

Filed: September 2014  
Staff: Trever Parker  
Staff Report: October 20, 2014  
Commission Hearing Date: October 29, 2014  
Commission Action:

**STAFF REPORT: CITY OF TRINIDAD**

APPLICATION NO: 2013-07A

APPLICANT (S): Zack and Susan Rotwein

PROPERTY OWNER: Zach and Susan Rotwein

PROJECT LOCATION: 54 North Westhaven Dr.

PROJECT DESCRIPTION: Amendment to a previous approval for Design Review and Coastal Development Permit for an addition to an existing single-family residence and replacement of a 1-story, 2-bedroom, 728 sq. ft. accessory dwelling unit (ADU) with a 2-story, 2-bedroom, 1,320 sq. ft. accessory dwelling unit; the amendment is to increase the size of the replacement ADU to 1,700 sq. ft. still with 2-stories and 2-bedrooms.

ASSESSOR'S PARCEL NUMBER: 515-331-11

ZONING: PD – Planned Development

GENERAL PLAN DESIGNATION: PD – Planned Development

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per §15301 of the CEQA Guidelines exempting additions and alterations of existing structures, §15302 exempting replacement or reconstruction of structures, and §15303 exempting new construction 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 \_\_\_ / **is not \_X\_** appealable to the Coastal Commission per the City's certified LCP, but may be appealable per Section 30603 of the Coastal Act.

## **SITE CHARACTERISTICS:**

The property is located on the northern end of North Westhaven Drive, the third parcel east of the intersection of U.S. Highway 101 and North Westhaven Drive. Access to the property is from North Westhaven Drive through a fence and up a northbound driveway. The parcels to the east and west are also zoned PD-Planned Development and developed with existing residences. Directly behind and uphill from the property are SR-Suburban Residential parcels. The parcel across the street is zoned VS-Visitor Services and contains an RV park. At present, the 1.67 acre lot accommodates a 728 ft<sup>2</sup> accessory dwelling unit (ADU) on the southeastern quadrangle of the property and a two-story 1,650 ft<sup>2</sup> primary residence on an approximately 800 ft<sup>2</sup> footprint northeast of the accessory residence. On the southwest portion of the property there is an approximately 3,000 sq. ft. pole barn and a staging area for the landowners' commercial crabbing business. Twelve off-street parking spaces are provided on the property – three allocated for each residence and six near the pole barn. Most of the northern portion of the property is forested and has an approximate 6% slope that flattens to around 2% at the southwestern end. There is an existing septic system on the property located northwest of the two residences.

## **STAFF COMMENTS:**

In July 2013, the applicants received Design Review approval from the Planning Commission for a 2,100 sq. ft. addition to the existing 1,650 sq. ft. primary residence and replacement of the existing 728 sq. ft. accessory dwelling unit (ADU) with a 1,320 sq. ft. ADU. However, the applicants are now proposing increase the size of the replacement ADU to 1,706 sq. ft. and add a carport to the rear (north side) of the structure), which requires an amended to the previous Design Review approval, because it alters the external profile of the approved structure. All uses in the Planned Development (PD) Zone require a Use Permit, including any change in use (§17.36.020), and §17.36.080 requires all uses in the PD Zone to be approved by the City Council. However, no new uses are proposed for this project, and a new use permit is not required; Planning Commission approval of this project will be final, unless appealed. The application materials show the project location, the site plan, floor plans and elevations of the proposed structures / additions.

Additional referrals were not sent out for this amendment, since it is not significantly different from the previous proposal. For the original project, referrals were sent to the Building Inspector, City Engineer and Division of Environmental Health (DEH). The City Engineer had no comments or conditions. The Building Inspector responded that the site could have a high groundwater table, and therefore a site-specific soils investigation with foundation and drainage recommendations prepared by an engineer will be required at the time of building permit application in order to mitigate any subsurface water and runoff issues; this was included as a condition of approval. The Building Inspector may have additional comments at the time of building permit application. Environmental Health responded that the applicant will have to provide certification from a qualified onsite wastewater treatment system designer indicating that the existing OWTS is sized appropriately for the total number of bedrooms resulting from the proposed development. This is discussed in more detail below under the 'sewage disposal' section.

A note on the history of this property could be helpful in the consideration of this application. Both of the existing residences were constructed, or at least approved, prior to the property being annexed into the City in 1992. The County approved the construction of the primary residence in 1992, but required that the original residence (now the ADU) be converted into a shop, because second units were not allowed by the County under their existing zoning. Concurrently, that property and several neighboring ones were annexed into the City and given the PD zoning designation, which was approved by LAFCO and the Coastal Commission that same year. The City later processed a use permit to allow the secondary dwelling to be reestablished in 1994, which is allowed in the PD zone on a lot of this size.

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

The property where the project is located is zoned PD – Planned Development. The purpose of this Zone is to provide flexibility when considering what type of development should be permitted. The Zoning Ordinance (§17.36.020) defines the established purpose of the planned development (PD) zone as *“either residential areas where limited commercial activity may be appropriate, subject to special integrating design, or they are areas where design flexibility is needed to adapt appropriate uses to the site and to surrounding uses. Limited commercial uses, including visitor accommodations, visitor services, recreational uses, offices, gift shops and personal services may be appropriate.”* This zone allows for the development of personal services, professional offices and some limited commercial uses. The existing and proposed use of the site with two residences and a commercial crabbing gear shed is consistent with these allowable uses.

### ***PD Zone Requirements***

The minimum lot size in the PD zone depends on the type of project, but the largest minimum is 8,000 ft<sup>2</sup> (§17.36.030) and the lot in question is 72,745 ft<sup>2</sup>, or 1.74 acres. Maximum density is 8,000 sq. ft. per residential unit, not including any areas dedicated to commercial uses. This lot is plenty large enough to meet these requirements, being able to potentially accommodate up to nine residences at the maximum allowed density (not considering other limitations).

Required yards in the PD Zone for this type of project are the same as for the UR (Urban Residential) zone (§17.36.050): front – 20 ft.; rear – 15 ft.; and side – 5 ft. The required yards will easily be met by the proposed remodeled buildings as shown on the site plan, with the shortest distance to a property line being the existing 35 ft. side setback on the primary residence. Section 17.36.050 also states that the minimum yard between buildings shall be equal to the height of the higher building. The distance between the barn and the nearest building on the site—the accessory dwelling unit (ADU)—is 80 ft, and the distance between the ADU and primary unit (as measured to the front porch) will be approximately 30 ft. which complies, since the primary unit is also approximately 30 ft. in height (see below for more information). Architectural features such as eaves are allowed to extend up to 3 ft. into a required side yard, and the proposed structures will meet this requirement.

Though Trinidad does not have an upper limit on building size, there is a 2,000 ft. maximum guideline found in the Design Review criteria. The Planning Commission also considers a 25% maximum floor-to-area-ratio based on a 2,000 sq. ft. residence on an 8,000 sq. ft. lot. Table 1 summarizes the structures on the lot and their square footages.

**TABLE 1 - AREAS**

	EXISTING	PROPOSED
LOT AREA	72,000 s.f.	<b>72,000 s.f.</b>
FLOOR AREA		
Primary Residence	1,650 s.f.	3,750 s.f.
Secondary Residence	730 s.f.	1,706 s.f.
<b>Total Residences</b>	2,380 s.f.	<b>5,456 s.f.</b>
Pole Barn	3,000 s.f.	3,000 s.f.
Carport (attached to ADU)	0 s.f.	476 s.f.
FOOTPRINT (w/ barn)	4,530 s.f.	6,442 s.f.
FLOOR TO LOT AREA RATIO		
<b>Total Residences</b>	3.3%	<b>7.6%</b>
Total Footprint	6.3%	8.9%

The maximum building height allowed in the PD zone is 25 ft. (§17.36.060) measured from the average ground elevation covered by the structure to the highest point on the roof (§17.56.100). Both of the proposed structures are near (or above) the maximum height limits, but it is difficult to determine exact heights based on the ground elevation in this case. Normally we use the native ground elevation, prior to grading, to measure heights (in this way, taller houses may be accommodated by digging into the ground somewhat). But, because the property is already developed, much of the southern portion of the lot has already been graded.

The drawings for the replacement accessory dwelling unit show the elevation to be 24.5 ft. in height, but that appears to be measured from the foundation. The site plan also states that the proposed ridge at the northeast corner will be 24.5 ft. in height. Based on the scaled elevations, it appears that the ridge height is at least 27 to 28 ft. in height above the existing average ground elevation covered by the structure. Although this property is not located in a view sensitive area, exceeding the height limit would require a variance to be approved by the Planning Commission. In addition, the ground is lowest on the south end, so that is the tallest side, which is also the side facing the street and so the most visible. There doesn't seem to be a need to exceed the height limit in this case, and the roofline could easily be lowered by lowering the pitch of the roof or by additional grading for the foundation. Therefore, a maximum of 25 ft. in height from the average ground elevation was included as a condition of approval for the previous project, and is still in effect for the amendment.

Zoning Ordinance §17.36.070 deals with open space requirements for lots with dwelling units, which includes 25% of the lot plus 800 sq. ft. for each dwelling unit; this property is well in compliance with these policies. In addition, the applicant has complied with the application requirements set forth in §17.36.080 that are applicable to this project. Parking in the PD Zone is regulated by Zoning Ordinance §17.56.180.B(8). The project site currently includes two residences with parking that exceeds minimum requirements (2 spaces in addition to any garage spaces). The pole barn did not require parking spaces, but the site plan and photos show that there is room for several more vehicles in a graveled area north of the barn.

#### **SLOPE STABILITY:**

The project site is not mapped as being in an unstable area or area of questionable stability on Plate 3 of the General Plan. The property is located adjacent to, but outside of the Alquist-Priolo Fault Zone. Therefore, no geologic study is required by for the project by City regulations.

#### **SEWAGE DISPOSAL:**

The existing residences are served by an existing septic system. In response to a referral that was sent to them for the pervious project, DEH responded that the *“applicant shall provide certification from a qualified onsite wastewater treatment system designer indicating that the existing onsite treatment system is sized to current standards for the total number of bedrooms resulting from the proposed development.”* The applicants stated that the total number of bedrooms would not change as a result of the project, with the new ADU remaining 2-bedrooms and the primary residence remaining 3-bedrooms after the addition. However, based on the size and configuration of the rooms, staff determined that the primary residence would be considered at least 4 bedrooms. A condition of approval was included as part of the previous project that the applicants must either upgrade the existing system to accommodate 6 bedrooms, or get a professional to document that the existing system is sized for 6 bedrooms to the satisfaction of DEH. A new septic tank was added for the ADU, and the consulted did submit the required documentation that the leachfield is sized appropriately for 6 bedrooms, so that condition has already been complied.

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

This project does not involve any new landscaping or fencing. No large trees (>12” DBH) are proposed to be removed in order to accommodate the project.

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

The project will replace the existing ADU on the property, therefore altering the external profile and appearance, which requires Design Review approval from the Planning Commission in accordance with §17.60.030. 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: Though larger, the site of the proposed replacement ADU will be approximately the footprint of the existing ADU. The area has already been graded and developed. Some new grading will be required, but it will be minimal.
- 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.
- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: The proposed ADU has been designed to match the primary unit, with wooden structural components, wood shingle siding and a composite shingle roof.
- D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used.* Response: The property is well vegetated with redwood trees and other plants. The construction is set back a minimum of 50 ft. from the roadway, and new landscaping 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 already exist from the street to the secondary residence. Underground utilities exist from the street to the northern residence. Existing overhead utilities are not readily visible due to sight-obscuring vegetation. No changes to the existing utilities are proposed.
- 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 replacement ADU is under the 2,000 sq. ft. guideline at 1,706 sq. ft. It has a rustic design that helps it blend with its natural surroundings and the primary unit. The City also uses a 25% floor-to-area ratio, which due to the size of the lot, would allow a much larger structure or more lot coverage.
  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: The property already contains two dwelling units which are spaced well apart from each other. Similarly, the proposed barn is a stand-alone structure located away from the other buildings that preserves the open space and character of the lot.

## **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 is not visible from open space areas.
- B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.* Response: The project, due to its location, slope, vegetation, configuration, etc., does not have the potential to significantly block 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...* Response: The project is not located in an SR or UR zone.
- 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.

## **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 amended project 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.

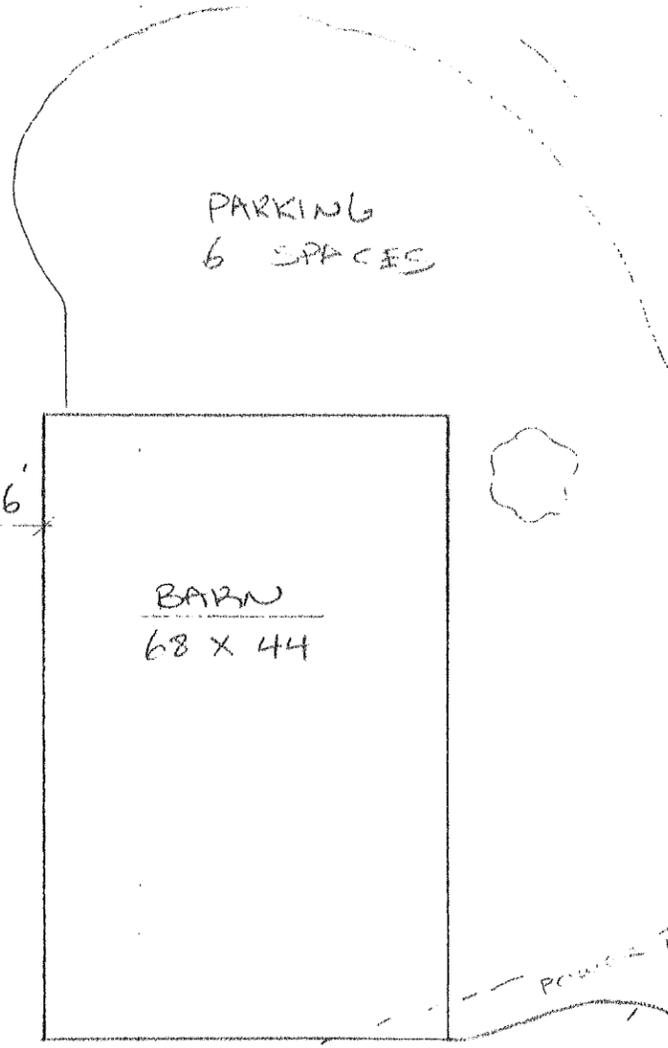
- A. Add conditions of approval to address any specific concerns on the part of the Commission or the public.
- B. Delay action / continue the hearing to obtain further information.
  - In this case, the Planning Commission should specify any additional information required from staff or the applicant 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. All of the 9 conditions from the previous project approval are still in effect.

AP C42-052-05 + AD 5

275'



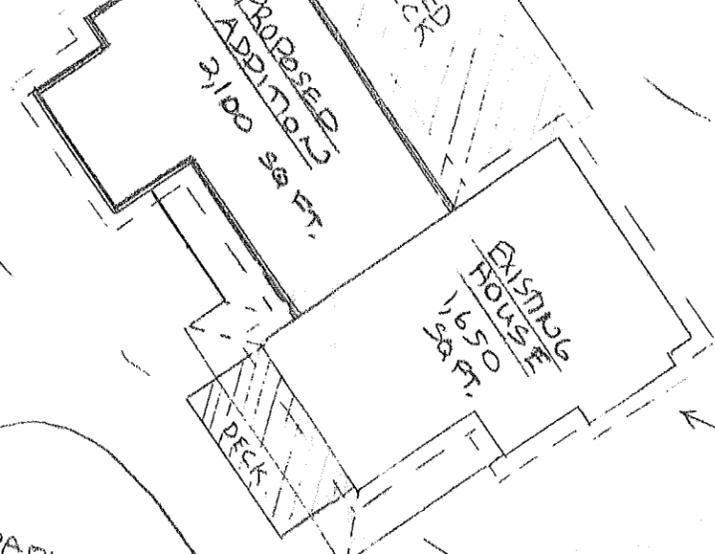
GRAVEL DRIVEWAY

PARKING 3 SPACES

PROPOSED HOUSE 1700 SQ FT, TWO BDRM, 42' X 26'

PROPOSED DECK

PARKING 3 SPACES



EXISTING HOUSE IS 26' X 40' 728 SQ FT, TWO BDRM, RIDGE APPROX 20' FROM GROUND S. WEST CORNER 16' N. EAST CORNER

PROPOSED RIDGE 24' 6" N. EAST CORNER

35'

60'-6"

3/4 IRON PIPE

52'

20'

60'

52'

50'

UTILITY POLE

DITCH

20'

CITY WATER LINE TO POLE

198'

MOONSTONE TRINIDAD RD

20' 1"

AD 515-331-10

OK APP

CENTER & LINE OF ROAD

64.9 SOFT SUBTOPWAY

# WEST VIEW

SCALE 1/4" = 1'0" ROTNEW 5/25/14



← PEAK 150"

← CEILING 114"

← WALL 102"

← DORMER WALL 87"

← POOPY WALL 56"

← RAILING DRAWN C 38' CODE SAYS 42" GLASS BLOCK BAND?

← DECK 142" to 141" ← FLOOR 144" 2" ABOVE MAIN HOUSE'S 1ST FLOOR

← CEILING 120"

← EXT. WALL 102"

PARKING HEIGHT

6'

RAILING DRAWN 38' CODE IS 42"

← FLOOR LEVEL 0

← DECK LEVEL -2

APPROX. S.W. CORNER EXIST' HOUSE 19'6" BELOW 2<sup>ND</sup> FLOOR

# SOUTH VIEW

SCALE 1/4" = 1'0" ROTWEIN 5/25/14

CEILING 114"

PONY WALL 56", 200"

2ND FLOOR 144" →

DECK EDGE 141" →  
1" FALL IN 10'

CEILING 120" →



19'6" BELOW 2ND FL.  
EXISTING S.W. CORNER GROUND LEVEL  
ON OLD HOUSE

# EAST VIEW

SCALE 1/4" = 1'0"

CEILING 114", 258"  
EXT. WALL 102", 246"

4'8" WALL

2ND FLOOR 144"

CEILING 120"  
EXT WALL 102"

1st FLOOR  
MAIN HOUSE 142"



PAGE 5  
ROTHMANN

5/27/14

34'

SCALE 1/4" = 1'-0"

1,166 SQFT.

NO RAFTER TAILS N

8" RETAINING WALL

RTA WALL

CAR PORT 14' X 34'  
CEILING OPEN TO FRAMING

CEDAR 24" OVER HANG & TAILS

14' 0"

6X10 D.F. NO 2 OR BTR. HEADER

RDW CDR FACE

DRIVE WAY

RDW CDR FACE

6X10 D.F. HEADER NO 2 OR BTR.

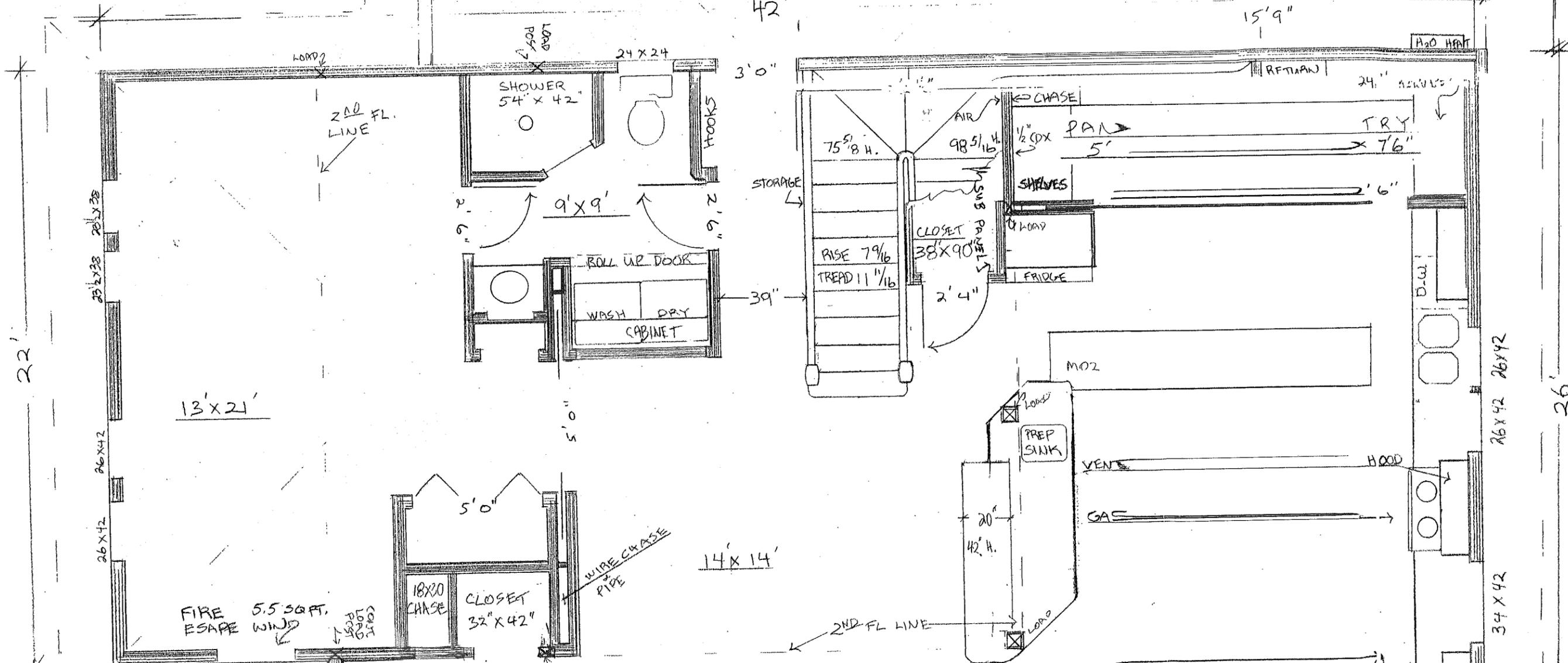
VELUX MOB

VELUX MOB

42'

15' 9"

MO2



2ND FL. LINE

LOAD POST

24 X 24

SHOWER 54' X 42'

9' X 9'

ROLL UP DOOR  
WASH DRY CABINET

3' 0"

STORAGE

75 5/8 H.  
98 5/16 H.

RISE 7 9/16  
TREAD 11 1/16

CLOSET 38' X 90'

2' 4"

CHASE  
1/2 CDX PAN 5'

SHAVES

FRIDGE

TRY 76"

MO2

PREP SINK

VENTS

GAS

HOOD

D.W.

26 X 42 26 X 42

34 X 42

26'

13' X 21'

FIRE ESCAPE 5.5 SQFT. WIND

18 X 20 CHASE

CLOSET 32' X 42'

WIRE CHASE  
PIPE

14' X 14'

2ND FL. LINE

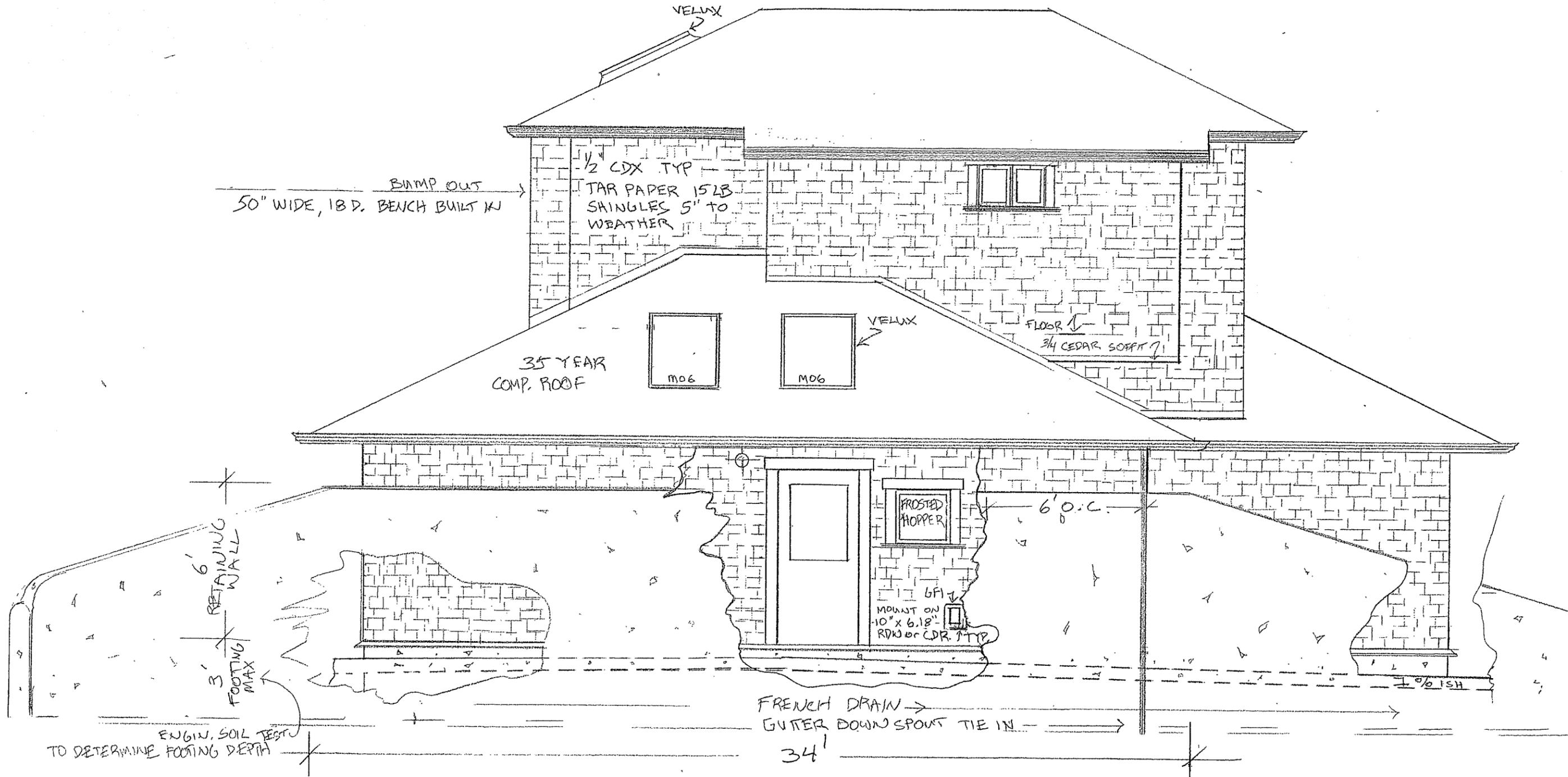


# NORTH VIEW

SCALE 1/4" = 1'0"

ROTWEIN 5/25/14

PAGE 1

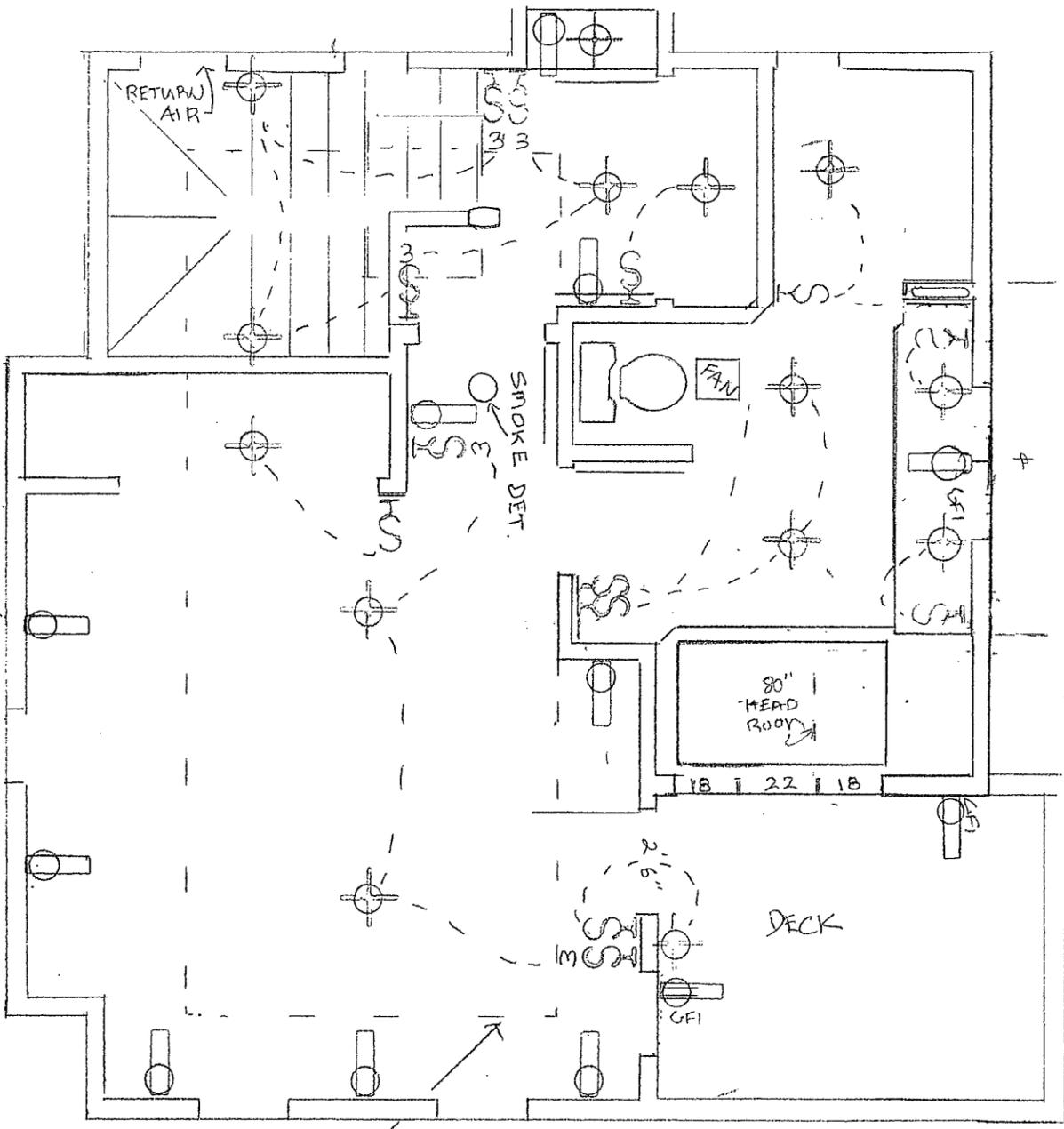
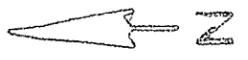


ROTHWELL HOUSE  
SCALE 1/4" = 1'0"

# ELECTRICAL PLAN

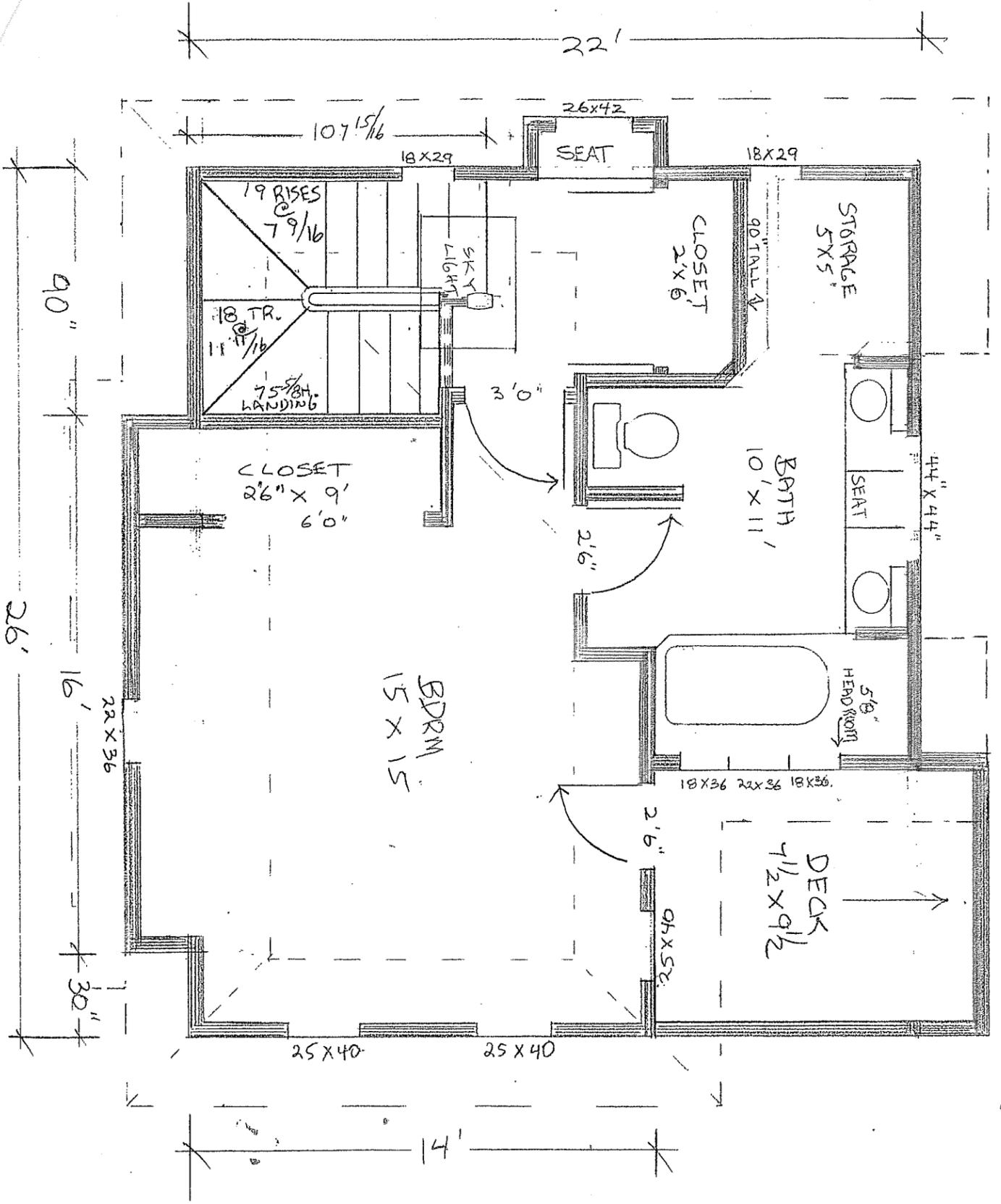
# 2ND FLOOR PLAN

ROTHWELL 6/15/14



FLAT 114" CEILING LINE

540 SQ. FT. SCALE 1/4" = 1'0"



5'9" 8'6" 3'3" 8'6" 5'9" DORMER



## MEMORANDUM

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**TO:** Trinidad Planning Commission

**FROM:** Trever Parker, City Planner

**DATE:** October 24, 2014

**RE:** General Plan Update Progress Report / LCP Guidance Consistency Analysis

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The Planning Commission has reviewed all of the seven State required elements (Land Use, Conservation, Open Space, Circulation, Noise, Public Safety and Housing) and a Design Review Element. The only remaining General Plan element to continue to draft and review is the Cultural and Historical Element. I am going to try to reinitiate contact with the three tribal entities interested in the City's General Plan update in order to get some early input and coordination on that element. Other than that, the work remaining on the General Plan itself is to ensure that it is internally consistent and that it meets all the requirements of the Coastal Act. To that end, I have been reviewing all the elements, especially the early ones to ensure they are consistent with the format and policies of the later elements. In addition, the Coastal Commission has developed an LCP update guide that outlines all the required issues and policies that need to be addressed in the LCP. I have been using that to put together a preliminary assessment of the adequacy General Plan policies; that is what I have provided for your review at this meeting. In general, the checkboxes are from the LCP Guide and the bullet points are descriptions of how the City's Draft General Plan complies.

So far I have gotten through the Public Access, Recreation and Visitor Services, and partially the Water Quality components of the LCP Update Guide. Remaining components are ESHAs and Natural Resources, Agriculture, New Development and Cultural Resources, Scenic and Visual Resources, Hazards, Shoreline Erosion and Protection, and Energy and Industry. As you can see, the LCP Guidance asks for some very specific information and policies, though not all of the components are very applicable to Trinidad. There is also a fair amount of overlap between some of the guidance suggestions and issues. I feel that Trinidad's draft General Plan does a pretty good job of meeting the requirements so far. It appears that the City's Public Access component could use a few more relevant policies and consolidation of some of the policies found in other elements. It also appears that some additional background information relative to tourism and visitorship may be warranted. Some of this information Planning Commissioners could potentially help gather.

I basically wanted to provide you with a progress report this month. There are some changes to the existing draft that I will need to bring back to the Planning Commission as I update them. I would also like to recruit your help in procuring some of the missing information. The next step with the General Plan, other than continuing to develop the Cultural and Historic Element, will be to meet with Coastal Commission staff and review the compliance of the Draft with current Coastal Act requirements. Concurrently, we can start working on the update of the implementation ordinances (Zoning, Building, Subdivision and Grading). We should find out by the end of the month if Trinidad's LCP update grant application has been recommended for funding; and the Coastal Commission may approve those recommendations at their November meeting.

## LCP Guidance – Draft General Plan Comparison

### **Public Access Component**

*“One of the fundamental goals of the Coastal Act is to provide maximum public access to the coast. This includes protecting existing and providing new public access. The Coastal Act also recognizes that the provision of public access needs to take into account public safety concerns and the protection of private property and natural resources from overuse. In general, LCPs should provide policies and standards to assure that existing public access to an along the shoreline is both planned for an provided with new development when warranted. Access components should also reflect new laws related to both the California Coastal Trail and complete streets as described below.”* The City has a Public Access section within the Conservation, Open Space and Recreation Element (CONS-20\*). There are also a number of public access policies that are found within the Circulation Element, and these should also be copied to the Public Access section.

#### **Should Include:**

- Descriptions and maps of existing, required, suitable and planned access, including segments of the California Coastal Trail and the status and location of those subject to offers to dedicate easements or deed restrictions;
  - Figure 10: Recreation and Trails map shows existing and proposed trails and the CA Coastal Trail
  - Map existing OTDs, discuss with Land Trust
  - Need to review status of trail easements and where new easements may be needed (e.g. along beaches and Van Wycke)
  
- Estimates of visitor and facilities use (see Section 2 - Recreation of this Guide);
  - Check with Chamber, Rancheria, State Park and Marine Lab for any counts
  - Also possibly VDUs, RV parks, etc
  - Recreation section needs a bit of a re-write
  
- Estimates of unmet and future demand and identification of deficiencies by location and type of access;
  - Not sure quite what this entails, but I don't think it has been done
  - Are there any deficiencies? What are access types?
  
- Assessments of any public safety or fragile resources concerns that may require additional access management measures;
  - Tsunami hazards, high surf, falling
  - Generally discussed in Public Safety Element, but not specifically regarding public access and recreation
  - TSA / TMP
  - Biological report identifies RT&Es and ESHAs. Other fragile resources would be unstable bluffs

- Identification of encroachments on, or disincentives to use of, public beaches or accessways (e.g. illegal no parking signs or barriers, private development or landscaping on beaches) and measures to remove or reduce them;
  - Frame easement 4x4 posts
  - Private road signs on Wagner
  - Lack of signage on some trails, particularly within the TSA
  - None of these are officially documented in draft
  
- Measures to ensure new access (*shouldn't this also include protect existing?*), through the regulatory program or other mechanisms;
  - Because of Trinidad's small size and existing variety of access, is new access needed or appropriate?
  - CONS-20.4\* (p. 20): require public access easements for existing and proposed trails
  - CONS-20.1 protect existing access (p. 20): statement 'shall have access' to existing trails
  - CONS-20.2 (p. 20): require offers to dedicate
  - CIRC-4.6 (p. 26): support for CA coastal trail
  
- Measures to manage access and other activities on beaches in a manner that protects the public access;
  - CONS-20.3 (p. 20): ordinance provisions for obstructions
  - CONS-20.4 (p. 20): require access easements
  - Need to identify or add policies for managing temporary events such as weddings and films
  
- Measures to expand access through sufficient parking and alternative transportation;
  - CONS-20.5 (p. 21): encourages transportation corridor linkages
  - CIRC-2.3 (p.11): addresses 2-hr parking along Edwards to accommodate public access
  - CIRC-2.5 (p.12): addresses parking and shuttles for special events (incl. Fish Fest)
  - CIRC-3.3 (p. 13): encourages a shuttle to the harbor
  - CIRC-4.1 (p. 14): encourages ped and bike facilities
  - Program CIRC-4.2.3: trail plan
  
- Identification of potential prescriptive rights and measures to ensure such rights are protected;
  - I am not aware of any new accesses since the previous LCP was adopted
  
- Measures to site new development to not impede access and to be compatible with public access areas;
  - CONS-20.4 (p. 20): require access easements
  
- Mitigation measures for unavoidable impacts of recreational beach loss from permitted development;
  - Not sure how this would ever be an issue

- Zoning ordinance provisions that provide for accessways and access facilities;
  - NA as of now
- Signing provisions.
  - Sign section in DR element for design
  - TMP and Cultural Element for TSA signage

**Issues to Address:**

- Implementing the CA Coastal Trail
  - CIRC-4.6 (p. 15): generic support for the trail
  - Mapped on Figure 10
  - CONS-20.5: promotes transportation corridor linkages (not CCT specific)
- Expanding non-automotive transportation
  - Complete Streets
    - The City's draft Circulation Element is consistent with these policies by addressing public transit and alternative modes of transportation, including pedestrian and bicycle travel.
  - Beach shuttles
    - CIRC-2.5 (p.12): addresses parking and shuttles for special events (incl. Fish Fest)
    - CIRC-3.3 (p. 13): encourages a shuttle to the harbor
  - Bicycle planning
    - CIRC-4.1 and Programs CIRC-4.1.1 – 4.1.3 (p. 14): address and promote pedestrian and bicycle facilities and safety
- Preventing loss of public access
  - Encroachments
    - CONS-20.3 (p. 20): addresses obstructions
    - Does not address structural encroachments, such as would require a permit. Should not be an issue in OS zones, which covers most of the coast and trails
    - Should there be a policy to address shoreline protective structures? (including TSA)
  - Temporary events
    - Not sure of any specific policy – do a search
    - If there isn't one, we should have one
  - Street and accessway closures
    - Not specifically addressed; should recognize that closures require CDP
  - Street abandonment
    - This shouldn't be much of an issue, but it would be easy to add a policy to protect public access if any public streets are abandoned (suggest retaining an easement)
  - Retaining public access
    - CONS-20.1 (p. 20): guarantees access to coastal resources including the existing trail system
    - CONS-20.2 (p. 20): requires offers of dedication to protect public access
    - CONS-20.4 (p. 20): requires access easements along existing and proposed trails
  - Gated roads

- CIRC-1.4 (p. 9): prohibits restriction of public access on private roads
- Parking restrictions
  - CIRC-2.3 (p.11): addresses 2-hr parking along Edwards to accommodate public access (this policy seems to encourage time limits to improve public access, but the LCP guide seems to indicate parking time limits interfere with public access)
  - May need some parking study / info / documentation
- Parking and admission charges
  - Figure 11 shows private and public parking (Murphy's and Park-and-Ride not shown; was there a reason for that?)
  - Biggest issue would be the harbor area; should be considered as part of harbor policies; do need to reserve parking for paying customers of restaurant and boat launch
- Misleading signs and markings
  - Need an inventory, even if superficial; are there others besides Wagner?
  - I don't think we have any policies for these; need to develop (do a search)
- Recreational beach valuation
  - This section suggests having a formula with which to evaluate the loss of beach / recreational value from shoreline structures. I think the potential for this in Trinidad is very limited, and a formula goes beyond the scope of Trinidad's resources.
  - Existing policies protecting, retaining and creating public access should suffice, along with existing zoning and development limitations
- Comprehensive beach management
  - These can be management policies, or a policy to develop a beach management plan that addresses such things as seasonal restrictions, grooming and temp / periodic events. I don't think this is much of an issue

\*Note that CONS-20.# policies should be edited to be 16.# in the Conservation and Open Space Element

## **Recreation and Visitor-Serving Facilities**

*"The Coastal Act places a high priority on protecting and maximizing recreation and visitor serving land uses, including lower cost facilities."* LCPs need to reserve adequate areas and infrastructure capacity to meet current and projected recreation and visitor facility needs. The City has a Public Recreation section within the Conservation, Open Space and Recreation Element (CONS-15).

### **Should Include:**

- Inventory and map of existing shoreline and near-shore recreational areas and facilities and support facilities (e.g., beaches, harbors, parking lots/spaces, visitor-serving commercial);
  - Figure 10 shows existing and proposed trails (proposed needs more consideration), bike racks, benches and vista points;
    - Consider proposed trails, additional vista points; make 11 x 17
    - Should this map show the school, tennis courts and park?

- Figure 11 shows parking
    - Why isn't Murphy's shown
  - May need an additional map
    - Show harbor facilities (launch, pier, etc.), Marine Lab, others?
    - What is visitor-serving commercial? (restaurants and shops could change)
  - May want a map showing beaches, trails, parks, etc. for the larger planning area
- Inventory and map of existing visitor-serving accommodations (e.g., campground, RV parks, motels, inns) by type, capacity, ownership and price range;
- We do not have this at all; does a Commissioner (or two) want to take this on; should include the entire planning area, or just near Trinidad
- Occupancy rates or other usage statistics for day use and overnight visitor-serving facilities and recreation areas;
- Can we get this from the TOT data? (Otherwise, we don't have this at all.)
- Demand projections for future recreational and visitor-serving facilities;
- Don't have this information. Is this necessary for such a small City?
  - Not sure how we would get this info other than extrapolating from a larger County-wide or other study.
- Designations and zoning of suitable oceanfront lands for recreational uses;
- Includes the Harbor Area and Zone
  - Most other ocean-front areas are designed open space, which would preclude most development; includes Trinidad Head and TSA
  - Some special environment zoning along the coast, which requires an easement on non-developed areas
  - Probably not worth considering a 'recreation' land use designation, because most of the ocean-front areas are also ESHAs. But do need to ensure the OS zone allows for appropriate recreation.
- Land use map designations and corresponding zoning for adequate recreation and visitor-serving facilities suitably located and sufficient to meet projected demand;
- The only VS designated lands in Trinidad are the two trailer parks (Trinidad Trailer Court and Hidden Creek). Realistically, these serve long-term residents more than visitors.
  - PD zone has the flexibility to allow visitor serving uses, but does not require it.
  - Vacation rentals are the primary overnight accommodations in town. Currently there is no cap on them, so they can accommodate future demand. However, the City does want to consider a cap, but would likely have to prove (e.g. studies) that it will meet future demand.
- Designations and zoning for upland facilities needed to support expanded recreational water use and suitably located;
- The only suitable area would be the Harbor Area. Should that designation be expanded to some of the parking areas rather than the current OS zoning?

- Measures to impart priority to visitor-serving commercial uses in mixed-use zones (see Section 6. Planning and Locating New Development);
  - This does not current existing in the PD zone.
  - This seems more appropriate for the zoning ordinance, but a policy could direct such a change.
  - Need to see some examples; I can see incentivizing, but how do your prioritize when someone comes in with a different proposal that is still consistent with the reg'ns. Isn't this why you have a visitor services zone?
  
- Requirements for deed restrictions and other measures to ensure that visitor-serving uses retain their primary function of serving visitors over time;
  - There is no such policy in the current draft; would be easy to include
  
- Identification of potential public agency acquisitions, development or redevelopment, and management of public recreation and visitor-serving facilities.
  - There is no longer a policy about the City acquiring federal property on Trinidad Head if it is disposed of.
  - Trinidad Head and TSA could fall into another agency's hands.
  - CONS-15.1 and CONS-15.6 (p. 19) encourage restrooms in various locations
  - CONS-15.2 encourages the City and Chamber to work together to provide and maintain visitor information
  - CONS-15.3 encourages litter control
  - CONS-15.4 directs the City to maintain Town Hall as a community center
  - CONS-15.5 addresses recreation and vehicles on Trinidad Head
  
- Measures to provide parking for and alternative transportation to recreation and visitor-serving facilities (see Section 1. Public Access).
  - Several policies within the Circulation Element address this issue; these need to be copied into the Public Access section.
  - Also see 'Public Access'

**Issues to address:**

- Condominium hotels / timeshares
  - Guidelines say to consider specifically how these meet overnight visitor accommodation needs. Being on septic and small lots, it's hard to imagine this ever coming up. However, it would be easy to include a policy that they would not be appropriate in Trinidad.
  
- New overnight facilities, upgrades and conversions
  - This topic is intended to address, require, protect and retain lower-cost visitor accommodations, since the trend has been to upgrade existing facilities and build new luxury accommodations.
  - The City's Housing Element places and emphasis on affordable housing, but does not specifically address visitor services; otherwise, this issue is not directly addressed.

- The RV parks include lower-income accommodations, but tend to be longer term than overnight. There are a variety of accommodations within the planning area (camping, RVs, cabins, motels, fancy B&Bs, vacation rentals). \*This is where the inventory of accommodations would come in handy.\*
- There will never be large luxury hotels in the area due to septic limitations
- A mix of housing provides for a mix of VDUs

Short-term (or vacation) rentals

- The City has a shiny new VDU ordinance
- Limitations on VDUs must carefully consider the coastal act. (This means a cap would likely have to document that it will meet future needs, and the inventory mentioned above would be useful here again.)

Renovation of harbors and marinas

- LU-4 (p. 10-11) policies address harbor area policies, which protect coastal dependent uses and ESHAs.
- LU-4 policies address new and intensified uses rather than redevelopment.
- Trinidad pier was recently replaced; not much new development could occur due to existing limitations.
- This topic also addresses the issue of access, variety and costs
- LU-5 (p. 12-13) policies address the potential for aquaculture

## **Water Quality**

*“The Coastal Act requires the protection and enhancement of marine and coastal water resources, including water quality. Nonpoint source pollution, also called polluted (or stormwater) runoff, is the nations leading cause of water pollution both at the coast and inland. Protection of coastal water resource requires not only minimizing pollutants in runoff, but also minimizing alteration in a site’s natural hydrologic balance, measure in terms of the runoff flow regime (i.e. runoff volume, flow rate, timing and duration). In California, the Coastal Commission and the State Water Resources Control Board have developed a state NPS pollution control program that provides a coordinated statewide approach to managing NPS pollution, and conforms to federal Clean Water Act and Coastal Zone Management Act requirements. LCPs should be updated to include policies, standards, and ordinances that establish coastal water resource protection strategies and priorities for development, both during construction and over the life of a project.”* The draft General Plan has a Water Resources and Water Quality component within the Conservation and Open Space. This section is set up somewhat differently from the others, and it is the only section, along with Biological Resources that includes ‘principals’ as well as goals and policies. The section includes two broad goals and the policies are loosely organized along / under the principals.

### **Should include:**

*Policies addressing watersheds*

- Mapping of the jurisdiction's coastal zone watersheds, to support watershed assessment and planning.
  - We have this and more in the TICWMP
  - Figure 6 (Conservation and OS Element)
  
- Identification of land uses in portions of the jurisdiction's watersheds that are within the coastal zone, and their relative impacts on coastal water resources.
  - Figure 3 (Land Use Element) shows creeks, jurisdictional boundaries, and the coastal zone, but not individual watersheds.
  - Figure 4 (Land Use Element) shows land use and jurisdictions, but not coastal zone or watersheds.
  - Most of the developed portions of the watersheds are in the lower areas, often within the Coastal Zone.
  - The TICWMP and associated watershed assessments and action plans comprehensively address the impacts of development on coastal water quality.
  
- Identification of potential pollutant sources and changes in watershed hydrology in the coastal zone that may adversely impact coastal resources.
  - Three primary pollutants of concern were identified as part of the TICWMP process: sediment, stormwater and septic. The draft GP water quality policies specifically address stormwater and sediment; septic only has one supporting policy in this section; there are a couple more in the Circulation Element addressing septic management, but not water quality per se.
  - The ASBS monitoring has identified additional issues of concern, though levels are all low: copper, nickel, pesticides / fertilizers
  - Impervious surfaces are a hydrologic issue, but because the area is mostly rural, it is less of an issue than in more developed areas. Promotion of LID as a stormwater control has been a focus.
  
- Policies to protect coastal areas that help maintain the hydrologic balance (e.g., open space where rainfall can infiltrate or drain slowly to surface waters).
  - CONS-2.8 (p. 5): maximize infiltration
  - CONS-2.10 (p. 5): site designs should mimic natural hydrology
  - CONS-2.11 (p. 6): lists of item used in site design to protect water quality, hydrology and sensitive areas
  - CONS-3.1 (p. 6): promotes LID
  - Biological resource policies (CONS-6, 7 & 8) protect ESHAs
  - CONS-14.1 (p. 17): maintain beaches and bluffs as open space
  - CONS-14.2 (p. 17): limits development on Trinidad Head
  - CONS-14.4 (p. 17): requires open space easements
  - CONS-14.7 (p. 17): establishes OS / RPZs
  - \*Note that the number of this element needs some work and rearranging\*
  - CIRC-8.2 (p. 22): implement stormwater improvements, including LID
  - CIRC-9.1 (p. 22): incorporate stormwater runoff, erosion and sediment control, and water quality considerations in permit reviews

- CIRC-9.2 (p. 22): encourage LID
- CIRC-9.4 (p. 23): BMPs to be CASQA compliant

Policies to support watershed management that provides protection of water resources; for example, (1) addressing priorities identified in recent watershed assessments, (2) designating conservation areas and buffers to protect riparian vegetation and wetlands, and (3) preventing long-term or cumulative adverse impacts on water quality from development not connected to a sanitary sewer system.

- Also see above and ESHA section
  - The City's existing and draft general plans take a watershed approach (the City's planning area from the 1970's is based on watershed boundaries)
  - Principal for water resource protection A (p. 3) directs the City to take a watershed approach to project water resources
- (1) *Three primary pollutants of concern were identified as part of the TICWMP process: sediment, stormwater and septic. The draft GP water quality policies specifically address stormwater and sediment; septic only has one supporting policy in this section; there are a couple more in the Circulation Element addressing septic management, but not water quality per se.*
- CONS-5.1.2 (p. 7) & CIRC-8.3 (p. 22): implement water quality monitoring program to address NPS, particularly for ASBS
- (2) CONS-2.11 (b, d, f) (p. 6): site development to protect and provide buffers to areas that provide water quality benefits, riparian corridors, wetlands and the shoreline
- CONS-5.1 and program (p. 7): protects and addresses the ASBS
  - CONS-6.1, 2 & 3 (p. 10): address / limits allowable uses in water ESHAs
  - CONS-6.4 (p. 11): landscaping in ESHAs should be native; invasives must be removed
  - CONS-6.9 and program (p. 11): requires review by a biologist for hydrologic changes in ESHAs
  - CONS-6.10 (p. 11): protects riparian vegetation
  - CONS-7.1 & 2 (p. 12): require ESHA buffers / setbacks
  - CONS-8.1 (p. 12) protect streams and riparian areas
  - CONS-8.2 (p. 12): cooperate with groups and owners to preserve watercourses
  - CONS-8.3 (p. 12): minimize disturbance of native riparian vegetation
- (3) CONS-2.6 (p. 5) & CIRC-11.1 (p. 25): develop OWTS management program
- Various policies regulating the siting of development to protect water quality and ESHAs
  - CONS-10.1 (p. 15): requires specific studies in areas with soil limitations (including to review and assess OWTS design)
  - CONS-10.2 (p. 15): require OWTS design prior to review of development proposals in areas with soil limitations
  - CONS-10.3 (p. 16): ensure OWTS is designed for site conditions
  - CONS-14.8 (p. 18): develop public education to protect OS, including from OWTS
  - CIRC-11.2 (p. 25): pursue funding for source tracking and septic upgrades

Policies to support and complement the requirements of California's [Storm Water Permit programs](#), [TMDL implementation plans](#), Regional Water Quality Control Plans (i.e., [Basin](#)

[Plans](#)), and other runoff water quality and hydrology management requirements of the SWRCB and Regional Water Quality Control Boards.

- CIRC-2.7 through CIRC-2.11 (p. 5-6) address stormwater management, water quality and conservation (no reference to MS4 permit though)
- CONS-5.1 (p. 7): addresses discharge to the ASBS and references the Ocean Plan
- CONS-5.2 (p. 7): addresses 'Development of Special Concern;' this may be an MS4 permit issue
- TMDLs are not mentioned; may want to include a policy for impaired water bodies (e.g. Mill Creek (Trinidad State Beach) currently 303d listed for bacteria.
- CIRC-8 (improve stormwater treatment system) and CIRC-9 (minimize runoff and pollutants) policies address stormwater runoff and the City's stormwater system, but no state laws or policies are mentioned
- CIRC-11 are the wastewater policies, which refer to the statewide regulations (needs update to final version), Basin Plan and Humboldt County regulations.

### *Policies addressing development*

Policies that address water quality protection at all stages of development, including planning land uses, subdivisions, project-specific site design, alternatives analyses, construction, and post-development stages. (Note that the ones listed here are specific to water quality protection; there are a number of other policies addressing these stages of development and protection of ESHAs, which may also tie into water quality protection.)

- Planning:
  - CONS-2.7 (p. 5): develop stormwater management program (and CIRC-8.1 p. 21)
  - CONS-5.1.2 (p. 7): implement water quality monitoring program to assess and reduce NPS
- Subdivision:
  - CONS-6.7 (p. 11): prohibit subdivisions in ESHAs
- Site design:
  - CONS-2.1 (p. 4): minimize site disturbance and avoid erosive areas
  - CONS-2.2 (p. 5): minimize vegetation disturbance
  - CONS-2.8 (p. 5): maximize infiltration
  - CONS-2.10 (p. 5): site designs should mimic natural hydrology
  - CONS-2.11 (p. 6): lists of item used in site design to protect water quality, hydrology and sensitive areas
  - CONS-5.2 (p. 7) addresses Development of Special Concern (larger projects that have high discharge)
- Alternatives:
  - ??None?? I don't see there being many alternatives to proposed development in Trinidad, since it is already pretty limited.
  - CIRC-9.1 (p. 22): Incorporate runoff, erosion and water quality considerations in permit reviews and staff recommendations
- Construction:
  - CONS-2.3 (p. 5): address erosion and sedimentation during construction with BMPs
  - CONS-2.4 (p. 5): prohibit grading on steep slopes during the rainy season
  - CONS-2.5 (p. 5): stabilize soil and revegetate ASAP

- Post development:
  - CONS-1.1 & 2 (p. 4): promote public education to protect water quality
  - CONS-3.1 (p. 6): promotes LID, incentivize for property owners
  - CIRC-9.3 (p.. 22): encourages LID and BMPs
  - CIRC-11.1 (p. 25): implement OWTS program to ensure OWTS and water quality standards are met

Policies to ensure that Coastal Development Permits incorporate appropriate Best Management Practices (BMPs) in new development and redevelopment. BMPs are practices to minimize adverse impacts on waterbodies from changes in post-development runoff quality and the runoff flow regime (i.e., volume, flow rate, timing, and duration). BMPs can include structural devices or systems, operational procedures, and activities such as training. Example BMPs can be found in the [California Stormwater Quality Association's](#) Stormwater BMP Handbooks. Local governments should develop guidance to assist applicants in selecting appropriate BMPs.

- CONS-2.3 (p. 5): address erosion and sedimentation during construction with BMPs
- CIRC-9.3 (p.. 22): encourages LID and BMPs
- CIRC-9.4 (p. 23): BMPs to be consistent with current CASQA handbook

Policies for review of coastal development permit applications to ensure that potential adverse impacts from stormwater runoff to coastal water quality and hydrology are minimized, both during construction and post-development.

- CIRC-9.1 (p. 22): Incorporate runoff, erosion and water quality considerations in permit reviews and staff recommendations
- Seems like most of these policies are intended to apply to development applications; how is this different?

Policies for review of coastal development permit applications to ensure that dry-weather runoff is minimized if it may potentially have adverse impacts to coastal waters. Dry-weather runoff is composed of discharges unrelated to precipitation, resulting from urban land uses such as landscape irrigation.

- I don't think we have any such policies, but this issue is addressed in the Ocean Plan for ASBS discharges. It will also likely be a requirement as part of the MS4 permit currently being developed.
- This could also be addressed through water conservation policies and a landscape ordinance:
  - CONS-4.1 (p. 6): Develop water conservation program

Identification of the “design storm” sizing criteria that will dictate the design of BMPs, as follows:

Treatment Control BMPs: Typically the 85<sup>th</sup> percentile 24-hour storm event for volume-based BMPs, or the 85<sup>th</sup> percentile 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

Runoff Control BMPs using flow retention techniques: Typically the 85<sup>th</sup> percentile 24-hour storm event.

Runoff Control BMPs using peak management techniques: Typically the 2-year through 10-year storm events.

- This seems like it would be most appropriately addressed through zoning regulations as opposed to GP policies.
- Onsite retention may not be feasible in all cases considering OWTS use

*Organization and specificity of water quality policies*

- Consider consolidating water quality policies into designated Water Quality chapters or sections to ensure that the policies guide updating of the implementing standards, and that such implementing standards are consistent with and adequate to carry out the Land Use Plan.
  - The Draft Conservation, Open Space and Recreation Element contains a dedicated section for water quality policies. However, it appears that there are a few others that are scattered around in other elements, particularly the Circulation Element that should be copied over to the water quality section.
- Ensure that there are no requirements elsewhere in the LCP that create inadvertent conflicts with water quality and hydrology protection policies, standards, and BMPs. For example, a policy that requires curbing around parking lots may conflict with a policy that requires directing parking lot runoff into vegetated areas for infiltration.
  - This needs to be done (for the entire Draft GP). By consolidating all the water quality related policies into one section, conflicts should be minimized.
- Ensure that the LUP provides policies with appropriate detail and specificity to effectively guide the update of the LCP Implementation Plan (IP) standards and implementing ordinances. When standards are discussed in this document, it refers to implementing standards in the IP.
  - The purpose of the programs within policies is to provide specific guidance for implementation standards.

...