

Supplemental Staff Report for Civic Club 2012-04 Design Review

This represents staff's response to the July 10, 2012 TAS letter regarding the Civic Club project (2012-04). The TAS letter and supporting documentation were carefully reviewed and considered. However, much of it consists of quotes from various documents without context and without an explanation of how they apply to this particular project. Many assumptions had to be made as to what the intent of the quotes and comments was. A list of acronyms used in this document can be found at the end.

CEQA Issue

3-tiered Process

The City of Trinidad is the responsible party, or Lead Agency, in CEQA for this project. The California Environmental Quality Act sets forth a 3-step, or 3-tiered process. Once you have a project, you determine whether that project falls under either a statutory or categorical exemption. If it doesn't, then an initial study is prepared to determine if there are potentially significant impacts resulting from the project. If there are none, then a Negative Declaration is prepared. Only if there may be significant impacts that can not be mitigated is an Environmental Impact Report (EIR) (a much larger and more involved document) prepared as the third step in the process. The TAS is asking the City to skip a major step in the CEQA process, the initial study. It can be reasonably concluded, based on the evidence in the record, that the proposed project is minor in nature and does not have the potential to have significant impacts on the environment.

Exemptions

Statutory exemptions are specific exemptions adopted by the legislature that may or may not have impacts (e.g. buildings for 1980 Olympic Games, or SFO runway expansions). Categorical exemptions are regulatory in nature (adopted by the Resources Agency) and are general categories or types of projects that normally do not have significant impacts (e.g. maintenance of existing structures, or new construction of small structures). The project as described clearly falls under a Class 1 and / or a Class 4 exemption. (Note that if a project needs two exemptions to cover all its elements, then it should not be exempt. However, there are many projects that may fall under more than one exemption.) Class 4 (§15304) as cited in the staff report is for: "*minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.*" Examples of the types of project that fall under the exemption are also provided. Class 1 (§15301) is for: "*the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.*"

Exceptions

There are however, certain exceptions to the Categorical Exemptions that are noted in the TAS letter. Follows is CEQA Guidelines §15300.2, which describes these exceptions; the TAS letter cited exceptions a, b and f:

“(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.”

In order to overturn an agency’s CEQA determination, CEQA requires that a ‘fair argument’ be made, that is based on ‘substantial evidence,’ that there will be significant impacts or that an exception applies. Substantial evidence is defined as: “*facts, reasonable assumptions predicated upon facts, expert opinion supported by facts.*” It is staff’s opinion that the information submitted by the TAS has not met this standard of review.

Exceptions Continued – Cumulative Impacts

One of the exceptions to the exemptions cited by the TAS is ‘b’ (cumulative impacts). CEQA Guidelines §15064(h) provides guidance for assessing cumulative impacts and determining whether an individual project’s impacts are ‘cumulatively considerable:’

“(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project’s incremental effect, though individually limited, is cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(4) The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." (emphasis added)

The various projects that have occurred over the years on and near the bluffs may have had cumulative impacts. However, staff does not believe that the current project represents a 'considerable' addition to cumulative impacts. The direct and even indirect impacts of this small project are negligible. Though the TAS cites a couple of different projects that have occurred, and one possibly without a proper permit, other projects on and near the bluff have gone through the permit, public review and environmental analysis process. No significant impacts were ever found, even for the construction of the ALMT.

One example that was cited by the TAS is the 1994 handicap accessible walkway. That project went through the permit process, and no significant impacts were identified. The LACO geologic report cited in the TAS letter found that work to be of a 'minor' nature, and it was larger than the current project. The 1994 Staff Report for the walkway (and other improvements) notes that Policy 69 approval was required. This indicates that the appropriate parties were notified, and no objections were received. There was no documented opposition to the Categorical Exemption (§15301) used for that project at that time. The TAS have not provided 'substantial evidence' that the Civic Club landscaping project will have cumulative impacts, or even specifically what those cumulative impacts may be.

Exceptions Continued – Historic Resources

Another exception to the CEQA exemptions cited by the TAS is 'f,' impacts to historic resources (which also relates to exception 'a'). The TAS documents that the Tsurai Village Site is an important and officially recognized historic resource, and the City does not dispute that. However, no evidence is provided that the project will cause a 'substantial adverse change in the significance of a historic resource.' Again, the CEQA Guidelines provide assistance to agencies making a determination as to the impacts on historic resources (§15064.5(b)):

"(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its

eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.”

The TAS has not provided ‘substantial evidence’ that the Civic Club project will have an adverse affect on the TSA or that it will alter its historic significance. The TAS letter states that the current Civic Club project *“has altered the natural landform to block the traditional path to the western access trail.”* The City recognizes that the ALMT is a cultural resource. However, the TAS argument does not make sense in light of the fact that prior to the current project, there was a fence and small but steep drop-off / retaining wall that completely blocked any access to the trail from the Lighthouse. The current project may not result in opening the traditional access, but certainly does not further block that access. In fact, it opens much of the area up to provide additional access to the ALMT, which is consistent with several policies, plans and documents that cover the site.

Geology

According to the detailed slope stability map produced by SHN Consulting Engineers and Geologists for two alternative trail construction scenarios (Feb. 21, 1996; Reference # 920215.100), the Lighthouse property is located on the most stable area of this bluff. The overall conclusion was: *“Trail construction as proposed will not contribute to the existing slope failure hazard in any significant way. The entire project area is subject to significant long term risk of slope failure. In this geologic environment slope failure events tend to be episodic and unpredictable. Slope failure events large enough to substantially damage a significant portion of either trail alignment are considered to be a low level hazard through the lifespan of the project.”* CEQA analysis and a Mitigated Negative Declaration were prepared for this trail project (SCH# 05113041).

The April 20, 1994 LACO Associates brief geologic report prepared for the handicap accessible walkway project states: *“It does not appear that the grading or improvements will adversely impact the coastal bluff or slopes within the project site. ... The adjacent coastal bluff area is generally unstable and is subject to erosion and slope movement. The processes involved in slope instability are complex and slope movement is hard to predict. Some time in the future coastal bluff retreat may require that the site be re-evaluated for repairs or relocation. In summary, the proposed project should have little or no effect on the stability of the coastal bluff. The proposed design, handicap access and stairs, seems to be adequate to minimize the potential for increased erosion or destabilization of the bluff during the anticipated lifespan of the project.”* This LACO report also makes several recommendations to minimize the risks. These recommendations either do not apply to this project (because no new impervious surfaces were created), or the project is consistent with them (e.g. dispersing discharge with gravel). The SHN (cited above) and other Geologic reports (e.g. Busch Geotechnical Consultants Dec. 7, 1990) also note that there are several long-term and natural slope processes at work in the area, including slumping, toe slope wave erosion, high groundwater and seismic activity. This small project does not have the potential to alter those large-scale processes.

The Tsurai letter (p. 12) argues that the geologist’s report prepared for this project by Lindberg Geologic Consulting is inadequate because it does not include all of the exact language of §17.20.130 which dictates the requirements for geologic investigations in unstable and

questionably stable areas. However, this project does not technically require a geologic report according to the City's certified LCP. This section applies to the SE zone; the UR and SR zones also refer to this section, but there is no such requirement in the PR zone. Further, this section applies to permitted development and permanent structures, not landscaping. Landscaping is not generally a regulated development and is considered exempt from permit requirements under the City's certified LCP. In this case, it is staff's understanding that current Coastal Act regulations do not exempt any development, including landscaping, within 50' of a bluff. Therefore, to err on the side of caution, the City is requiring a Coastal Development Permit and requested that the applicant have a geologist review the site, since it is mapped as being of questionable stability.

It is also staff's opinion that the information provided by Lindberg Geologic Consulting meets the requirements of Zoning Ordinance §17.20.130, particularly considering the minor nature of the work that occurred. The Civic Club's geologist made the required findings, including that the project would not increase slope stability: *"Based on my recent site visit, plan review, past site visits and explorations, and the information presented here, it is my opinion as a professional geologist and certified engineering geologist that the project will not significantly increase slope instability or erosion potential of the bluff top at the project location."* This portion of the bluff has been the subject of several detailed geologic reports that cover the issues that are mentioned in the TAS letter. The Civic Club geologist noted that he was familiar with this background material. Also, the minor nature of the project disturbance must be recognized. Things like slope failure are caused by multiple factors, particularly wave cutting at the toe of the slope. These processes are unpredictable and speculative. The Civic Club's geologist found that: *"Replacement with the steps as proposed will reduce the threat of slope instability..."* and that: *"Surface runoff will be slowed and dispersed by the gravel incorporated into the steps of this project... So, as with slope stability, the proposed project is anticipated to reduce the potential for concentration of runoff and erosion on the south side of the lighthouse and the top of the Axel Lindgren trail."*

The TAS has not presented any evidence that conflicts with the findings and information of the Civic Club's geologist. The TAS letter quotes a variety of geologic reports prepared for various projects in the past, but these statements are taken out of context, and no direct link is made to the current Civic Club project. For example, at the end of the letter, a 2002 Busch Geotechnical Consultants report is quoted as saying that a landslide near the lighthouse appears dormant because there are no cracks in the Edwards Street paving. A 2004 LACO Associates report is also quoted as saying that there is visible cracking in the concrete around the Lighthouse. I believe the intended implication is that in 2002 there were no cracks, and in 2004 there were, so the slide must now be active. However, the Busch report refers to paving on Edwards Street, and the LACO report refers to concrete around the Lighthouse. These are two different locations, and such a conclusion can not actually be assumed.

In addition, the 2004 LACO report found that *"addition of water to the subsurface is likely to be the single greatest factor contributing to the destabilization of the coastal bluff."* The Civic Club project will not affect groundwater conditions or drainage. This comprehensive LACO report also included the following conclusions: *"Based upon LACO's field investigation and review of existing geotechnical investigations, it appears that the coastal bluff occupied by Tsurai Village is subjected to long-term erosional processes occurring at relatively slow rates punctuated by episodic debris slide events. Rotational slumping of the coastal bluff toe slope, resulting from*

ongoing wave and tidal action, also contributes to destabilization of the upslope areas. The coastal bluff as a whole generally appears stable in its present configuration and is unlikely to undergo catastrophic slope movement. Factors which may ultimately contribute to localized slope instability in and around the Tsurai Village are:

- *The diversion, concentration, and improper discharge of surface runoff onto the slopes above and on the Tsurai Village, originating from hardscaped surfaces such as rooftops, driveways, and patios;*
- *an increase in the groundwater elevation, and spring and creek flow volume due to excessive landscape irrigation, densely spaced and undersized septic leachfields, and the addition of new leachfields resulting from continual development;*
- *disposal of landscape yard waste and the girdling and topping of trees on the slopes above Tsurai Village;*
- *continual destabilization of the coastal bluff toe slope resulting from wave and tidal processes, and;*
- *strong earthquake groundshaking.*

The Civic Club landscaping project will not contribute to any of these factors.

The TAS letter also reflects a concern about a retaining wall that was mentioned in the geologist's letter, but not the staff report or project description. Staff was unaware that the 'drop-off' below the old fence was partially held up by a small retaining wall. As I understand it now, the wooden retaining wall ranged from approximately 8" in height to a maximum of 18" in height. That does not change the permitting or requirements of the project; a retaining wall of that height would fall under the same requirements and exemptions as other landscaping.

Another statement in the TAS letter implies that best management practices for erosion control were not properly placed during construction. However, such BMPs are not generally required during the dry season or during construction where they could interfere with active construction areas. For example, straw could not have been placed while the steps were under construction.

Policy 69

Policy 69 states in part: *" There shall be no disturbance, vegetative removal or construction, except for a protective fence around the burial ground, on lands designated as Open Space within the Tsurai Study Area without approval or the lineal descendants of Tsurai, Trinidad Rancheria, City of Trinidad and the State Historic Preservation Officer. Lands designated as Special Environment within the Study Area may be developed as provided in the Special Environment regulations provided the State Historic Preservation Officer is consulted and reasonable measures are required to mitigate any adverse impacts on this cultural resource"*

However, the project does not occur within Open Space or Special Environment designated lands; the Civic Club property is designated and zoned PR – Public and Religious. The site plan provided by the applicant shows all work occurring within the boundaries of the Civic Club property. The TAS has submitted no evidence to show that the work that occurred was outside those boundaries. Therefore, Policy 69 does not apply. However, the interested parties, even beyond those listed in Policy 69, have been notified and given a chance to comment on the project. The only objection received has been from the TAS.

Axel Lindgren Memorial Trail

The current Civic Club project does not impact the existing trail. I am not sure exactly where the traditional trail access was located through the Civic Club property. Based on the TAS comments, it can be concluded that the steps that were constructed, though broad and closer to the original entrance, do not provide access to that traditional entrance. The TAS letter claims that the project reduces the distinctiveness of the ALMT and subjects it to abuse and hazards. Staff can find no support for this claim. The steps do not block, hinder, redirect or otherwise affect the existing access on City property. Prior to the Civic Club project, the traditional access was blocked by a fence and a small retaining wall with a slope drop-off. In terms of public safety, it would not have been prudent to remove the fence and allow the public to walk over this drop-off without steps. The project simply provides an alternative access to the existing trail. The project also does not preclude additional or adjusted access in the future. I have requested that the Civic Club consider whether more access can be opened up to the east by removing the bench that was proposed and possibly some of the rock rip-rap.

Permitting, Coastal Act and LCP Consistency

The TAS letter notes that this project is subject to analysis under the Coastal Act. The letter also cites several policies and sections from the City's certified LCP, including the General Plan and Zoning Ordinance. As you know, the City's LCP has been certified by the Coastal Commission as consistent with and carrying out provisions of the Coastal Act. The City is authorized to issue Coastal Development Permits under its certified LCP. Staff is aware of some inconsistencies between current Coastal Act regulations and the City's LCP. However, most of these discrepancies are minor, and when they are known, staff uses the stricter of the two. Therefore, a separate analysis of Coastal Act policies is not required. In general, the project could be found to be consistent with policies promoting public access, improved viewsheds and coastal resource protection. In terms of the General Plan policies and Zoning Ordinance sections that are quoted, there is little explanation of the intent of these quotes. Staff has reviewed this information and some of the quotations do not apply to this project (e.g. the purpose of the Open Space zone), and it is staff's opinion that the project is consistent with the others that do apply (e.g. Policy 72 that protects beaches and cliffs from development).

In terms of specific projects mentioned in the TAS letter, the 1994 Staff Report for the walkway and other improvements notes that Policy 69 approval was required. This indicates that the appropriate parties were notified, and no objections were received. Also there was not opposition to the Categorical Exemption (§15301) used for that project. The 1992 fence project was cited in the TAS letter as being unpermitted development. That project was likely determined to be exempt from permit requirements. Section 17.72.070.C.1 of the Trinidad Zoning Ordinance exempts fences up to 6 ft. in height except in the SE Zone. It has been since that time that City staff has learned that this exemption would conflict with current Coastal Act regulations in certain situations (e.g. at the top of a bluff).

The City recognizes that the Coastal Conservancy easement extends over the Civic Club property. However, that easement does not convey approval authority to the TAS over development on that property or changes in access as stated on p. 9 of their letter. The landscaping project improves and expands public access and does not alter existing access, and

therefore would be consistent with the Conservancy easement. The Coastal Conservancy has not offered an objection to the current project (and neither have they endorsed it, but they have been informed). Similarly, neither the Coastal Act, nor the TMP give the TAS veto power over projects within the Civic Club property. Policy 69 is the only place that such authority has been given, and it only applies to lands designated as Open Space.

Tsurai Management Plan

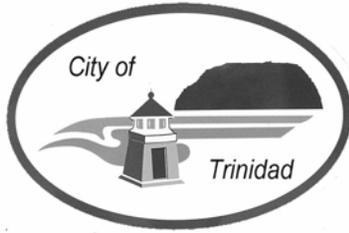
One of the recommendations of the Tsurai Management Plan (TMP) is to reopen the traditional entrance of the ALMT through the Civic Club property. Some of the findings of the TMP for the ALMT (p. 57) are that: *“The entrance of the ALMT trail has been diverted and is not in its traditional path, due to the location of fencing around the Memorial Lighthouse over the objections of the TAS and Yurok Tribe;”* and that: *“Per the terms of the litigation settlement agreement signed by the Coastal Conservancy, the City, and the TAS, “all parties are to make the best effort to open a portion of the fence currently blocking the traditional trails (ALMT).”* In addition, Part 12 of the TMP outlines proposed projects and implementation. Section 12.2.1 is to ‘re-establish traditional entrance to ALMT at top of trail’ with the following steps:

- Reinitiate discussions with the Civic Club to open fencing to allow passage across lighthouse grounds.
- Engineering evaluation of stability of, and recommendations for, western approach (ramps) to trail.
- Obtain Coastal Development Permit, if necessary, to open fencing.
- Open traditional entrance to ALMT.

The proposed project does not conflict with these recommendations. The Civic Club public and staff were not generally involved in the development of the TMP, and do not have the same background to specifically know what these recommendations intended. For example, I have no information that shows me where the traditional trail entrance was. Though not every step of this TMP implementation project has been executed, (e.g. the engineering evaluation of the western approach the ALMT has not occurred) the Civic Club project appears to implement this TMP recommendation in part. However, opening the fence and an engineering evaluation of the western ALMT access are two different projects under two separate ownerships. One project does not require or preclude the other. The Civic Club landscaping project also addresses some other issues, concerns and recommendations of the TMP including erosion control and invasive species removal. The Civic Club project included removing invasive Himalaya blackberries as well as installing erosion control and drainage improvements, including the rip-rap made from rocks found on the site and the terracing towards the ALMT.

List of Acronyms

ALMT: Axel Lindgren Memorial Trail
CDP: Coastal Development Permit
CEQA: California Environmental Quality Act
LCP: Local Coastal Plan
TAS: Tsurai Ancestral Society
TMP: Tsurai Management Plan
TSA: Tsurai Study Area



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Hearing Date: August 15, 2012
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2012-05

APPLICANT (S): City of Trinidad

AGENT: Josh Wolf, GHD, City Engineer's Office

PROJECT LOCATION: Azalea Way and Pacific Street.

PROJECT DESCRIPTION: Grading Permit and Coastal Development Permit to widen and pave Azalea Way and portions of Pacific Street to bring the roadways up to minimum State standard width required for emergency vehicle access and improve roadway drainage conditions. Improvements may include the replacement of a water line and addition of a fire hydrant.

ASSESSOR'S PARCEL NUMBER: N/A (right-of way)

ZONING: N/A (right-of way)

GENERAL PLAN DESIGNATION: N/A (right-of way)

ENVIRONMENTAL REVIEW: The project is categorically exempt from CEQA per §15301(c) of the CEQA Guidelines allowing maintenance and minor alteration of existing facilities, including highways and streets.

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, this project X is ~~is not~~ appealable to the Coastal Commission per the requirements of §30603 of the Coastal Act and the City's certified LCP.

SITE CHARACTERISTICS:

The project will occur along Azalea Way and Pacific Street at the eastern end of Trinidad, and on the bluff-side of Edwards Street. Currently, Azalea Way is a single lane, ±9 feet wide, that creates potential safety hazards as cars and emergency vehicles navigate in and out of the neighborhood. Pacific Street is a compacted gravel roadway perpendicular to Azalea Way. The area of construction is generally flat or gently sloped. Though there are places adjacent to the construction area that slope steeply towards the west, and the western bluff is less than 100' from portions of the project site. The roadway improvements will be designed to follow industry standard design practices for a local roadway and to comply with the California Fire Code.

Access to Azalea Way and Pacific Street is via Edwards Street. The roads are in an area of Urban Residential (UR) zoning. Parcels adjacent to Azalea Way and Pacific Street are bordered by Open Space (OS) to the west, south and north and other UR-zoned residences to the east. The Humboldt State University Marine Lab is northeast of the Azalea-Pacific community and zoned Public and Religious (PR). Water lines are shown on the plot plan.

STAFF COMMENTS:

The applicant submitted a preliminary site plan dated July 2012. This included a site plan for the street design and a simulated post-project image. In many situations, street improvements within the public right-of-way would be exempt from permit requirements. However, portions of this project are within 100' of the edge of a coastal bluff. Current Coastal Act regulations require Coastal Development Permits for projects of this type due to the proximity of the bluff. Therefore a grading permit is required because the amount of soil that will be disturbed, and design review is also required because the project will change the look and topography of the project area.

The purpose of the project is to widen and pave Azalea Way and portions of Pacific Street to bring the roadways up to the minimum State standard width required for emergency vehicle access and also improve roadway drainage conditions. The roadway improvements will be designed to follow industry standard design practices for a local roadway and to comply with the California Fire Code. Proposed improvements include roadway widening and installation of curb and gutters, concrete connections between the new paved roadway and adjacent existing residential concrete driveways, vegetated drainage swales, subsurface drainage systems, street signs, and three or four new trees to replace the two trees removed for the project.

Azalea Way will be widened from an approximate 9-foot to a standard 20-foot wide section and the roadway will be paved. Pacific Street's graveled surface will be replaced with a paved surface and the roadway will generally follow the same extents as the graveled surface but will be widened (as much as 5-feet) in some areas. Improvements may also include the replacement of an existing 2-inch water line with a new 2-inch water line within the project area. A new 6-inch water line will be installed to serve a new fire hydrant designed to provide water for emergency purposes to the existing houses in the neighborhood. The project is generally limited to work within the

City Right-of-Way (ROW) with the exception of minor driveway transitions to the newly paved roadway. A temporary permit to enter and construct forms will be obtained by affected property owners prior to construction within private property.

Pursuant to Section of 15301 of the State CEQA Guidelines, the repair and maintenance of existing public facilities, including existing streets and sidewalks, is Categorically Exempt from the provisions of CEQA (Class 1 – Existing Facilities). The project involves no expansion of an existing use. Although the road is being widened, it is to provide a standard roadway width to serve the existing residential residents in the project area. The fire hydrant is proposed as part of the project in order to provide water for fire purposes and increase the safety of homes within the project area. There are no federally listed or candidate species, or suitable habitat, or Critical Habitat within the construction area.

GRADING & ZONING ORDINANCE / GENERAL PLAN CONSISTENCY

The project site does not have any zoning associated with it. The City's Grading and Zoning ordinances require a permit if more than 1,000 ft² in surface area or more than 50 yd³ of soil will be disturbed. There are exceptions for road and trail maintenance purposes, but the project will widen Azalea and pave Pacific. However, the roadway capacity will not be increased. In addition, because the project is within 100 feet of a bluff, current Coastal Act regulations do not allow an exemption from CDP requirements. Because the project will change the appearance of the area, and topography will be altered in order to widen the roadway, the Zoning Ordinance requires Design Review findings to be made.

The information required to be submitted by the grading ordinance as part of an application has been received. The Grading Permits are issued by the Planning Commission, but it is up to the City Engineer to ensure that all the provisions have been met. The findings made by the Engineer (§15.16.070) require that the proposed grading will not adversely affect the drainage or lateral support of other properties in the area, and will not be detrimental to the public health, safety or the general welfare and is not in conflict with City ordinances. Almost all the standards of the grading ordinance are the responsibility of the City Engineer to review and ensure. The City Engineer's office has designed this project in conjunction with the City Council and community input to be consistent with the provisions of the City's Grading Ordinance.

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. The project does have the potential to alter views, but the change appears to be insignificant. Two medium pines will be removed to accommodate the wider road, and three or four new trees will be planted to maintain privacy for adjacent residences.

The circulation section of the City's General Plan talks about the community's desire to maintain the rural character of the town by minimizing street improvements, including such things as sidewalks and gutters. However, it is also noted that street condition and

maintenance is a high priority for residents. Policy 32 of the Trinidad General Plan states: *“The City should continue its program of correcting street improvement deficiencies. The standards for improvement for streets should be identified on Figure 1 and Plate 4... With the exception of Main, Trinity and Edwards Streets, the rural character of Trinidad should be protected by the use of shallow side ditches to carry roadside drainage.* Figure 1 shows a cross section for a rural roadway like Azalea or Pacific to be smaller than what is proposed for Azalea. However, that figure was created in 1976 and would not meet current standards for maintaining public safety. In addition, the City now has to more carefully manage stormwater due to the adjacent ASBS. But this project was designed with neighborhood and community input. Improvements are minimal while still meeting State safety standards for emergency vehicles. Also, while some curbs are proposed and concrete drainage structures, vegetated swales are also incorporated to extent practicable in order to maximize the rural character of the roadways.

SLOPE STABILITY:

The proposed project is located just outside an area of questionable stability based on Plate 3 of the Trinidad General Plan.

SEWAGE DISPOSAL:

There is no sewage disposal associated with this project. The City Engineer's office reviewed the available file information for existing septic systems in the area to ensure that the project, including the drainage improvements, will not impact existing ones in the project area.

LANDSCAPING AND FENCING:

Some vegetation removal will occur, including paving over grassy areas when the street is widened from ±9 to 20 ft. As can be seen in the simulation photographs, two medium pines, and some shrubs will be removed from the south side of Azalea Way. To offset the tree removal, three or four smaller trees will be planted on the south side of Azalea Way outside the concrete flush curb designating the roadway.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Because the project is located within the Coastal Zone and alters ground contours, §17.60.030 of the Zoning Ordinance requires Design Review and View Protection Findings to be made along with approval of a Coastal Development Permit. The application materials show the proposed changes, including a site plan and simulated post-construction photograph. Recommended Design Review / View Preservation Findings are written in a manner to allow approval without endorsing the project. However, if public hearing information is submitted or public comment received indicating that views, for instance, may be significantly impacted, or the structure proposed is obtrusive, the findings should be reworded accordingly.

Design Review Criteria

- A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: Most of the project area is generally flat and proposed grading and paving will meet the standards of the City's Grading Ordinance and recommendations of the City Engineer. The improvements are the minimum necessary to meet current State standards for emergency vehicles.
- 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 adjacent to an open space area, but it is not a structure and will conform to the existing streetscape of Trinidad.
- 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 project is adjacent to open space, but it is not a structure and will conform to the existing streetscape of Trinidad.
- D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used.* Response: The area is already landscaped outside the streets. Two medium pines, and some shrubs will be removed from the south side of Azalea Way to accommodate the widening, but three or four small trees will be planted to replace them.
- E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: No signs other than standard public street signs are associated with 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: Improvements may also include the replacement of an existing 2-inch water line with a new 2-inch water line within the project area. A new 6-inch water line will be installed to supply water to a new fire hydrant designed to provide water for emergency purposes to the existing houses in the neighborhood.
- 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: No structures are proposed as a part of this project.*
 - 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: No structures are proposed as a part of this project.*

View Protection

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible. Response: Being at ground level, the proposed street improvements will not be readily visible from these areas; they are also consistent with the existing streetscape of Trinidad.*
- B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection. Response: The project, due to its location, has minimal potential to block views. The landscaping that will be replaced from the removal of two trees may block small area of existing public ocean view, but the trees that will be removed will also open other areas.*
- 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: A residence is not proposed as a part of this project.*
- 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: No residence 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 close to the Tsurai Study Area, Holy Trinity Church, or the Cemetery.

STAFF RECOMMENDATION

Based on the above analysis, the proposed project can be found to meet the requirements of the Trinidad Grading Ordinance. Provisions of the Zoning Ordinance and General Plan have also been met. If the Planning Commission agrees with staff's analysis the project could be approved 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 project as submitted.

PLANNING COMMISSION ALTERNATIVES

If the Planning Commission does not agree with staff's analysis, or if information is presented during the hearing that conflicts with the information contained in the staff report, the Planning Commission has several alternatives.

- A. Alter the proposed conditions of approval to address any specific concerns on the part of the Commission or the public.
- B. Delay action / continue the hearing to obtain further information.
 - In this case, the Planning Commission should specify any additional information required from staff or the applicant and / or suggestions on how to modify the project and / or conditions of approval.
- C. Denial of the project.
 - The Planning Commission should provide a motion that identifies the Finding(s) that can not be made and giving the reasons for the inability to make said Finding(s).

CONDITIONS OF APPROVAL

1. As requested by the TAS, the City shall secure the services of a qualified cultural monitor trained by the Yurok Tribe during ground disturbing activities. The City should consider Axel Lindgren III if available. *Responsibility: City Engineer to ensure prior to construction.*

Only one condition of approval is recommended at this time based on the information provided. This is because most of the grading permit requirements are subject to City

Engineer review and approval, and the project has been designed, and will be carried out by the City Engineer's office. However, if concerns are brought up by the public at the hearing that have not been addressed, the Planning Commission can include conditions to address those concerns. The Trinidad Grading Ordinance provides the following guidelines for conditions (but the Planning Commission is not limited to this list):

(§15.16.080) The planning commission may make such conditions in connection therewith as will, in their opinion, secure substantially the objectives of this chapter. All work will be performed under the provisions of the state contractor's license provisions contained in Chapter 9, Division 3 of the Business and Professions Code of the State. Such conditions shall include, but shall not be limited to:

- A. Limitations on the hours of operation or the period of year in which work may be performed;*
- B. Restrictions as to the size and type of equipment;*
- C. Designation of routes upon which materials may be transported;*
- D. The place and manner of disposal of excavated materials;*
- E. Requirements as to the laying of dust and tracking of dirt, the prevention of noises and other results offensive or injurious to the neighborhood, the general public or any portion thereof;*
- F. Designation of maximum or minimum slopes to be used if they vary from those prescribed in this chapter;*
- G. Regulations as to the use of public streets and places in the course of the work;*
- B. Regulations as to the degree of compaction of fill material;*
- I. Requirements as to paving private driveways and roads constructed under the permit;*
- J. Requirements for safe and adequate drainage of the site;*
- K. A requirement that approval of the city engineer be secured prior to discontinuing any work. This approval to, discontinue work may require that revegetation or maintenance be performed;*
- L. A requirement that men and equipment be provided at the site during storms to prevent incomplete work from endangering life or property;*
- M. Requirements for fencing of excavation or fills which would be hazardous without such fencing;*
- N. Restoration of disturbed areas;*
- O. A requirement that erosion control treatment be administered.*



Azalea Way June 2012



Simulation of Azalea Way Improvements

