

MINUTES OF THE MONTHLY MEETING OF THE
TRINIDAD PLANNING COMMISSION
WEDNESDAY, August 28th, 2014

I. CALL TO ORDER/ROLL CALL (6:00pm)

Commissioners Present: Pinske, Becker, Johnson, Stockness, Vanderpool
Commissioners Absent: None
Staff: Parker, Caldwell, Burman repetitive

II. APPROVAL OF MINUTES – August 28, 2014

No corrections.

Motion (Johnson/Stockness) to approve the minutes as submitted.

Passed unanimously (5-0).

III. APPROVAL OF AGENDA

Motion (Becker/Johnson) to approve the agenda.

Passed unanimously (5-0).

IV. ITEMS FROM THE FLOOR

Dan Berman, new City Manager, introduces himself, and the Commission welcomes him. He states that he is happy to be here and open to talk at any time. He also mentions that Commissioners Johnson and Stockness (and Vanderpool) have terms ending in December 2014 and the other Commissioners are up in 2016.

V. AGENDA ITEMS

1. Rotwein 2013-07A: 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. Located at 54 North Westhaven Drive; APN: 515-331-11.

This project was originally approved in July 2013, but the applicants have modified the design and size of the accessory dwelling unit. Because that change will alter the external profile of the approved structure, it has come back to the Planning Commission for approval of the proposed modifications. Planner Parker reviews the changes to the project. The applicant was not in attendance.

The project complies with zoning requirements except for possibly the height. The City's zoning ordinance measures height from the average ground elevation of the structure, generally considered to be the native ground elevation. However, the average ground elevation is difficult to measure, because the area has already been graded and disturbed. Based on the submitted plans, it appears that the structure may exceed the 25 ft. height limit. It would be easy to comply with the limit by lowering the pitch of the roof and / or lowering the foundation.

Commissioner Comments

Commissioner Stockness feels that there is a high structure to property ratio. She is concerned with the height, density and the parking. Planner Parker states that the number of parking spaces on the property (approx. 12) exceeds the City's requirements. In

addition, the density and lot coverage is relatively low because it is a large property. Commissioner Pinske notes that the lot size is substantial at 72,000 sq.ft., or about 1.5 acres. The lot may look crowded from the vantage point of the road, but considering the lot size, only half the lot is seen. Planner Parker points out that what you see from the street is important because such views are a public resource and part of the Design Review findings.

The Commission discusses the septic system and sloped area of the property. Parker notes that the applicant has already complied with the condition requiring a 6-bedroom septic system to serve both residences to the satisfaction of DEH. Planner Parker states that there are drainage issues on the property, but the project has been conditioned on the Building Official's requirement that a drainage study be completed.

The original project received a two year approval because it was a larger than normal project so the applicants could build in phases. There is also a commercial crabbing business onsite in the pole barn, which is allowed because the project is located in the PD zone.

The Commission discusses the retaining wall. The retaining wall does not change the footprint of the carport, because it is not considered part of the residential square footage of the structure. From the north plan view it appears that the retaining wall may actually be partially existing. The retaining wall is sitting on a 3 ft footing--similar to the rest of the residence--plus a 6ft retaining wall.

The carport will be attached to the ADU on the north (rear) side. The carport is not detailed on the site plan, which only shows the general footprint location of the structures. Parker states that she did not require additional detail on the site plan, because it is open framing and setbacks are not an issue. Carports should not be included in the square footage calculations. Drainage may be an issue on the property, but since the Building Inspector is requiring a detailed drainage plan, that should not be an issue; the Planning Commission does not generally review such plans and engineering that normally occur during the building permit phase.

The ADU Ordinance puts strict limitations on the size of second units, but that ordinance is not in affect; the PD zone allows multi-family residences without regard to their size relationships. This structure is called an ADU for convention, but there is no definition in the current Zoning Ordinance. Parker notes that the existing ADU was the original residential structure on the property. Prior to the property being annexed into the City, the Rotweins received approval for the main residence, which the County allowed to be 30 ft. in height. However, the County did not allow a second unit on the property, so required the original residence to be converted to storage. That same year, the City annexed that area and designated the property PD, and then approved the original unit as a second unit for residential use.

Public Comment

City Manager Berman notes that the County approved the primary structure to be tall, and that the previous Design Review approval for this project also approved a fairly tall secondary unit. The drawings for the current ADU are unclear as to whether it is taller than the original design. Planner Parker responds that it is difficult to measure the height because of the ground disturbance that has occurred on that property. The previous approval included a condition that the secondary unit be limited to a maximum of 25 ft. in

height from the average ground elevation, but she left it up to the Building Inspector determine that height. She noted that the architect's measurements are measured from the finished floor, not the ground. It was acknowledged that the height is almost a moot point because of the ground disturbance issue (the original ground elevation is difficult to ascertain).

The Commission discusses the language in the zoning ordinance and using story poles to help visualize the height. Commissioner Johnson recalls that there was a concern from a neighbor, so the Commission should ensure that condition 9, regarding the height, is clear. Planner Parker notes that they had previously asked the applicant to talk with their neighbor to try to resolve any concerns.

Commissioner Comments

The Commission decides that they are not comfortable making a decision on this project without the applicant in attendance due to some of the outstanding questions about the project; they decide to continue the hearing to the regular November 19th meeting. Planner Parker will check in with the applicant regarding the date.

Motion to continue the public hearing to the regularly scheduled November 19, 2014 Planning Commission meeting. Passed unanimously (5-0).

2. General Plan Update: Progress report, LCP consistency analysis, discussion of draft elements, figures, background material.

Planner Parker gives a progress report. The next big steps will be to complete the Cultural Element and then revise the zoning and other implementing ordinances (zoning, grading, building, subdivision). She is waiting to hear about the LCP grant application that would cover some of the costs of those steps. In the meantime, she has been going through the existing draft to ensure that it is internally consistent and that the earlier drafted elements are consistent with the later ones. The last time the Land Use Element was reviewed was in 2008, and some things have changed since then.

Parker also wants to get some input from Coastal Commission staff soon. The Coastal Commission has published guidance for updating the LCP, so she has also been going through that guidance point by point to see where the draft general plan meets LCP requirements and where some additional work may be needed. She noted that there are some pieces of background information that appear to be missing that Commissioners may be able to help with. Commissioner Stockness appreciates Planner Parker's outline of the update.

It was noted, in relation to the draft design element and public access component, that John Roberts is currently inventorying signs, and those discouraging access to public access were noted. Planner Parker would also like to designate more vista points and discuss guidance on how to designate them. Parker reminds the Commission that they reviewed policies for a Historic Resources element or component. It was generally agreed that the first step would have to be a detailed inventory, so that those policies will be kept general for now.

The next steps will be to re-initiate contact with the tribes and coordinate the Cultural Element and get input on the other elements. The General Plan also needs revising to

ensure it is internally consistent. The entire LCP includes the General Plan and the following Ordinances: Zoning, Grading, Building, Subdivision.

City Manager Berman would like to avoid the problems Arcata had with approving their General Plan and advocates working closely with Coastal Commission staff. The Commission discusses forming ad hoc committees and soliciting needed background information from groups such as the chamber and land trust. At some point the Planning Commission will need to review the general plan in its entirety. It is too early for this, but a study session would be great.

VI. COUNCIL & STAFF REPORT (given by City Manager Burman)

The Council recently discussed the Strawberry Rock trail and conservation easement due to public requests. The City has already sent a letter of support. The Council has also established committee / council liaison with the Trinidad Rancheria, which will occur monthly. The first reading of the VDU occurred, and the second reading / adoption will be at the November meeting. City Manager Berman has been authorized to work with the Sheriff to design a flexible schedule with the deputies. They currently provide four 10-hour shifts a week and there will be one flex shift per week. There were updates on the construction projects, which are generally done (stormwater, Luffenholtz, water plant). The equipment shed at the cemetery was broken into and that is being investigated.

Parker reports that the recommendations for awarding the LCP grants that the City applied for should come out any day. Clean Beaches has been approved, and work will start on the contract. The Council should hear the appeal on the State Parks project next month, and the Coastal Commission is generally satisfied with the revised project at this point; though it was noted that the project has been scaled back quite a bit. John Homen has reapplied for a smaller subdivision off Anderson Lane. The City received a referral from the County, and Comments should be submitted by December 6; Burman has been corresponding with concerned public. Planner Parker will send a reminder email for the November 19th meeting date.

VII. ADJOURNMENT

Meeting adjourned at 7:16 pm.

Submitted by:

Sarah Caldwell

Secretary to Planning Commission

Approved by:

Mike Pinske

Planning Commission Chair