



Filed: January 21, 2013
Staff: Trever Parker
Staff Report: February 11, 2013
Commission Hearing Date: February 20, 2013
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2013-01
APPLICANT / OWNER(S): Cliff and Marijane Poulton
AGENT: NA
PROJECT LOCATION: 811 Underwood Drive
PROJECT DESCRIPTION: Design Review and Coastal Development Permit for minor modifications to an existing 3-bdrm, 2-story 1,650 sq. ft. single-family residence, including small (approximately 150 s.f. total) additions for closets, enclosure of an existing porch, interior remodeling and new decks.
ASSESSOR'S PARCEL NUMBER: 042-041-14
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 is located to the west of Underwood Drive, and the lot is zoned Urban Residential (UR), as are the surrounding parcels. Surrounding land uses include single-family residences. The parcel has access to Underwood Drive, and 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 (under the same ownership), 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 it reaches approximately 5% at the western property line.

STAFF COMMENTS:

This proposal is a modification of a previous approval (2011-07) for Design Review, Variance and Coastal Development Permit to convert the existing home into two, 2-bdrm units. The accessory dwelling unit and lot merger are no longer proposed, and the house will remain single-family and 3 bedrooms. Referrals were sent to the Building Inspector, City Engineer and the County Division of Environmental Health (DEH) for the previous project. A building permit will be required for project construction if approved by the Planning Commission, and the City Engineer had no comments. Because of the minor nature of this project, I did not send those referrals again for this smaller project. There were some septic issues related to the previous approval, therefore, I did send DEH a referral for the current project. The response was that they had no issues with the proposed project, and no upgrades to the septic system are required for this project. However, verbally, DEH staff suggested that it would not be a bad idea to require that a reserve field be located, most likely in the front yard, in case of any future problems (also see discussion under 'sewage disposal' below).

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. Please see the memo for additional information.

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 minor additions to a residence on a 7,500 s.f. lot. The proposed construction includes interior remodeling, enclosure of a small porch on the first story and two closet and a stairwell addition on the

second story. New first and second story decks are also proposed. The additions total approximately 150 sq. ft (not including the decks). A two foot increase in the roof height is also proposed in order to accommodate a standard pitched composite roof. Project square footages are shown in Table 1.

TABLE 1 - AREAS

	EXISTING	PROPOSED
LOT AREA	7,500 s.f.	7,500 s.f.
FLOOR AREA		
1 st Floor	1,113 s.f.	1,194 s.f.
2 nd Floor	537 s.f.	603 s.f.
Total Residential Space	1,650 s.f.	1,797 s.f.
Attached Garage	390 s.f.	390 s.f.
Shed	400 s.f.	400 s.f.
Porch / Decks	81 s.f.	368 s.f.
Footprint of residence	1,196 s.f.	1,219 s.f.
Footprint of all structures	1,986 s.f.	2,009 s.f.
FLOOR TO LOT AREA RATIO		
Total Residence	22.0 %	24.0 %
Total Footprint (lot coverage)	26.5 %	26.8 %

According to the site plan and application materials, after the remodel, the floor area of the residence, as defined by the Zoning Ordinance Sec. 17.08.310, will be 1,797 s.f., which is within the maximum guideline of 2,000 s.f. in the Design Review criteria. Another measure that the Planning Commission uses is a standard of a 25% maximum floor-to-lot area ration 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 22% to 24%, again, within the guideline established.

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. The existing garage is only approximately 18 ft. from Underwood, but no changes are proposed to the garage, and the existing degree of nonconformity will not be increased. 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 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. Each parking space is required to be 18 ft. long and 8.5 ft. wide. The existing driveway is 18 ft. long, but only 16 ft. wide, one foot short of meeting the 2 space requirement. The Planning Commission may consider requiring an additional foot of width to be added to the driveway in order to accommodate off-street parking. This could be gravel, and would not necessarily have to be paved. However,

similar to the existing garage, no change to the driveway is proposed. No increase in the number of bedrooms or number of units is proposed. Only minor increases in square footage are proposed. Therefore, it could be found that the project is not increasing the existing degree of nonconformity in the parking spaces. There are also two garage spaces, which is not required in the Zoning Ordinance. Parking was brought up as a concern during the previous project approval.

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 plans show an increase in the height of the residence of 2 ft. in order to accommodate a more normal roof pitch (12:2.5). Based on the plans, the proposed maximum height of the structure from the average ground elevation covered by it is approximately 23 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. The neighbors have been notified and given an opportunity to provide input. There was no opposition to the previously approved project, which increased the bulk of the structure more than the current proposal. Very little change to the profile of the structure is proposed, and view blockage is not anticipated to be an issue.

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 construction. 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 new wood shingles on the second story with the horizontal v-groove siding to remain on the first floor. A standard composite roof is proposed.

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Because the project proposes changes to the external profile of the structure, §17.60.030 requires Design Review and View Preservation Findings to be made. The required findings are written in a manner to allow approval, without endorsing the project. However, if 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 structure is located on the flattest area of the property with a 2% grade. Only minor alterations are proposed; therefore only a minimal amount of grading will be required.

- 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 consistent with the existing structure, and are consistent with surrounding development.
- 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 consistent with the existing structure and surrounding development.
- 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. Only minimal changes to the structure are proposed, and screening can be found to be unnecessary.
- E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: No 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 some new, or increased, development is proposed. For the previous project, staff included a condition of approval requiring underground utilities from the existing pole at the corner of the property. However, the currently proposal is for a much smaller project, and the undergrounding could be expensive, so I have eliminated that as a proposed condition, but the Planning Commission may consider including it.
- 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 single-family dwelling proposed to be a total of approximately 1,800 s.f. in size, which is less than the 2,000 s.f. guideline. It is also less than 25% floor-to-area ratio.

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 such development is proposed.

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 except for the increased height of the roofline; this is mostly likely to affect private views of neighbors to the east across Underwood. The additions and remodel will be consistent with the existing structure.
- 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 except for the increased height of the roofline; this is mostly likely to affect private views of neighbors to the east across Underwood. 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 bulk of the structure will not change significantly except for the increased height of the roofline; this is mostly likely to affect private views of neighbors to the east across Underwood. Because the addition is occurring on the second story, skyline views may be affected, but not likely coastline views. The neighbors have been notified and will be allowed to present testimony at the hearing.
- 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.

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 3-bedroom residence consisting of an 1800 gallon tank, a couple of leach lines and a drain pit. Current Health Dept. regulations do not require upgrades for this project since it is not adding bedrooms, units or increasing the footprint. Health Dept. staff noted that there appeared to be ample room for a reserve area in the front yard, but suggested that the Commission may want to consider requiring an official reserve area as a condition of approval. Section 13.12.140 (Reserve Area Required) of the OWTS Ordinance states: *“As part of any application for Design Review, Coastal Development or any other discretionary permit, the applicant may be required to receive approval for a suitable 100% reserve area at the discretion of the Health Officer.”* In addition: *“Parcels with less than 100% reserve area shall be regulated as Nonstandard Systems.”* Section 13.12.410 (Building Alterations / Development) requires that permit applicants *“demonstrate that the existing OWTS meets the requirements set forth in the Trinidad OWTS Program.”* For the previous proposal, the applicants had Busch Geotechnical Consultants design a new septic system with a reserve area, but that was located on the adjacent parcel. It could be in the applicant’s interest to locate a reserve area so that the system would not be regulated as a ‘nonstandard system.’ However, due to the age and size of the system, it still may be considered nonconforming, even with a reserve area. 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 (3-bedroom, single-family unit).

LANDSCAPING AND FENCING:

This project does not involve any new landscaping or fencing.

STAFF RECOMMENDATION

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 project 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. 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. *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 three bedrooms, or number of dwelling units above one, 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.*

POULTON RESIDENCE

811 UNDERWOOD DR

TRINIDAD, CA 95570

APN # 042041014

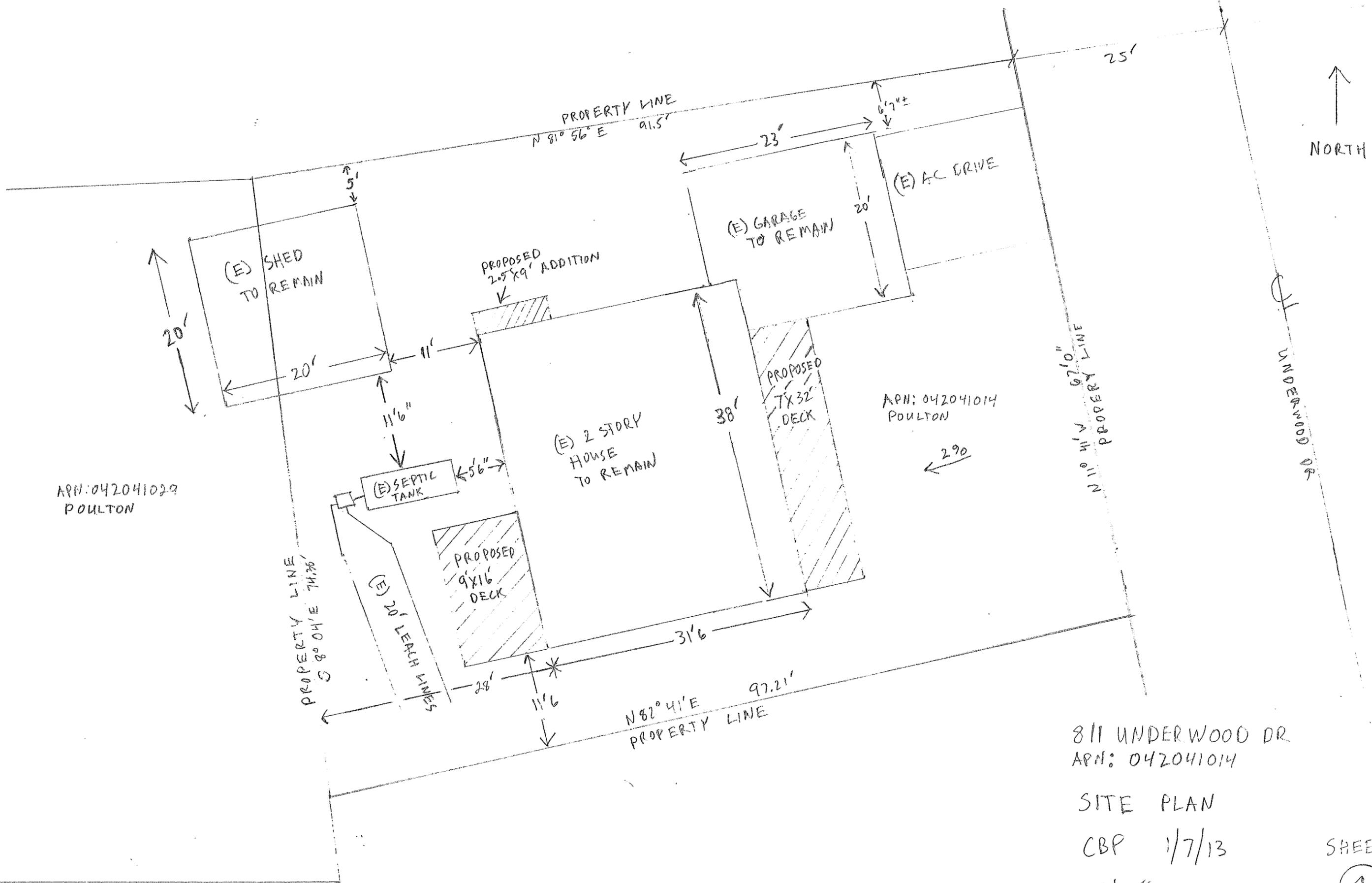
SHEET INDEX:

- ① SITE PLAN
- ② EXISTING ELEVATIONS / NORTH & EAST
- ③ EXISTING ELEVATIONS / SOUTH & WEST
- ④ EAST ELEVATION
- ⑤ NORTH ELEVATION
- ⑥ WEST ELEVATION
- ⑦ SOUTH ELEVATION
- ⑧ 1ST FLOOR PLAN
- ⑨ 2ND FLOOR PLAN

CBP 1/24/13

TITLE SHEET

①

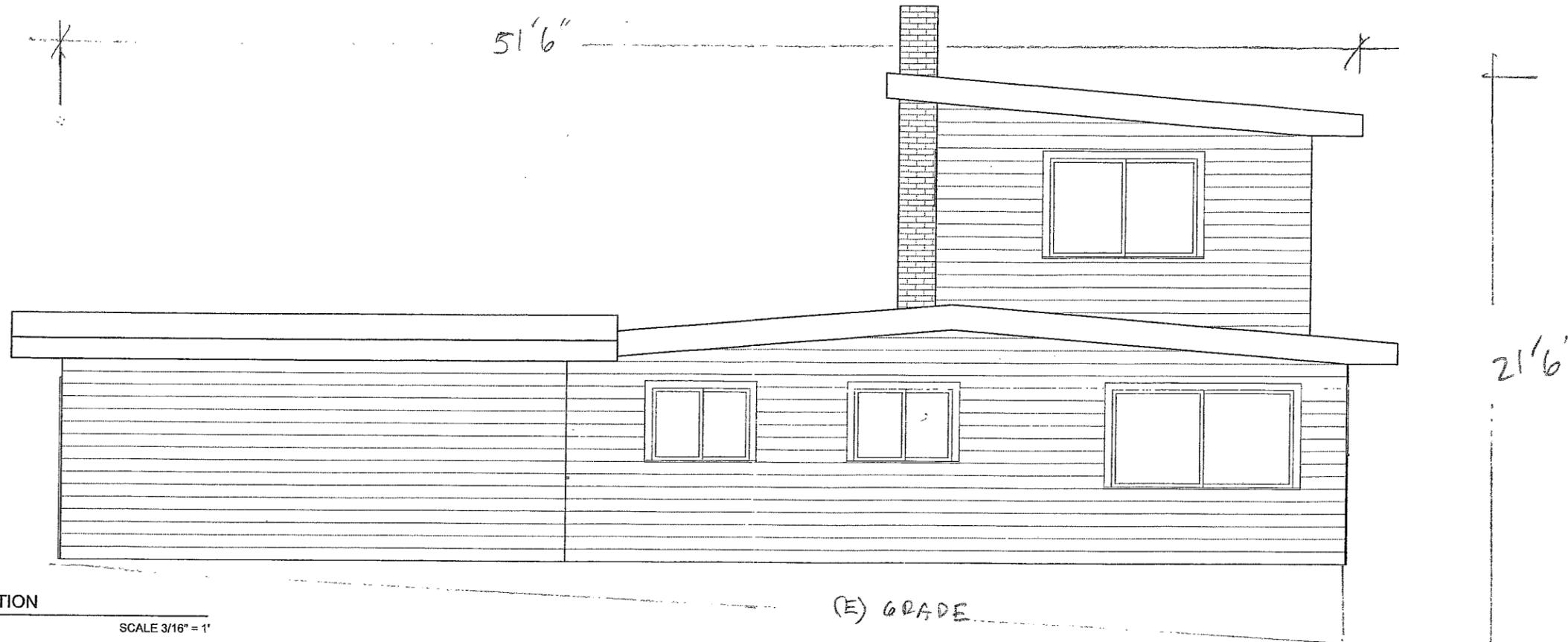


APN: 042041029
POULTON

811 UNDERWOOD DR
APN: 042041014

SITE PLAN
CBP 1/7/13
3/32"

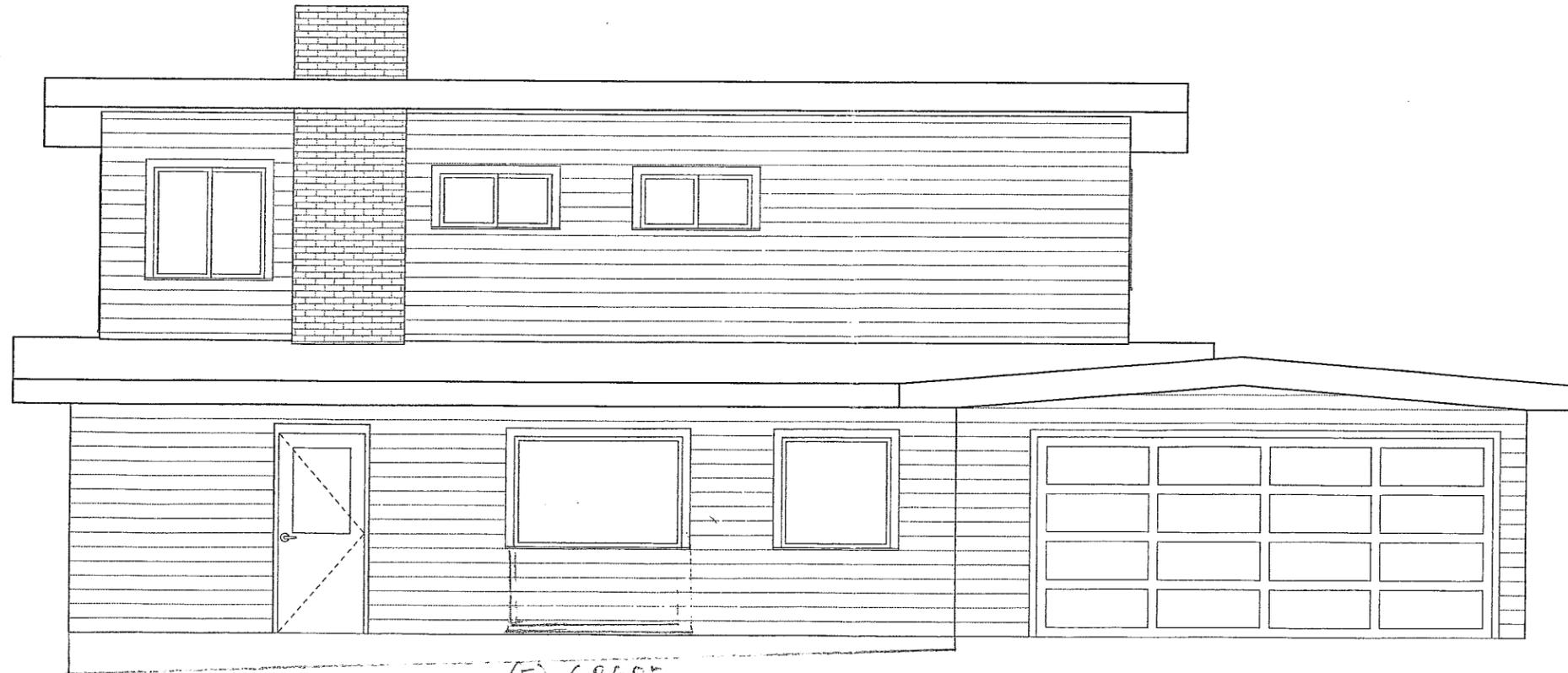
SHEET
①



NORTH ELEVATION

SCALE 3/16" = 1'

(E) GRADE



EAST ELEVATION

SCALE 3/16" = 1'

(E) GRADE

52'

SHEET

2

DATE	REV.
	A

ENGINEER

DESIGNER

OWNER

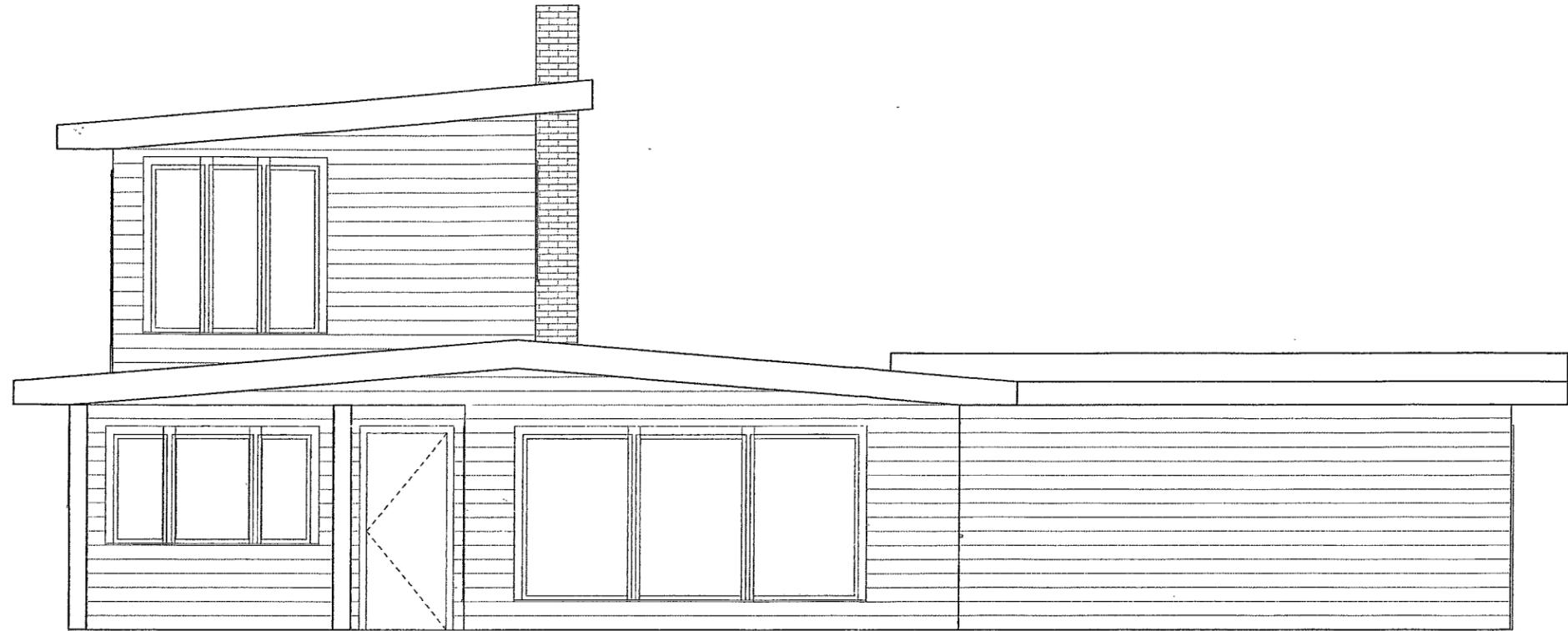
DISCOVERY DESIGN
DANNY FERGUSON
607 STONE LANE
TRINIDAD, CA 95570 - 707-677-1967

CLIFF & MARYJANE POULTON
811 UNDERWOOD DRIVE
TRINIDAD, CA 95570

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

DATE	REV.
	A

21'6"



SOUTH ELEVATION

SCALE 3/16" = 1'

(E) GRADE

9'6"



WEST ELEVATION

SCALE 3/16" = 1'

(E) GRADE

21'6"

SHEET

3

ENGINEER

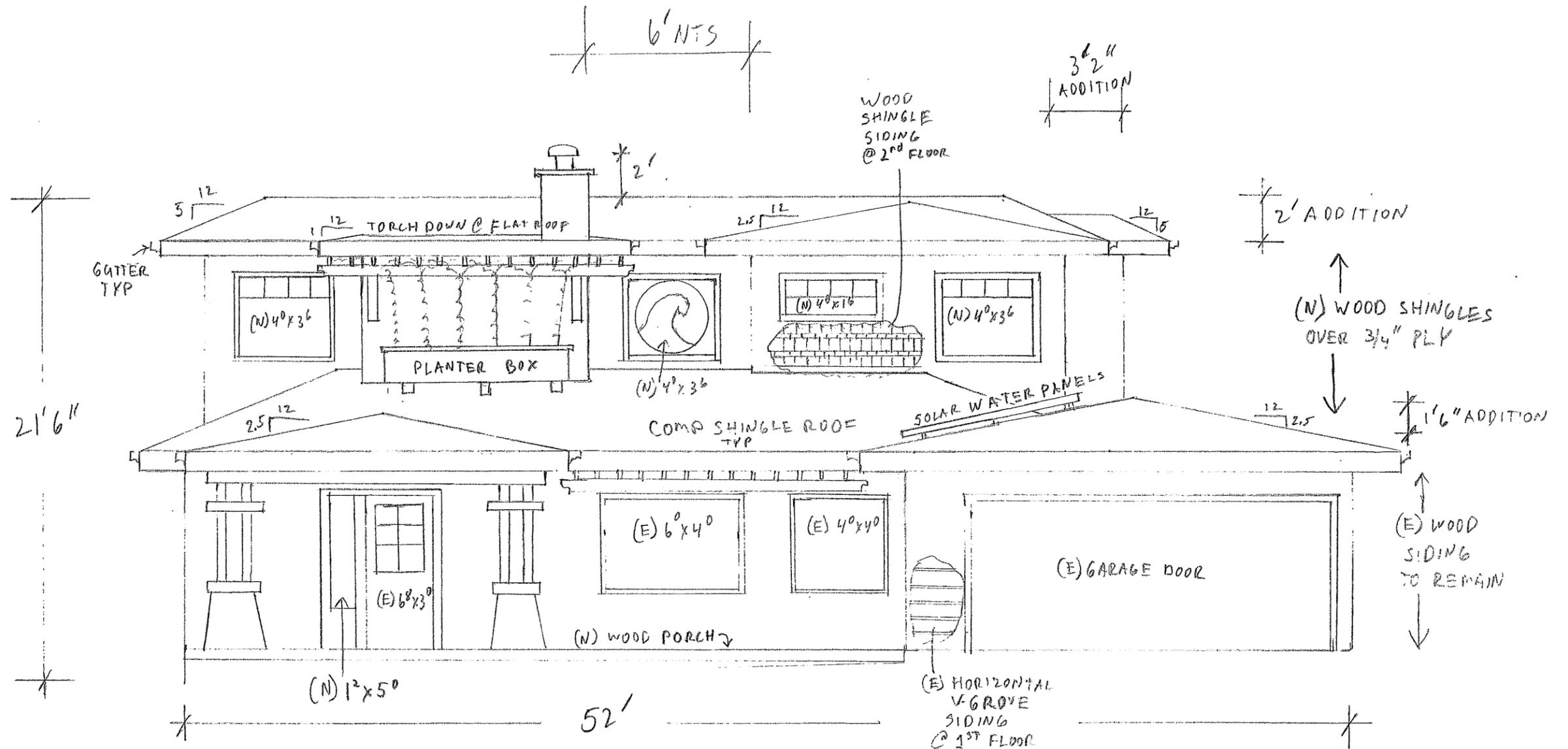
DESIGNER

OWNER

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

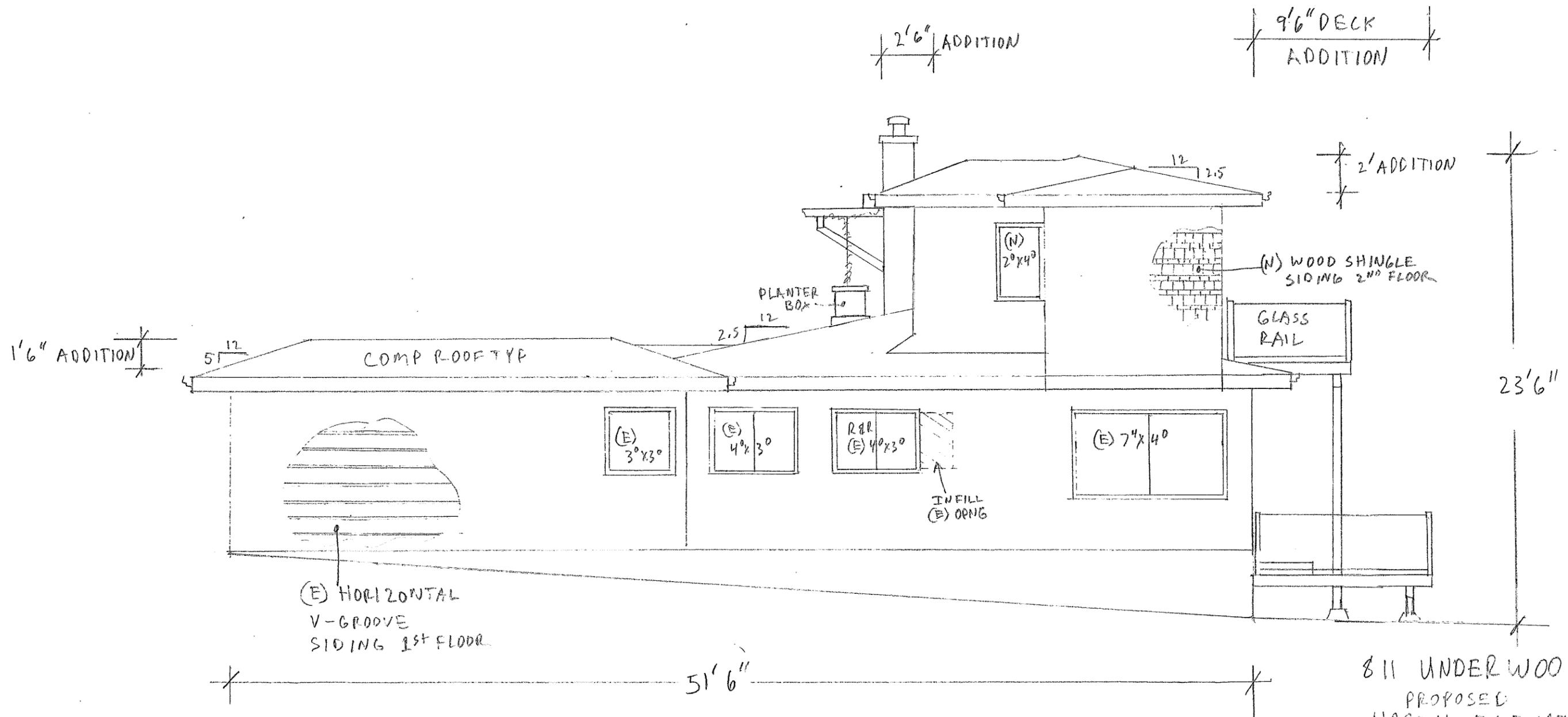
CLIFF & MARYJANE Poulton
811 UNDERWOOD DRIVE
TRINIDAD, CA 95570

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



811 UNDERWOOD DR
 PROPOSED
 EAST ELEVATION

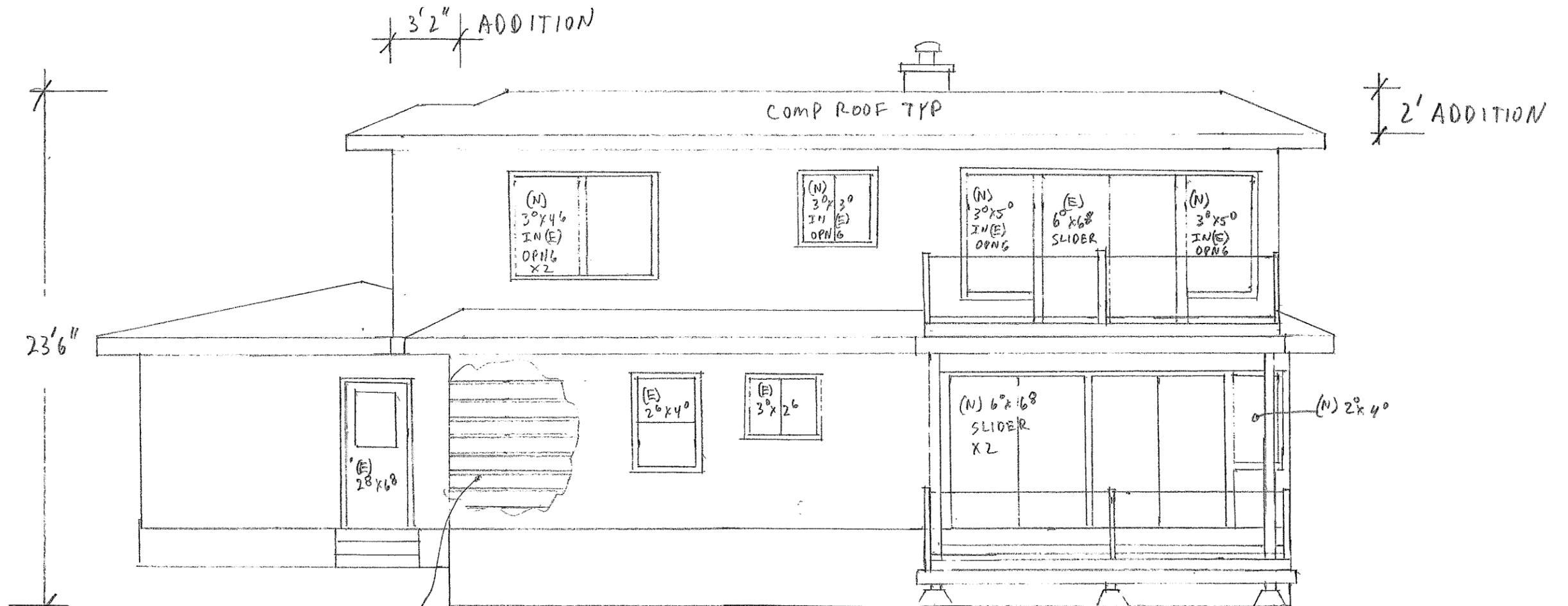
CBP 1/6/13 SHEET
 3/16" (4)



811 UNDERWOOD DR
 PROPOSED
 NORTH ELEVATION

CBP 1/6/13
 3/16"

SHEET
 5



3'2" ADDITION

COMP ROOF TYP

2' ADDITION

23'6"

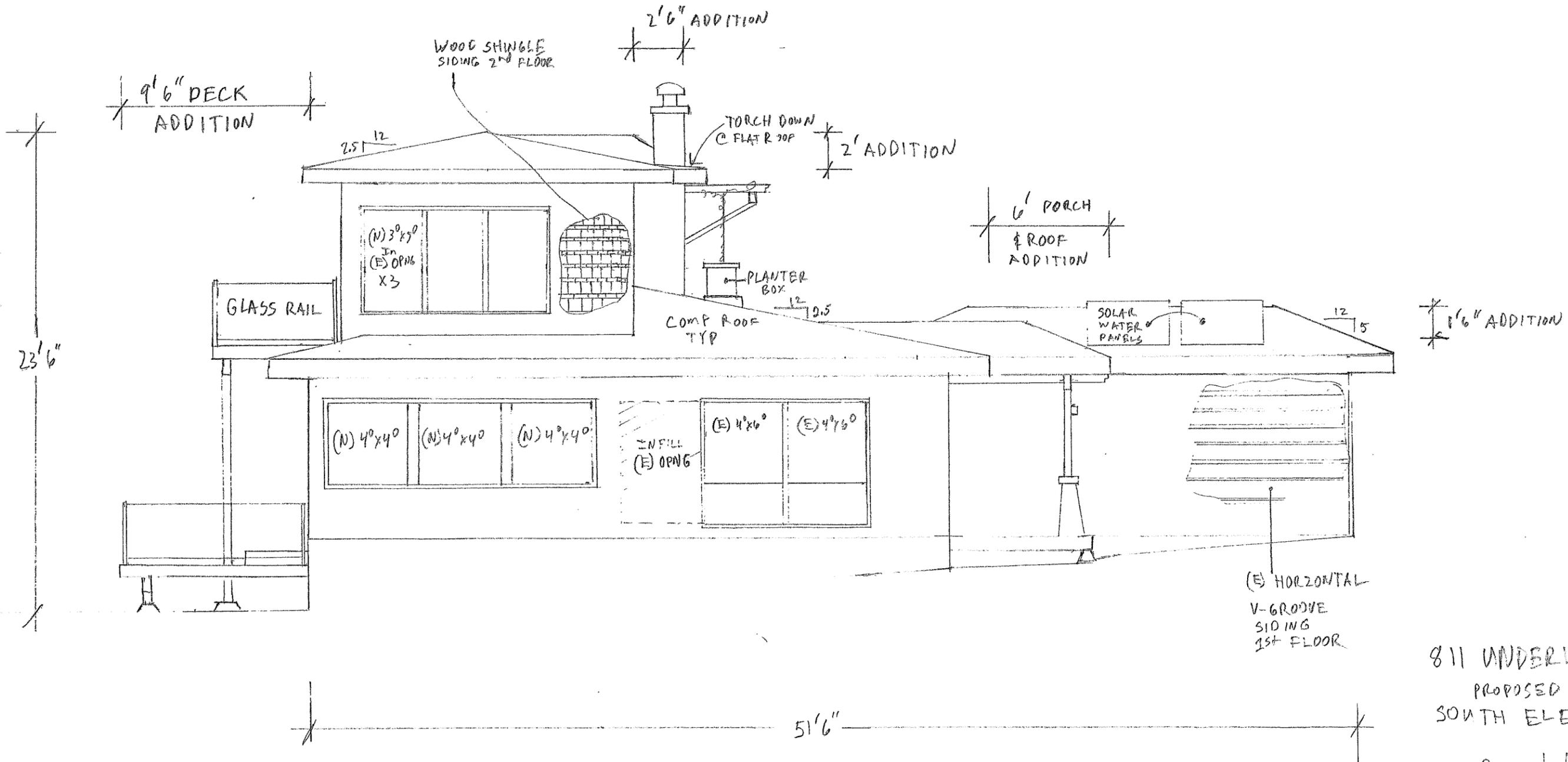
(E) HORIZONTAL V-GROOVE SIDING TO RETAIN THIS ELEVATION

811 UNDERWOOD DR.
PROPOSED
WEST ELEVATION

52'

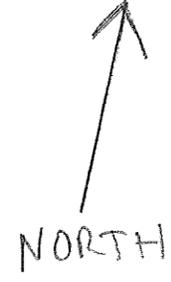
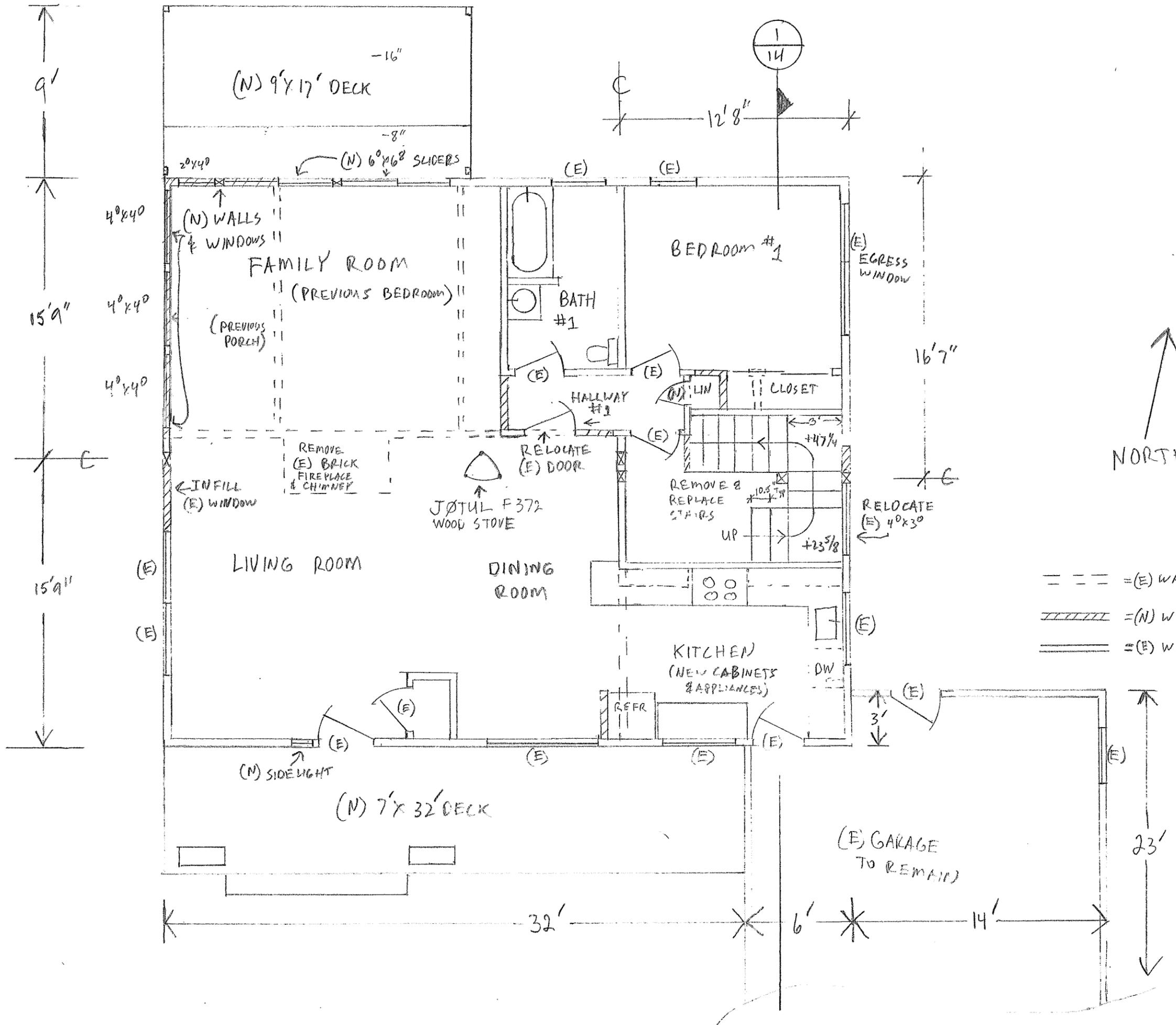
CBP 1/6/13
3/16"

SHEET
6



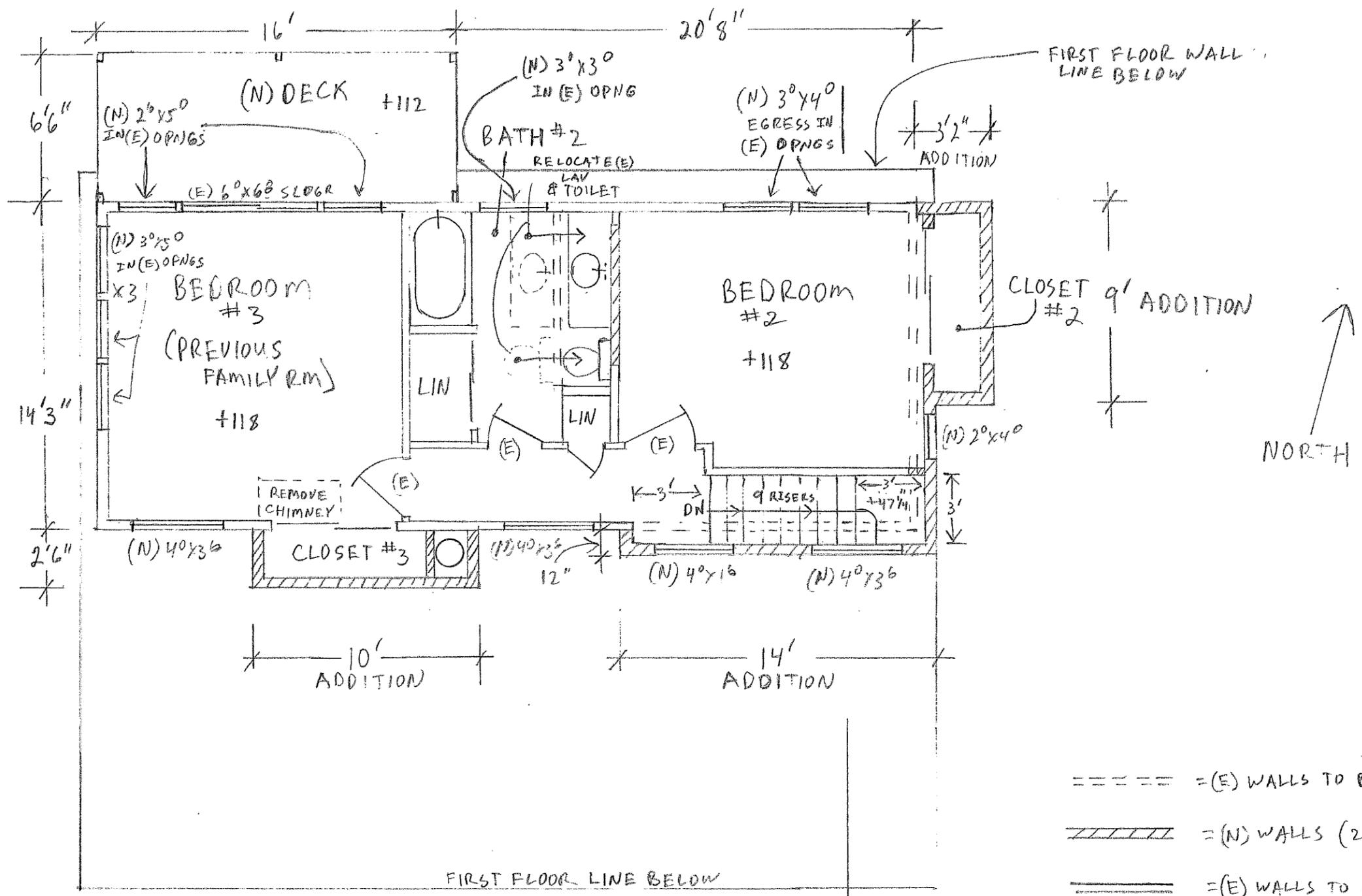
811 UNDERWOOD
 PROPOSED
 SOUTH ELEVATION

CBP 1/6/13 SHEET
 3/16" (7)



- = (E) WALLS TO BE REMOVED
- //// = (N) WALLS
- == = (E) WALLS TO REMAIN

811 UNDERWOOD DR.
 1ST FLOOR PLAN
 CBP 1/9/13
 3/16"



- ==== = (E) WALLS TO BE REMOVED
- //// = (N) WALLS (2x6 EXTERIOR, 2x4 INTERIOR)
- = (E) WALLS TO REMAIN

811 UNDERWOOD OR
 2nd FLOOR PLAN
 CBP 1/11/13
 3/16"