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Commission Action:

### **STAFF REPORT: CITY OF TRINIDAD**

APPLICATION NO: 2011-07

APPLICANT / OWNER(S): Cliff and Marijane Poulton

AGENT: NA

PROJECT LOCATION: 811 Underwood Drive

PROJECT DESCRIPTION: Design Review, Variance (for density) and Coastal Development Permit to convert an existing 3-bdrm, 2-story, single-family home into two 2-bdrm dwelling units. Remodeling includes changes to an existing garage, converting a shed to a second garage, an increase in the height of the roofline by 5 ft., filling in the second story, and a 100 s.f. increase in the footprint of the existing structure. The project also includes a lot line adjustment to merge two existing lots to accommodate the proposed development.

ASSESSOR'S PARCEL NUMBER: 042-041-14 & -29

ZONING: UR – Urban Residential

GENERAL PLAN DESIGNATION: UR – Urban Residential

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per § 15303 of the CEQA Guidelines exempting new construction or conversion of small structures.

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 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 site consists of two parcels to the west of Underwood Drive, one of which is vacant. Both parcels are zoned Urban Residential (UR), as are the surrounding parcels. Surrounding land uses include single-family residences. The eastern parcel has access to Underwood Drive, but the western parcel has no street access except from a 10' wide alley to the north that is currently developed as a pedestrian trail. These parcels have been managed as one property for a number of years; however, they are two legally separate parcels. The eastern parcel is currently developed with a 2-story, 3-bdrm residence. Other existing site improvements include a 400 s.f. attached garage at the front of the residence, a 400 s.f. shed behind the residence straddling a property line, and a septic system. The lot starts out relatively flat to the east with a 2% slope, but the slope gradually increases to west until a bank that drops off to 30% slope or more at the western edge of the two properties; the slope is approximately 5% at the property line to be deleted.

## **STAFF COMMENTS:**

The applicant originally submitted the proposal under the City's approved ADU ordinance, but it has not yet been certified by the Coastal Commission, and therefore can not be implemented. Under the ADU ordinance, the proposed project would be allowed on a single lot with approval of a use permit (because the two units do not meet all the standards of the ADU ordinance for ministerial approval). However, even under this scenario, the two lots would have had to be merged to accommodate the new septic system. But because two legal lots are involved, the property owner would have a principally permitted right to develop both lots, each with a single-family residence. Both lots are smaller than the minimum lot size (approximately 7,500 and 7,000 s.f.). And the smaller, western lot has some limitations, including areas of steep slope and high groundwater, which would limit the size of any potential development on this lot. Combined, the two lots do not meet the zoning ordinance's density requirement for two units in the UR zone (8,000 s.f. per unit). However, because each lot could be developed with a single-family residence, staff feels that the proposed duplex with the lot merger is consistent with the intent of the ordinance and will result in a better development for the City and the neighborhood than if both lots were developed individually. Therefore, staff is proposing that the Planning Commission consider approving a Variance from the density requirement to allow the proposed development.

Referrals were sent to the Building Inspector, City Engineer and the County Division of Environmental Health (DEH). A building permit will be required for project construction if approved by the Planning Commission, and the Building Inspector's comments were as follows: *"Plans and design by a state of CA licensed engineer will be required; all water, gas, and plumbing will need to be separated; an approved plot plan will be required; 3 complete sets of plans (building, plumbing, mechanical, electrical) required; additional comments may develop at time of plan check"*. DEH had some concerns about the original project submittal and required the applicant to hire a qualified professional to conduct soil testing and to design a new septic system. With the new information and design completed, the Health Department has no objections to the project; an approved sewage disposal permit will be required. The City Engineer had no comments.

### **Potential Conflicts of Interest**

Commissioners Pinski and Becker both own property within 300 ft. of the project site (approximately 230 to 250 ft.) and so there is an assumed financial conflict of interest in accordance with the Fair Political Practices Act (see City Attorney, Paul Hagen's, memo of November 14, 2008 for more information). According to Paul Hagen's memo, when this *presumption* of a direct financial interest is the case, one of two things must occur: (1) the official makes a rebuttal of the presumption of a direct financial interest and proceeds to vote; or (2) if no rebuttal is made, then the official must recuse themselves and can not vote. Therefore it is an individual decision whether to recuse oneself. Additional information for making this determination has been provided to these two Commissioners.

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

The property where the project is located is zoned UR – Urban Residential. The purpose of this zone is to allow relatively dense residential development; single-family residences are a principally permitted use. The minimum lot size allowed in the UR zone is 8,000 s.f. and the maximum density is one dwelling per 8,000 s.f. This project proposes a duplex on a lot that will be approximately 14,500 s.f. after the merger (of two approximately 7,000 and 7,500 s.f. lots). This is 1,500 s.f. under the required lot size for two units. However, legally created lots that do not meet the current minimum lot size are still allowed to be developed with a residence, and therefore, without the merger, two residences would be allowed on the two properties. Therefore, staff considers that the proposed duplex is still consistent with zoning ordinance requirements.

The remodel construction includes adding on mostly to the second story, so that the foot print of the residence will not significantly increase; 786 s.f. will be added to the second story and 97 s.f. to the first floor. Overall the total footprint of all the structures, including garages and storage will decrease by approximately 136 s.f. with the proposed project. Table 1 summarizes the project square footages.

**TABLE 1 - AREAS**

	EXISTING	PROPOSED	Difference
LOT AREA	7,000 + 7,500 s.f.	14,500 s.f.	0
FLOOR AREA			
1 <sup>st</sup> Floor	1,113 s.f.	1,210 s.f.	97 s.f.
2 <sup>nd</sup> Floor	537 s.f.	1,305 s.f.	768 s.f.
<b>Total Residential Space</b>	<b>1,650 s.f.</b>	<b>2,515 s.f.</b>	865 s.f.
Attached Garage	390 s.f.	220 s.f.	(170) s.f.
Shed / Garage 2	400 s.f.	240 s.f.	(160) s.f.
Footprint of residence	1,196 s.f.	1,390 s.f.	200 s.f.
Footprint of all structures	1,986 s.f.	1,850 s.f.	(136) s.f.
FLOOR TO LOT AREA RATIO			
<b>Total Residence</b>	<b>11.4 %</b>	<b>17.3 %</b>	<b>5.9%</b>
Total Footprint (lot coverage)	13.7 %	12.8 %	(0.9)%

According to the site plan and application materials, after the remodel the floor area of the 1<sup>st</sup> floor residence, as defined by the Zoning Ordinance Sec. 17.08.310, will be 1,210 s.f.. The 2<sup>nd</sup> floor residence will be 1,305 s.f. for a total residential floor area of 2,515 s.f., which is above the maximum guideline of 2,000 s.f. in the Design Review criteria. That limitation is just a guideline and applies to individual single-family residences. Each of the individual residences is less than 2,000 s.f. Another measure that the Planning Commission uses is a standard of a 25% maximum floor-to-lot area ratio even though it is not codified; this number is based on the fact that 2,000 s.f. is 25% of an 8,000 s.f. lot. In this case, the residential floor area ratio will increase from 11.4% to 17.3% (after the merger of the two lots), but the total lot coverage will decrease from 13.7% to 12.8%.

The Urban Residential zone (§17.36.050) requires minimum yards of front 20', rear 15', and side 5' (§ 17.36.060). The parcel faces Underwood Drive to the east, and the proposed development will meet all the required setbacks as shown on the site plan. Section 17.56.110 allows eaves and overhangs to extend 2.5 feet into side yards and four feet into front, street-side and rear yards. Decks and stairways, landings, balconies and uncovered porches are allowed to extend up to eight feet into front, rear or street-side yards and three feet into side yards. These features will also meet the required setbacks.

The Zoning Ordinance (§ 17.56.180) requires 2 off-street parking spaces other than any garage spaces for single-family dwellings but only 1.5 spaces for each attached dwelling unit, without mention of garage spaces. There are two paved parking spaces shown on the plot plan, in addition to one garage space for each residence, for a total of four parking spaces. There is also room for additional vehicles to park in the driveway areas.

The maximum height allowed in the UR zone, by Zoning Ordinance § 17.36.06 (average ground level elevation covered by the structure to the highest point of the roof), is 25 feet, except that the Commission may require a lesser height in order to protect views. The maximum height, as shown on the plans, of the proposed structure is 23', which is 5 ft. higher than the existing residence. However, the height shown on the plans appears to be measured from the finished floor elevation, where the zoning ordinance requires the height to be measured from the ground elevation. Based on the plans, the maximum height of the structure from the average ground elevation covered by it is between 24 and 25 feet.

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. Because of the location of the addition, the applicant will construct a mock outline of the proposed addition using story poles to indicate the height and extent of the development. The neighbors will be notified and given an opportunity to provide input. The bulk of the structure will not change significantly from the east and west except for the increased height of the roofline; this is mostly likely to affect private views of neighbors to the east across Underwood. The second story bulk will increase significantly from the north and south, which could affect public views from the trail to the north of the property. However, because the addition is occurring on the second story, skyline views may be affected, but not likely coastline views.

The addition will be located on fairly level ground that is already developed with structures, and only minimal grading will be required to accommodate the new foundation. The existing septic system will be upgraded, with most of it located on the western lot (see 'Sewage Disposal' below). This site is already connected to services and utilities and these will not change. Exterior materials and colors, as well as new architectural features are shown on the provided plans. Materials include cedar shingles and redwood lap siding in earth tones. Other features include Trinidad quarry rock around the base and entrance, redwood trim and a composite roof.

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

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: The proposed duplex will be located on the flattest area of the property with a 2% grade. Structures are being remodeled or replaced. Therefore only a minimal amount of grading will be required. The overall footprint of all the structures will be reduced as a result of this project. Some ground will be disturbed with the construction of the new septic system, but the land contours will not be permanently altered.
- 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 site is not adjacent to any open space areas, but is near State Park property and adjacent to a trail leading to the park. Exterior materials and colors are proposed to be wood and rock in earth tones, and so are consistent with the surroundings.
- 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: Exterior materials and colors are proposed to be wood and rock in earth tones, and so are consistent with the surroundings. The proposed structure had been individually designed and is consistent with surrounding residential structures.
- 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. The proposed structure includes

design elements intended to improve the aesthetics such as gables and redwood posts and the use of redwood and Trinidad quarry rock on the exterior.

- 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 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: Overhead utilities exist from the street to the existing residence, and these are proposed to continue to be used. This criteria is not mandatory (since it uses the word 'should'); however, this is a view sensitive area, and new, or increased, development is proposed. Staff has included a condition of approval requiring underground utilities from the existing pole at the corner of the property.
- 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 proposed structure is a multi-family dwelling (duplex), but is located in a single-family neighborhood with single-family zoning. The structure is over 2,000 s.f. in size, but less than 4,000 s.f. (2,515 s.f.). However, because two lots will be merged through this project, the proposed development is likely less than what would occur if each lot were developed separately (e.g. View Protection finding guarantees 1,500 s.f. of living space per unit regardless of view impacts. Though other limitations, such as septic, could also limit the size of development.)
  - 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: This policy is intended to apply mostly to large lots of the PD zone where creative site planning may occur. This project proposes a duplex, with one unit on the 1<sup>st</sup> floor and another unit on the 2<sup>nd</sup> floor on two lots that will be merged. This proposal will not result in an overly large structure, but will provide more open space as opposed to building two separate residences on the two lots.

## 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: This project will be visible from a public trail accessing the State Park from Underwood, and is likely visible from portions of the State Park. The bulk of the structure will not change significantly from the east and west except for the increased height of the roofline; this is mostly likely to affect private views of neighbors to the east across Underwood. The second story bulk will increase significantly from the north and south, which could affect public views from the trail to the north of the property. However, because the addition is occurring on the second story, skyline views may be affected, but not likely coastline views. In addition, exterior materials and colors will be natural to blend in with the surroundings. Further, the project will result in two residential units consolidated into one structure on one large lot rather than potentially two residential structures on two small lots.
- 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 bulk of the structure will not change significantly from the east and west except for the increased height of the roofline; this is mostly likely to affect private views of neighbors to the east across Underwood. The second story bulk will increase significantly from the north and south, which could affect public views from the trail to the north of the property. However, because the addition is occurring on the second story, skyline views may be affected, but not likely coastline 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 proposed development is replacing an existing structure, which minimizes the potential for view obstruction. The bulk of the structure will not change significantly from the east and west except for the increased height of the roofline; this is mostly likely to affect private views of neighbors to the east across Underwood. The roofline will increase by 5 ft. in height, which could impact private views. The neighbors will be notified and allowed to present testimony at the hearing. The applicant will place story poles on the property so that the outline of the proposed structure can be visualized.
- 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 Tsurai Study Area, Holy Trinity Church, the Memorial Lighthouse or the Cemetery.

## **VARIANCE FINDINGS**

Because the proposed density will not comply with the zoning ordinance requirement of one unit per 8,000 s.f. in the UR zone (§17.32.050), Variance findings need to be made in order to approve this project. Govt. Code Section 65906 defines certain limitations to granting a variance. One such provision limits consideration to natural, physical conditions of the property where application of the general regulations would be confiscatory or produce unique hardship to the property owner. City staff, State Law and the Courts have all taken a strict interpretation of Variance provisions, generally only recommending them for severely, physically limited properties. In order to avoid setting precedence, staff does not normally recommend approval of variances, regardless of their nature or impact, when the owner has alternative options, even though those options may be less desirable, and when there are viable use(s) available on the lot. In this case, staff is recommending approval of the Variance as long as the two lots are merged, because the property owner could build a residential unit on each of the two properties, so the proposed density is not actually higher than what the Zoning Ordinance currently allows. Further, the proposed development is less intense than what would normally be allowed on two lots by consolidating the structures which reduces the overall lot coverage and increases the remaining open space. The Planning Commission should evaluate whether the required findings can be made to approve this project. The following is an explanation of variances from the *California Planning Guide* put out by the Governor's Office of Planning and Research:

*"A variance is a limited waiver of development standards allowed by the zoning ordinance. It may be granted, after a public hearing, in special cases where: (1) strict application of the zoning regulations would deprive property of the uses enjoyed by nearby lands in the same zone; and (2) restrictions have been imposed to ensure that the variance will not be a grant of special privilege.*

*"A variance does not permit a use that is not otherwise allowed in that zone (for example, a commercial use may not be approved in a residential zone by variance). Economic hardship alone is not sufficient justification for approval of a variance. Typically, variances are considered when the physical characteristics of the property make it difficult to use. For instance, in a situation where the rear half of a lot is a steep slope, a variance might be approved to allow a house to be built closer to the street than usually allowed."*

Section 17.72.030 of the Trinidad Zoning Ordinance allows that: *A variance may be granted only upon adoption of written findings showing that all of the following conditions are present:*” (emphasis added). The responses below have mostly been provided by the applicant:

- A. *That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class or district.* Response: The applicant is proposing to merge two legal, developable parcels in order to accommodate the proposed duplex and will therefore be giving up a vacant lot. Therefore, though not consistent with density requirements for a single lot, the project is consistent with the density requirements for two lots. The project will result in a development with a smaller footprint and more open space than would likely occur if the two lots were developed separately.
- B. *That owing to such exceptional or extraordinary circumstances the literal enforcement of specific provision of this title would result in the practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.* Response: It is more efficient, both for the applicant, and City services to allow the duplex on the merged lots rather than to build a separate unit on each parcel. The applicant is giving up a major development right by merging a vacant parcel with the developed parcel in order to accommodate the proposed development. The proposed project meets the intent of the Zoning Ordinance and is consistent with the requirements of the Zoning Ordinance for development on two parcels.
- C. *That such variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties.* Response: It is more efficient, both for the applicant, and City services to allow the duplex on the merged lots rather than to build a separate unit on each parcel. The applicant is giving up a major development right by merging a vacant parcel with the developed parcel. The proposed project meets the intent of the Zoning Ordinance and is consistent with the requirements of the Zoning Ordinance for development on two parcels. The approval of this project would not be a grant of special privileges as there are not many vacant properties in the UR zone, and it is unlikely that someone would own two contiguous parcels, one of which is undeveloped. Further, the applicant could propose to remodel and expand the existing structure to a similar size for just a single-family residence (though of course approval of that would not be guaranteed).
- D. *That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class or district.* Response: The property owners could legally construct another residence on the vacant parcel for a total of two residences within the same area. Instead they are proposing to build one duplex and merge the parcels into one. This is more efficient development that benefits both the property owner and the City, as well as preserving open space in the neighborhood. It gives them the same rights and level of development as allowed by other property owners in the UR zone.

- E. *That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvement in the vicinity.* Response: The proposed project will result in less intensive development on one large lot than what could potentially occur on two separate parcels. Consolidating two residential structures into one duplex is more efficient in terms of public services. It will also result in a smaller structural footprint and more open space that may otherwise occur if both lots were developed separately.
- F. *That the granting of such variance will be consistent with the general purpose and intent of this title and will be in conformity with the policies and programs of the general plan and the Trinidad coastal program.* Response: Because the applicants are proposing to merge a vacant parcel with the one to be developed, the project is consistent with the density and intensity of development that would be allowed on the two separate parcels otherwise. Therefore, the granting of this variance is consistent with the general purpose and intent of this ordinance and is in conformity with the policies and programs of the General Plan.
- G. *That the variance will not permit a use other than a use permitted in the applicable zoning district.* Response: Granting of a variance will not permit a use other than what is already permitted and allowed for in the general plan and zoning ordinance. The property is zoned for residential use, and residential use is what is proposed.
- H. *That either the variance will have no significant adverse environmental impact or there are not 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 variance may have on the environment.* Response: Granting of a variance will not cause any adverse environmental effects. The project is Categorical Exempt from CEQA per § 15303 of the CEQA Guidelines exempting new construction or conversion of small structures.
- I. *When the subject property is located between the sea and the first public road paralleling the sea...*
1. *The development provides adequate physical access or public or private commercial use and does not interfere with such uses;* Response: Though the project is located between the sea and the first public road (Underwood), there is another residential lot and State Park property between the ocean and the subject property. There is coastal access provided from Underwood to the State Park along a public alley adjacent to the north side of the subject property. Public coastal access is also provided from several other nearby locations. The proposed project will not block or interfere with any of the existing accesses.
  2. *The development adequately protects public views from any public road or from a recreational area to, and along, the coast;* Response: This project will be visible from Underwood Drive and from a public trail accessing Trinidad State Park from Underwood. The bulk of the structure will not change significantly from the east and west except for the increased height of the roofline; this is mostly likely to affect private views of neighbors to the east across Underwood, since views of the coast

from Underwood are already obstructed by the existing structure. The second story bulk will increase significantly from the north and south, which could affect public views from the trail towards the south, but not to the west. Because most of the addition is occurring on the second story, skyline views may be affected, but not likely coastline views. In addition, exterior materials and colors will be natural to blend in with the surroundings. Further, the project will result in two residential units consolidated into one structure on one large lot rather than potentially two residential structures on two small lots.

3. *The development is compatible with the established physical scale of the area;* Response: The project is located within an established residential neighborhood. Though the bulk of the second story will be increased, the structure's footprint will only increase by approximately 100 sq. ft. There are mix of residential structure styles and sizes in the neighborhood, including large residences. Though the proposed structure is larger than some of the adjacent residences, it is within the scale of other residences that have been built on large lots. Also, only one structure is being proposed, along with a lot merger, where two structures could be built without the merger.
4. *The development does not significantly alter existing natural landforms;* Response: The project will be constructed on a site that is already developed. The proposed duplex will be located on the flattest area of the property with a 2% grade. Structures are being remodeled or replaced. Therefore only a minimal amount of grading will be required. The overall footprint of all the structures will be reduced as a result of this project. Some ground will be disturbed with the construction of the new septic system, but the land contours will not be altered.
5. *The development complies with shoreline erosion and geologic setback requirements.* Response: The project site is located well outside of any geologic setback or known hazard areas.

#### **SLOPE STABILITY:**

The project site is not mapped as being "unstable" or of "questionable stability" on Plate 3 of the General Plan. The project is located outside of the Alquist-Priolo Fault Zone. Therefore, the finding can be made that no geologic study is required by the Zoning Ordinance.

#### **SEWAGE DISPOSAL:**

There is an existing septic system that serves the existing 3-bedroom residence that consists of an 1800 gallon tank, a couple of leach lines and a drain pit. The system will be upgraded to accommodate the new development as shown on the submitted septic report by Busch Geotechnical Consultants. Soil testing and groundwater monitoring were part of the new septic design. The new system will utilize the existing tank and leachfield, but will add additional leachlines and a new distribution box. A reserve area has also been added. The Health Dept. has indicated that this design is acceptable. The applicant is required to obtain an approved SDS permit from DEH as a condition of project approval along with the lot merger. In addition, due to septic issues in town, a standard condition of approval has been included requiring recordation of a deed restriction limiting the number of bedrooms

and units on the property to what the septic system was designed for (2 units, 4 bedrooms total).

### **LANDSCAPING AND FENCING:**

This project does not involve any new landscaping or fencing.

### **STAFF RECOMMENDATION**

The approval of this project requires multiple motions. Because approval of the Variance can affect the ability to approve the other aspects of this project tonight or the required conditions, I have listed that one first.

#### ***Variance***

Based on the above analysis, the proposed project can be found to meet the Design Review / View Protection, Use Permit requirements, sewage disposal and other requirements. However, because of the Variance request, the project by definition does not meet all the provisions of the Zoning Ordinance and General Plan. There are not non-man-made physical limitations on this lot that prohibit development. There are existing viable uses on the lot, and there are alternatives for meeting the height requirement. However, because of the merger of the two lots, overall, the requirements of the zoning ordinance have been met. In addition, the proposed development appears to be a better and more efficient use of land than if the two lots were developed separately. Because of the legal limitations explained above, staff does not generally recommend approval of variances. However, in this case, because a vacant lot will be merged with the developed one, staff is recommending approval. If the Planning Commission agrees with staff's analysis, the proposed motion might be similar to the following:

Based on application material, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required findings in this staff report and approve the Variance as requested and as conditioned in this staff report.

If the Commission does not agree with staff's analysis, feels the findings can not be made, or if the public presents evidence that conflicts with the information contained in this staff report, the Commission may choose to deny the Variance. If the Commission does decide to deny the project, the denial should be based on not being able to make one or more of the findings. A motion could be similar to the following:

Based on the information submitted in the application included in the staff report and public testimony, I find that Variance findings \_\_\_ and / or \_\_\_ can not be made because the use is not limited because of the natural, physical characteristics of the property, the owner has other options, and / or has an existing viable use of the property, and I move to deny the variance.

#### ***Design Review***

Based on the above analysis, the project 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 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 move to adopt the information and required Design Review and View Protection findings in this staff report and approve the duplex as proposed and as conditioned in this staff report.

## **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. *Responsibility: Building Official prior to building permits being issued.*
2. Based on the findings that community values may change in a year's time, approval of this Design Review and Variance is for a one-year period starting at the effective date and expiring thereafter unless the project has been completed or an extension is requested from the Planning Commission prior to that time. *Responsibility: Building Official prior to building permits being issued.*
3. Applicant shall demonstrate that the site can support a primary and reserve drainfield by obtaining a sewage disposal system permit from the Humboldt County Division of Environmental Health. The system must include risers and an in-line filter. *Responsibility: Building Official to verify prior to building permits being issued and during construction.*
4. Construction related activities are to occur in a manner that will not impact the integrity of the septic system. The leachfield area shall be staked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the contractor. If the existing system area is impacted by construction activities, an immediate Stop-Work

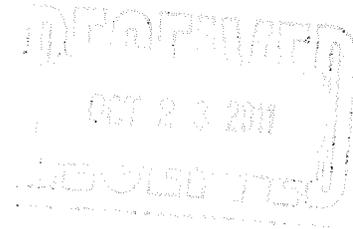
- Order will be placed on the project. The contractor will be required to file a mitigation report for approval by the City and County Health Department prior to permitting additional work to occur. *Responsibility: Building Official to verify prior to building permits being issued and during construction.*
5. Applicant shall direct roof drainage downspouts away from the septic system tank and leachfields and into the City's stormwater system. *Responsibility: Building Official to confirm at time building permits are issued.*
  6. 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 any increase in the number of bedrooms above a total of two, two-bedroom units will require City approval of adequate sewage disposal capabilities and other applicable standards. *Responsibility: Building Official to verify prior to building permits being issued.*
  7. Recommended conditions of the City Building Official shall be required to be met as part of the building permit application submittal. Grading, drainage and street improvements will need to be specifically addressed at the time of building permit application. *Responsibility: Building Official prior to building permits being issued.*
  8. Construction related activities are to occur in a manner that incorporates storm water runoff and erosion control measures 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 Official to confirm at time building permits are issued.*
  9. Applicant to provide method for City to verify height measurements (such as a reference stake) before and during the roof framing inspection and upon project completion; the duplex may not exceed 25 feet in height from the average ground elevation covered by the structure. *Responsibility: Building Official to confirm at time building permits are issued and during construction inspections.*
  10. Applicant to provide underground and utility service connections from the nearest utility pole, located at the southeast corner of the property. *Responsibility: Building Official to confirm at time building permits are issued and during construction inspections.*
  11. A Lot line adjustment merging the two lots must be finalized and recorded prior to issuance of building permits. *Responsibility: City Building Official prior to permits being issued.*

## Property Description

Owner: Cliff and Maryjane Poulton

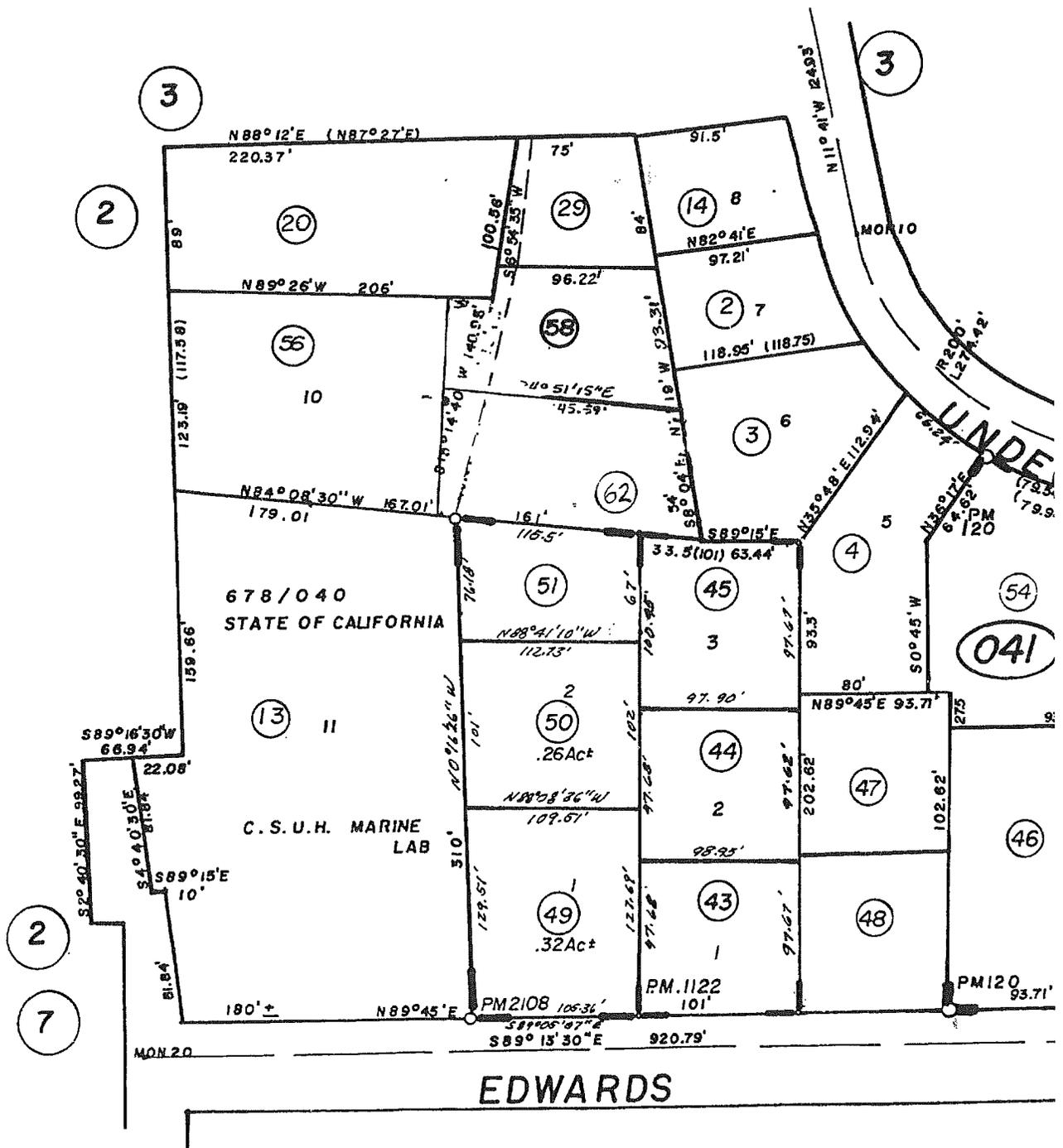
Address: 811 Underwood Drive

APN :042-041-014 & 042-041-029



### Scope of Project;

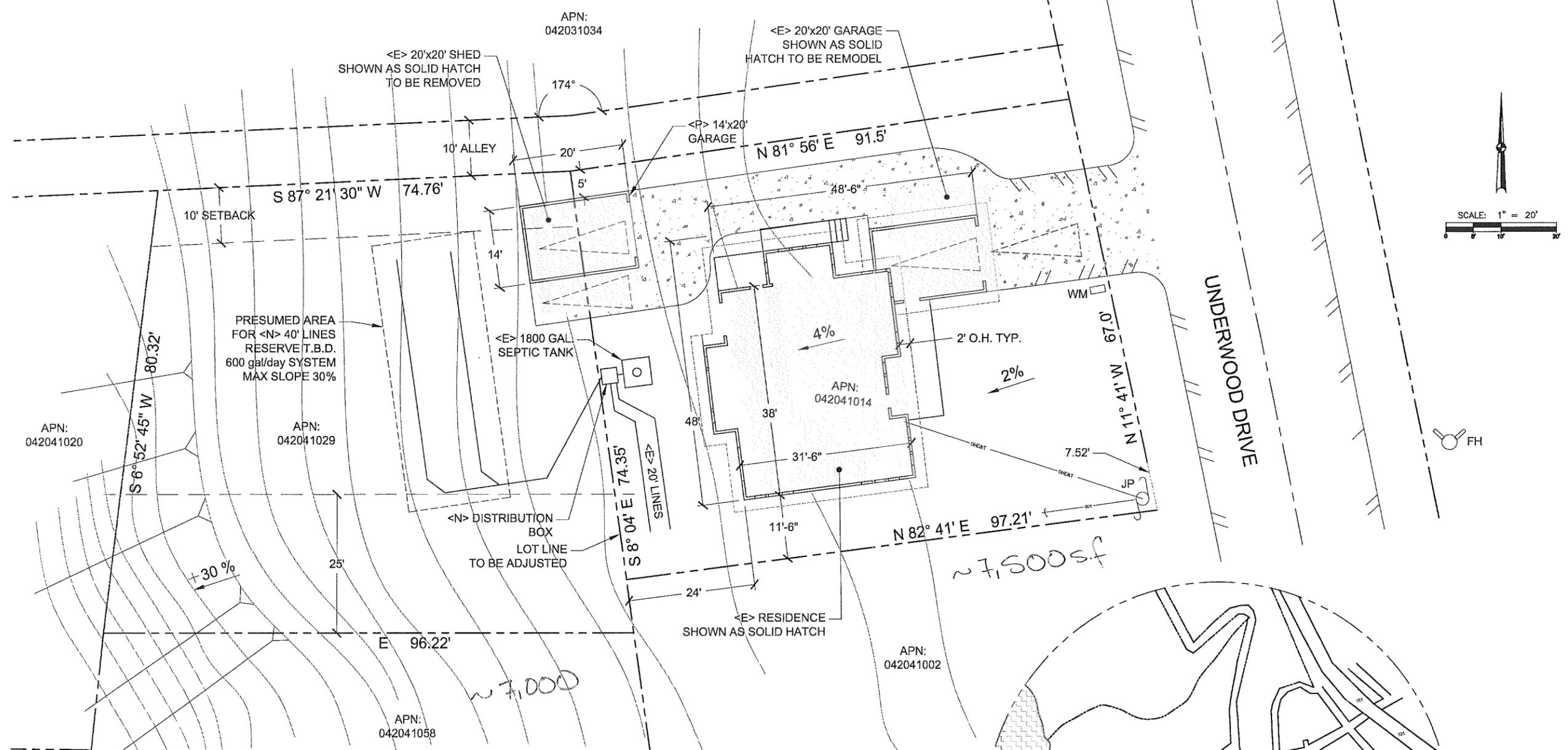
- Add an attached accessory dwelling unit by remodeling the existing two – story house.
- Convert three bedroom two bath, to 2- Two bedroom, one bath units.
- Add 100sqft to the footprint of the existing house.
- Create one 13681.63sqft lot by adjoining lot APN 042-041-029 (7026.42sqft) with lot APN 042-041-014 (6655.21sqft).
- Remove existing shed and build new single car garage within existing footprints vicinity.
- Create a driveway to access new garage and one additional parking space.
- Remodel existing attached garage from 20' wide to 14' wide.
- Add 5' of overall height to the existing house to accommodate for current construction standards and insulation.
- Update septic system as required.





Project Site

DATE	REV.
	A



**PLOT PLAN**

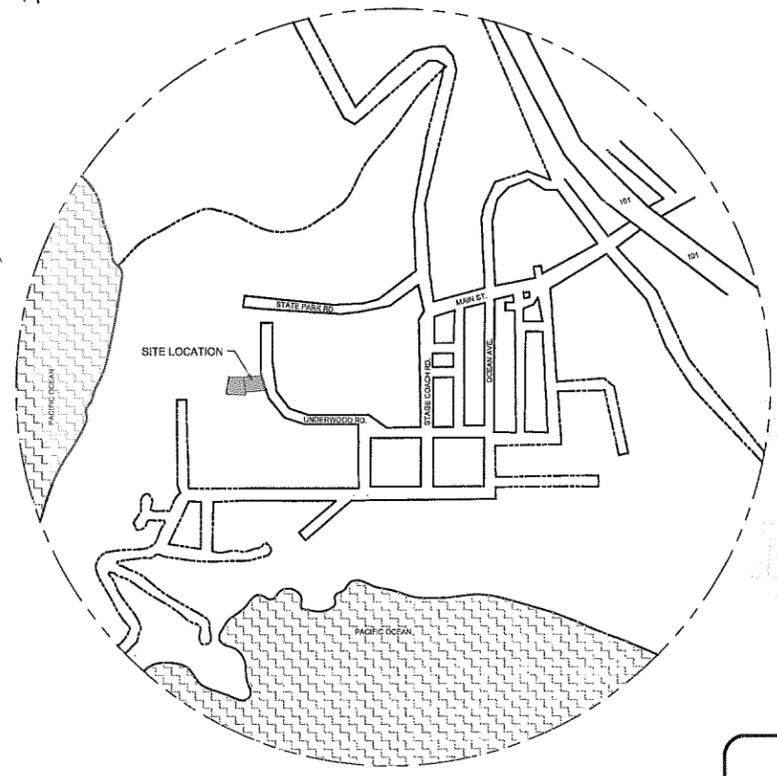
**EXISTING RESIDENCE**  
 FOOTPRINT = 1593 sq/ft  
 1st FLOOR LIVING SPACE = 1113 sq/ft  
 2nd FLOOR LIVING SPACE = 537 sq/ft  
 ATTACHED GARAGE = 390 sq/ft  
 DETACHED SHED = 400 sq/ft  
 COVERED DECK = 83 sq/ft  
 BLDG. HEIGHT = 18 ft  
 LOT SIZE = .18 ACRE  
 2 STORY 4 BEDROOM STRUCTURE

**PROPOSED RESIDENCE**  
 <P> FOOTPRINT TOTAL = 1693 sq/ft  
 1st FLOOR LIVING SPACE = 1210 sq/ft  
 ATTACHED GARAGE = 220  
 DETACHED GARAGE = 240  
 2nd FLOOR LIVING SPACE = 1305 sq/ft  
 2nd FLOOR DECK = 85 sq/ft  
 BLDG. HEIGHT = 23 ft  
 2 STORY 4 BEDROOM STRUCTURE

- NOTE**
1. NO DRAINAGE COURSES, CREEKS, RIVERS, PONDS, LAKES OR WETLANDS.
  2. NO FLOOD HAZARDS.
  3. EXCAVATION FOOTINGS ONLY (35 cy).
  4. PUBLIC WATER.

**LEGEND**

	<P> = PROPOSED <E> = EXISTING
	PROJECT PROPERTY BOUNDARY ADJACENT PROPERTY BOUNDARIES OVERHEAD ELECTRIC & TELEPHONE DRAINAGE FLOW LINE
	RECORD DIMENSION FENCE LINE
	JOINT UTILITY POLE WITH GUY ANCHOR
	EM ELECTRIC METER
	WM WATER METER
	WV WATER VALVE
	FH FIRE HYDRANT
	CMP CORRUGATED METAL PIPE
	FL FLOW LINE
	G GROUND
	GB GRADE BREAK
	SSCO SANITARY SEWER CLEANOUT
	SSMH SANITARY SEWER MANHOLE
	PL PROPERTY LINE
	BBL BUILDING SETBACK LINE



**VICINITY MAP**

**SITE LOCATION**  
 APN: 20308212  
 POULTON RESIDENCE  
 811 UNDERWOOD DRIVE  
 TRINIDAD, CA 95570

ENGINEER

DESIGNER

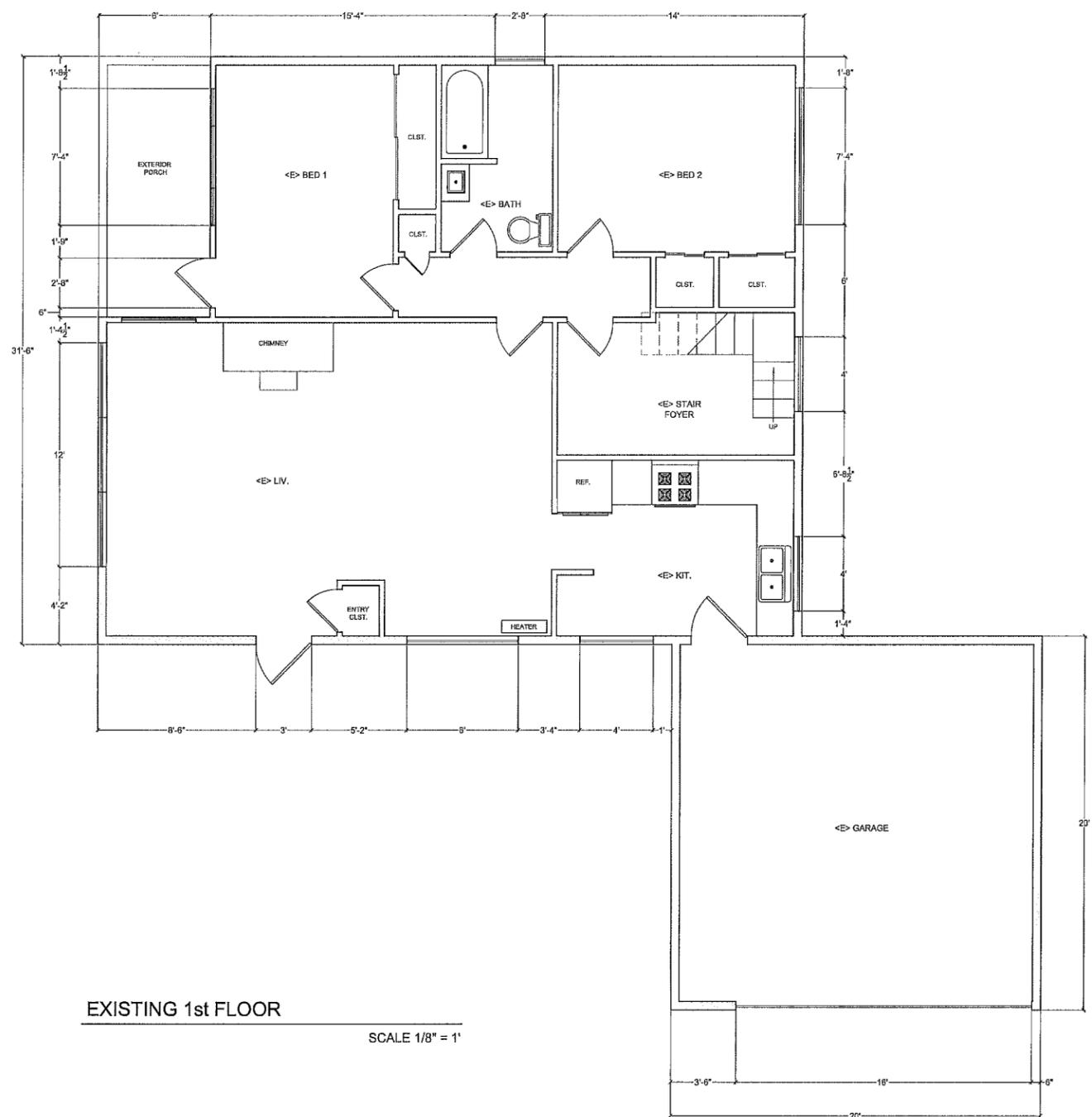
OWNER

DISCOVERY DESIGN  
 DANNY FERGUSON  
 607 STONE LANE  
 TRINIDAD, CA 95570 - 707-677-1967

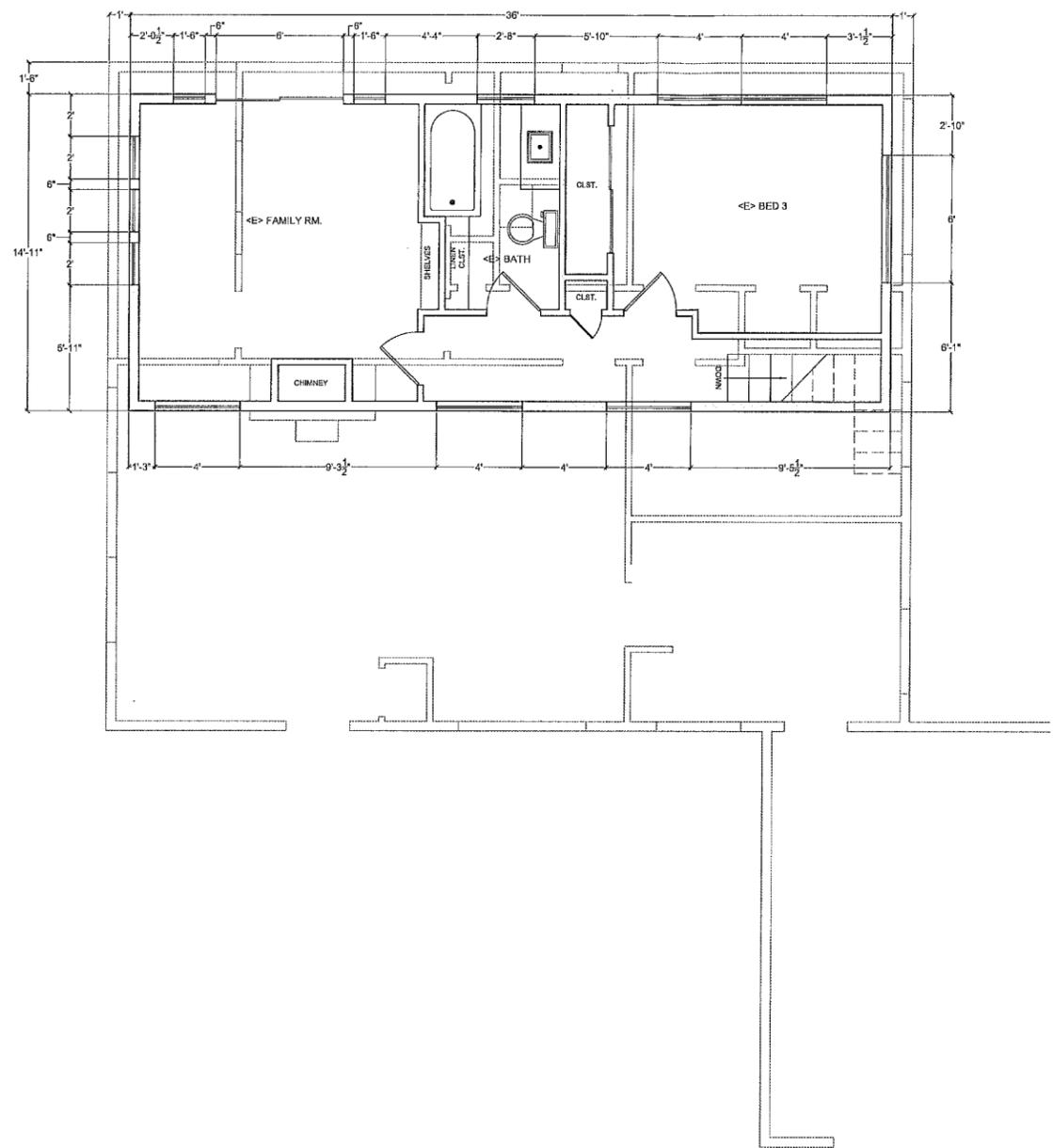
CLIFF & MARYJANE POULTON  
 811 UNDERWOOD DRIVE  
 TRINIDAD, CA 95570

DRAWN	CHECKED
DATE	DATE
10-20-11	10-26-11
SCALE	SCALE
1" = 20'	1" = 20'
JOB NO.	JOB NO.
SHEET	SHEET
P1	P1

DATE	REV.
	A



EXISTING 1st FLOOR  
SCALE 1/8" = 1'



EXISTING 2nd FLOOR  
SCALE 1/8" = 1'

SITE LOCATION  
APN: 20308212  
POULTON RESIDENCE  
811 UNDERWOOD DRIVE  
TRINIDAD, CA 95570

ENGINEER

DESIGNER

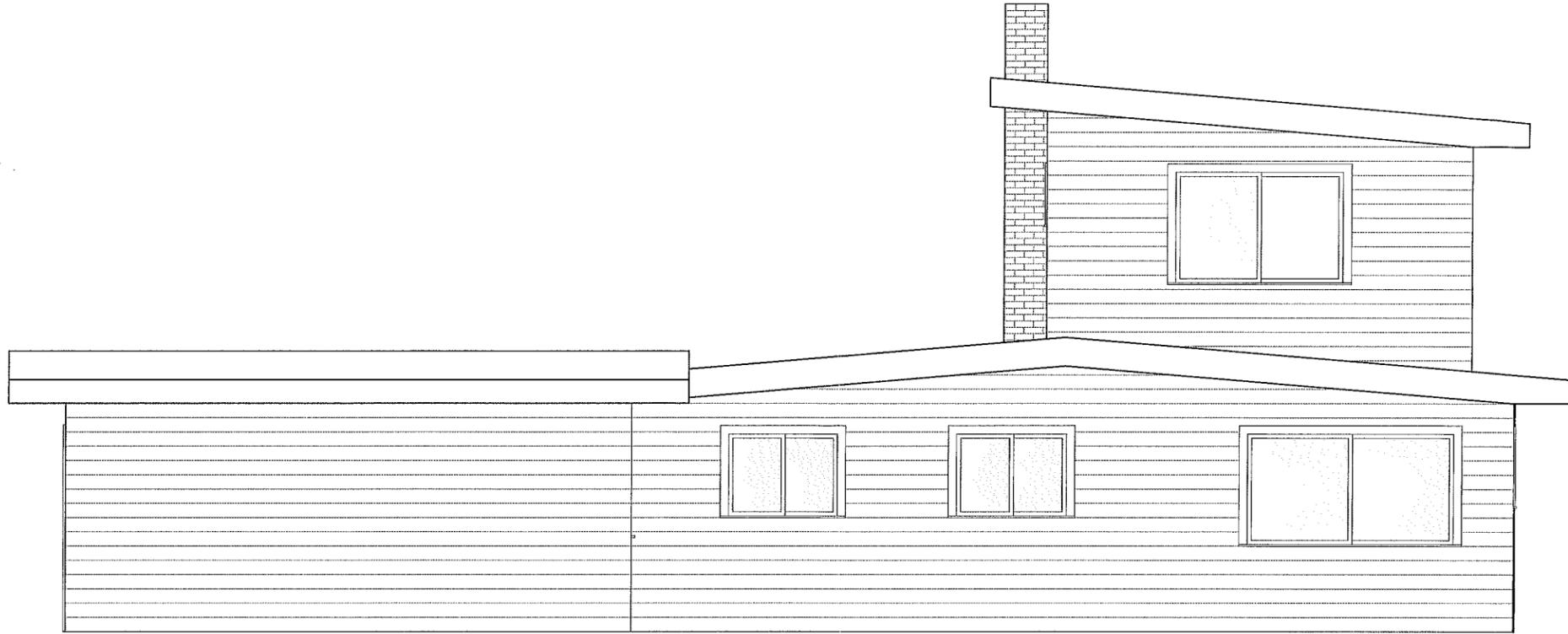
OWNER

DISCOVERY DESIGN  
DANNY FERGUSON  
607 STONE LANE  
TRINIDAD, CA 95570 - 707-677-1967

CLIFF & MARYJANE POULTON  
811 UNDERWOOD DRIVE  
TRINIDAD, CA 95570

DRAWN
CHECKED
DATE 10-20-11
SCALE
JOB NO.
SHEET A0





NORTH ELEVATION  $\langle F \rangle$   
SCALE 3/16" = 1'



EAST ELEVATION  $\langle F \rangle$   
SCALE 3/16" = 1'

DATE	REV.
	A

ENGINEER

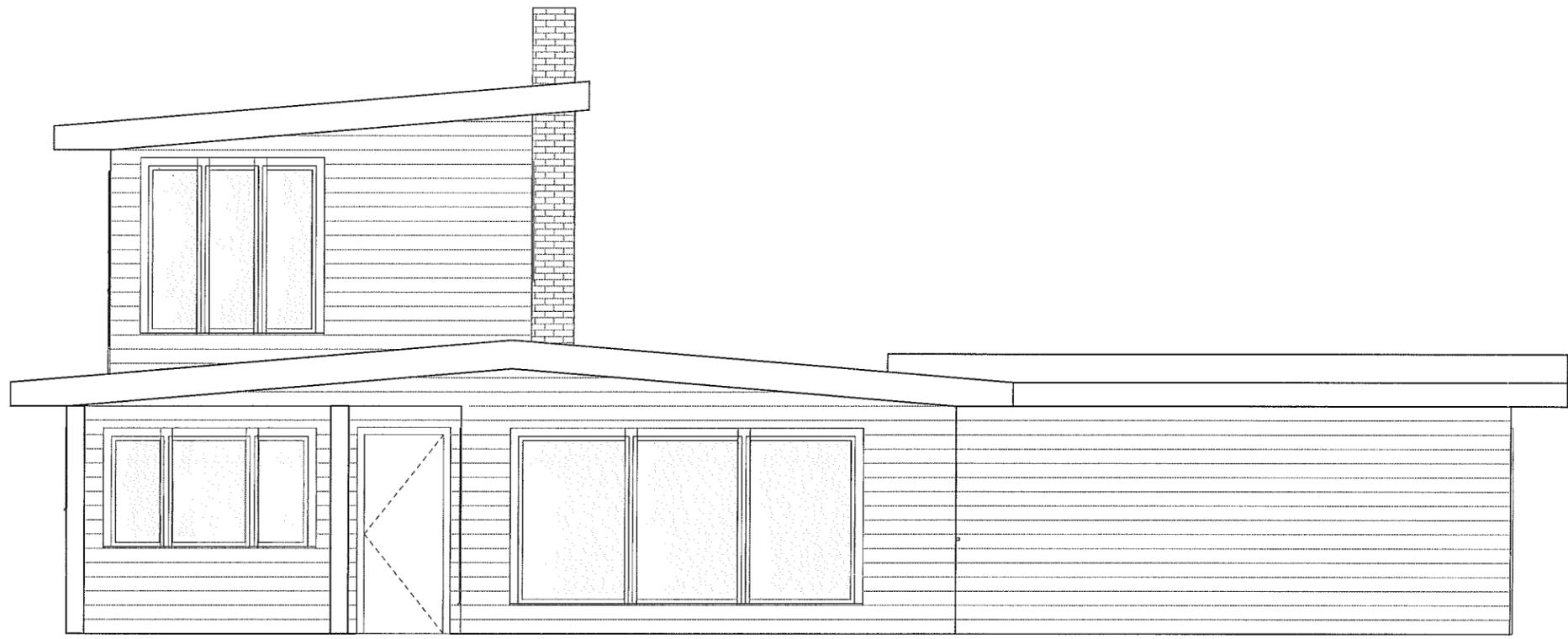
DESIGNER

OWNER

DISCOVERY DESIGN  
DANNY FERGUSON  
607 STONE LANE  
TRINIDAD, CA 95570 - 707-677-1967

CLIFF & MARYJANE POULTON  
811 UNDERWOOD DRIVE  
TRINIDAD, CA 95570

DRAWN
CHECKED
DATE 10-20-11
SCALE
JOB NO.
SHEET A2



SOUTH ELEVATION <E>

SCALE 3/16" = 1'



WEST ELEVATION <F>

SCALE 3/16" = 1'

DATE	REV.
	A

ENGINEER

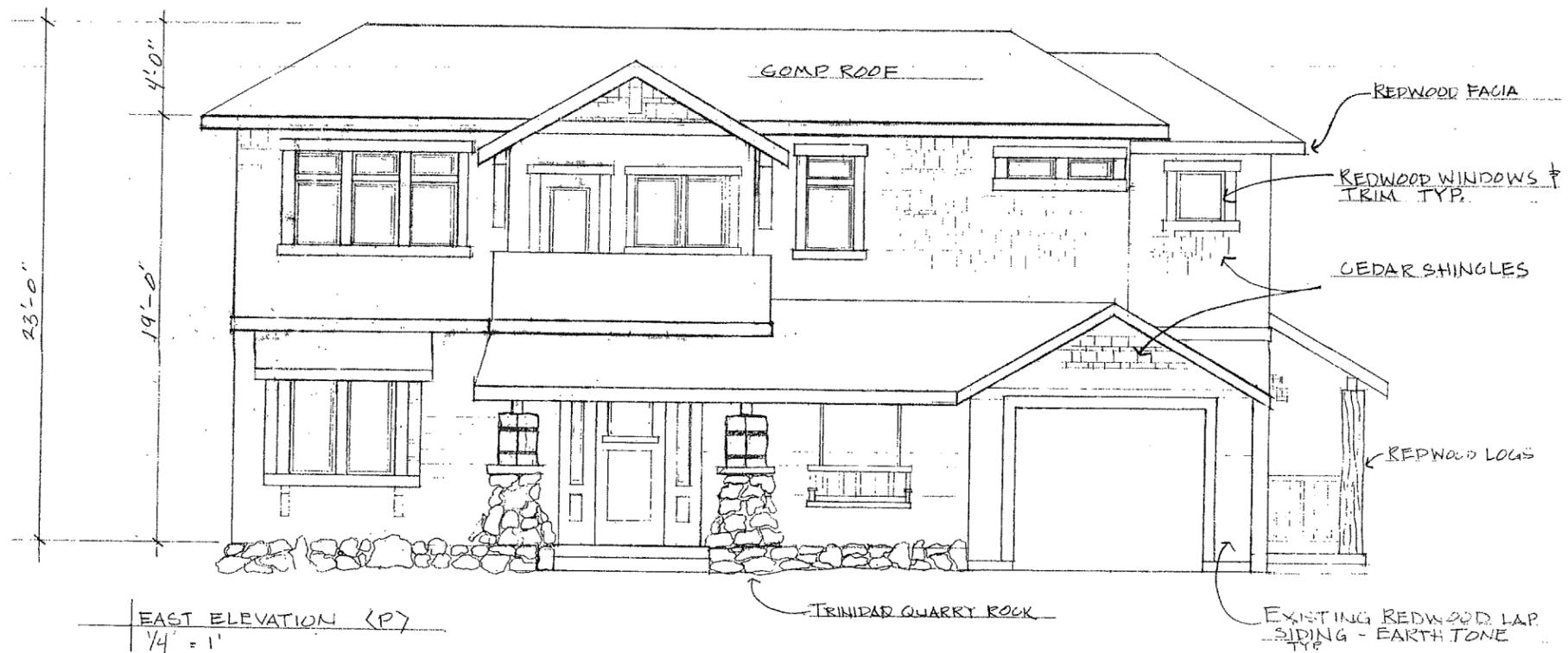
DESIGNER

OWNER

DISCOVERY DESIGN  
 DANNY FERGUSON  
 607 STONE LANE  
 TRINIDAD, CA 95570 - 707-677-1967

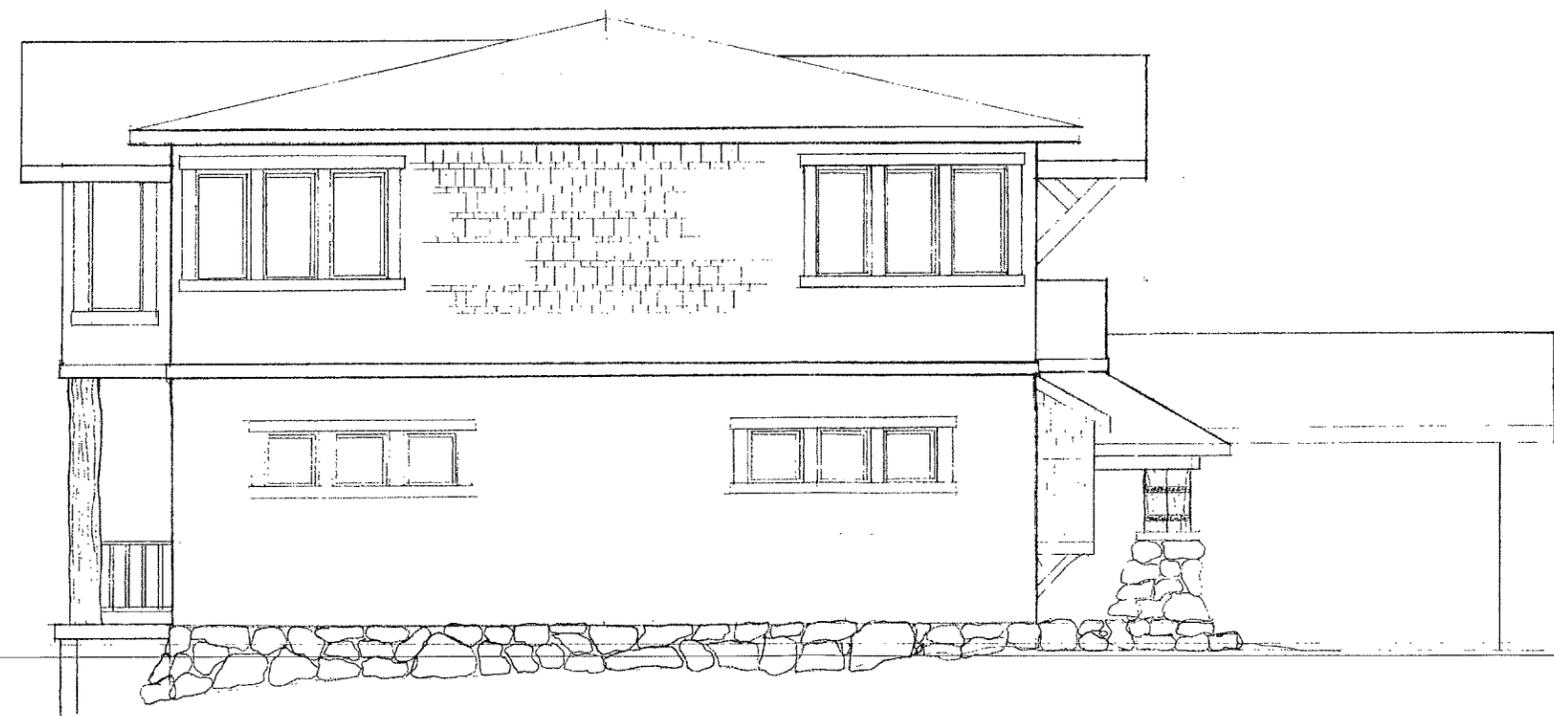
CLIFF & MARYJANE POULTON  
 811 UNDERWOOD DRIVE  
 TRINIDAD, CA 95570

DRAWN
CHECKED
DATE 10-20-11
SCALE
JOB NO.
SHEET A3





NORTH ELEVATION (P)  
1/4" = 1'



SOUTH ELEVATION (P)  
1/4" = 1'



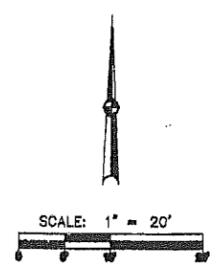
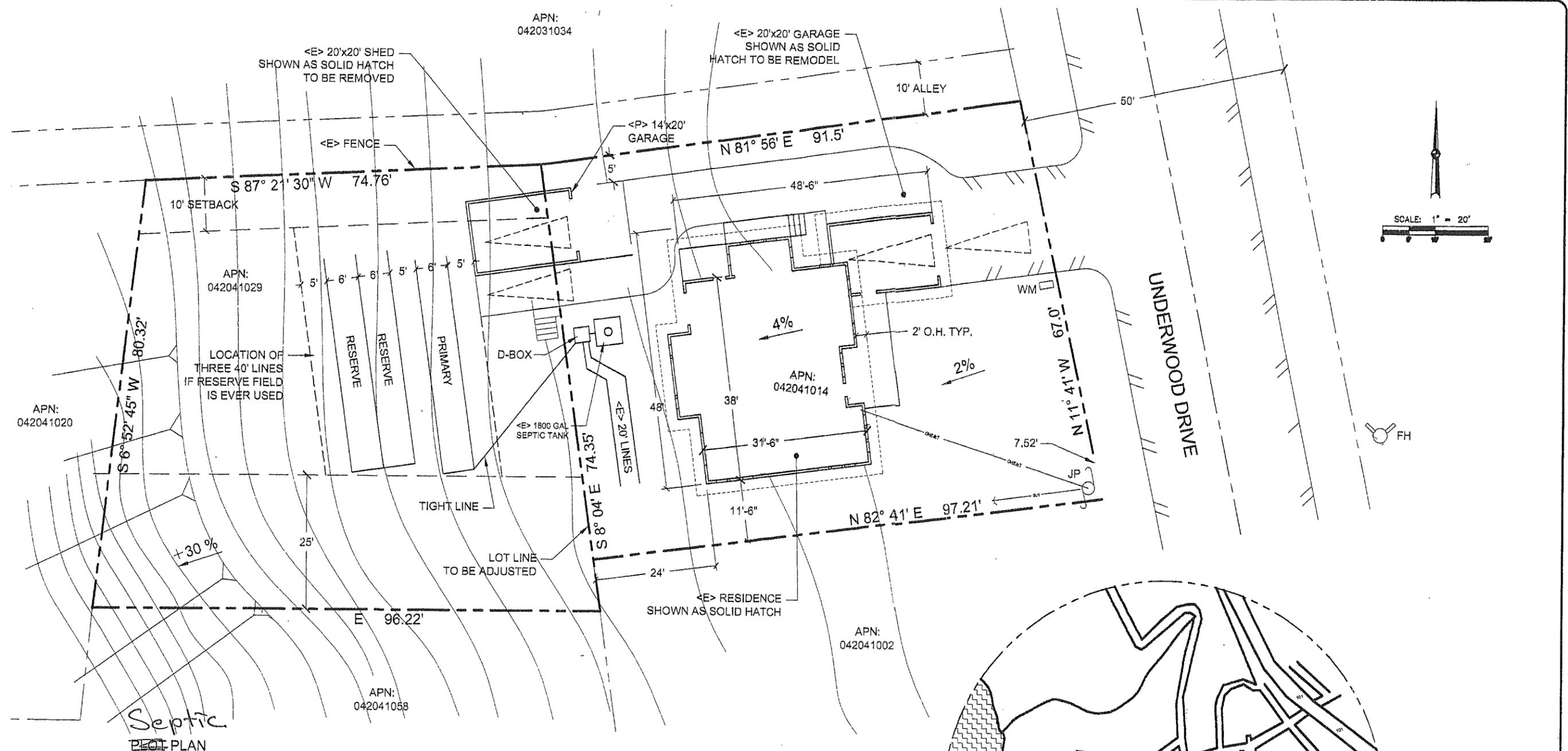
DATE	REV.
01-06-12	B
01-16-12	C

ENGINEERING GEOLOGIST  
 BUSCH GEOTECHNICAL CONSULTANTS  
 P.O. BOX 222  
 ARCATA, CA 95521  
 707-822-7300

DESIGNER  
 DISCOVERY DESIGN  
 DANNY FERGUSON  
 607 STONE LANE  
 TRINIDAD, CA 95570 - 707-677-1967

OWNER  
 CLIFF & MARYJANE POULTON  
 811 UNDERWOOD DRIVE  
 TRINIDAD, CA 95570

DRAWN
CHECKED
DATE 10-20-11
SCALE
JOB NO.
SHEET
P3



**Septic  
 PLOT PLAN**

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**LEGEND:**

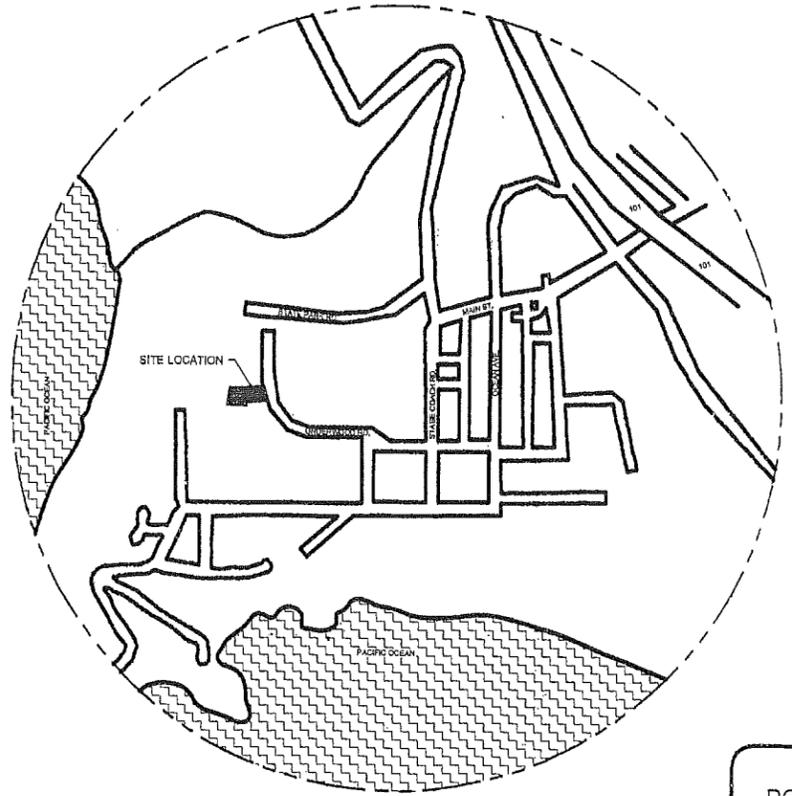
	<P> = PROPOSED
	<E> = EXISTING
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	ADJACENT PROPERTY BOUNDARIES
	OVERHEAD ELECTRIC & TELEPHONE
	DRAINAGE FLOW LINE
	RECORD DIMENSION FENCE LINE
	JOINT UTILITY POLE WITH GUY ANCHOR
	ELECTRIC METER
	WATER METER
	WATER VALVE
	FIRE HYDRANT
	CORRUGATED METAL PIPE
	FLOW LINE
	GROUND
	GRADE BREAK
	SANITARY SEWER CLEANOUT
	SANITARY SEWER MANHOLE
	PROPERTY LINE
	BUILDING SETBACK LINE

**KEY TO SYMBOLS:**

	3.5" DIAMETER HAND AUGER BOREHOLE
	MW-1 LOCATION AND NUMBER OF GROUND-WATER MONITORING WELL
	SHALLOW BACKHOE TEST PIT WITH LOCATION AND NUMBER OF PERK TEST HOLE SHOWN
	DEEP BACKHOE TEST PIT AND NUMBER

SEE APPENDICES FOR ALL DATA.

**BUSCH GEOTECHNICAL CONSULTANTS**  
 P.O. BOX 222 • ARCATA, CA 95518-0222 • 707-822-7300 • FAX 707-822-9011  
 Geotechnical and Geologic Studies for Land Development and Resource Management



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