



Posted: September 15, 2023

NOTICE AND CALL OF A MEETING OF THE **TRINIDAD PLANNING COMMISSION**

The Trinidad Planning Commission will hold a regularly scheduled monthly meeting on
WEDNESDAY SEPTEMBER 20th, 2023, AT 6:00 P.M.

For your convenience, this meeting will be held in person and via videoconference hosted on the Zoom platform.

PUBLIC COMMENT:

Public comment may be submitted via email in advance of the meeting, or in an orderly process during the conference orally or via email or Zoom chat. Your comments will be included in the public record for the meeting and will be accepted at any time during the meeting.

You can email comments before the meeting to asouza@trinidad.ca.gov. Or you can deliver hand-written comments to 409 Trinity Street, or mail them to P.O. Box 390, Trinidad CA, by 2:00 p.m. on the day of the meeting for posting on the City website.

HOW TO PARTICIPATE:

You are invited to participate in person at Trinidad Town Hall or by Zoom.

Join from PC, Mac, Linux, iOS or Android:

<https://us06web.zoom.us/j/83998953600?pwd=azBxQ2lyQ29mOHRLY1ZtOStxc0lrdz09>

Password: 460056

To phone in, dial 888-278-0296 (toll free); Conference Code: 685171

Please note that live meeting logistics will be prioritized. The quality of the Zoom teleconference meeting cannot be guaranteed. Technical challenges experienced by either the participant or the City will not interrupt or halt progress of the meeting.

The following items will be discussed:
--

- I. ROLL CALL**
- II. APPROVAL OF MINUTES** – July 12, 2023
– August 16, 2023
- III. APPROVAL OF AGENDA**
- IV. ITEMS FROM THE FLOOR**

V. AGENDA ITEMS**Public Hearing / Discussion / Decision / Action**

1. Trinidad 2023-03: Update on the closures of the ALMT and Parker Creek Trail closures and progress to-date to reopen them.
2. Rancheria 2021-06E: Extension of August 18, 2021 approval of Grading Permit and Design Review to construct an approximately 1,300 sq. ft., single-story interpretive/ visitor center located on previously disturbed lands currently occupied by storage units and the gift/tackle shop. The building will house the gift and tackle shop, a seating and viewing area, coffee bar, reception area, two offices and a restroom. It would also provide educational opportunities focused on regional resources for tribal citizens and the public. Located at 1 Bay Street within the Trinidad Harbor Area; APN: 042-071-012
3. Reiner 2023-07: After-the-fact Design Review and Coastal Development Permit to construct approximately 30 feet of stairs from an existing deck leading to a 12-foot by 12-foot viewing platform and a separate 4-foot by 16-foot deck extension/access walkway. Located at 170 Scenic Drive; APN: 042-141-018
4. Policies on Detached Living Spaces: Discussion/decision regarding modification of the standard conditions for approving detached living spaces as set forth in the policy adopted by the Planning Commission on April 18, 2018.
5. Administrative CDP Regulations: Discussion/decision regarding a Zoning Ordinance amendment to add regulations allowing for the issuance of administrative coastal development permits.

VI. COMMISSIONER REPORTS**VII. STAFF REPORT****VIII. FUTURE AGENDA ITEMS**

The items listed below have been requested to be on a future Planning Commission agenda and will not be discussed at this meeting. Publication of this list is not required by law, and the list's inclusion on this agenda does not constitute, nor substitute for any noticing requirements. Also, please be aware that this list is subject to change.

- TMP incorporation into the General Plan
- Vegetation regulations
- Signage Master Plan/Sign regulations
- Rainwater catchment

IX. ADJOURNMENT

The meeting packets can be accessed at the following link:

<https://www.trinidad.ca.gov/meetings>

**MINUTES OF THE SPECIAL MEETING OF THE TRINIDAD PLANNING
COMMISSION WEDNESDAY, JULY 12, 2023 VIA HYBRID**

The minutes of the specially scheduled meeting of July 12, 2023 will be added to the September meeting packet on Monday, September 18, 2023.

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD PLANNING
COMMISSION WEDNESDAY, AUGUST 16, 2023 VIA HYBRID**

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

Commissioners Present: Hakenen, Johnson, Slay

Commissioners Absent: Cole, Hopkins

City Planner Staff: Parker

City Staff: Naffah, Souza

II. APPROVAL OF MINUTES

April 19, 2023

There was no motion due to lack of a quorum of Commissioners who attended the April 19 meeting.

July 19, 2023

There were no comments on the minutes. *Motion (Hakenen/Johnson) to approve the minutes as submitted. Passed unanimously (3-0).*

III. APPROVAL OF AGENDA

Motion (Johnson/Hakenen) to approve the agenda. Passed unanimously (3-0).

IV. ITEMS FROM THE FLOOR

Sherri Provolt thanked the City for updating the City website.

V. AGENDA ITEMS

Public Hearing/ Discussion/ Decision/ Actions

1. Trinidad 2023-03: Update on the closures of the ALMT and Parker Creek Trail closures and progress to-date to reopen them.

Staff Report

Parker provided a brief background and stated that there is no new information to report since the July 19 meeting.

Commissioner Comments and Questions

Commissioner Johnson asked about the status of the GHD feasibility study and redesign of the ALMT. City Manager Naffah responded that he has not received the status of the GHD report, and that the TMT has not set a date for their next meeting on this topic. Slay mentioned that there are concerns among the public about the amount of progress being made. Hakenen stressed the Planning Commission's desire for the TMT to discuss an interim solution while rerouting the trail is being planned. Naffah stated that they are waiting for the results of the study, and he expects the ALMT will be open in May in some form. City Planner Parker noted that the lower fence on the beach will be removed in September. Naffah added that the Coastal Commission will be discussing the Van Wycke Trail closure at their September meeting.

Public Comments

None.

2. Parking Study: Discussion of the draft report on a parking study that was conducted in Trinidad during 2021 and 2022 with SB2 grant funding.

Staff Report

City Planner Parker provided background and an overview of the Parking Study. She explained that Coastal Commission staff requested documentation that ADUs would not impact parking needed for public coastal access if they were to certify an ADU ordinance in Trinidad. In addition, parking information is important for other aspects of the LCP update. The parking study was funded by the SB2 grant. Parker requested that the Commission review the draft report and provide feedback, noting that she had included several specific questions for Commissioners in the document.

Commissioner Comments and Questions

There was a brief discussion about the purpose(s) of the report and the need for an executive summary of the report. The Commissioners agreed that the report provides a lot of good information and proceeded to review the report page-by-page.

Commissioner Hakenen said he would like to see an example of the data entry form and inventory included in appendices. Commissioner Slay would like to see the response rates for the surveys included. There was a brief discussion about including red curbs in either Figure 2 or a separate Figure. The Commission agreed that Figure 2 was too busy to include additional features.

There was a discussion about the changes that took place in the City over the two-year duration of the survey, which affected the parking inventory. Noting that the survey forms didn't change, Hakenen suggested picking a point that makes sense and just explaining it. Johnson noted the seasonal storage of crab pots and moorings in the parking spaces in the Harbor Area and asked if that was accounted for during the survey. Parker noted that parking counts did not occur during crab season, but that it was a consideration that could be mentioned in the report.

There was a discussion about signage on Underwood. Johnson noted that there is plenty of parking on Underwood, but the sign at the beginning of the road stating "dead end, no turnaround" could be intimidating to visitors. He noted there is a trail from Underwood that provides access to Trinidad State Beach. The Commission discussed the desirability and possibility of establishing a turn-around area.

The Commission acknowledged the difficulty in obtaining responses to the Visitor Survey without creating the potential for litter. For the future, it was suggested that the surveys be available on a volunteer's tablet or via a QR code that could be made available. Johnson noted that the description of the Resident Survey included a discrepancy in the number of responses. Regarding Parker's comments on page six, Hakenen said that he would like to see the public comments included in an appendix.

There was a discussion about RVs and overnight parking. Parker noted that she did not see a lot of camping during the parking counts. Slay confirmed that the City had a restriction on parking for more than 72 hours. There was also a discussion about impacts on parking from special events.

In Figure 3, Hakenen noted that the Sunday peak number in the graph is different than what is cited in the text. Commissioner Slay requested standard deviations be included with the averages.

Hakenen suggested adding language about there being areas of concentrated use in the discussion of whether Trinidad has a parking problem, which contributes to the perception that there is a parking problem.

Slay recommended deleting the word "unfortunately" at the bottom of page fourteen. Johnson would like Underwood Dr. included in Strategy 1. Hakenen noted that the

Local Streets section of page fifteen includes private parking areas. Slay noted the parking that occurs on Hector during church services. A brief exchange followed about designated parking for RVs.

There was a brief discussion about the issue of bulb-outs and where to include them in the discussion. Hakenen suggested enlarging the scope of Strategy 2 to include all restricted parking and colored curbs. A discussion followed about the criteria for the various colored zones. Slay suggested that some areas may need more red curb, not just less.

In the fourth bullet point on page eighteen Hakenen would like to add “or potential use based on proximity to trails” as part of the prioritization. Johnson observed that Groth Lane was not on the map. Slay asked about parking at the Cemetery and State Park. There was a brief discussion about the boundaries of the study.

Johnson noted that Strategy five on page nineteen should be number six. Slay asked about prioritizing the Strategies. Parker responded that they are somewhat in an order or prioritization, but that she wanted more input before assigning a specific priority. Hakenen suggested retitling the Restricted Vehicle Parking section of this strategy as it only pertains to RVs. Parker noted that the second paragraph pertains to residential permits.

Hakenen noted that the Figures likely only legible in color; Johnson suggested adding a note to that effect on the maps. It was also pointed out that the two shades of green on Figures 2 and 8 are difficult to differentiate.

Public Comments

Sherri Provolt (Trinidad property owner, and Trinidad area resident) asked about parking in alleys and rights-of-way. Parker explained that these were not included in the survey, but there is a requirement to leave enough space for emergency access. Provolt also asked about State Beach parking and how to plan for long-term capacity increases.

Commissioner Comments and Questions

It was suggested that boundary areas of the study could be explained in the introduction of the report.

3. Administrative CDP Regulations: Discussion/ decision regarding a Zoning Ordinance amendment to add regulations allowing for the issuance of administrative coastal development permits.

Staff Report

City Planner Parker provided an overview of the proposed administrative CDP process, which generally follows the Coastal Act regulations. She explained that these provisions will be important for the ADU ordinance and will also help facilitate streamlining OWTS repairs. She pointed out however, that administrative CDPs will only apply in a small area of the City outside the Coastal Commission appeal jurisdiction.

Parker recommended that the commissioners review the administrative CDP regulations and provide feedback. However, upon completion of the Staff Report, Parker noticed that the packet included an old version of the regulations. This item will be continued to the September agenda or included in the next iteration of the ADU ordinance.

Public Comments

None.

4. Water Conservation – Permitting and Landscaping: Discussion/ decision regarding (1) new landscaping requirements, including a water efficient landscaping consistent with state law; and (2) water use patterns and potential permitting and/or allocation of water use; this is a LEAP grant funded task. *Continued from the July 12, 2023 meeting.*

Staff Report

City Planner Parker provided an overview of the housing related water conservation LEAP grant task. She summarized the work to-date on new landscaping regulations, including incorporation of the WELO. She summarized the changes made since the last meeting and suggested the Commission consider a definition of landscaping. She asked the Commission to provide feedback on the landscaping regulations.

Parker also presented a potential outline for an annual water report as suggested by the Planning Commission. She requested feedback on the annual water report.

Commissioner Comments and Questions

The Commissioners proceeded to review the report page-by-page. There was a discussion about the addition of landscaping definitions and criteria for permitting and review.

Commissioner Hakenen asked to change the term “system” to method and a caveat that the standards wouldn’t apply to non-potable water in regard to irrigation in section A.2.

There was a discussion about permitting requirements and when these standards, including the WELO would apply. Parker will create a flow chart.

There was a discussion about landscape plan requirements and exceptions. There were some points of clarification in the screening section (C). There was also a discussion about the definition of “adjacent” in Section E. Environmentally Sensitive Habitat Areas.

There was a brief discussion about ideas for an annual water report. The Planning Commission generally liked the outline. They suggested that there be two types of reports: (1) a larger report regarding the entire system and total water use that is provided to the Planning Commission and other bodies and posted on the City’s website; and (2) and small (e.g. postcard sized) individual water report that is sent to each account holder within information about their individual water use and comparing to past years and other users.

Public Comments

None.

VI. COMMISSIONER REPORTS

None.

VII. STAFF REPORT

City Planner Parker said the SB2 and LEAP grants are ending this month and she is working on the final reports and deliverables, but there are still additional tasks that need to be completed. She will reshift her focus to the LCP Update grant, the OPC grant, and the REAP grant. She anticipates some permit applications soon.

Hakenen a status report on the General Plan update and suggested revisiting the sign ordinance. He would also like to follow up with the rainwater catchwater system plans.

VIII. FUTURE AGENDA ITEMS

- TMP incorporation into the General Plan
- Vegetation regulations
- Signage Master Plan
- Rainwater catchment
- Detached Living Space Conditions Policy

IX. ADJOURNMENT

Meeting adjourned at 9:05 P.M. The next regularly scheduled meeting is September 20, 2023.

Submitted by:

Approved by:

Anton J. Souza
Administrative Assistant

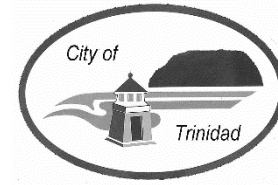
Aaron Hakenen
Planning Commission Chair



DISCUSSION AGENDA ITEM #1 SUPPORTING INFORMATION

1. Trinidad 2023-03: Update on the closures of the ALMT and Parker Creek Trail closures and progress to-date to reopen them.

DISCUSSION / ACTION AGENDA ITEM



Wednesday, September 20, 2023

Item: Update on the Old Home Beach Trail (ALMT and Parker Creek) closures and progress to-date to reopen them

Background

At the April 19, 2023, meeting, the Planning Commission approved an emergency CDP (2023-03) to temporarily close the ALMT and Parker Creek Trails to protect sensitive areas and public safety due to erosion along the toe of the bluff. The Planning Commission approved the closures on the condition that monthly reports are provided at the regular Planning Commission meetings for as long as the trail(s) are still closed.

The Parker Creek Trail was reopened on May 26, 2023; the ALMT remains closed.

Update

As has been reported previously, the TAS contracted with GHD to produce a report that would make recommendations for rerouting and stabilizing the base of the ALMT. GHD has completed that report and provided it to the TAS. The TAS has not yet provided a copy to the City. It is expected that they will do so soon after the TAS Board has a chance to meet and discuss the report.

The City Manager has directed Public Works staff to remove the fencing on the beach before the end of the September.

On a related note, the Coastal Commission considered the appeal of the City's temporary (six months) closure of the Van Wycke Trail at their meeting on September 6, 2023. They found no substantial issue with the six-month closure (in essence, denying the appeal). However, they made it clear that the only reason they were able to do that was because it was only for six months. They emphasized that public coastal access is a regional and statewide issue of significance, and they expect the City to take meaningful steps towards finding a solution within six months. To that end, City staff have arranged a meeting with Coastal Commission staff for Monday September 15, and will arrange meetings with other stakeholders to discuss alternatives and next steps.

Staff Recommendation/Suggested Action(s):

No action needed. Accept the staff report and ask questions or request additional information as needed.



DISCUSSION AGENDA ITEM #2 SUPPORTING INFORMATION

2. Rancheria 2021-06E: Extension of August 18, 2021 approval of Grading Permit and Design Review to construct an approximately 1,300 sq. ft., single-story interpretive/visitor center located on previously disturbed lands currently occupied by storage units and the gift/tackle shop. The building will house the gift and tackle shop, a seating and viewing area, coffee bar, reception area, two offices and a restroom. It would also provide educational opportunities focused on regional resources for tribal citizens and the public. Located at 1 Bay Street within the Trinidad Harbor Area; APN: 042-071-012



MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: September 5, 2023

RE: Rancheria Interpretive Center Extension Request

On August 18, 2021, the Planning Commission approved the following permit:

Rancheria 2021-06: Grading Permit and Design Review to construct an approximately 1,300 sq. ft., single-story interpretive/visitor center located on previously disturbed lands currently occupied by storage units and the gift/tackle shop. The building will house the gift and tackle shop, a seating and viewing area, coffee bar, reception area, two offices and a restroom. It would also provide educational opportunities focused on regional resources for tribal citizens and the public.

The project approval included the following condition:

If development has not commenced, this permit will expire two years from the approval date. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.

The Rancheria is proposing to construct an approximately 1,300 sq. ft interpretive/visitor center on the site of the existing bait shop. The building will house a gift and tackle shop, offices, and storage, as well as offer educational resources for visitors, residents and Tribal members. The Rancheria is currently working on several large projects in the Harbor Area, all of which have had some delays. In addition to this project, there is the Memorial Lighthouse project and the stormwater project. All the projects not only require City approvals, but also approval of Coastal Development Permits (CDP) from the Coastal Commission, because the Harbor Area is an Area of Deferred Certification (not certified as part of the City's Local Coastal Program).

The Rancheria has been working towards implementation of this project. A corner of the interpretive center is proposed within a portion of the Galindo Street right-of-way. One of the conditions of approval of the project was that the Rancheria had to obtain an easement or other permission from the City Council for the use of the right-of-way. It

took several meetings between staff to figure out the best solution. At the May 17, 2023 meeting, the Planning Commission approved a lot line adjustment, which will meet that requirement, but the maps and property descriptions still need to be prepared. The Rancheria has also been working on the application for a CDP to the Coastal Commission, which will be submitted next week.

Conditions have not substantially changed since this project was approved two years ago. And the Rancheria has been actively pursuing implementation of the project with delays for due cause. Therefore, staff recommends an extension of this approval for an additional two years.

Staff Recommendation

Extend the approval for the grading permit and design review for the Trinidad Rancheria Interpretive Center Building for another two-year term with the following motion:

Based on the fact that conditions have not substantially changed and the fact that the Rancheria is continuing to actively pursue all the necessary permits and funding, I move to extend the approval for a grading permit and design review for the Trinidad Rancheria Interpretive Center Building for another two years as conditioned in the original approval.

Attachments

- Rancheria extension request (1 page)
- Final staff report (16 pages)
- Project site plan, grading plan, and elevations (three 11"x17" pages)
- Renderings (4 pages)



Cher-Ae Heights Indian Community of the Trinidad Rancheria



August 18, 2023

Mayor Cheryl Kelly
City of Trinidad
P. O. Box 390
Trinidad, CA 95570

Re: Request for Extension on Permit No.: 2021-06.

Dear Mayor Kelly

The Cher-Ae Heights Indian Community of the Trinidad Rancheria formally requests an extension on Permit No.: 2021-06, which was approved on August 2021, by the City of Trinidad Planning Commission for the purpose of design review and grading the Trinidad Rancheria Interpretive Center.

As you are aware, Trinidad Rancheria Interpretive Center, Permit No.: 2021-06, was granted approval on August 20, 2021 contingent upon certain conditions being met. One of these conditions involves the Galindo Street right of way where after negotiations the City and Rancheria have ultimately agreed to a Lot Land Adjustment (LLA). However, despite our diligent efforts, the LLA is still in the process of being determined due to unforeseen complexities which has hampered the submittal of the CDP

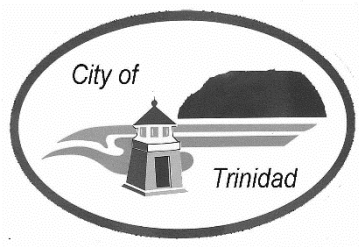
In light of the above, I kindly request an extension of eighteen (18) months to allow us the necessary time to secure and finalize the LLA and Coastal Development Permit (CDP). This extension will ensure that all conditions of approval are met in accordance with the regulatory requirements and will contribute to the successful implementation of the project. We are committed to ensuring that the LLA is negotiated in a manner that is mutually beneficial and legally sound for all parties involved. We believe that the additional time requested will help us achieve this goal and fulfill the conditions of approval to the highest standard.

I understand the importance of adhering to timelines and regulations, and I assure you that we are working diligently to expedite the process while ensuring the best possible outcome. We are ready to provide regular updates on the progress of the LLA and will promptly inform you once the agreement is ready for review. Your understanding and consideration of this matter are greatly appreciated. We are confident that with this extension, we will be able to successfully fulfill the conditions of approval and move forward with the project as planned.

Thank you for your attention to this request. If you require any additional information or have any questions, please do not hesitate to contact our Chief Executive Officer, Jacque Hostler-Carmesin at (707) 677-0211 at your earliest convenience.

Sincerely,

Garth Sundberg
Tribal Chairman



Filed: June 1, 2021
Staff: Trever Parker
Staff Report: August 5, 2021
Hearing Date: August 18, 2021
Commission Action: Conditionally Approved

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2021-06
APPLICANT: Trinidad Rancheria
AGENT: NA

PROJECT LOCATION: The project will be located where the existing bait/tackle shop is located, adjacent to the boat launch in the Trinidad Harbor Area; 1 Bay Street.

PROJECT DESCRIPTION: Grading Permit and Design Review to construct an approximately 1,300 sq. ft., single-story interpretive/visitor center located on previously disturbed lands currently occupied by storage units and the gift/tackle shop. The building will house the gift and tackle shop, a seating and viewing area, coffee bar, reception area, two offices and a restroom. It would also provide educational opportunities focused on regional resources for tribal citizens and the public.

ASSESSOR'S PARCEL NUMBER: 042-071-012

ZONING: C – Commercial

GENERAL PLAN DESIGNATION: C – Commercial

ENVIRONMENTAL REVIEW:

The project is exempt from CEQA per CEQA Guidelines §15303 exempting new construction or conversion of small structures, including stores, offices, restaurants, etc. not exceeding 2,500 sq. ft.

APPEAL STATUS:

Planning Commission action on a Coastal Development Permit, Design Review, Variance, Conditional Use Permit or Grading Permit 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, the City is not taking action on the Coastal Development Permit, because the project occurs within an Area of Deferred

Certification where the Coastal Commission retains permitting jurisdiction. Therefore, the City's action is **not** appealable to the Coastal Commission.

SITE CHARACTERISTICS:

The project parcel is located on the eastern side of the Harbor Area and the property contains the Seascape restaurant, boat launch, tackle shop and a portion of the parking lot. In addition to the tackle shop, there is another shed-type building that is used as an office, a metal storage bin and a porta-potty, all of which will be replaced by the new building. The existing structures that will be removed total approximately 650 sq. ft. The existing launch building and utility boxes will remain. The site is mostly level and is partially paved and partially grass. The launch driveway is located between the project site and launcher beach.

It appears that the northeast corner of the building will be located on a small portion of the City's Galindo Street right-of-way. The area already contains a portion of the existing office shed and the area is also used for storage. The proposed building cannot be moved to the south to avoid the right-of-way due to the existing launch facilities. And it cannot be moved to the west to avoid the right-of-way due to existing utilities. The City has been working with the Rancheria to develop an agreement for a portion of the Rancheria's stormwater project (2019-13). A similar agreement will need to be developed and approved by the City Council for this project.

STAFF COMMENTS:

Referrals

Referrals were sent to the City Engineer, Building Inspector, Humboldt County Division of Environmental Health, Coastal Commission, Yurok Tribe and Tsurai Ancestral Society. Due to the size and nature of the building, the buildings plans will be sent to a 3rd party plan check for review as part of the building permit application. The City Engineer had no major concerns and noted that the following information would be required, which has been included as a condition of approval:

1. *Provide drainage calculations showing how much storm water would be collected, sizing of storm drain system, and capacity of existing SD infiltration system to accept new flows.*
2. *Confirm grades work to convey flows to existing SD infiltration system; drawing C6 notes (E) SD Detention pipe tie in depth and size to be determined.*
3. *Provide structural reports/calcs for building and foundation elements*
4. *Provide water needs for building including pressure and volume needs for fire sprinkler system*

As with the Hasselquist project, Coastal Commission staff did not have time for a thorough review of this project. The Coastal Program Analyst brought up concerns about *“potential impacts to visual resources in terms of how the proposed new structure may interfere with the public’s unobstructed views of Trinidad Bay. We’d also want to understand how the project has been sited and designed to avoid and minimize geologic and flood hazards including but not limited to storm surges, sea level rise, and tsunamis. The siting and design of the building should also ensure that existing commercial fishing and recreational boating harbor space won’t be reduced as a result of the new facility and that it won’t interfere with the needs of the commercial fishing industry.”* These issues have been addressed below in the staff report. In addition, the coastal development permit for this project will be processed by the Coastal Commission, so they will also review all these issues. If changes to the project are required through the CDP process, an amendment to this project approval may be required.

A Yurok Tribe representative requested more time on the two-week referral period, which was sent on July 2, so I asked for comments by August 9. Hearing notices were also sent on August 4. No comments have been received at the time this staff report was published. The TAS requested additional project documents when I sent the hearing notice, and I sent what I had received since the referral, but otherwise, no comments been received from the TAS.

Land Use Regulations Overview

The “Harbor Study Area,” consisting of parcels 042-071-005, -008, -012, -013, -014, is an Area of Deferred Certification (ADC) in the City’s Local Coastal Program (LCP). This means that the Coastal Commission has not certified the City’s zoning and land use designations of the parcels in this area. As a result, the City has not been given the authority to issue Coastal Development Permits (CDPs) in the Harbor Area and the Coastal Commission retains jurisdiction. However, the City did legally adopt a General Plan and Zoning Ordinance that covers this area and has land use authority other than for CDPs. Therefore, the City still has authority over Design Review, Grading Permits and other development approvals in the Harbor Area.

To further complicate matters, in 1992, the City amended its General Plan and Zoning Ordinance to create a Harbor (H) Zone in this area with its own set of regulations. The changes were adopted at the City level pursuant to State Law, including public hearings. An LCP amendment was submitted to the Coastal Commission, but due to the unknown status of whether City limits included the actual Harbor, and other issues, that amendment was withdrawn and never certified. Because there were no conditions or stipulations put on this rezoning by the City, it may be valid in terms of City land use documents, but the status is unclear. Because the ‘Harbor’ zoning was never considered by the Coastal Commission, we are reviewing this project under the original land use regulations from 1980.

Project Details

The following information was provided by the Trinidad Rancheria:

The Tribe plans to construct an interpretive/visitor center within the currently developed footprint between the boat launch and Seascope Restaurant in the central portion of the site. The interpretive/visitor center footprint would cover approximately 1,300 square feet and would be located on previously disturbed lands that currently house storage units and the tackle and giftshop building. The interpretive/visitor center would provide educational opportunities for tribal citizens and nontribal members of the public and would focus on regional resources including Tribal cultural resources. The interpretive/visitor center will house the gift and tackle shop, and will include a seating area, reception area, two offices, and a restroom. Two public entrances will be provided at the western and southern portion of the building.

The project site would be developed consistent with the existing facilities (restrooms) on the project site and new facilities would complement existing coastal development in the project area. The interpretive center would protect the existing natural areas among the project parcels maintaining rural and coastal aesthetics of the project site. The project will not result in any significant effects to scenic resources. Lighting from the interpretive/visitor center would be minimal. Light from the associated parking area would be downcast and directed to reduce off-site scatter, while remaining adequate for public safety and security.

The project site is not visible from Highway 101 as coastal bluffs and residences currently shield views, and all vegetation would be maintained in a viewshed buffer. Residences to the north and east may have views of the interpretive center, however the proposed development would be on existing paved surfaces and would result in a beneficial impact over the existing use of storage bins and temporary buildings. Residences to the north and east have unobstructed views of the parking lot, however, no significant changes in the visual character of the parking lot would occur from the development of the interpretive/visitor center. Development of the interpretive/visitor center would be an improvement compared to the existing visual setting of the site, which includes temporary storage containers.

Water would be supplied through the existing infrastructure connections to the City. Except for connections from the visitor center to the existing system serving the Seascope Restaurant, no additional water infrastructure is needed. Wastewater generated by the one toilet and from the two sinks within the visitor center would be treated by the existing wastewater treatment system. The on-site system consists of a series of seven above ground recirculating packed bed units located south of the public restroom/storage building and situated behind a chain link fence. The on-site system utilizes engineered textile filter media, which works similarly to a sand filter and produces treated effluent higher in quality than the California standard for secondary treated wastewater (which can be discharged through land application). The seven tanks have the ability to treat up to approximately 35,000 gallons per day. A pump transfers the treated wastewater up to the leach fields located along the northwestern slope of the hill near the western boundary of APN 042-071-008, between the access drive to the vacation rental home and the western parking lot.

Grading would be limited to the development footprint area of the visitor center as shown on the proposed Site/Grading Plan. The building would be constructed in manner consistent with the California Building Code (CBC) applicable to the site, including seismic design criteria. To improve drainage over existing conditions, a storm drainage inlet system would be installed west and south of the interpretive/visitor center to capture runoff from the building and from Bay Street. Three storm inlets would discharge to the existing retention system located beneath the asphalt in front of Seascape Restaurant.

Given the relatively small area proposed for development and distance from existing residences the interpretive center would be a small portion of the viewshed when compared with the expansive scenic resources in all directions (Trinidad Heads, Trinidad Bay, pier, City and associated residential architecture, and beaches and associated costal bluffs) and would be an improvement over existing conditions. The overall visual impact of the interpretive/visitor center would be beneficial.

Potential Conflicts of Interest

There are no known conflicts of interest.

GRADING & ZONING ORDINANCE / GENERAL PLAN CONSISTENCY

Zoning

The project is located on a Harbor Area parcel that is zoned Commercial (C). The purpose of the C zone is to provide for the commercial services that meet the convenience and retail needs of residents and visitors; uses serving the commercial fishing industry are also appropriate. Principally permitted uses include retail stores and services of a light commercial nature conducted entirely within an enclosed building, including art galleries and bookstores. Restaurants, service stations, theaters, studios, nurseries and smokehouses are also permitted uses. The proposed interpretive/visitor center is consistent with and compatible with these allowable uses.

The minimum lot area in the C zone is 8,000 sq. ft (\$17.44.040). The project property is 17,322 sq. ft. The density standards of \$17.44.050 only apply to motel rooms and dwellings. Setbacks are front-20', rear and side-none, except 5' when adjacent to another zone (\$17.44.060). Setbacks would be difficult to apply in the Harbor Area, since all the properties are managed as one; even determining which is the front property line is difficult. The only area where setbacks are an issue for the proposed building is where it encroaches on the Galindo Street right-of-way, which does not have zoning associated with it.

The maximum building height is 25' in the C zone (§17.44.070). The maximum height of the proposed building is 16 ft. In Trinidad, heights are measured from the average ground elevation covered by the structure (§17.56.100).

Grading

The City's grading and zoning ordinances require a grading permit and CDP if more than 1,000 sq. ft. of surface area or more than 50 cu. yds. of soil will be disturbed. The proposed project exceeds 1,000 sq. ft. in area. The information required to be submitted by the grading ordinance as part of an application has been received. The Grading Permit is issued by the Planning Commission, but it is up to the City Engineer to ensure that all the provisions have been met. Minimal grading will be required to accommodate the new building.

The findings that are required to be made by the Engineer (§15.16.070) are that (1) the proposed grading will not adversely affect the drainage or lateral support of other properties in the area, (2) will not be detrimental to the public health, safety or the general welfare, and (3) is not in conflict with City ordinances. The City Engineer has agreed with the required findings.

Views

The Trinidad General Plan and Zoning Ordinance protect important public coastal views from roads, trails and vista points, and private views from inside residences located uphill from a proposed project, from significant obstruction. Due to the project location, private views are unlikely to be affected. However, public views of Trinidad Bay are provided from the privately owned parking lot and access ways. The proposed visitor center will be in a prominent location that will block partial views of Trinidad Bay while driving down the accessway toward the launch and Seascape Restaurant. However, views are already highly compromised in that location by existing development, including the bait/tackle shop, an office, metal storage building, porta-potty and equipment storage. There are also parking spaces in front of that area, and large vehicles can also block views.

In addition to the photos provided by the Rancheria, I took the photos on the following page on Friday August 6 in the early afternoon. The first is from the middle of the accessway heading towards the proposed building site. The second is standing closer and more directly in front of the proposed building.



The proposed building will extend from the outer edge of the existing tackle shop to the outer edge of the office shed, though it will be closer to the parking lot. Therefore, it won't substantially affect views on either side of those existing structures. The building will block some blue water views between those buildings as shown in the second photo. The proposed building is somewhat taller than the existing structures, so will

also block some hillside views of the coastline to the south. However, the amount and quality of the view that will be impacted is not significant. By consolidating the existing, haphazard structures, the overall aesthetics of that location will be improved. In addition, the building will be open to the public and will provide an indoor seating area from which to enjoy 180-degree views of Trinidad Bay, Little Head, Launcher Beach and the coastline to the south. It will also provide interpretive opportunities that are not currently available in the Harbor Area.

Parking and Traffic

Section 17.56.180 dictates parking requirements in the City. Offices and retail buildings require one space per 300 sq. ft. of gross floor area. Restaurants and lounges require one space for each four seats or 200 sq. ft. of floor area, whichever is larger. The footprint of the new building will be 1,367 sq. ft., with 346 sq. ft. dedicated to the kitchen and seating (12 chairs), leaving 1,021 sq. ft. of office/retail. A total of 3.4 spaces would be required for the office/retail and another three spaces for the kitchen/seating area. The existing buildings only require 2.2 spaces.

Existing parking will not be altered by this project. No parking will be removed or added. It is difficult to calculate parking requirements for the Harbor Area, as the City's regulations do not include parking requirements for outdoor recreational uses. In addition, because the gravel parking area is unlined, it is impossible to determine the existing number of spaces. Even in the paved parking area, many cars park outside of designated spaces during busy times.

The proposed building is not necessarily intended to attract additional visitors to the Harbor Area, but to provide better services to existing users. Parking in the Harbor Area is already maximized, and additional parking cannot be provided without reconfiguring existing uses or disturbing new areas. During the current parking study, I have counted up to 192 vehicles in the Harbor Area, including one RVs and 13 boat trailers, 82 vehicles and nine more with boat trailers were in the paved area alone. This well exceeds what would be required for just the Seascope and the proposed building. The City's regulations do not include parking standards for piers, boat launches, trails or beaches. The five additional spaces that would be required for the proposed building compared to the existing buildings equates to only 2.5% of the existing parking spaces.

It is currently unknown when construction will occur, because it will be dependent on a variety of factors, including issuance of a coastal development permit. Due to the project's location at the edge of the harbor area, disruptions to parking and traffic are expected to be minimal and will be managed by the property owner for their own benefit. The project has been conditioned on maintaining access to Launcher Beach and the pier at all times and to the boat launch during the boating season during construction.

Coastal Dependent Uses

The City's general plan does not have specific policies protecting coastal-dependent uses, including commercial and recreational fishing, though the text certainly recognizes the importance of fishing to the City's identity. However, the Coastal Act does include several policies that protect these uses (Public Resources Code sections 30220-30224). The project will occupy space that already includes structures dedicated to similar uses. It will not encroach on the launch, parking, pier or other access facilities or those currently serving commercial and sportfishermen and other boaters. The building will provide a coastal-related use in the form of a bait/tackle shop and will provide public viewing and educational opportunities related to the coastline. It will also provide office space for staff that manage the harbor facilities which will benefit existing operations.

Utilities

Water and electrical service are already provided to the site. Wastewater will be connected to the existing advanced treatment/septic system that serves the Seascape and public restrooms. Stormwater will be routed to the existing filtration chamber serving the pier.

SLOPE STABILITY AND GEOLOGIC HAZARDS:

This project is not within an area designated as unstable. The project area is relatively flat and not subject to significant instability. The harbor parking area is shown to have clayey soils that have potential limitations, particularly for septic design. However, the harbor facilities are served by an existing Onsite Wastewater Treatment System (OWTS), and the project will not affect wastewater flows. An R2 soils report was completed for this project, which includes recommendations for site preparation and foundation design.

The project site is not located in an Alquist-Priolo Fault Hazard Zone and is not in an area subject to liquefaction. It is located in a seismically active area, as is all of the north coast. The structure will be built to current building code standards that are designed to protect health and safety in the event of an earthquake.

FLOODS, TSUNAMIS AND SEA LEVEL RISE:

The project is located within the tsunami hazard zone at an elevation of approximately 25 ft. above mean sea level. There are no restrictions preventing building in the tsunami zone. Mitigation is generally in form of early warning systems for habitable structures. It is typically understood by residents and developers within these zones that they accept the risk of a tsunami event. The R2 report recommends that construction design,

where feasible, allow for the walls to be able to be “blown out” in the case of a tsunami, which would increase the survivability of the structure. This has been included as a condition of approval.

The area located immediately west and north of the proposed structure is mapped as being in a coastal flood area subject to flooding by storm waves. The maximum elevation of the VE flood zone in this location is 21 ft., so four below the base elevation of the proposed structure.

The City’s ordinances do not contain provisions for sea level rise (SLR). SLR will need to be specifically addressed in detail as part of the Rancheria’s application to the Coastal Commission for the Coastal Development Permit for this project. The most current SLR projections (State of California SLR Guidance, 2018 Update, OPC 2018) are provided for the Humboldt Bay North Spit Tide Gage and Crescent City, neither of which may accurately reflect conditions in Trinidad. That is because Humboldt Bay is subsiding, which exacerbates SLR, where Crescent City is uplifting. Trinidad likely falls somewhere in between. The Coastal Commission recommends using the medium-high risk aversion scenario for commercial structures, which equates to an 0.5% probability or 1 in 200 chance of occurrence. For Humboldt Bay that equates to 6.3 to 7.6 ft. of SLR in 2100 and 5.3 to 6.2 ft. in Crescent City. The upper end of the most likely range is 3.3 to 4.3 ft. in Humboldt Bay by 2100 and 1.5 to 2.5 ft. in Crescent City.

The structure itself is well above even the most dire prediction for SLR. However, more than four feet of SLR would put the structure within the VE flood zone, potentially subject to winter wave action during extreme tide and wind events. Launcher Beach and the boat launch tracks located below the proposed structure are already armored. And the driveway accessing the boat launch is located between the project site and the beach. Therefore, a small retaining wall or other protective structure, should it be needed in the future, would not affect public access or shoreline processes.

SEWAGE DISPOSAL:

There is an existing OWTS, as described in the Staff Comments section, which serves all the harbor facilities, including the Seascape restaurant, the public restrooms and the STR. A new system was installed when the restrooms were constructed. Due to the volume of flows (4,750 gpd design flow), permitting was through both DEH and the Regional Water Quality Control Board. The system includes advanced treatment in the form of a “package treatment plant,” which is basically a mini treatment plan that pre-treats the wastewater prior to being pumped and discharged to the leachfield located on the hillside below the STR. The system was oversized for the existing uses. Water use in 2020 averaged just over 1,300 gpd, well under the system design flow.

Additional wastewater generated by the proposed visitor center is expected to be minimal. It is not likely that it will draw additional people for coffee and restrooms, but will primarily accommodate those who would otherwise be using the other existing facilities. And the system capacity exceeds the current discharge. Therefore, DEH has no issues with the project. Their food service branch will review the kitchen wastewater flows, which are proposed to be directed to an existing grease trap serving the Seascope. The restroom wastewater is proposed to be tied directly to the existing system.

LANDSCAPING AND FENCING:

No changes in landscaping or fencing are proposed.

CULTURAL RESOURCES

A cultural resources study has been completed by the Rancheria for their properties in the Harbor Area. The Rancheria's Tribal Historic Preservation Officer (THPO) was consulted during the design phase of this project to ensure project elements do not impact areas of cultural sensitivity and importance. The project is located in an area that has already been disturbed, and little grading will be needed to accommodate the development. A cultural monitor will be onsite during ground disturbing activities.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Because the project is located within the Coastal Zone and proposes a new structure, §17.60.030 of the Zoning Ordinance requires Design Review and View Protection Findings to be made. Application materials show the project location and include the plot plan that shows proposed and existing improvements, and elevations. Photos and architectural renderings have also been provided. Recommended Design Review / View Preservation Findings are written in a manner to allow approval, without endorsing the project. However, if information is submitted or public comment received indicating that one or more of the findings cannot be made, they should be reworded accordingly.

Design Review Criteria

- A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: The proposed building site is flat. Only minimal grading is required to prepare the site and install utilities.

- 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 is located near Little Head, which is zoned open space. However, the building site is also located adjacent to the boat launch and near the Seascapes restaurant and pier. The lower wall of the proposed building will be rock-faced, and the upper wall will be horizontal hardi-plank siding. The roof will be a standing seam metal roof with a matte finish. Exterior colors will be grey and brown earth tones similar to the existing restrooms that were constructed in 2010.
- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: The building site is located adjacent to the boat launch and near the Seascapes restaurant and pier. The lower wall of the proposed building will be rock-faced, and the upper wall will be horizontal hardi-plank siding. The roof will be a standing seam metal roof with a matte finish. Exterior colors will be grey and brown earth tones similar to the existing restrooms constructed in 2010.
- 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 changes in landscaping are proposed at this time. Most of the area surrounding the building site is hardscape, and landscaping is not practical.
- 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: Signage was not included on the plans. However, information submitted by Rancheria staff indicate that only identifying signage of not more than three square feet is planned, which is exempt from design review per § 17.56.106.
- 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: Existing utilities are underground and new utilities will also be underground.
- 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 associated with 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.*
- 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: The building is well under the 4,000 sq. ft. guideline for commercial buildings. Multiple structures are not proposed.

View Protection Criteria

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: The project is visible from several public viewing locations, including Launcher Beach and the Galindo Trail. In general, the project will improve the aesthetics of the site by consolidating several buildings of various types into one cohesive structure that is consistent with other development in the Harbor Area, including the Seascape and public restrooms. The lower wall will be rock-faced, and the upper wall will be horizontal hardi-plank siding. The roof will be a standing seam metal roof with a matte finish. Exterior colors will be grey and brown earth tones similar to the existing restrooms that were constructed in 2010.
- 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 will have minimal impacts on views of Trinidad Bay and the coastline to the south. The proposed building will not extend east or west further than the outer edges of the existing bait shop and office shed. A small ocean view between those buildings will be blocked, though parked vehicles already impact this view. The proposed building will be taller than the existing structures, and so will also block some coastal hillside views above the existing rooflines. However, the building itself will provide a public viewing area of Trinidad Bay and surrounds, and it will improve the aesthetics of the building site by consolidating several existing buildings.
- 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 does not involve a new residence in the UR or SR zone.

- D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected. Response: There was no residence that was destroyed by fire associated with this project.*
- E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards. Response: The proposed project is not within 100 feet of the Trinidad Cemetery, Holy Trinity Church, Memorial Lighthouse or the Tsurai Study Area. The project is also not located within 100 ft. of Trinidad Head, and the Seascape, STR and public restrooms are located between the proposed development and Trinidad Head.*

PLANNING COMMISSION ACTION

Based on the above analysis, the proposed project was found to meet the requirements of the Trinidad Local Coastal Program and other applicable regulations. Provisions of the Zoning Ordinance, Grading Ordinance and General Plan were met. The Planning Commission agreed with staff's analysis and approved the project with the following motion:

Based on the information submitted in the application, included in the staff report, and public testimony, I move to adopt the information and findings in this staff report and approve the Design Review and Grading Permit for the Trinidad Rancheria Interpretive Center Building as submitted and as conditioned therein.

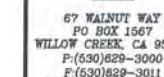
CONDITIONS OF APPROVAL

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk to verify prior to commencement of construction and prior to certificate of occupancy.*
2. If development has not commenced, this permit will expire two years from the approval date. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date. *Responsibility: City Clerk to verify prior to issuance of building permits.*
3. Prior to construction, the Rancheria will enter into an agreement with the City or obtain an easement, to the satisfaction of the City Attorney, for the use of the Galindo Street right-of-way for a portion of the project. *Responsibility: Building Inspector prior to issuing building permits.*
4. Construction related activities are to occur in a manner that incorporates storm water runoff and erosion control measures as necessary in order to protect water quality near the coast. The contractor shall adhere to the erosion and sediment control specifications in the approved plans. *Responsibility: Building Inspector and/or City Engineer to confirm prior building permits being issued and during construction.*
5. Recommended conditions of the City Building Inspector shall be required to be met as part of the building permit application submittal. *Responsibility: Building Inspector prior to building permits being issued and during construction.*
6. Recommended conditions of the City Engineer shall be required to be met as part of the project. The City Engineer shall ensure that all the requirements of the City's grading ordinance are met, including all specifications and inspections. Specifically, the following will be required:
 - Provide drainage calculations showing how much storm water would be collected, sizing of storm drain system, and capacity of existing SD infiltration system to accept new flows.
 - Confirm grades work to convey flows to existing SD infiltration system; drawing C6 notes (E) SD Detention pipe tie in depth and size to be determined.
 - Provide structural reports/calcs for building and foundation elements
 - Provide water needs for building including pressure and volume needs for fire sprinkler system*Responsibility: City Engineer prior to construction.*

7. Construction design should, where feasible, allow for the ground floor walls to be able to be “blown out” in case of a tsunami to increase survivability of the structure. *Responsibility: Building Inspector prior to building permits being issued.*
8. Construction and staging activities shall maintain public access to Launcher Beach and Trinidad pier at all times and boat access to the launch facilities during the boating season (generally May 1 to October 31). *Responsibility: City Clerk during construction.*
9. The applicant is responsible for ensuring all necessary permits are secured, including a Coastal Development Permit, prior to commencing work. *Responsibility: Building Inspector prior to issuing building permits.*
10. Applicant shall contact Humboldt County Division of Environmental Health for plan review and permitting prior to construction. *Responsibility: Building Inspector prior to issuing building permits.*

ATTACHMENTS

- Project Plans (sixteen 11x17 pages)
- Photos and architectural renderings (8 pages)

[illegible]

TRINIDAD RANCHERIA
INTERPRETIVE CENTER
TRINIDAD, CA. 95570

PLOT PLAN

HUMBOLDT COUNTY CALIFORNIA

DATE OF ISSUE:
MAY 2021

SCALE: AS SHOWN

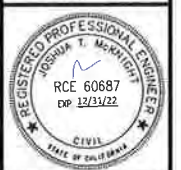
PROJECT NO:
427.11

DRAWING NO:

1 OF 1







<p>INTERPRETIVE CENTER AT TRINIDAD PIER</p>	
<p>ELEVATIONS</p>	
FOR: TRINIDAD RANCHERIA	PO BOX 630 TRINIDAD, CA 95570 APN

A1







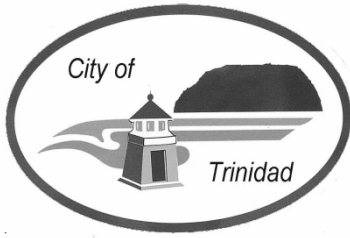






DISCUSSION AGENDA ITEM #3 SUPPORTING INFORMATION

3. Reiner 2023-07: After-the-fact Design Review and Coastal Development Permit to construct approximately 30 feet of stairs from an existing deck leading to a 12-foot by 12-foot viewing platform and a separate 4-foot by 16-foot deck extension/access walkway. Located at 170 Scenic Drive; APN: 042-141-018



Filed: August 8, 2023
Staff: Trever Parker
Staff Report: September 6, 2023
Commission Hearing Date: September 20, 2023
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2021-03

APPLICANT / OWNER(S): Russel Reiner

AGENT: Andrew Zappettini

PROJECT LOCATION: 170 Scenic

PROJECT DESCRIPTION: After-the-fact Design Review and Coastal Development Permit to construct approximately 30 feet of stairs leading to a 12-foot by 12-foot viewing platform and a separate 4-foot by 16-foot deck extension/access walkway.

ASSESSOR'S PARCEL NUMBER: 042-141-003

ZONING: SR – Suburban Residential / SE – Special Environment

GENERAL PLAN DESIGNATION: SR – Suburban Residential / SE – Special Environment

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per §15301 exempting alterations of and minor additions to existing structures.

APPEAL STATUS:

Planning Commission action on a Coastal Development Permit, Variance, Conditional Use Permit, and/or Design Review approval application will become final 10 working days after the date that the Coastal Commission receives a “Notice of Action Taken” from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project is X / ~~is not~~ appealable to the Coastal Commission per the City’s certified LCP, and may be appealable per Section 30603 of the Coastal Act.

SITE CHARACTERISTICS:

The project is located on an approximately 55,000 sq. ft. lot that extends from Scenic Drive to the beach. The site borders the City limits and Trinidad Rancheria to the east. It is surrounded by other rural residentially developed property. The subject property is currently developed with a 3,241 sq. ft., 2-story, 2-bedroom residence. The house sits atop a relatively flat, large “rock block” with steep slopes to the north and south, and the exposed rock face to the west. The existing residence occupies a portion of a narrow ridge with a gentle slope gradient. Drainage is generally towards the west and has been carefully managed over the years. The upper portion of the property is zoned SR – Suburban Residential and mapped on Plate 3 of the General Plan as being “questionably stable.” The lower portion of the property, below the break in slope and consisting of a narrow strip leading to the coast, is zoned SE – Special Environment and mapped as being “unstable.” The residence is served by a 2-bedroom septic system.

STAFF COMMENTS:

In 2021, the City approved a partially completed remodel of the residence that added living space but decreased the building footprint. That project also included an addition to the existing decks that surround much of the south and west sides of the building.

In spring of 2022, it came to the City’s attention that additional construction had occurred that was not approved as part of the 2021 permit. In particular, an approximately 30-foot stairway had been built leading down to a viewing platform located on the edge of the rock block that the house is constructed on. A small trail leading to the shoreline had also been created by weed-whacking a thin line of vegetation. The property owner was informed that permits were required for the construction and directed to apply for an after-the-fact permit.

Due to various factors, there were some delays in submitting application materials, but the agent did provide periodic updates to the City when requested. After input from City staff, the applicant decided to just let the vegetation grow back where the trail had been cut. In addition to the viewing platform, a small deck extension is also proposed.

Due to the small size of the project and the fact that a larger project had recently been permitted, referrals were not sent out for this project. No comments or concerns were brought up in the referral process for the previous project.

Potential Conflicts of Interest

None known; no Commissioners live or own property within 500 ft. of the project.

ZONING ORDINANCE / GENERAL PLAN CONSISTENCY

The property where the structure is located is zoned SR – Suburban Residential. The lot itself has both SR and SE – Special Environment Zoning. The improvements are all on the SR zoned portion; the SE is only located on the narrow strip of the property leading to the shoreline, below the driveway accessing the residences below this property. The purpose of the SR zone is to allow low-density residential development consistent with nearby development and any site limitations; single-family residences are a principally permitted use (§17.28.020). The minimum lot size allowed in the SR zone is 20,000 sq. ft. (§17.28.040), and the maximum density is one dwelling per 20,000 sq. ft. of lot area (§17.28.050). The existing lot is approximately 55,000 sq. ft.

The house was originally constructed in 1975 and has had a number of additions approved by the City over the years. These additions have resulted in various geologic and septic evaluations and recordation of easements, agreements and deed restrictions, which are not impacted by this proposed project.

The project does not propose any changes to the residence itself; therefore, height and square footage are not changing. Decks over 30 inches high, or greater than 500 sq. ft. in size, or that are visible from a street are not exempt from design review. This deck does meet those stipulations, particularly when added to existing deck space. In addition, the site is located in an area mapped as being questionably stable and located near a steep slope / rock face. Further information regarding geologic conditions is provided below.

The Zoning Ordinance (§ 17.56.180) requires two off-street parking spaces other than any garage spaces for single-family dwellings. Each parking space is required to be 18' long and 8.5' wide. There is more than enough room for two vehicles within the existing paved parking area. Therefore, parking requirements are met.

The improvements meet all required setbacks. The closest property line is the rear one (west), located 13.6 feet from the viewing platform. The required rear setback is 20-feet (§ 17.28.060), but decks are allowed to extend up to 8-feet into a rear yard setback (§ 17.56.110), which would equate to a minimum 12-foot setback required.

Minimal grading is required for the project. The supporting pilings were hand dug, and the structure itself is located aboveground. This site is already connected to services and utilities, and these will not change. Exterior materials and colors will also remain the same.

The Trinidad General Plan and Zoning Ordinance protect importance public coastal views from roads, trails and vista points and private views from inside residences located uphill from a proposed project from significant obstruction. Due to the project's location and the minor external changes proposed, there is minimal potential to impact

views from residences located adjacent to or above the structure. Elevations have been provided for this project, and the neighbors have been notified.

SE Zone Requirements

Although the project itself is not located within the SE Zone, a portion of the property is designated SE, therefore, some of the standards apply.

17.20.070 Requirements in tsunami hazard area.

The proposed improvements are well above the tsunami zone.

17.20.080 Requirements for structures on ocean bluffs

This section prohibits most structures from being located on bluff faces. The proposed improvements are all located above the ocean bluff edge. A residential driveway is located below the rock block the proposed improvements are located on.

17.20.090 Requirements for development on slopes near bluffs

This section includes several stipulations as follows:

- A. This subsection does not allow buildings within 30 ft. of the edge of a bluff. As described in the geologic assessment prepared for the previous residential remodel, the rockface that the structure is adjacent to is not a coastal bluff and is not in substantial danger of erosion or retreat.
- B. This subsection requires that grading be the minimum necessary to complete the project; this project required minimal grading to place the support pilings.
- C. This subsection does not allow structures on slopes greater than 20% if the development would require an access road. The proposed improvements do not require an access road.
- D. This subsection requires the development areas to be identified in the Use Permit and staked prior to construction. This is not applicable, because the improvements are not located in the SE zone.
- E. This subsection limits excavation prior to Planning Commission approval of the staked development area. This is not applicable, because the structure is not located in the SE zone.
- F. This subsection requires construction of the access road prior to bringing building materials to the site. In this case, the access road already exists.

G. This subsection protects existing vegetation outside the development area. See section 17.20.120 below.

H. This subsection requires that improvements minimize vegetation removal, alteration of natural landforms and adverse impacts on scenic qualities. The improvements resulted in minimal change and disturbance.

17.20.100 Requirements for development in stream protection areas

This section does not apply. There is no watercourse on the property.

17.20.110 Requirements in Tsurai Study Area

The project site is not within or near the Tsurai Study Area.

17.20.120 Requirements for open space protection

This subsection applies to new development and is closely related to §17.56.150 (Public access to the shoreline) and General Plan Policy 65. Section 17.20.120 requires areas within the SE zone, but outside of the construction area to be preserved through an open space easement. Both sections 17.20.120 and 17.56.150 also require granting of a public access easement along the beach between the mean high tide line and the landward edge of vegetation. Both an open space and public access easement have been previously recorded on this parcel as part of past development approvals. The proposed improvements are not located within the SE zoned area, and so do not encroach on the open space easement

17.20.130 Determination of development feasibility

This section requires a report by a registered geologist or certified engineering geologist for any development within areas designated as “unstable” or of “questionable stability” as mapped on Plate 3 of the General Plan. The improvements are within the “questionable stability” area. The Planning Commission must find 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 geologic report must be based on an onsite inspection and address all aspects of the project. A more detailed report was prepared for the previous residential remodel and deck additions with more detailed recommendations and conclusions. The report prepared for this project found that the new improvements would not cause erosion nor increase geologic hazards.

However, the platform is subject to some risk from being undermined due to localized rockfalls from the large rock block it is sitting on. In fact, City staff are aware that a large chunk of this rock broke off several years ago and crushed a car that was parked between the rock and the residential driveway below it on the adjacent property. The engineering geologic report found that the risk was low and did not determine that the platform would contribute to the potential for more rockfalls. Even so, the following

conditions of approval have been included as part of this project: (a) should the integrity of the platform be compromised by undermining of the supports, it shall be removed; (b) if any portion of the deck should fail and fall onto the adjacent property, the applicant shall be responsible for removing it; and (c) the applicant shall indemnify and hold the City harmless for any future instability or damage related to the stairs and viewing platform. A hold harmless agreement shall be recorded on the deed and shall apply to all future heirs and assigns of the property.

SLOPE STABILITY:

As noted above, the project site is mapped as being of “questionable stability” on Plate 3 of the General Plan. The improvements can be found to have met the geologic requirements of the City’s LCP as described above.

The project is also located within the Alquist-Priolo Fault Zone. However, single-family, wood-frame dwellings up to two stories high are exempt from the Alquist-Priolo Special Studies Zone Act.

SEWAGE DISPOSAL:

The residence is served by an existing onsite sewage disposal system (OWTS) that was installed in 1974. The system was upgraded in 2001 to add a reserve area. The OWTS is an older system and located under pavement along the eastern side of the parking area. However, it is a standard system and generally functions satisfactorily. The project will not increase flows to the system, nor encroach into the leachfield or reserve area. A deed restriction limiting the residence to two bedrooms has already been recorded as part of a previous approval. An OWTS operating permit was obtained by the previous owner, which the project applicant still needs to have transferred into their name. That has been included as a condition of approval. However, the City’s OWTS Management Program does not require any upgrades or alterations to the system.

LANDSCAPING AND FENCING:

This project does not involve any new landscaping or fencing. An open space easement has already been recorded that protects undeveloped/SE zoned portions of the site from further disturbance. The vegetation that was cut to create a trail to the shore has already grown back.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Because the project proposes exterior additions to the existing structure and is not exempt (§17.72.070.C) from a CDP, §17.60.030 of the zoning ordinance requires Design Review and View Preservation Findings to be made. The required findings are written in a manner to allow approval, without endorsing the project. However, if conflicting information is submitted at the public hearing, 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: Little to no grading is required for the proposed project. The improvements required some hand dug footings.
- 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 is not located adjacent to any open space area, but may be visible from the coastline and ocean. The materials and colors of the new construction are natural wood, which will blend in with the site.
- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: The materials and colors of the new construction are natural wood, which will blend in with the site.
- 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 changes in landscaping are proposed at this time. Much of the property is already heavily vegetated. The structure is not readily visible from most public viewing locations. 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 new 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: No change to the existing utilities is proposed, which are located under the existing driveway from Scenic Dr.

- 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 square footage of the residence is not changing.
 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: The project does not involve multiple units.

View Protection

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: Although the structure is located close to the coastline, it is not readily visible from many locations. Trees and other vegetation screen the structure from most locations within Trinidad. It may be visible from Trinidad Bay and parts of Trinidad Head, but only minor changes are proposed and the proposed materials and colors will blend in with the site.
- 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: Due to the project's location and the topography of the site, the structure does not have the potential to block public views.
- C. *The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this*

subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction. Response: The project will not be located on a vacant lot, and due to the project location and topography, the structure does not have the potential to block private views.

- D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected. Response: There was no residence that was destroyed by fire associated with this project.*
- E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards. Response: The proposed project is not within 100 feet of the Holy Trinity Church, the Memorial Lighthouse, the Tsurai Study Area, or the Cemetery.*

STAFF RECOMMENDATION

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

Based on application materials, information and findings included in this Staff Report, and based on public testimony, I find that the project complies with the Trinidad LCP and other applicable policies and regulations, and I move to adopt the information and required Design Review, View Protection, and other findings in this staff report and approve the project as submitted in the application, as described in this staff report, 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. Add 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. Because work was started without appropriate permits, these fees shall be doubled per the Planning Commission's After-the-Fact Permit Policy. *Responsibility: Building Inspector prior to building permits being issued and/or prior to final inspections as appropriate.*
2. Based on the findings that community values may change in a year's time, approval of this Design Review is for a one-year period starting at the effective date and expiring thereafter unless the building permit has been finalized, or an extension is requested from the Planning Commission prior to that time. *Responsibility: Building Inspector prior to building permits being issued.*
3. Any additional construction related activities are to occur in a manner that incorporates storm water runoff and erosion control measures as necessary in order to protect water quality considerations near the bluffs. Specific water quality goals include, but are not limited to:
 - a. Limiting sediment loss resulting from construction
 - b. Limiting the extent and duration of land disturbing activities
 - c. Replacing vegetation as soon as possible
 - d. Maintaining natural drainage conditions*Responsibility: Building Inspector to confirm prior building permits being issued.*
4. Recommended conditions of the City Building Inspector shall be required to be met as part of the building permit application submittal. Grading and drainage will need

to be specifically addressed at the time of building permit application. *Responsibility: Building Inspector prior to building permits being issued.*

5. Any additional construction activity shall minimize the removal of vegetation, minimize alteration of natural landforms and adverse impacts on the scenic qualities of the area. *Responsibility: Building Official to verify prior to final project sign off.*
6. The applicant shall submit an OWTS application questionnaire and the current applicable fee to transfer the OWTS permit into their name. *Responsibility: Building Official to verify prior to final project sign off.*
7. By acceptance of this permit, the applicants agree, on behalf of themselves and all successors and assigns, that the landowner(s) shall remove and/or relocate, in part or in whole, the development authorized by this permit, including, but not limited to, the viewing platform and other development authorized under this CDP, should the structural integrity of the viewing platform or stairs become compromised. In the event that portions of the development fall to the adjacent property and/or the access driveway below before they are removed, the landowner(s) shall remove all recoverable debris associated with the development from the adjacent property and/or the access driveway and lawfully dispose of the material in an approved disposal site. *Responsibility: Applicants and subsequent property owners for the life of the project.*
8. 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 the owner(s) (a) acknowledges the geologic hazards on the property, (b) assumes risks of injury and damage from such hazards in connection with this permitted development and (c) agrees to indemnify and hold the City of Trinidad, its officers, agents, and employees harmless with respect to the City's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. *Responsibility: Building Official to verify prior to final project sign off.*

ATTACHMENTS:

- Engineering Geologic Assessment (2 pages)
- Project Plans (two 11"x17" pages)



Reference: 021010

March 30, 2023

Russell Reiner
c/o Andrew Zappettini
2856 Gunn Court
Redding, CA 96001

**Subject: Engineering Geologic Assessment of Recently Constructed Deck at
170 Scenic Drive, Trinidad, California**

Russell Reiner:

As requested, SHN is providing this letter report to document the results of our assessment of a recently constructed deck at your residence at 170 Scenic Drive (Assessor's parcel number 042-141-018) in Trinidad, California. We understand this information has been requested by the City of Trinidad relative to post-construction permitting. To complete our assessment, we visited the site on February 2, 2023.

The deck was built within the past year, extending downslope from the northwest corner of the existing residence to the crest of a bedrock platform, where the deck is perched above a steep rock face that leads to the residential drive below. The stairs leading to the deck descend a grassy slope presumably underlain by a thin veneer of marine terrace deposits overlying shallow bedrock (which is exposed locally at the ground surface). Bedrock in the area is associated with hard rock blocks within the Franciscan Complex mélange that underlies the Trinidad area. The bedrock platform occupied by the deck occurs along the crown of a large block of graywacke sandstone that extends to the southeast beneath the residence.

The 32-foot-long flight of wooden steps descending to the deck are supported just above natural grade on 10-inch-diameter, 3-foot-deep concrete piers. The 12-foot by 12-foot deck is founded on hand-dug, 18-inch-diameter, concrete-filled piers that extend 1 to 2 feet to the bedrock surface. The support structure for the deck is reinforced with lateral grade beams and joists. The steps and deck appear well-designed, well-built, and strong.

The existing steps and deck structure appear to be having a negligible impact on the site. There is no visible erosion, and the existing vegetation is adequately mitigating impacts related to surface runoff. In fact, the close spacing of piers beneath the stairs are acting in a similar fashion to rows of "stitch piers" and may be reducing shallow mass wasting potential. Construction required no grading or alteration to site conditions; other than footings, it was all built at or above existing grade. Soils at the site and the bedrock platform supporting the deck all provide adequate bearing capacity for the light surface improvements, and we do not expect impacts to the natural slope stability conditions from the construction.



Russell Reiner

Engineering Geologic Assessment of Recently Constructed Deck, 170 Scenic Drive, Trinidad, CA

March 30, 2023

Page 2

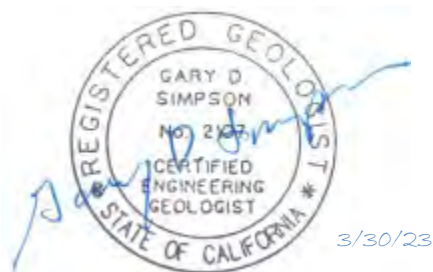
The deck is located above a seaward-facing, near-vertical rock face and is, therefore, subject to some risk associated with localized undermining by rockfall. This hazard is most acute at the western corner of the deck, where the footing is about 3 feet from the crest of the steep rock face above the adjacent residential drive. Based on observation of this slope over several years, failures typically occur through weathering and loosening of fractured rock in the slope face that leads to shallow sloughing of soil, vegetation and ± 1 foot of weathered rock. Rockfalls resulting in loss of 3 or more feet of the rock face appear rare; therefore, the potential for undermining of a significant part of the deck is low. Note that because of the structural integrity of the deck, it appears it would require undermining most of the deck to severely damage it; this appears to be a very low risk event.

Based on our engineering geologic assessment, we find the recently constructed deck and adjoining steps to be low impact improvements that are not affecting existing mass wasting (erosion and slope stability) conditions and have a low potential to be impacted by existing (stability) conditions.

Existing vegetation should be maintained to prevent future erosion. Also, periodically inspect the integrity of the rock face below the west edge of the deck; if substantial retreat occurs, corrective action may be required to ensure continued deck support.

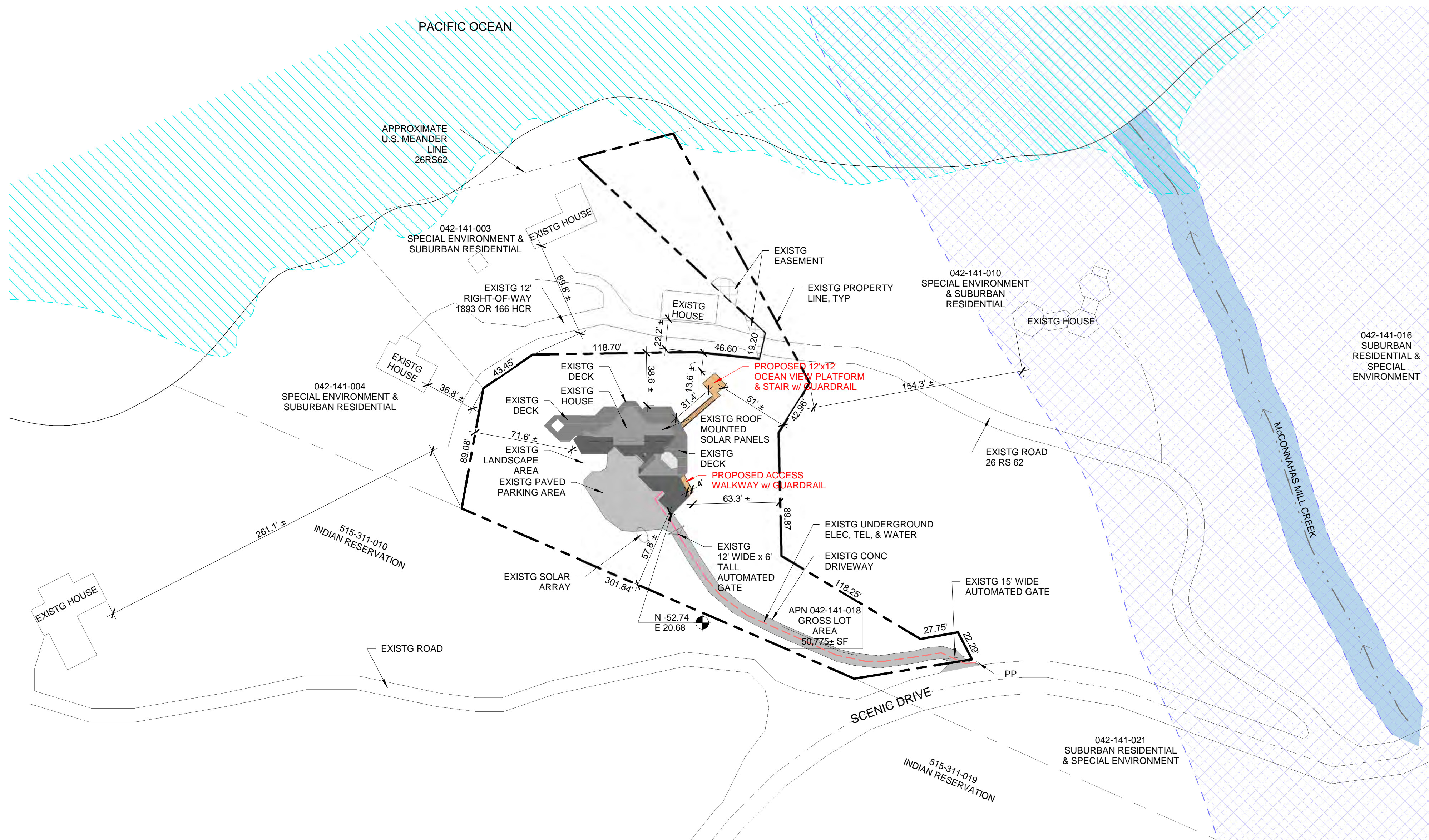
Sincerely,

SHN

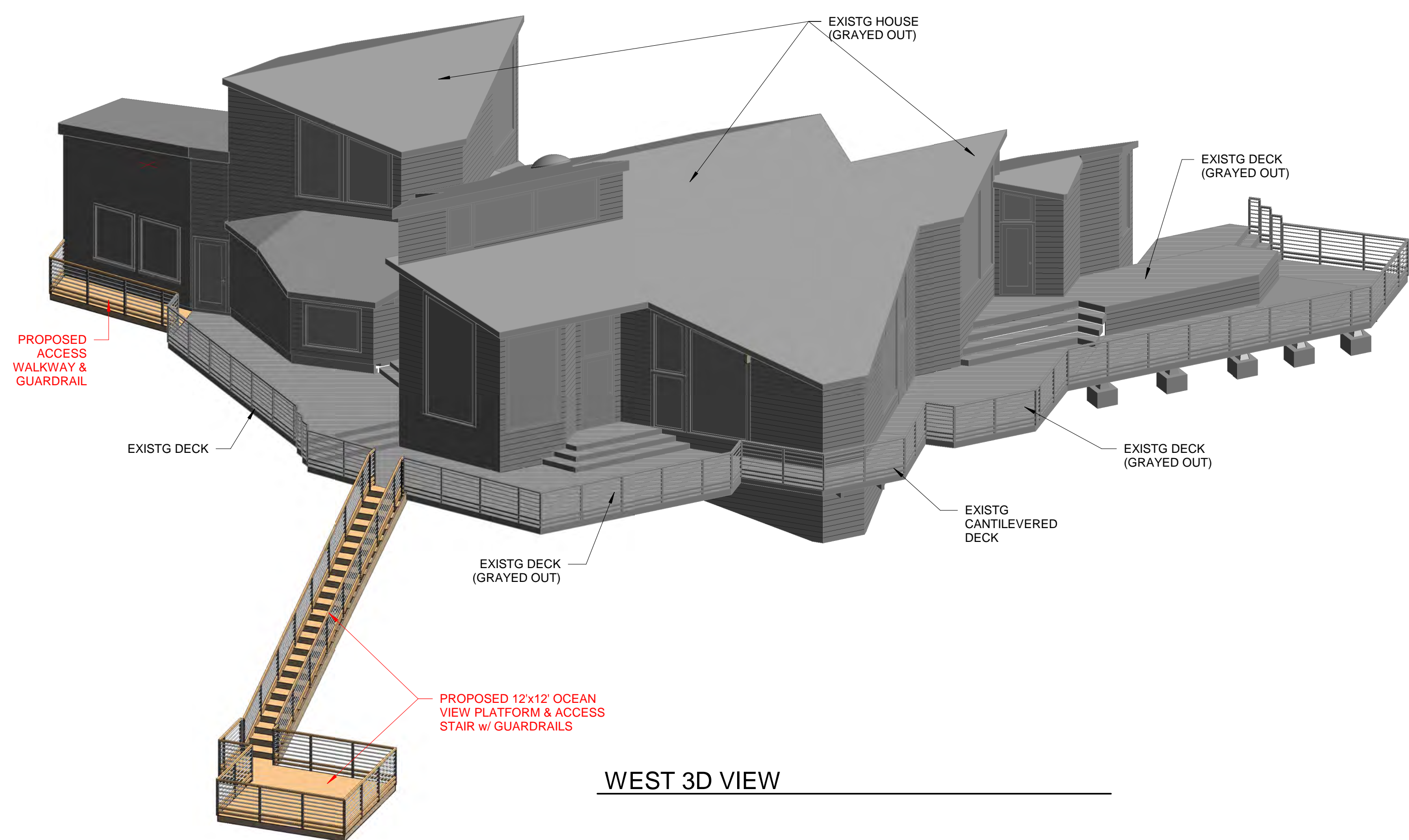


Gary D. Simpson, CEG 2107
Sr. Engineering Geologist

GDS:ame



SITE PLAN
1" = 50'-0"



WEST 3D VIEW

LEGEND

- FEMA 100 YR FLOOD ZONE (VE)
- STREAMSIDE MANAGEMENT AREA
- NWI WETLANDS

BUILDING CODE DATA

CONSTRUCTION TYPE: VB (NON-RATED)
OCCUPANCY GROUP: R-3 (SINGLE FAMILY)
RISK CATEGORY: 2

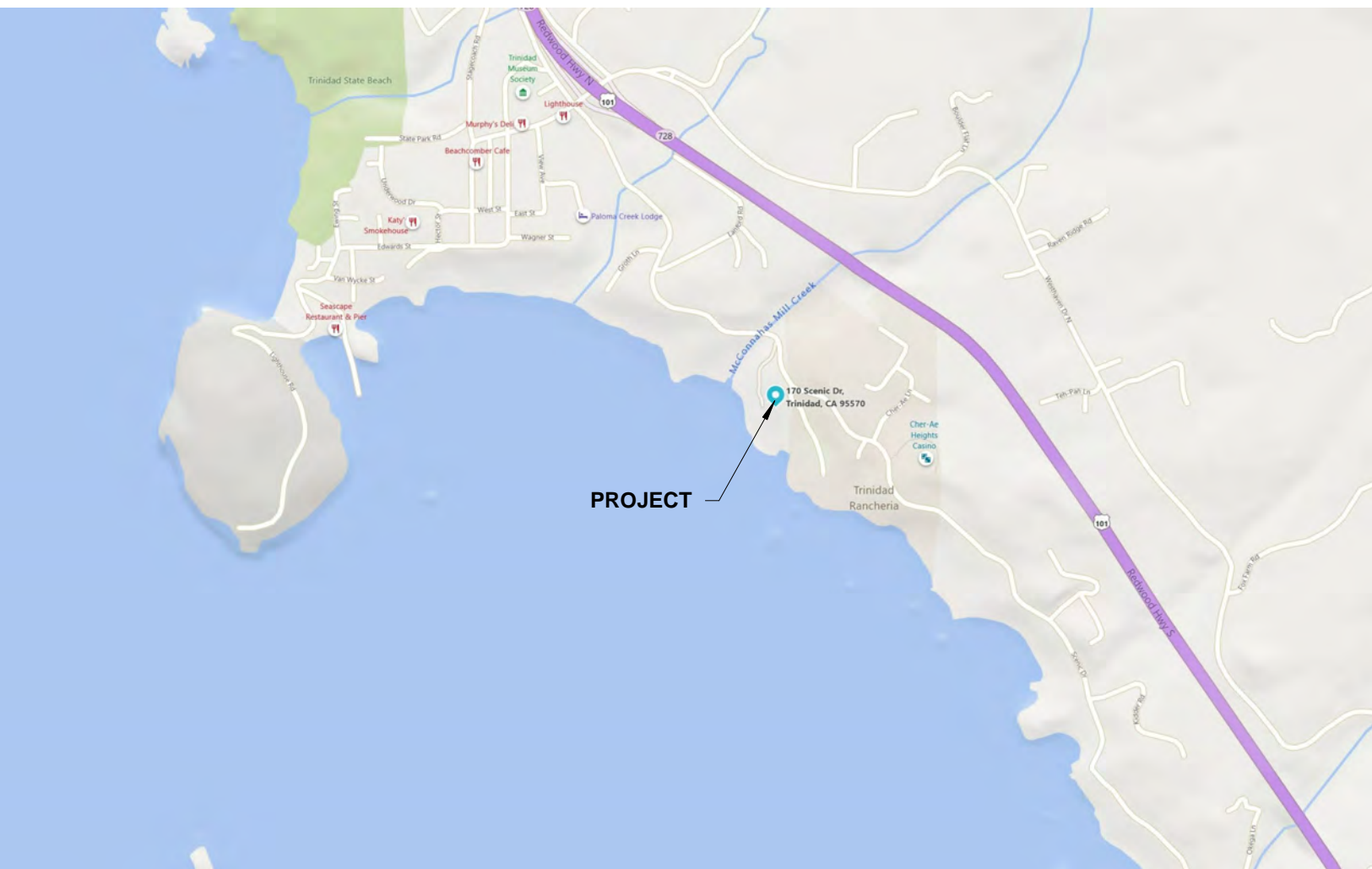
BUILDING CODE COMPLIANCE:
2019 CALIFORNIA BUILDING CODE (CBC)
2019 CALIFORNIA RESIDENTIAL CODE (CRC)
2019 CALIFORNIA MECHANICAL CODE (CMC)
2019 CALIFORNIA PLUMBING CODE (CPC)
2019 CALIFORNIA ELECTRICAL CODE (CEC)

PROJECT DESCRIPTION

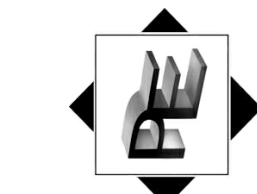
- PROPOSED PROJECT INCLUDES THE FOLLOWING ITEMS:
- 12'x12' WOOD-FRAMED OCEAN VIEW PLATFORM AND ACCESS STAIR w/ GUARDRAIL
 - 4' WIDE x 16' WOOD-FRAMED ACCESS WALKWAY w/ GUARDRAIL

SITE PLAN GENERAL NOTES

- THE CONTRACTOR SHALL VERIFY ALL PROPERTY LINES PRIOR TO BEGINNING CONSTRUCTION



LOCATION MAP



PENFOLD
Structural Engineering

P.O. BOX 888, PALO CEDRO, CA 96073 (707)499-5652



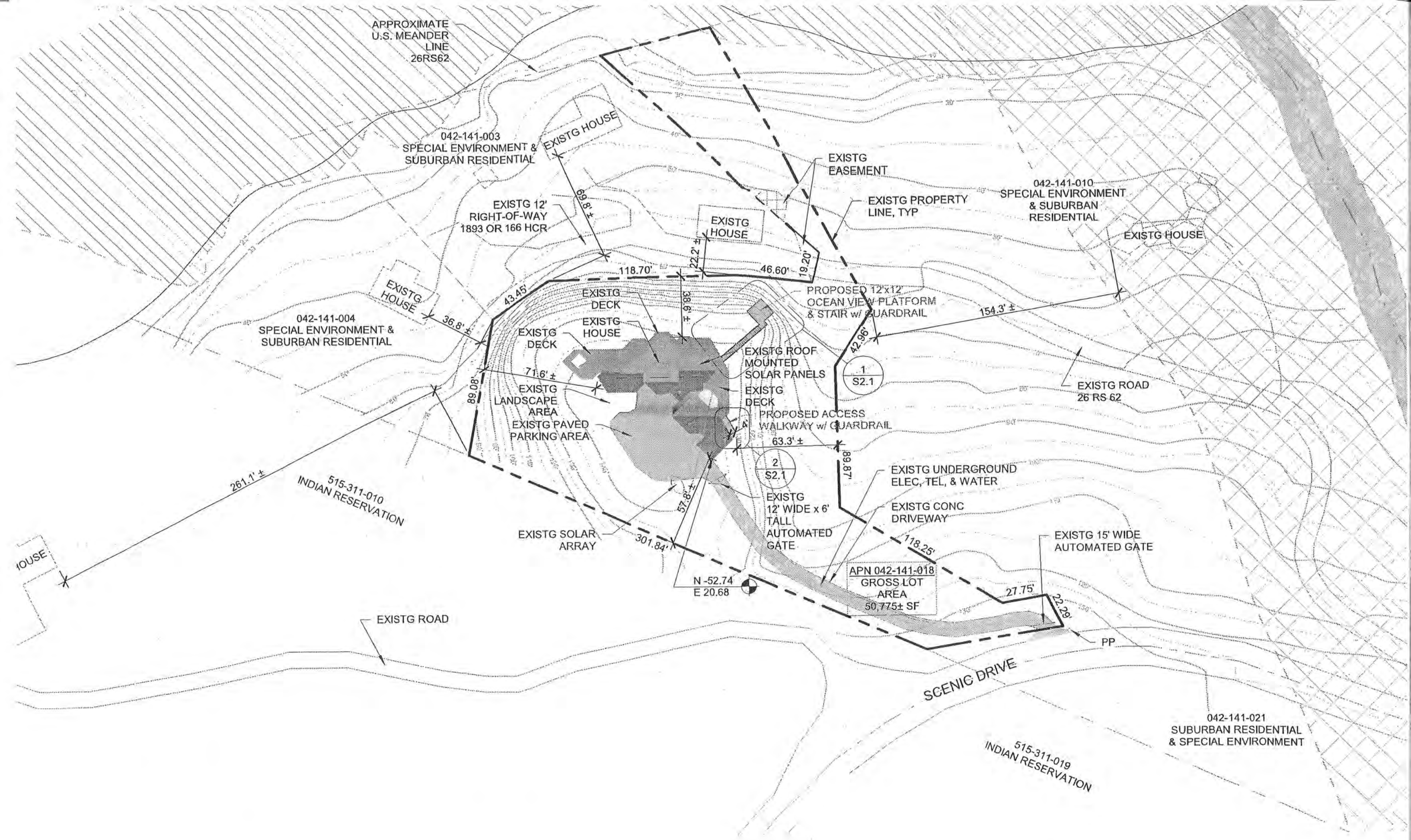
PROPOSED DECKS & STAIR

FOR
RUSS REINER
170 SCENIC DRIVE, TRINIDAD, CALIFORNIA - APN 042-141-018

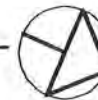
REVISION	DATE
No	

Sheet Title	SITE PLAN
Date	10/20/22
Drawn	SMP
Project No	2022124
Sheet No	

C1.1



SITE PLAN
1" = 50'-0"





DISCUSSION AGENDA ITEM #4 SUPPORTING INFORMATION

4. Policies on Detached Living Spaces: Discussion/ decision regarding modification of the standard conditions for approving detached living spaces as set forth in the policy adopted by the Planning Commission on April 18, 2018.

This page intentionally left blank.

DISCUSSION / ACTION AGENDA ITEM



Wednesday, September 20, 2023

Item: Policies for Detached Living Spaces: Discussion/ decision regarding modification of the standard conditions for approving detached living spaces as set forth in the policy adopted by the Planning Commission on April 18, 2018.

Background

The Planning Commission adopted the Detached Living Space Standard Conditions on April 18, 2018 as the result of a number of difficulties and enforcement issues with detached living spaces being used as or converted to separate dwelling units. While the state requires jurisdictions to allow and even encourage accessory dwelling units (ADUs), they must be carefully regulated in Trinidad due to the increased wastewater load associated with a separate dwelling; creation of an ADU generally requires upgrades to the septic system, or OWTS.

As part of the process of developing standard conditions for detached living spaces, the Planning Commission also developed definitions for “kitchen” and “wet bar,” since cooking facilities are often what defines an ADU. These were also adopted as policy rather than a zoning ordinance amendment, which would have required certification by the Coastal Commission.

Update

At the July 19, 2023 meeting, the Planning Commission approved conversion of a portion of a detached garage to living space. Concerns were expressed about #4 of the Standard Conditions for Detached Living Spaces, which requires the “owner to agree to periodic inspections/walk-throughs by the City Building Inspector with 24-hour notice.” The concerns were related to how often this could/would occur and whether it could be used as a harassment tactic. Therefore, the Planning Commission should consider adding some additional details to define the circumstances under which an inspection would occur and/or how often they could occur.

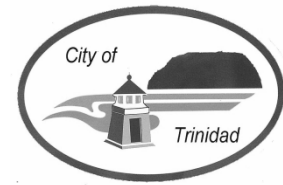
Staff Recommendation

Provide feedback on desired changes to the standard conditions.

Attachments

- Detached Living Space Standard Conditions (1 page)
- Kitchen Definition Policy (2 pages)

PLANNING COMMISSION POLICY



Detached Living Space Standard Conditions

Adopted April 18, 2018

Purpose

This policy provides guidance to City of Trinidad staff and the Planning Commission for setting standards for improvements to and the use of detached living spaces. It shall be used when reviewing permit applications, checking plans, investigating complaints and inspecting buildings. These guidelines shall be used by all staff in determining whether a detached living space is being used consistent with City regulations and policy.

Background

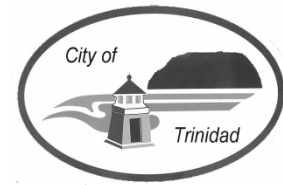
The City has a history of allowing existing, detached structures to be converted into living space as an economical alternative to an addition. These spaces can and have been used for a variety of legitimate, single-family, residential uses. However, there are financial incentives, as well as reasons of simple personal convenience, for owners or residents to convert a detached bedroom/living space into its own complete dwelling unit.

Staff, citizens, the Planning Commission, and the Council have spent quite a bit of time in recent years over concerns and disagreements about the difference between a second dwelling unit and a detached living space, and whether any secondary cooking facilities should be allowed on a property that is only authorized to have one dwelling unit. This policy document is just one piece of the larger issue. It is intended to provide consistency and clarity for residents, applicants and staff alike. The standard conditions listed below have been developed for use by the Planning Commission in approving any application for a detached living space. In addition, these standards shall be applied to existing detached living spaces to the extent lawfully allowed.

Standard Conditions for Detached Living Spaces

1. An accessory living space shall operate as an extension of and be dependent upon the principal use and shall not be a separately functioning dwelling unit.
2. A "kitchen," as defined by Planning Commission Policy, is prohibited within a detached living space that contains a bedroom or full bathroom.
3. Property owner to sign and record a deed restriction limiting the number of bedrooms and units on the property to that approved by the City.
4. Owner to agree to periodic inspections/walk-throughs by the City Building Inspector with 24-hour notice.
5. Separate mailing addresses are prohibited for a detached living space.
6. Separate utility meters for electricity, water, and other utility services are prohibited for a detached living space.

PLANNING COMMISSION POLICY



Definition of a Kitchen

Adopted April 18, 2018

Purpose

This policy provides guidance to City of Trinidad staff for determining whether a kitchen exists in a space based on the improvements contained therein. It shall be used when reviewing permit applications, checking plans, investigating complaints and inspecting buildings. The provision of a kitchen is one of the factors used to determine whether a structure is considered to be a dwelling unit and for determining the number of units within a structures or allowed on a given site. These guidelines shall be used by all staff in determining whether a space contains a kitchen.

Background

Staff, citizens, the Planning Commission, and the Council have spent quite a bit of time in recent years over concerns and disagreements about the difference between a second dwelling unit and a detached living space, and whether any secondary cooking facilities should be allowed on a property that is only authorized to have one dwelling unit. The City Council has directed the Planning Commission and Planning Staff to develop clear policy recommendations regarding these issues.

The presence or absence of a kitchen is often used by jurisdictions to determine whether a second unit exists. The City's code does not have a definition of kitchen, and the building code definition is vague. The building code requires a dwelling unit to have food preparation facilities, but does not define what those are. There is nothing in Trinidad's codes (or the State's) that prohibits a single-family dwelling from having two kitchens. However, the Planning Commission has put limitations on the creation of a kitchen for specific projects.

There are a number of reasons that one dwelling may have multiple kitchens. Full outdoor kitchens, for example, have become popular. Sometimes an upper or lower story or a recreation/ game room will have a partial kitchen or wet bar installation for convenience. Some people may want separate cooking facilities if someone has allergies or religious restrictions on what they can eat or how food is prepared. Also, a second kitchen or supplemental cooking facilities could be important for someone who does a lot of food prep such as smoking, canning and other types of preserving.

Definitions & Policies

Kitchen: A kitchen means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains one or both of the following:

1. Cooking appliances or rough in facilities for such appliances including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills or microwave ovens or similar built-in appliances, 240 volt electrical outlets or any gas lines. OR
2. A sink less than 18 inches in depth with a waste line drain 1.5 inches or greater in diameter AND a refrigerator exceeding five (5) cubic feet in capacity or space opening with an electrical outlet that may reasonably be used for a refrigerator exceeding five (5) cubic feet in capacity.
3. A kitchen may have more than one sink, stove, oven or refrigerator in the same room.

Wet bar: A single sink with a waste drain line no greater than 1.5 inches in diameter and an under counter refrigerator no greater than 5 cubic feet in size. A wet bar shall not include a refrigerator in excess of 5 cubic feet in size or a kitchen sink greater than 2 square feet in size or a gas or electric range, stove top and/or oven (but may include a microwave oven). A single-purpose fridge larger than 5 cu. ft., such as a wine cooler, is acceptable, as long as no 240 volt electrical outlets are required.

Exceptions: Notwithstanding the criteria above, the following shall not be considered to be a kitchen:

- A. Gas lines and/or electrical outlets of 240 volts in a residential garage, barn, workshop or similar structure, if an operable garage door is provided and the space is unconditioned as defined in the adopted model codes. A garage may contain a refrigerator or freezer but cannot contain any cooking appliances.
- B. One laundry/utility room in a dwelling unit. The laundry room may include utility hook-ups for gas or electric laundry appliances and may include a utility sink with a sink depth 18 inches (18") or greater and/or a full size refrigerator or freezer. A laundry room shall not contain cooking appliances.
- C. An "outdoor kitchen" that is placed in an unenclosed area that may be roofed but is open on at least two sides and exposed to weather.
- D. Any room where the City Manager or his/her designee determines that the room, by its design, clearly cannot reasonably be used as a kitchen. In considering whether a room is a kitchen that would designate a structure as a dwelling unit, the City Manager or his / her designee may also consider but not be limited to, whether or not the structure has a full bathroom and/or potential sleeping area. When an exception is made pursuant to this section, it shall be documented by a Deed Restriction and/or an Agreement to be signed by the property owner and recorded to inform future property owners of restrictions on the use of a building and future permit requirements for any change in use.

Number of Kitchens: There shall be only one kitchen per approved dwelling unit unless an exception to this policy is granted by the Planning Commission. In granting an exception, the Planning Commission shall ensure that adequate measures, such as a deed restriction or other limitations, are included to ensure that the structure is not converted for use as a second dwelling unit.



DISCUSSION AGENDA ITEM #5 SUPPORTING INFORMATION

5. Administrative CDP Regulations: Discussion/ decision regarding a Zoning Ordinance amendment to add regulations allowing for the issuance of administrative coastal development permits.

This page intentionally left blank.



AGENDA ITEM MEMORANDUM

TO: Trinidad Planning Commission

FROM: Trever Parker, City Planner

DATE: September 14, 2023

RE: Administrative CDPs (SB2 Grant Task)

Note, this is the same memo as was included for the August meeting, but the updated regulations are included this time as well as a new ADU CDP areas map, which shows the location where administrative CDPs would apply.

Background

Trinidad was approved for \$160,000 in funding through HCD's SB2 Planning Grants Program intended to be used for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production. Trinidad's SB2 Grant tasks focus on laying groundwork for increasing housing opportunities and resources. In particular, tasks included completion of a parking study and developing streamlined permitting procedures for housing and/or objective design standards. And the grant included development of an ADU ordinance in compliance with State laws.

Administrative CDPs

You may recall discussion of these regulations from more than a year ago. In addition to the administrative permit provisions, we were also looking at a revised set of CDP exemptions and exclusions. The purpose of all three was to help streamline residential and other small projects consistent with policies of the City's Housing Element and goals of the SB2 grant. However, after consulting with Coastal Commission staff, pursuit of the exemptions and exclusions has been dropped for the time being for several reasons.

The addition of CDP exemptions as allowed under the Coastal Act and associated regulations would be fairly straightforward. However, our original intent was to align the CDP and design review exemptions like they are now. But the CDP exemptions are broader in some cases than what the City would want to exempt for design review. And Coastal Commission staff informed us that we could not modify the CDP exemptions, even if it is to make them more strict. Therefore, we will likely end up with separate CDP and design review exemptions and application procedures as we update the LCP. But that is beyond the scope and capability of what could be accomplished under this grant task.

Certification of CDP exclusions by the Coastal Commission, on the other hand, is a separate process from normal LCP amendments. And there is a very high bar that must be met in

terms of analysis of potential impacts to coastal resources in order to achieve approval of exclusions. I think it is still worth pursuing a new or modified exclusion order as part of the LCP update, but it was beyond the scope of what we could accomplish at this time. The most important exclusion would be for OWTS repairs that do not expand the capacity of the system so that people would not have to go through the entire CDP process just to repair an undersized or malfunctioning OWTS.

However, administrative CDPs can still be a useful tool to help streamline small projects, particularly J/ADUs. The current draft of the ADU ordinance includes references to administrative CDPs. One of the most important uses of administrative permits will be for OWTS upgrades, modifications and repairs that are needed to establish an ADU. Administrative CDPs are not allowed within the area appealable to the Coastal Commission, so their geographic scope is limited, but it helps streamline the process as much as possible. I included Figure 1 from the draft general plan update, which shows the appealable area. However, after consultation with Coastal Commission staff, the figure needs to be updated, because Underwood doesn't qualify as the first public road, because it is not a through street. Therefore, the western boundary of the appealable area will be Trinity Street.

In general, administrative Permits are for small projects that don't fall under an exemption or an exclusion from CDPs but still have minimal to no potential for any impacts to coastal resources. Generally, a full CDP application is required in order to document the information and findings that are needed to grant an administrative permit. But the staff report and analysis are abbreviated. An administrative permit requires notification of neighbors and reporting to the Planning Commission, but not a public hearing. If two Planning Commissioners object to the administrative CDP, then a full CDP would need to be processed.

The administrative CDP regulations are fairly straightforward. The last draft that was previously before the Planning Commission included a list of eligible projects and exceptions that was more tailored to Trinidad. However, after consultation with Coastal Commission staff, the wording was edited to be consistent with the language in the Coastal Act and associated regulations. One thing to note is that these regulations include some sections that would normally just be referenced, but since they don't currently exist in Trinidad's LCP, they are included in the regulations, but will eventually be incorporated into the LCP for regular CDPs as well.

Staff Recommendation/Suggested Action(s):

Review the administrative CDP regulations and provide feedback to staff for any suggested modifications. Staff will incorporate these regulations into the ADU ordinance amendment prior to asking the Planning Commission for a recommendation to the City Council.

Attachments:

- Draft administrative permit procedures (4 pages)
- Administrative Permit Flowchart (1 page)
- ADU CDP Areas Map (1 page)

17.72.076 (7.12.06) Administrative Coastal Development Permits

The Zoning Administrator may, without a public hearing, issue an administrative coastal development permit for certain classes of development identified in this section and in accordance with the procedures set forth in this Section if the proposed work is, in the opinion of the Zoning Administrator, de minimis with respect to the policies and objectives of the certified land use portion of the LCP.

- A. Applicability. An Administrative Coastal Development Permit may be granted for the following types of non-exempt development:
 - 1. Improvements to any existing structure;
 - 2. Construction of a single-family dwelling;
 - 3. Any development specifically authorized as a principal permitted use;
 - 4. Any other development that does not cost in excess of one hundred thousand dollars (\$100,000) other than any division of land.
- B. Exceptions. An administrative coastal development permit shall not be granted for any development that:
 - 1. Is appealable to the Coastal Commission pursuant to PRC § 30603[[];
 - 2. If it involves known or probable public opposition or controversy.
- C. Application. The application for an administrative CDP shall contain the following:
 - 1. An adequate description including maps, plans, photographs, etc., of the proposed development, project site and vicinity sufficient to determine whether the project conforms to the provisions of this section and complies with all relevant policies of the Trinidad LCP. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available which would substantially lessen any significant adverse impact which the development may have on the environment. For purposes of this section the term "significant adverse impact on the environment" shall be defined as in Public Resources Code Section 21068 (California Environmental Quality Act) and Title 14 California Code of Regulations, Section 15002(g).
 - 2. A description and documentation of the applicant's legal interest in all the property upon which work would be performed, if the application were approved.
 - 3. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application, and, if the signer of the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in matters concerning the application.

4. Any other information the Zoning Administrator determines is necessary to adequately determine whether the development is consistent with the certified LCP.
5. Failure to provide truthful and accurate information necessary to review the permit application or to provide public notice as required by these regulations may result in delay in processing the application or may constitute grounds for revocation of the permit.

D. Notice.

1. At the time the application is submitted for filing, the applicant must post, at a conspicuous place on the site, notice that an application for a permit for the proposed development has been submitted. Such notice shall contain a general description of the nature of the proposed development and shall be in a form easily read by the public. The city shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to so post the completed notice form and sign the declaration of posting, the Zoning Administrator shall refuse to file the application, or shall withdraw the application from filing if it has already been filed, when they learn of such failure.
2. At least 10 working days prior to the meeting at which the administrative CDP is agendized, the City Clerk shall post the notice in three conspicuous public places in accordance with Section 17.72.130.B (7.17.B).
3. Notice of Administrative coastal development permits shall also be mailed by first class mail to property owners and known occupants within 100 feet of the project property, the Coastal Commission, and to persons known to be interested in the proposed development at least 10 working days prior to the meeting.
4. Contents of the notice shall be as set forth in Section 17.72.130.A.1.c (7.17A.1.c).

E. Action on Administrative Coastal Development Permits. The Zoning Administrator may deny, approve, or conditionally approve applications for administrative coastal development permits on the same grounds as contained below in subsection F and may include reasonable terms and conditions necessary to bring the project into consistency with the certified local coastal program. Administrative coastal development permits shall be governed by procedures used in issuing regular coastal development permits pursuant to the provisions of this Chapter relative to format, receipt, timing, and acknowledgement of permit.

F. Findings. In order for a Coastal Development Permit to be approved, all the following findings must be made, in writing, in addition to the findings required to approve any other applications being considered concurrently:

1. That the proposed development is in conformity with the certified Trinidad Local Coastal Program.

2. That the proposed development complies with the California Environmental Quality Act (PRC Section 21000 et seq.) and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the development may have on the environment.
3. That the proposed development will be sited and designed to prevent adverse impacts to nearby environmentally sensitive habitat areas and scenic resources, and will provide adequate buffer areas to protect such resources.
4. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.
5. That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas.
6. That the proposed development will conform with all other applicable adopted plans and programs.

G. Report to the Planning Commission.

1. The Zoning Administrator shall report the administrative coastal development permit to the Planning Commission at its next available meeting more than 10 working days after notification is provided. The Zoning Administrator shall prepare a report in writing with sufficient description of the work proposed to allow the Planning Commission to understand the development to be undertaken.
2. If one-third of the full membership of the Planning Commission so request, the issuance of an administrative coastal development permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application subject to all the provisions of this Chapter.

H. Appeals. Administrative permits are appealable to the Planning Commission per § 17.72.100.

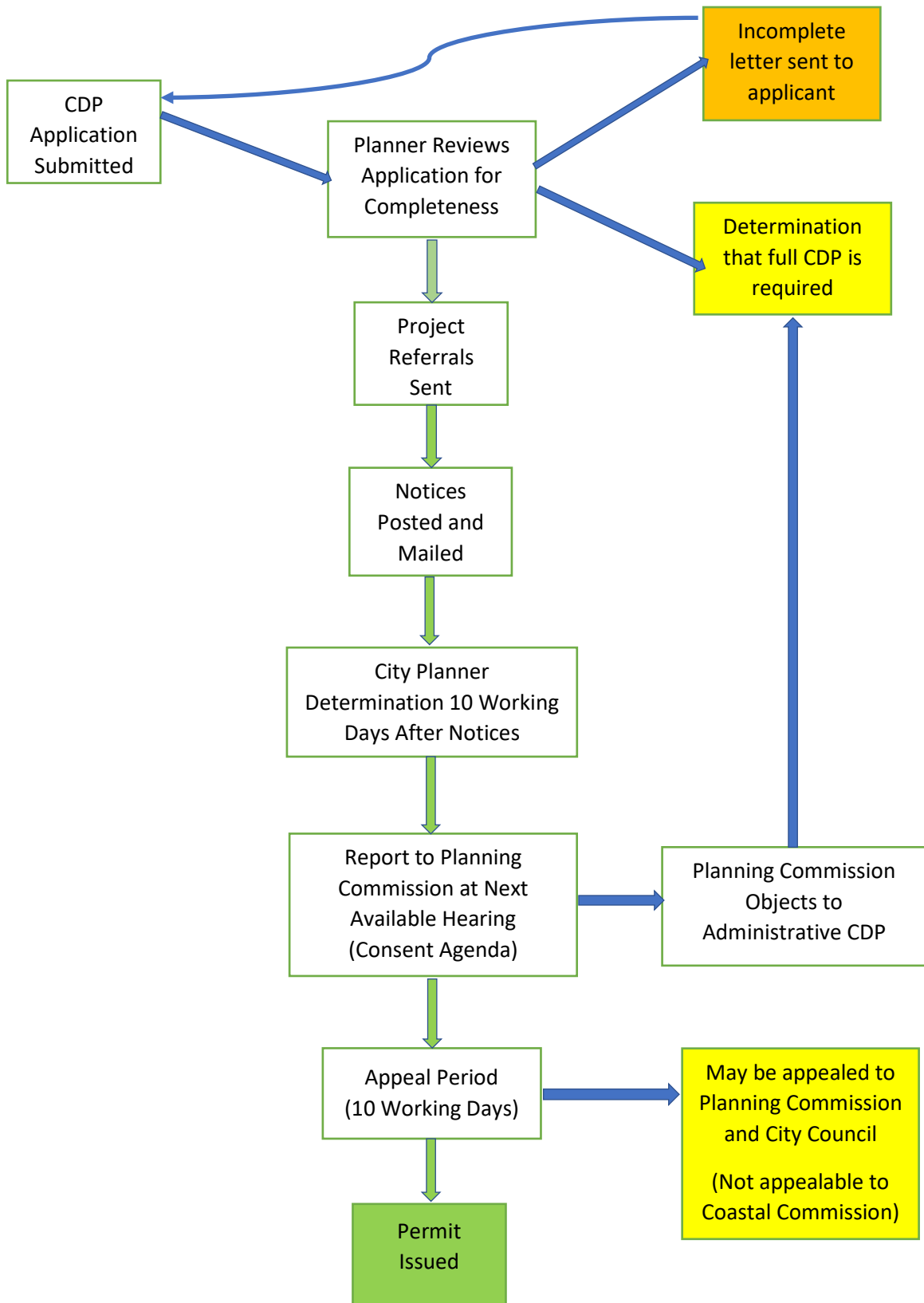
I. Issuance/Effective Date. A decision on administrative coastal development permits shall not be deemed final and effective until 10 working days after the Zoning Administrator has made all the required findings described in Section 17.72.076.F and the permit has been reported to the Planning Commission and no objection or local appeal has been filed.

J. Amendments to Administrative Coastal Development Permits








1. Amendments to administrative coastal development permits issued by the Zoning Administrator may be approved by the Zoning Administrator upon the same criteria and subject to the same reporting requirements and procedures,

including public notice and appeals, as provided for the issuance of the original administrative coastal development permit.

2. If any amendment would, in the opinion of the Zoning Administrator, change the nature of the approved project, or change or delete a previously imposed condition of approval, so that it no longer meets the criteria established for treating the application as an administrative coastal development permit pursuant to this Section, then the application shall thereafter be treated in the same manner as for a regular coastal development permit.
- K. Expiration. An administrative coastal development permit shall expire and be of no further force and effect if the authorized improvements are not commenced within three years of the effective date of the permit. If expired, another coastal development permit application shall be required.
- L. Other Permits. An administrative coastal development permit application may be combined with other local discretionary actions.



EXPLANATION

-  **POTENTIAL MINISTERIAL ADU CDP'S**
-  **BLUFF EDGE BUFFER (125')**
-  **SOIL STABILITY BUFFER (100')**
-  **LOCAL JURISDICTION / ADMINISTRATIVE CDP'S**
-  **APPEAL AREA**
-  **INLAND**
-  **CITY LIMITS**

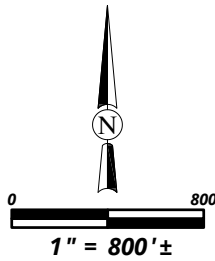
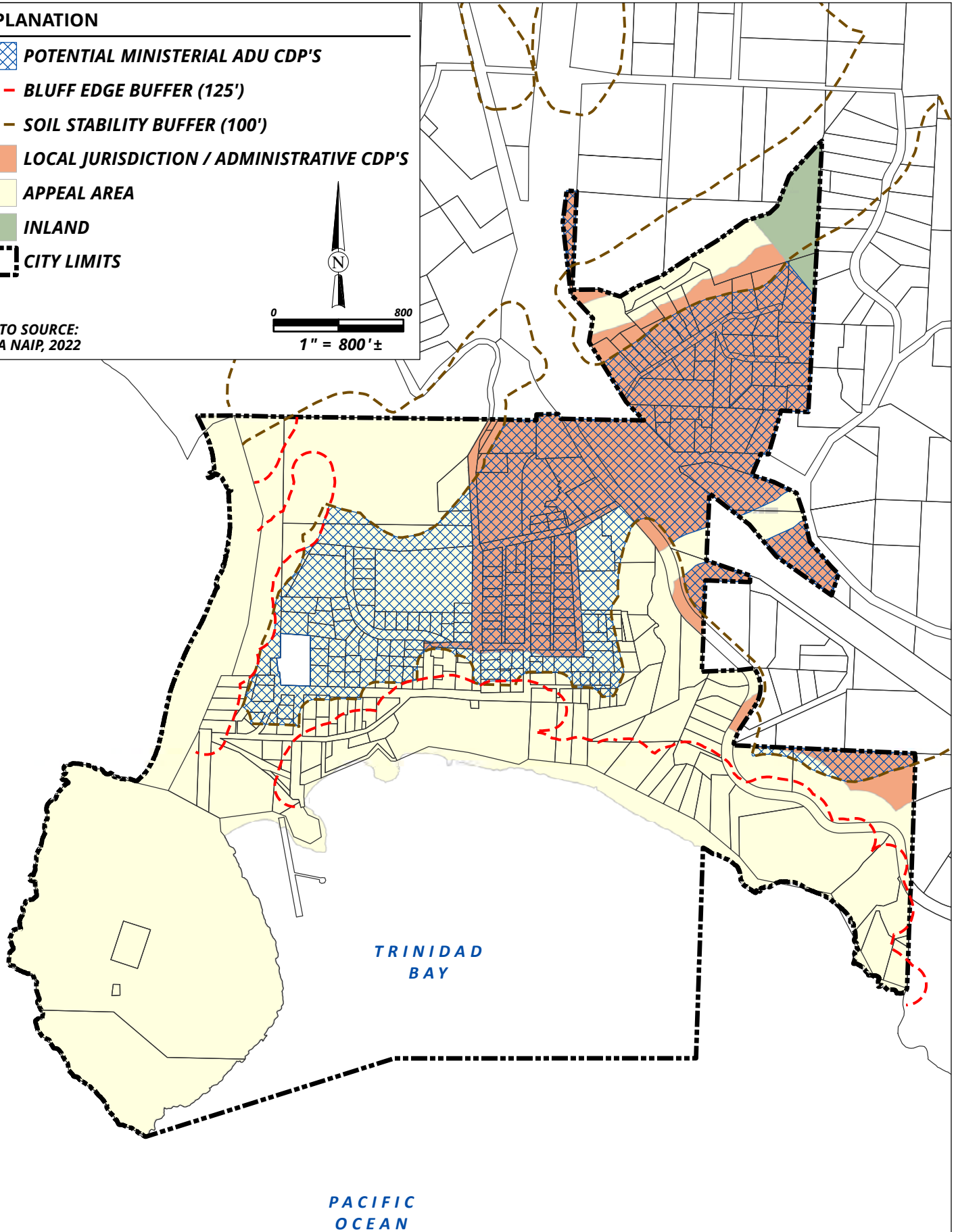


PHOTO SOURCE:
USDA NAIP, 2022



P:\Arcata\2016\016105A-CityOfTrinidad\GIS\Projects\ADU\ADU20230811\ADU_Fig1_MinisterialPermits.mxd USER: jsousa DATE: 9/11/23, 5:01PM



City of Trinidad
Accessory Dwelling Units
Trinidad, California