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Subject: Public comment: Opposition to possible trail closures
From: Ted Pease <ted.pease@gmail.com>
Date: Mon, Jul 13, 2020 2:06 pm
To: azetter@trinidad.ca.gov
Attach: LofvingMackerel9460.100.jpg

Dear Trinidad City Council & Trinidad Planning Commission:

RE: CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail

It has come to our attention that the city manager proposes to "temporarily" close the Van Wycke Trail for as much as four years, and that, further, conversations have been undertaken about a similar closure of the trail extending along the bluff from Wagner Street to the Parker Creek Trail.

As daily walkers around Trinidad, count us as adamantly opposed to either closure. Further, we reiterate our previous opposition to the initial closure of the Van Wycke Trail this past Spring, apparently out of an overabundance of concern about public safety.

We fully endorse and echo the objections of Kim Tays ("CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail," July 11).

We have walked the Van Wycke Trail with our dogs for 20+ years. It has deteriorated over that period, but is still easily passable, even for us old folks; in our opinion, it poses no particular danger to public safety of falling. Concerns over maintaining safe, 6-foot physical distance from others on that trail under COVID-19 restrictions are understandable, but people can't pass each other on that path anyway, and it is common (and common sense) practice for walkers coming from opposite directions to yield and wait for one another to pass, providing the required 6-foot (or greater) buffer.

We are concerned about decisions and recommendations being made without adequate advance opportunity for public comment. These recommendations seem to be based on a less-than-complete understanding of the culture, sensibilities and practices of those who live in Trinidad, or a lack of historical memory of some of Trinidad's longstanding land-use issues.

Before making trail closure recommendations to the Planning Commission, we assume that the city has consulted with its own Trails Committee, and with the California Coastal Commission, whose regulations regarding public access to coastal areas are explicit and relevant.

Not only do we oppose any talk of trail closures, but we urge the immediate opening of both the Van Wycke and Wagner Street-Parker trails, with appropriate signage as needed for public safety and personal responsibility.

Sincerely,
Ted Pease & Brenda Cooper

PO Box 996/446 Mill Creek Lane
Trinidad, California 95570
707-677-5222; 707-502-5806 cell
ted.pease@gmail.com



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Subject: RE: CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail

From: "Trinidad City Clerk" <cityclerk@trinidad.ca.gov>

Date: Mon, Jul 13, 2020 1:57 pm

To: ""Kimberly Tays" <kimkat067@gmail.com>

"Angela Zetter" <azetter@trinidad.ca.gov>, "Trevor Parker" <tparker@shn-engr.com>, "Cheryl Kelly"

Cc: <ckelly@trinidad.ca.gov>, "Diane Stockness" <diane.stockness@gmail.com>, "Richard Johnson" <rfjbr@gmail.com>, "Tom Hopkins" <tomh@humboldt1.com>

Hi Kim,

Message received and forwarded to the Planning Commission as requested.

Gabriel Adams

Trinidad City Clerk

707.677.0223

From: Kimberly Tays <kimkat067@gmail.com>

Sent: Saturday, July 11, 2020 8:22 PM

To: City of Trinidad <Cityclerk@trinidad.ca.gov>

Cc: Eli Naffah <citymanager@trinidad.ca.gov>

Subject: CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail

Hi Gabe,

Please forward the following email to the Planning Commissioners for their upcoming July 15, 2020 meeting and include in the public comments for this meeting and agenda item.

Dear Trinidad Planning Commissioners:

As a former Trinidad resident and someone who enjoys walking our coastal trails, I am writing to oppose the City of Trinidad's (City) proposed Coastal Development Permit (CDP) to allow for the "temporary" closure of the Van Wycke Trail (VWT).

The VWT has already been closed for over a year and, now, the City is proposing to close the trail for an additional two years, with an option to extend the closure for one additional year (for a total of 4 years). **I do not believe that closing a popular trail for 4 years can, in good faith, be considered "temporary."** What is problematic about this plan is that no alternatives were presented to full trail closure, nor was there any indication efforts have been made by the City to discuss with the adjacent property owners the possibility of purchasing a strip of land from each of them to allow the VWT to be routed upslope, away from the unstable, slumping area of the bluff.

Essentially, under this CDP, the City would be allowed to close a popular, well-used trail for three additional years without any plans to fix the trail or acquire land from adjacent property owners. I did not see any statements in the staff report, either, that indicated the one-year extension would require an additional CDP or allow for further public discussions and/or the possibility of appealing any decision to extend the trail closure for one more year.

Furthermore, there is no discussion in the staff report about the public's prescriptive rights to use the private property adjacent to the VWT. I have used the VWT for the past 18 years and have oftentimes walked on the private property adjoining the trail to allow others to pass by or to move around those sections of the trail that are uneven or slumping. I know others have passed across this private property, too, for similar reasons. In fact, the use of private property adjoining the VWT has been going on for decades. Such use is not infringing on private property rights, as the yards are long and narrow and the trail is a good distance from the homes, patios, decks and main yard areas. I have only witnessed the public passing through quickly, without incident, again because the trail is a good distance from the property owners' homes and main yard areas.

California's coastal bluffs are dynamic, changing features of our coastline. Just because our coastal bluffs are eroding, slumping and shifting does not mean the trails along them should be closed. The toe of the Axel Lindgren Memorial Trail is treacherous, but the City is not closing that trail. I fear that the VWT is being closed, in part, because property owners do not wish to share the trail with the public. They wish to have that view and coastal bluff to themselves. This is a well-known problem in coastal California; where wealthy homeowners try to prevent the public from accessing public coastal trails along their properties and/or erect signs to make the public think that certain property is private when it is not; thus, discouraging the public's legitimate use of coastal trails.

I proposed that the City post signs at both ends of the VWT, warning people that the trail is dangerous and that they are using it at their own risk. A further message could be added to the sign, asking people to please respect the property of adjacent homeowners. This could be done while the City considers alternatives to the full closure of the VWT.

While the public can use Edwards Street to access the beach and harbor, that route has not been properly improved to allow the public to do so safely. Edwards Street, without improvements (such as traffic-calming measures, barricades, signs or markings), is not a suitable trail alternative, due to the high volume of traffic and large vehicles (i.e., buses, RVs, semi-trucks, crab fishing vehicles, etc.) that use Edwards to access the harbor and beach.

Please accept this email as my OPPOSITION to the City's plans to issue a CDP to "temporarily" close the VWT for up to 3 more years. This plan needs to be more fully analyzed and alternatives to full trail closure considered.

Thank you for considering my input on this important coastal access issue.

Regards,
Kimberly Tays
Arcata, CA

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Re: CDP 2020-01 re: "Temporary" Closure of Van Wycke Trail

Dear Trinidad Planning Commissioners,

As a Trinidad resident who walks the trails, I am writing to oppose the City of Trinidad's proposed Coastal Development Permit (CDP) to allow for the "temporary" closure of the Van Wycke Trail (VWT).

I am opposed to this trail closure for many reasons and I support the letters of opposition from Kim Tays and Ted Pease in full. I have also discussed this proposed closure with other residents in town who also oppose it and used the trail regularly prior to the (arbitrary) snow fence barrier installation this past Spring.

The Trinidad City Manager arbitrarily and illegally closed the Van Wycke trail over a year ago without any public meeting or input from residents, the California Coastal Commission or the City's Trails committee. His actions clearly violated laws and unfairly eliminated any public opportunity to appeal his decision for an entire year. This trail is well used by many residents and others who are comfortable using it, **as it is**, including myself. This trail has been posted "use at your own risk" for years and to my knowledge trail use has been without injury. Many other trails in town are in worse condition than this one, and have been the subject of injuries, yet this particular trail has been singled out for closure. Why is that?

The City has provided no ideas for alternatives other than to look for grants to fund repairs? This is the same situation that occurred with the CalTrans grant to repair this trail last year. When the CalTrans grant was obtained, and after the City spent years of staff time and money working on it, and in the end the project was determined that the proposed "repairs" were completely out of line with what was actually needed, or desired by the community. Then the project was revoked. The City's past practice of chasing grants to obtain funds and to **then** determine alternatives is backwards, and costs the residents of Trinidad greatly. A Coastal Development Permit of this nature, that has NO alternatives, is unacceptable and has been clearly stated by the Coastal Commission in this email statement below.

*"As part of any application for a CDP for trail closure, we would want to understand among other things, the reason for the trail closure, the proposed duration (temporary, and if so for how long; or permanent), alternative access routes that could serve the public in an equivalent time, place, and manner to the closed access route, **and what, if any alternatives exist to closing the trail.**" ~Tamara L. Gedik*

[Coastal Program Analyst](#)

[California Coastal Commission](#)

(Please see the complete email below from the Coastal Commission dated 8/26/2019.)

The temporary closure of this trail also appears to line up with the timelines for Prescriptive Rights action? This is of great concern and could perhaps cost us all our ongoing public access to this trail into the future. It appears that with prescriptive rights the trail must have been **in use** during the past five years to make this designation. This is a historic and well used trail despite its current condition and should be continued as such. Repost this trail with notice of “use at your own risk” as was the remedy to keep this trail open approximately 8 years ago.

I question the statements made that the use of the trail does further the damage, to an extent needed to make a closure. This same argument was used on the Wagner Street trail a few years back and those claims were determined to be unfounded. Where are the studies needed to make this claim? Where is the letter from the insurance company making the claim that the trail is unsafe? Why was there so little public information regarding the proposed closure?

All of the trails in town have issues for some users. They have no handrails down steps, some are hand over hand climbing up from the beach, they have uneven steps, they can be washed out at the bottom, and they have a variety of hazards with loose gravel, roots, etc. Most trails in Trinidad are similar, if not in worse condition. State Parks trails at Trinidad State beach and Agate State Beach, and many other locations are also in worse condition. But all of these trails are open to public access, rightfully by law and repairs are constantly made when they can be.

Coastal access is paramount. Closing trails in this manner without an alternative is unacceptable.

“California’s coastal bluffs are dynamic, changing features of our coastline. Just because our coastal bluffs are eroding, slumping and shifting does not mean the trails along them should be closed. The toe of the Axel Lindgren Memorial Trail is treacherous, but the City is not closing that trail. I fear that the VWT is being closed, in part, because property owners do not wish to share the trail with the public. They wish to have that view and coastal bluff to themselves. This is a well-known problem in coastal California; where wealthy homeowners try to prevent the public from accessing public coastal trails along their properties and/or erect signs to make the public think that certain property is private when it is not; thus, discouraging the public’s legitimate use of coastal trails.” Kim Tays

Please accept this email as my OPPOSITION to the City’s plans to issue a CDP to “temporarily” close the VWT indefinitely and without any alternatives. A plan for the Van Wyck Trail needs to be more fully analyzed, alternatives to full trail closure considered and research into Prescriptive Rights obtained.

Thank you,

Kathleen Lake
Trinidad Resident

----- Original Message -----

Subject: RE: Trinidad Trail Closure and Parking

From: 'Gedik, Tamara@Coastal' <Tamara.Gedik@coastal.ca.gov>

Date: 8/26/19 4:15 pm

To: 'tdavies@trinidad.ca.gov' <tdavies@trinidad.ca.gov>

Cc: 'Merrill, Bob@Coastal' <Bob.Merrill@coastal.ca.gov>

Hi Tom,

Thank you for contacting me. Bob did mention your inquiry and I believe he meant to respond so hopefully my response isn't duplicative- Bob please feel free to weigh in.

Regarding your question about the Van Wycke Trail, the posting of signs indicating the closure of any trail would constitute a change in the intensity of use of the trail requiring a coastal development permit (CDP). The City would have to demonstrate in its review of any proposed trail closure that the proposal would be consistent with the City's certified LCP and with the public access and recreation policies of the Coastal Act. As part of any application for a CDP for trail closure, we would want to understand among other things, the reason for the trail closure, the proposed duration (temporary, and if so for how long; or permanent), alternative access routes that could serve the public in an equivalent time, place, and manner to the closed access route, and what, if any alternatives exist to closing the trail. If the trail is described and/or depicted in the certified LCP and closure was intended to be permanent, then the closure would also most likely require an amendment to the certified LCP.

Regarding changes to parking areas, our staff has advised City staff in the past that "the change to the parking restrictions would require a CDP since it would result in a change in the intensity of use of that parking area. The Coastal Commission does routinely evaluate proposed changes to public parking throughout the state as it relates to potential impacts to the public's ability to access the coast consistent with the public access and recreation policies of the Coastal Act. It would be helpful to know as part of the City's analysis of the change, how it would affect traffic flow/circulation and visitor use (e.g., if folks were to access the area for more than 1 hour, would they need to park somewhere else, or move their vehicle?)."

If these developments have already occurred, we would encourage the City to process after-the-fact applications for CDPs; due to the location of both projects (between the sea and the first public road paralleling the sea, and within 300 feet of the coastal bluff), the projects would be appealable to the Coastal Commission.

Sincerely,

~Tamara L. Gedik

Coastal Program Analyst

California Coastal Commission

North Coast District Office

1385 8th Street, Ste. 130 · Arcata, CA 95521

E: Tamara.Gedik@coastal.ca.gov

P: 707.826.8950 · **Fax:** 707.826.8960

~To purchase a whale tail license plate or access Coastal Commission information, go to www.coastal.ca.gov



Trinidad City Clerk

From: Gail Kenny <gailkenny@gmail.com>
Sent: Tuesday, July 14, 2020 8:08 PM
To: Trinidad City Clerk
Subject: Van Wycke Trail Closure Comments

Please forward to the Planning Commission for the July 15, 2020 meeting.

Dear City of Trinidad Planning Commission:

Please deny the application of the coastal development permit to close Van Wycke Trail for the following reasons:

- This is a well-used trail that in its current condition is safely passable for many users. The Axel Lindgren Memorial Trail at the beach end is in much worse shape, and that trail has not been closed. I see no difference with the Van Wycke trail.
- There isn't an alternate trail that allows pedestrians to get off the road and out of the way of traffic on the way to the harbor.
- Closure of the trail denies the public access views from the trail.
- The trail appears to have been closed due to pressure from residents who live adjacent to the trail, who dislike having pedestrians using the trail. In the past the City was involved in litigation with another homeowner who wanted to close the trail adjacent to his property (John Frame) who claimed the trail was eroding, etc. A lot of time and money was spent to keep that trail open.
- If there is still concern about COVID issues, require that people wear masks while using the trail like the trail by John Frame's house is now signed. The slide section of the Van Wycke trail is short and over the 30 years I have used this trail I rarely pass people there. There is a clear view of who is coming along the trail and it's easy to retreat to a spot where groups of people can easily pass each other with social distancing.

Sincerely,

Gail Kenny
Trinidad Resident