensuring complete and detailed restoration and monitoring plans for projects involving habitat mitigation and restoration;
- Policies CONS-8.1, 8.2, 8.4 and 8.9 (p. 12-13) encourage restoration, but do not address detailed restoration and monitoring plans.
  - Is this more of a regulation rather than policy issue?
- Measures to address beach grooming, consistent with protection of sensitive species (e.g., grunion and western snowy plover);
- No beach grooming currently does or perceivably would occur in Trinidad.
  - CONS-14.1 (p. 17): Preserve beaches in their natural state.
- Tree trimming and removal policies;
- This is probably best addressed in the zoning ordinance.
  - Balance vegetation with the importance of coastal views.
  - Should Views and Vegetation Ordinance be incorporated into LCP (addresses private views and vegetation outside of ESHAs)
- Standards for erecting bird safe buildings;
- Is this an issue for Trinidad? Trinidad does not have buildings greater than 2-stories in height and not a lot of large window expanses.

- Lighting and noise reduction policies;
  - CIRC-10.6 (p. 24): Minimize light pollution while maintaining public safety; does not address ESHAs.
  - CD-5.1 (p. 8): Requires lighting to be shielded such that light does not shine beyond the property boundaries or into ESHAs.
  - NO-1 policies (p. 4-5) address noise, but not in terms of ESHAs.
  - The Draft LUP is somewhat lacking such policies.
  
- Wind energy policies that account for ESHA protection and wildlife movement;
  - Description of the OS zone (LU p. 4) allows for 'limited development of appropriate technology.'
  - CIRC-5.2 (p. 17): Encourages alternative energy development.
  - Program CIRC-5.2.3 (p. 17): Allows alternative energy development in any zone with a use permit (and solar as a principally permitted use).
  - These policies do not adequately address ESHAs. Details will be implementing ordinance, but policy should include language 'consistent with habitat values' or such.
  
- Provisions addressing climate change and sea level rise effects on ESHA.
  - None that I know of (though ESHA protection policies already do this).
  - We will be working on this as part of the LCP grant.

## Issues to Address

- Definitions of ESHA and Wetlands
  - Coastal Act Section 30170.5: *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*
  - Coastal Act Section 30121: *"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.*
  - CCR Section 13577(b) (in part): *Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate.*
  - The Draft Glossary includes CA §30170.5 as the definition of ESHA (p. 4)
  - The Draft Glossary includes the three following definitions of wetlands (p. 9-10), which appear to need some updating:
    - Coastal Commission:  
*Land where the water table is at near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent drastic fluctuations of surface water*

- levels, wave action, water flow, turbidity or high concentration of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some during each year and their location within, or adjacent to vegetated wetland or deepwater habitats." (14 CCR 13577)*
- DFG / USFWS:  
*Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year. (Cowardin, 1979)*
  - USACE:  
*The term "wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (33 CFR 328.3(b); 40 CFR 230.3(t))*
  - The Draft General Plan (Biological Resources Principal A, p. 9-10) also lists the types of ESHAs known to occur in the Trinidad area:
    - Creeks, drainages, sloughs, and associated riparian habitats, including but not limited to: Mill, Parker and McConnahas Mill Creeks;
    - Wetlands, estuaries, bays and associated riparian and / or shoreline habitat, including Trinidad Bay ASBS, beaches and the offshore rocks;
    - Other unique habitat areas: rare or sensitive habitats, waterbird or marine mammal rookeries; shorebird concentration sites; habitat for all rare, threatened or endangered species on federal, state lists of CNPS; and vegetated bluffs and dunes;
    - Public Trust lands such as beaches and tidelands.

#### ESHA Identification

- The Background report: Biology and Environment of the Trinidad Area expanded on the Coastal Act §30107.5 definition of ESHA to include the following:
  - Any habitat area that is rare or especially valuable because of its special nature or role in an ecosystem and is easily degraded or disturbed by human activities or developments.
  - Any habitat area of plant or animal species designated as rare, threatened, or endangered under State or Federal law.
  - Any habitat area of species designated as Fully Protected or Species of Special Concern under State law or regulations.
  - Any habitat area of plant species for which there is compelling evidence of rarity, for example, those designated 1b or 2 by the CNPS.
- The biology report relied on the CNDDDB to identify the above species.
- It does not appear that the biological report inventoried, considered or assessed Vegetation Alliances and Associations / Sensitive Natural Communities that might be rare. The CDPR TSB Exotic Species Removal project's Supplemental Sensitive Plant

Survey and Habitat Assessment for the Coastal Scrub Grassland Restoration Project, September 2014 contains additional information regarding these communities.

Use of Resource Maps

- Resource maps (Figures 7a, 7b and 8) do include a disclaimer, but maybe should be more explicit.
- CONS-6.5 (p. 11): Directs City to keep resource information up to date (but could be more explicit). Also defers to state and federal regulations for RT&Es.
- CONS-6.11 (p. 11): Requires a biological report for development within or adjacent to ESHAs, including “areas identified on Figure 7, or other sites identified by City staff either through a site visit or other evidence, which have the possibility of containing environmentally sensitive habitat.”

Cumulative Impacts

- Section 30250 of the Coastal Act requires new development to be close to existing development or in areas where it will not have significant adverse effects, either individually or cumulatively. This is not particular to ESHAs. However, CCC staff feel that ESHA biological reports do not adequately address cumulative impacts.
- The language of this issue is “should consider updating your LCP...” which is an indication that this is not mandatory. In Trinidad, new development will almost always be within or adjacent to other development. The exception could be recreational facilities within the TSA or Trinidad Head.
- There is not a policy in the draft general plan that specifically addresses cumulative impacts on ESHAs. Not sure it is necessary.
- This is also a CEQA issue. A CEQA analysis of the entire general plan update will address cumulative impacts.

Avoidance of Impacts to ESHAs

- Section 30240 of the Coastal Act requires that only development dependent on the resource be allowed in ESHAs, such as hiking and educational trails, low impact camping, educational signage and kiosks, research, and restoration.
- CONS-6.3 (p. 10): Only uses dependent on, and compatible with those resources, as defined in the City’s ZO, shall be allowed in ESHAs.

Buffers

- CONS-7.1.1 (p.12): “The minimum width of ESHA and special status species setbacks shall be 100 feet, unless otherwise defined in the City’s Zoning Ordinance, and unless the designated setback would eliminate all reasonable use of the property. Analysis by a qualified professional may justify a reduced setback based on specific findings as long as it can be demonstrated that the ESHA quality and function will not be negatively impacted.
- There are further policies that protect the buffers as well (e.g. prohibiting vegetation removal).
- CONS-14.7 (p. 18): Establishes a Riparian Protection Zone of 100 feet from the centerline of perennial creeks and 50 feet from the centerline of intermittent creeks, to be designated as OS or SE.

- Mitigation Ratios
  - CCC provides suggested ratios for various habitat types, but this specificity is more appropriate for the ZO.
  
- Restoration and Monitoring Requirements
  - This is not very likely to come up in Trinidad, but is also more appropriately addressed in the ZO.
  
- Avoidance of Invasive, Non-Native Species and Requirements for Landscaping Plans
  - CONS-6.4 (p. 11): Requires landscaping within or adjacent to ESHAs to be native and no listed invasive or noxious plants are allowed.
  - CONS-8.10 (p. 13): Holistically addresses invasives by prohibiting them in public landscapes and including measures to remove them where they already exist, encouraging public education and requiring new development to avoid them.
  - CONS-8.10.1 (p. 13): Directs the City to condition development projects to prohibit planting of any species of broom, gorse, pampas grass, cotoneaster or other invasive identified by the City (could add a reference to CA Invasive Plant Inventory).
  - CONS-8.10.2 (p. 13): Request public agencies to remove pampass grass from their property / rights-of-way.
  
- Beach Grooming – Beach Wrack, Snowy Plover, Least Tern and Grunion adverse impacts.
  - Beach grooming has never occurred in Trinidad to my knowledge. The beaches are not accessible by vehicles anyway. This is probably unnecessary to address.
  
- Tree Trimming and Removal
  - This is a big issue in Trinidad where private views are protected as well as public ones. Coastal views are often preferred over vegetation. Vegetation also grows very quickly in Trinidad’s climate. Vegetation trimming and removal on bluffs can be problematic.
  - CONS-8.3 (p. 12): Ensure that watercourse maintenance not unnecessarily remove vegetation and minimize disturbance of wildlife.
  - CONS-8.5 (p. 13): Requires that permitted development preserve trees and native vegetation.
  - CONS-8.6 (p. 13): Notes that construction timing may be limited by breeding seasons.
  - Lots of other CONS policies protecting ESHA vegetation, RT&Es and riparian corridors. However, there isn’t anything that protects nesting trees of none RT&Es for example. Nothing about potential spread of disease.
  - CD-1.5 (p. 4): Includes a recommendation that tree species planted within view corridors and within the Views and Vegetation Overlay Zone be limited to slow growers that can be pruned without compromising their health.
  - CD-1.6 (p. 4): Develop a vegetation management program for bluff vegetation consistent with the TMP.
  - Should have a definition of ‘major vegetation removal’
  - The Views and Vegetation ordinance strikes a well thought out balance between views and vegetation, recognizing both the benefits of trees and views. It encourages thinning,

pruning and other methods before complete removal. Wildlife habitat is a consideration. (Does this need to be part of the LCP?)

Bird-Safe Buildings

- Is this something Trinidad needs to address given the small scale of its development? Though there are buildings near open space areas with large windows (>35% is the recommended cut-off), there is nothing over 2 stories.
- CD-5.1 (p. 8): Restricts lighting to low-intensity fixtures, and requires they be shielded so no light shines beyond the property line or into an ESHA. (Does not include a prohibition on up-lighting though.)
- Other recommended policies:
  - All new buildings, and major renovations of existing buildings, shall be required to provide bird-safe building façade treatments in order to reduce potential for bird strikes.
  - Landscaped areas next to buildings, including patios and interior court-yards, shall be designed and sited to avoid or minimize birds strike hazards caused by reflective building surfaces.

Night Lighting

- CD-5.1 (p. 8): Restricts lighting to low-intensity fixtures, and requires they be shielded so no light shines beyond the property line or into an ESHA. (Does not include a prohibition on up-lighting though.)
- CD-5.2 (p. 8): Requires street and parking lot lighting to avoid glare and conform to standards to reduce light pollution (to be addressed in the ZO).
- There could be some additional policies within the CONS Element. Other suggested policies:
  - Avoid the use of lighting directed over marine waters (would affect the pier)
  - Encourage use of shorter wavelength, 'bird-friendly' lighting.
  - Avoid steady red or white lights in visually prominent areas.

Surface Noise

- No noise policies within the CONS element and no ESHA-specific policies in the NO element either.
- Suggested policies:
  - Require noisy construction projects in close proximity to ESHAs to follow noise impact precautions.
  - Require the preparation of ambient noise reports for particular locations.
  - Employ a biologist to monitor noise levels during construction.

Wind Energy

- A commercial wind farm would not be allowed in Trinidad.
- CIRC-5.2 (p.17): Encourages renewable energy in new and existing development and encourage the use in public facilities. Programs recommend feasibility studies (for City facilities), and allowing alternative energy facilities for onsite use in all zones.
- No policies specific to wind energy impacts on wildlife.