

Filed: September 7, 2012  
Staff: Trever Parker  
Staff Report: October 9, 2012  
Commission Hearing Date: October 17, 2012  
Commission Action:

**STAFF REPORT: CITY OF TRINIDAD**

APPLICATION NO.: 2012-08

APPLICANT(S): Trinidad Coastal Land Trust

AGENT: N/A

PROPERTY OWNER: Trinidad Coastal Land Trust

PROJECT LOCATION: 490 Trinity Street

PROJECT DESCRIPTION: Use Permit and Coastal Development Permit to remove a large (>12" DBH) nonnative holly tree from the property that poses a potential hazard to adjacent structures and blocks sunlight.

ASSESSOR'S PARCEL NUMBER: 042-031-27

ZONING: PD – Planned Development

GENERAL PLAN DESIGNATION: PD – Planned Development

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per § 15304 of the CEQA Guidelines exempting minor alterations to land, water and/or vegetation.

APPEAL STATUS:

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review 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 City's certified LCP, and may or may not be appealable per the requirements of Section 30603 of the Coastal Act.

## **SITE CHARACTERISTICS:**

The project site is located on the northwest corner of Trinity and Parker Streets. The site contains what was previously Ned Simmon's Trinidad Art gallery, a registered historic structure, and is zoned Planned Development (PD). A small garage is located on the rear (west end) of the property with access to Parker Street, and the septic system is located along the northern property line. The non-native holly tree that is proposed to be removed is located on the southeast corner, adjacent to both Trinity and Parker Streets. The property is generally flat.

## **STAFF COMMENTS:**

The applicant has submitted a brief letter explaining their reasons for proposing to remove the tree along with an arborist's report that supports those conclusions. The idea started when the Humboldt Transit Authority requested that the tree be cut back due to its interference with buses on the street. The tree is non-native and blocks a significant amount of sunlight from reaching the house due to its southeastern location on the lot. In addition, though not unhealthy, the tree does pose a hazard to both the historic structure and the City sidewalk and other infrastructure were it to fall. The applicant has suggested that the tree could be replaced with a flowering cherry, or other small, flowering, deciduous, ornamental tree. The Land Trust has waited until the fall, after the nesting season, to submit this application as the tree does provide nesting habitat.

## **ZONING ORDINANCE/GENERAL PLAN CONSISTENCY:**

The property where the project is located is zoned PD – Planned Development. The purpose of this zone is to allow a mix of residential and commercial use and to allow flexibility in site design. The PD zoning regulations fail to mention vegetation removal at all. Since it is not conceivable that tree removal would never be allowed in the PD zone, I looked to the vegetation removal regulations of the other zones. The VS (Visitor Services) Zone (§17.40.080) states that: *“Unless diseased, or posing an imminent danger to people or structures, trees should be retained wherever feasible in visitor accommodations.* The C (Commercial) and PR (Public and Religious) zones also do not mention tree removal.

This is in contrast to the UR (Urban Residential) and SR (Suburban Residential) zones where tree removal permits have occurred in the recent past. In these residential zones, removal of trees over 12” diameter at breast height (DBH) requires a use permit (§17.28.030 and §17.32.030). Sections 17.28.080 and 17.32.080 allow the removal of diseased trees, or trees posing an imminent danger to structures or people subject to the approval of the City Engineer. These sections also state that trees may be removed from an approved building site, subject to the approval of the Building Official and that small trees and brush may be removed to improve views.

We also know that the definition of development (§17.08.200) includes “removal or harvesting of major vegetation.” A commonly accepted cut-off for what constitutes ‘major vegetation’ is the 12” DBH. Therefore, a Coastal Development Permit is required for its

removal. However, the City does not have a separate process for a stand-alone CDP that does not require other approvals. Because two residential zones explicitly require a use permit for tree removal, and the fact that all uses in the PD zone require a use permit (17.36.020), staff has determined that that is the most appropriate process in this case.

No buildings or major site improvements are proposed other than the tree removal. This project involves no structures and will not affect setbacks, heights, parking or square footages of structures. Specific requirements of the zone are not applicable in this case

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. Removal of trees does not have the potential to negatively impact coastal views and may actually improve them.

Some grading may be required if the tree stumps are to be removed; however, this would be minimal. This property is already connected to all services and utilities. Exterior colors and materials are not applicable. Care must be taken to protect utilities that may be located adjacent to the trees. An encroachment permit will be required for tree removal, since it is adjacent to two public roadways.

#### **SLOPE STABILITY:**

The property where the proposed project is located is outside of any areas designated as unstable or questionable stability based on Plate 3 of the Trinidad General Plan.

#### **SEWAGE DISPOSAL:**

There is no sewage disposal associated with this project. The septic system, including the leachfield, is located along the northern property boundary, well away from the holly tree. Therefore this project does not have the potential to impact the OWTS.

#### **LANDSCAPING AND FENCING:**

The Land Trust has stated that they could replace the holly tree with a 'flowering cherry or other tree deemed acceptable to the City.' A replacement tree should be relatively small at maturity so that it does not eventually interfere with traffic. The arborist also recommended that any replacement tree should be deciduous so that it did not block the sun and light in the winter. The holly tree does provide some habitat for nesting songbirds due to its dense foliage, but it is not known to house any sensitive species. The Planning Commission could consider including a condition of approval that the Land Trust replace the holly with another tree.

#### **DESIGN REVIEW / VIEW PROTECTION FINDINGS:**

Because the project is located within the Coastal Zone, a Coastal Development Permit for "major vegetation removal" is required. However, because the project will not alter any

structures, and will not change the topography of the site by more than 2 feet, no design review is required.

### **USE PERMIT FINDINGS:**

Section 17.72.040 requires written findings to be adopted in approval of a use permit. The following findings, as may be revised, are required in order to approve this project.

- A. *The proposed use at the site and intensity contemplated and the proposed location will provide a development that is necessary or desirable for and compatible with the neighborhood or the community.* Response: The proposed project includes the removal of one large holly tree from a mixed use zoned property. The tree is non-native, interferes with traffic, poses a potential hazard to adjacent structures and blocks sunlight from the historic Trinidad Art building. Therefore, its removal could be considered necessary and desirable for the neighborhood.
- B. *Such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity or injurious to property improvements or potential development in the vicinity with respect to aspects including but not limited to the following:*
1. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;* Response: The size and nature of the tree is such that it currently poses a hazard and nuisance to the property and existing structures, traffic and pedestrians; removal of the tree will eliminate these hazards.
  2. *The accessibility of the traffic patterns for persons and vehicles, and the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;* Response: The proposed tree removal will not affect traffic or parking, except that the tree currently causes a nuisance for large vehicles. An encroachment permit will be required for the tree removal activities that will require use of a public right-of-way to ensure traffic is appropriately addressed.
  3. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;* Response: The proposed tree removal will not involve any emissions.
  4. *Treatment given, as appropriate, to such aspects as landscaping, screening, open space, parking and loading areas, service areas, lighting and signs;* Response: Tree removal will not affect or require any of the listed items.
- C. *That such use or feature as proposed will comply with the applicable provisions of this title, will be consistent with the policies and programs of the general plan and*

*will assist in carrying out and be in conformity with the Trinidad coastal program.*

Response: As discussed above, under the “Zoning Ordinance / General Plan Consistency section, the proposed tree removal can be found to be consistent with the City’s Zoning Ordinance, General Plan and Local Coastal Program.

D. *That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment.* Response: Removal of individual trees is exempt from CEQA per § 15304 of the CEQA Guidelines exempting minor alterations to land, water and/or vegetation except in the case of officially designated scenic trees or trees within an officially designated state scenic highway, which these trees are not.

E. *When the subject property is located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater, that:* Response: The project is not located between the sea and the first public road, therefore the following findings are **not** applicable.

1. *The development provides adequate physical access or public or private commercial use and does not interfere with such uses.*

2. *The development adequately protects public views from any public road or from a recreational area to, and along, the coast.*

3. *The development is compatible with the established physical scale of the area.*

4. *The development does not significantly alter existing natural landforms.*

5. *The development complies with shoreline erosion and geologic setback requirements.*

### **STAFF RECOMMENDATION:**

Based on the above analysis, and as conditioned, proposed tree removal can be found to be consistent with the City’s Zoning Ordinance and General Plan and other policies and regulations, and the necessary findings for granting approval of the project can be made. If the Planning Commission agrees with staff’s analysis, the project may be approved with the following motion:

Based on the information submitted in the application, and 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 conditioned below:

## 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:

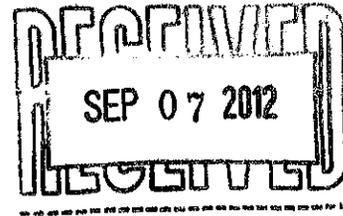
1. The applicant is responsible for reimbursing the City for all costs associated with processing the application unless a fee waiver is approved by the City Council.  
*Responsibility: City Clerk to place receipt in conditions compliance folder prior to authorization of tree removal or encroachment permit being issued.*
2. Based on the findings that community values may change in a year's time, approval of this Use Permit is for a one-year period starting at the effective date and expiring thereafter unless an extension is requested from the Planning Commission prior to that time. *Responsibility: City Clerk to verify prior to tree removal approval or encroachment permit being issued.*
3. Tree removal activities are to occur in a manner that incorporates storm water runoff and erosion control measures in order to account for 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: Applicant to ensure at time of project completion.*
5. The applicant will need to obtain an encroachment permit for any work that takes place within, or hinders access to, a public right-of-way. *Responsibility: City Clerk to verify prior to tree removal.*



*Trinidad Coastal Land Trust is a non-profit organization dedicated to protecting for the public benefit the natural beauty and character of Humboldt County from Little River to Big Lagoon*

August 30, 2012

City of Trinidad  
409 Trinity Street  
Trinidad, CA 95570



City Council Members:

The Trinidad Coastal Land Trust, new owner of Ned's Trinidad Art property, is considering the removal of the large holly tree on the property near the street corner. We were recently asked by the Humboldt Transit Authority (via the City of Trinidad) to cut back the tree foliage as it is sticking out into the street and buses are brushing by the tree. This holly tree is a seed-bearing invasive non-native tree and could be replaced with a flowering cherry or another tree deemed acceptable to the City. The house / art gallery is a registered historic building (I believe the second oldest building still standing in Trinidad) and there is potential for significant damage to the house if this tree were to fall or become uprooted. We are also worried about mold and mildew issues in the house due to this tree significantly shading the house. There is also potential for the city sidewalk, fire hydrant and underground infrastructure to be damaged by the tree.

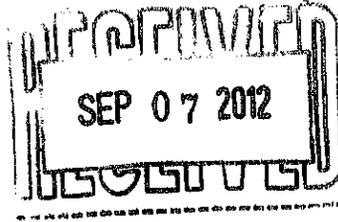
We are consulting with a certified arborist who is recommending that we wait until summer before tree trimming and or removal. The tree is currently full of nesting birds on spring migration. This memo will complemented by a recommendation letter from our consulting tree arborist with a request for permission to remove the tree. We will work with the City of Trinidad to comply with all permits and additional requirements. Please let us know if there is anything more we can provide.

Thank you,

Ben Morehead  
President, Board of Trustees  
Trinidad Coastal Land Trust

June 24, 2012

City of Trinidad  
409 Trinity Street  
Trinidad, CA 95570



To whom it may concern:

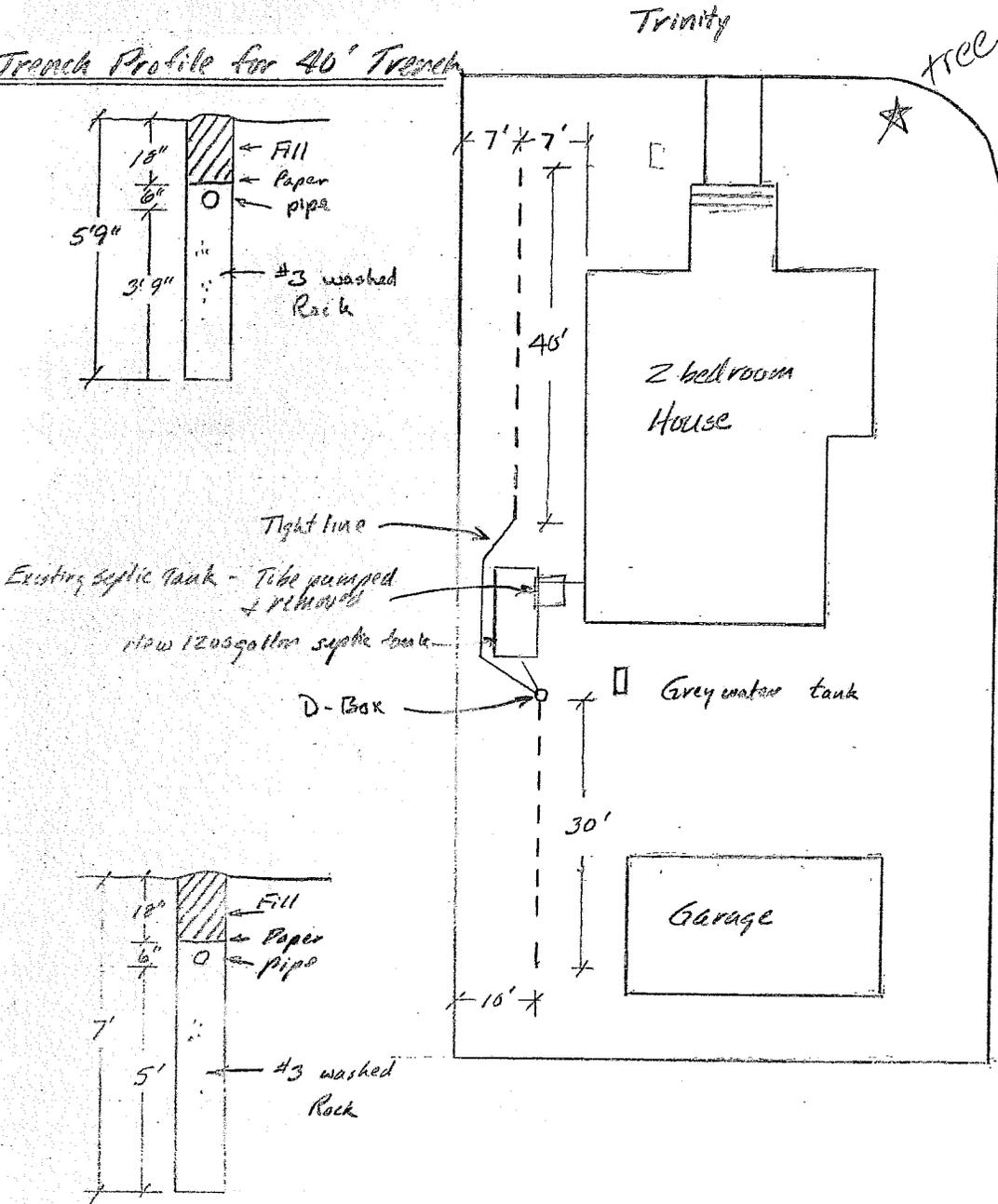
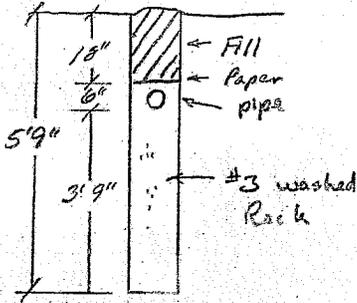
My name is Merlin Sabo, I am a local ISA certified arborist. I am the owner and operator of Trinidad Tree Service, a local tree trimming and tree removal business since 2005. I was contacted by Ben Morehead with the Trinidad Coastal Land Trust to provide a professional opinion about the possibilities of removing a Holly tree located in front of the Ned's Trinidad Art Gallery. For the long-term safety of the house, as well as the sidewalk and underlying infrastructure (such as the adjacent fire hydrant and underground piping) I believe it would be a safe choice to remove this tree. Additional reasons for the removal are the following: 1. The tree effectively blocks most southern sun exposure, which can influence the growth of mold inside and outside of the house 2. If it were to fall down in a windstorm, its close proximity to the historical house could cause significant damage to the building.

When assessing the tree, this spring I found the tree to be a large habitat for local nesting birds, I'm recommending if a removal occurs that it take place during the late summer or early fall in order to mitigate nesting birds. Once the tree has been removed, I would recommend planting another small flowering deciduous ornamental tree. This would give nice color in the spring and the building could enjoy ample lighting in the winter when the leaves fall.

I hope this helps with the decision; I am available for any questions.

Merlin Sabo  
707 832 3086  
ISA # WE-9297A  
PO Box 115  
Trinidad, CA  
95570

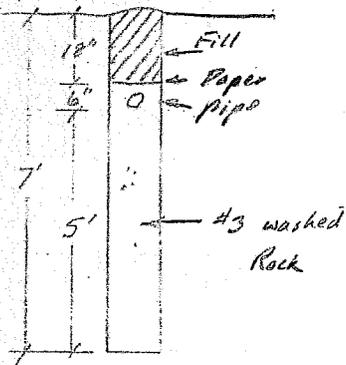
Trench Profile for 46' Trench



Parker

Accepted Plat Plan  
10-11-85  
Donald J. [Signature]

Trench Profile for 30' Trench



Note: Leachlines are to be installed at different depths to compensate for short length

Note: Trench bottom + perforated pipe to be installed level

SDS Repair for  
Patsy Roper  
5272 Hall Rd  
Scale 1/2" = 20'  
AP# 42-031-27

