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Staff: Daniel Reyes / Trever Parker
Staff Report: 10/13/2015
Commission Hearing Date: October 21, 2015
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2015-09

APPLICANT (S): City of Trinidad

AGENT: N/A

PROJECT LOCATION: Trinidad Head Road

PROJECT DESCRIPTION: Coastal Development Permit, Use Permit and LCP Consistency Determination to conduct regular and periodic road maintenance activities on and along Trinidad Head roads consistent with historic maintenance activities. Specific activities include periodic grading to maintain the existing gravel surface and clearing and maintaining existing ditches, culverts and waterbars to ensure proper stormwater drainage and prevent erosion.

ASSESSOR'S PARCEL NUMBER: 042-121-05

ZONING: OS – Open Space

GENERAL PLAN DESIGNATION: OS – Open Space

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per §15301 of the CEQA Guidelines exempting maintenance of existing facilities, including roads, and §15304 exempting minor alterations to land and vegetation.

APPEAL STATUS:

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project X is ~~is not~~ appealable to the Coastal Commission per the requirements of Section 30603 of the Coastal Act and the City's certified LCP.

SITE CHARACTERISTICS:

Trinidad Head is a roughly 61-acre, 358-foot elevation headland that comprises the southwestern quarter of the City of Trinidad, and together with the recurving rocky coastline to the east, form Trinidad Bay. The City of Trinidad owns the majority of Trinidad Head. However, the southern portion of the Head was recently transferred from the U.S. Coast Guard to the Bureau of Land Management (BLM), and made a part of the California Coastal National Monument. An area at the summit of Trinidad Head is also owned by the federal government and contains communication and scientific study equipment along with NOAA weather monitoring facilities. The City also leases a small area as a telecommunication facility containing cellular equipment. The project site is situated within the coastal zone and lies within the incorporated boundaries of the City of Trinidad and within the City's certified permitting area. The entire Trinidad Head is designated in the City's Land Use Plan as "Open Space" (OS), implemented through an "Open Space" (OS) zoning designation.

A paved and gravel roadway provides access to both the BLM property and the NOAA weather monitoring facility at the summit, but public vehicular access is not allowed. This roadway also provides pedestrian access to the Trinidad Head trail system. A recreational loop trail traverses around Trinidad Head, and includes various spur trails. Pedestrians will walk directly on the paved and gravel road segments to complete a full loop of the trail system. The trail system, including roadways, includes improvements such as benches, vista points, trail markers and railings to keep people away from steep cliffs. From various points along the trail and road, views are afforded of the town, Trinidad Bay, Trinidad State Beach, Pewetole Island, Elk Head, the Trinidad pier and harbor moorages, as well as both nearshore and distant blue-water vistas. On clear days, the ocean and coastline vistas encompass the area between Point Saint George to Cape Mendocino, nearly fifty miles both to the north and south.

Plant cover on the Head is dominated by a thick shrub layer comprised of coyotebrush (*Bacharis pilularis*), cascara (*Rhamnus purshiana*), California blackberry (*Rubus ursinus*), evergreen huckleberry (*Vaccinium ovatum*), salal, (*Gautheria shalon*), swordfern (*Polystichum munitum*), bracken fern (*Pteridium aquilinum*), coast silk-tassel (*Garrya elliptica*), with scattered tree layer cover by salt and wind-stunted Douglas-fir (*Psuedotsuga menziesii*). Several immature incense cedar trees (*Calocedrus decurrens*) have also been planted, apparently for screening the telecommunications complex, along the south side of its fenced enclosure.

STAFF COMMENTS:

The City has been managing and maintaining roads and trails on Trinidad Head since it was transferred to the City and incorporated into City limits in 1985. The City works in cooperation with the federal agencies that also own land on Trinidad Head, and these agencies retain certain rights and easements over areas of Trinidad Head that are owned by the City (roads and utilities). However, City staff is unclear as to the exact provisions of these easements. The roadways must be maintained for access to the facilities on Trinidad Head and for emergency vehicles. The City conducts road maintenance as needed, generally every few years for more substantial repairs, with minor treatments in between.

Regular road maintenance is important for providing proper storm water drainage and preventing road erosion, particularly on the gravel portion of the road. The surrounding Trinidad Bay is considered an Area of Special Biological Significance (ASBS) and polluted discharges into the bay are prohibited. Although the City of Trinidad, the Trinidad Rancheria, and the HSU Marine Lab are permitted for limited discharge into the bay, they must comply with the California Ocean Plan and Special Protection for ASBS. The regular road maintenance on the Trinidad Head helps prevent unnecessary storm water discharge and erosion that may affect the natural water quality of the bay. Current road conditions are beginning to show signs of degradation, erosion and improper storm water drainage.

Generally, vegetation trimming and road maintenance that has historically and regularly occurred would be exempt from permit requirements, and has occurred on Trinidad Head without a CDP up until 2011. Although considered exempt under Trinidad's LCP, the Coastal Commission has determined at least portions of these maintenance activities do require a CDP due to the environmental sensitivity of Trinidad Head. As a result, the City issued a CDP for vegetation maintenance in 2012 and is now proposing to issue a similar CDP for regular road maintenance that occurs on Trinidad Head. The purpose of this project is to detail the road maintenance activities and to issue the CDP so that it can occur on a regular basis in the future as it has in the past.

DETAILED PROJECT DESCRIPTION:

Please see attached "Trinidad Head Road Maintenance Guidelines" document that describes the maintenance guidelines and specific activities required for the project.

ZONING ORDINANCE/GENERAL PLAN CONSISTANCY:

Background

The BLM transferred most of Trinidad Head to the City in 1983 as a "recreational area for hiking and other low-intensity recreational uses." It was then incorporated into City limits, and the Coastal Commission approved the transfer and application of the City's LCP to the Head in 1985. Open areas of the Head were surveyed for archeological significance during the transfer process. In addition, one of the conditions of the BLM transfer was that: "After the vegetation is removed and prior to any construction [primarily trails and vista points], those areas not previously surveyed for cultural values shall be surveyed by a qualified archeologist." The road areas were previously surveyed as part of that process. The roads have been in existence in their current configuration since at least 1942 as can be seen in an aerial photo from that year. No new previously undisturbed areas are disturbed as part of the regular maintenance activities proposed for this action. Therefore this requirement does not apply. However, all three Tribal entities with ties to Trinidad have been notified about the project.

Trinidad General Plan Policies

The following general plan policies are applicable to the project.

(Constraints on Development) Policy 4: *“Access roads serving two or more building sites should avoid areas of questionable stability as much as possible and not adversely affect adjacent property or result in increased public costs. Road design should minimize the potential for slope failures and include adequate drainage to handle storm runoff.”* Response: Trinidad Head is considered a stable, hard-rock geology; it is not in area that is mapped as being either ‘unstable’ or of ‘questionable stability.’ Historic aerial photos (going back to at least 1942), show the existing roadway has been in place in its current configuration and location when the Head was owned by the Federal government and prior to the passage of the Coastal Act. The existing road includes drainage improvements such as waterbars, outsloping, and ditches that require maintenance only every few years, indicating that the road is fairly stable. There is no evidence that the existing road is causing erosion or slope failures.

(Biological Resources) Policy 16: *“The Humboldt County Natural Resources Department should define the geographical limits of the three rare plants located within potential development areas. Vegetation removal, timber harvesting, or development should be reviewed to ensure that all reasonable means have been considered to protect any existing rare plants.”* Response: A biological report was prepared for the Trinidad area as a background report for the General Plan update. Two CA Native Plant Society listed (2.2 and 2.3 respectively) species have been reported on Trinidad Head – Oregon Paintbrush and Tracy’s romanzoffia – neither of which are state or federally listed species. Though a complete survey of Trinidad Head did not occur, there are also several other species that could potentially occur on Trinidad Head. Rare plants are often rare because they only populate disturbed areas and are quickly shaded out due to succession. Often these species are most likely to occur along trails and roadways. Sometimes halting disturbance factors, such as road maintenance, can actually reduce habitat for these species. As for the mention of habitat utilization, since regular maintenance and trimming already occurs, animals living on Trinidad Head should be accustomed to such disturbance. Further, traffic and people and dogs walking the roads every day likely results in more disturbance than periodic maintenance, and animals will tend to utilize other areas of the Head. Road maintenance will generally occur in the fall, outside of the flowering and nesting seasons.

(Biological Resources) Policy 17: *“Development of Trinidad Head should be kept to a minimum to protect the mammals and rare plants located there. The location of rare plants should be considered in the development of any trails.”* Response: Please see the response to Policy 16 above.

(Circulation) Policy 32: *“The City should continue its program of correcting street improvement deficiencies. The standards of improvement for streets should be as identified on Figure 1 and Plate 4 provided that an 8 foot parking area alongside Edwards Street and Trinity Street south of Parker Street may be appropriate. With the exemption of Main, Trinity and Edwards Streets the rural character of Trinidad should be protected by the use of shallow side ditches to carry roadside drainage.”* Response: The roadway on Trinidad Head is not shown on Plate 4 of the General Plan, because Trinidad Head was not part of City limits at the time of adoption. The smallest type of street cross-section shown in Figure 1 is a ‘local street’ with two eight foot travel lanes. The Trinidad Head road averages only 10 to 12 feet in

width, which is appropriate because it is not open to public vehicular access. The proposed project is consistent with this policy by maintaining the rural character of the roadway by minimizing improvements and utilizing shallow water bars and ditches to control runoff.

(Recreation) Policy 66: *“Trinidad Head will be kept in its natural state with hiking trails and vista points. Public vehicular access will only be allowed as far as the existing harbor overlook.”* Response: The proposed project is consistent with this policy by proposing regular maintenance along the road, which is a part of the existing trail system. Public vehicular access is not allowed on Trinidad Head pursuant to the policy. However, the roadway must be maintained for continued access to government facilities on the Head, as well as for emergency vehicles should the need arise.

(Community Design) Policy 72: *“The beaches and sea cliffs which border the southern and western sides of the city (identified as Open Space) shall be preserved from further development and allowed to remain in their present, essentially natural, state.”*

Response: The restrictive Open Space zoning of Trinidad Head provides the implementation of this policy as certified by the Coastal Commission. Maintaining roadways and trails is consistent with this policy. No new development or improvements are proposed. The extent of road maintenance activities could affect the project’s consistency with this policy. Maintenance along the road should not be done in such a way that it would affect the character of the habitat and scenery, but should be consistent with past maintenance.

Zoning Ordinance Regulations

The purpose of the Open Space (OS) Zone is to *“maximize preservation of the natural and scenic character of these areas including protection of important wildlife habitat and cultural resources...”* Principally permitted uses within the OS zoning district are limited primarily to maintaining the natural environment and low-intensity recreational activities, such as wildlife habitat, public and private open space, beachcombing, hiking, fishing, and picnicking, with limited provisions for conditionally authorizing physical developments. Conditionally permitted uses include new and expanded pedestrian trails, vista points, shoreline revetments to protect and maintain existing scenic and cultural resources, and temporary structures related to wildlife habitat management and scientific research. In addition, “structures accessory to uses and buildings existing within the open space zone at the time this ordinance is adopted” are also allowed with the issuance of a conditional use permit.

Pedestrian travel within the existing trail system is a principally permitted use in the OS zone. New trails and vista points, or improvements to existing facilities, require a Use Permit. In this case, no new trails or improvements are being proposed, only maintenance of the existing roads. Therefore, staff has determined that the proposed maintenance activities are principally permitted and do not require a use permit. However, the City does not have codified findings for issuance of just a CDP on its own. In addition, because it could be argued that a use permit should be required, those findings are included herein should the need or desire to use them arise at the meeting.

The project does not involve any structural development or major topographical changes, so design review is not required. The project does involve some grading activities. Section

15.16.040 of the City's grading ordinance sets forth exceptions for grading permits, including road maintenance, and therefore, the project is exempt from a grading permit. This staff report details compliance with City's general plan policies and zoning ordinance provisions, but also refers to the Coastal Act requirements, because they tend to be more restrictive and better defined than the City's LCP in this case. Without the need for other codified findings, the finding(s) for approving this project would be based on its consistency with the City's LCP and policies and regulations of the Coastal Act.

Zoning Ordinance Chapter 17.16 – Open Space Zone:

The description above provides an adequate analysis of the proposed project in relation to the Open Space zoning requirements including the purpose of the zone (§17.16.010) and consistency of the proposed project with the allowable uses (§17.16.020 and §17.16.030). Most of the other OS regulations only apply to development activities, such as the minimum lot size and maximum density and building height, and so do not apply to this project. Section 17.68.060 includes requirements in areas designated as “unstable” or “questionable stability.” But as noted above in response to general plan policy 4, Trinidad Head is not mapped as either due to its stable geology. Section 17.16.080 establishes requirements to protect cultural resources within the Tsurai Study Area. Even though this subsection technically does not apply to this project, because it is not located within the TSA, Trinidad Head is still a culturally significant area that does warrant additional considerations. As noted above, the three tribal entities in the Trinidad area have been notified of this project.

COASTL ACT / REGULATIONS CONSISTANCY:

It is the opinion of City staff that the activities described in this staff report should fall under the Coastal Commission's exemption for maintenance activities found in section 30610(d). The exemption is as follows: *“Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.”* The proposed project will not enlarge or widen the roadway. When viewing a series of aerial photos of Trinidad Head taken over the years, it can be seen that conditions along the roads and trails of Trinidad Head have remained fairly consistent. However, the proposed maintenance requires the use of small machinery and occurs within an Environmentally Sensitive Habitat Area (see discussion below); therefore, Coastal Commission staff have suggested that the work could be determined as being an extraordinary method of repair and maintenance, requiring a permit to be obtained.

Coastal Commission regulations §13252 outlines exceptions to the Coastal Development Permit exemptions of §30610 of the Coastal Act, of which the proposed project does not generally meet (exceptions to exemptions). The one exception that could apply to these activities is number 3, which applies to environmentally sensitive habitat areas (ESHA): *“Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that*

include: (A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; (B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.” The entire Trinidad Head could be considered an ESHA due to the coastal scrub habitat and the proximity to coastal bluffs. The proposed project does propose the placement of gravel as a form of solid material, and does intend to use a small form of mechanized equipment to spread the material (see project description for more information). Although §17.72.070(C)(3) of the certified Trinidad LCP contains exemptions for road and trail maintenance, the Trinidad LCP, due to its age, sometimes conflicts with current provisions of the Coastal Act and associated regulations. It is City staff’s policy to use the stricter of the provisions when they conflict, and in this case, that appears to be the Coastal Act. Therefore, a CDP is appropriate for this project.

Chapter 3 of the Coastal Act contains the ‘Coastal Resources Planning and Management Policies’ against which development projects (and LCPs) are judged. This Chapter is divided into 7 Articles.

Section 30210, the lead-in to Article 2, regulating public access, states: *“In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.”* Most of the policies of this article relate to new development, but maintenance of Trinidad Head roads is consistent with providing maximum public access (§30210) that is free to the public (§30213). The maintenance activities comply with the provisions of §30214 in protecting coastal resources, including Trinidad Bay, from erosion and sedimentation. The project is consistent with historical maintenance activities, and through this CDP process, specific locations, timing, amount and methods will be defined so that future maintenance continues to be consistent with past activities.

Maintenance of Trinidad Head roads is consistent with Article 3 (Recreation) by continuing to protect Trinidad Head for recreational purposes. The proposed maintenance activities are also consistent with Article 4 (Marine Environment) by protecting coastal waters from sediment and polluted stormwater runoff. It is also consistent with Article 5 (Land Resources) by minimizing and regulating maintenance activities in order to protect the ESHA. The project is consistent with Chapter 6 (Development), by maintaining public access and coastal viewing opportunities. Article 7 (Industrial Development) does not apply to this project.

SLOPE STABILITY:

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

SEWAGE DISPOSAL:

There is no sewage disposal associated with this project.

USE PERMIT FINDINGS

Section 17.72.040 requires written findings to be adopted in approval of a use permit. However, staff has determined that a Use Permit should not be required unless conflicting information is presented during the hearing. The following findings can be made if necessary based on the responses provided:

- A. *The proposed use at the site and intensity contemplated and the proposed location will provide a development that is necessary or desirable for and compatible with the neighborhood or the community.* Response: Trinidad Head is undeveloped except for government facilities, a small communications site and public trails with associated improvements, and the historic cross. The proposed road maintenance will enhance public safety, recreational opportunities, provide essential access to government facilities, and is consistent with the existing road and trail system.
- B. *Such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity or injurious to property improvements or potential development in the vicinity with respect to aspects including but not limited to the following:*
1. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;* Response: The proposed road maintenance will not pose any detrimental effects on health, safety, or general welfare. Pedestrian access may be temporarily restricted on the gravel road section during grading activities and some may find the noise and maintenance activities an inconvenience. But the impacts are not significant enough to be considered detrimental, since the road maintenance will preserve access and usability on Trinidad Head.
 2. *The accessibility of the traffic pattern for persons and vehicles, and the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;* Response: Public vehicular access on Trinidad head is not allowed. The roadwork will be coordinated with federal agencies that may need access to Trinidad Head facilities. Pedestrian access will be restricted for the minimum amount of time and area necessary to ensure public safety. Access to other parts of the roadway and trails will be maintained at all times.
 3. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;* Response: The proposed maintenance activities will produce some small emissions, including noise and small amounts of dust. However, the activities will only affect a small portion of the Head and for a short period of time, not enough to consider the activities detrimental to the safety and general welfare of the public. Public safety will be maintained during project activities, and pedestrian access may be minimally restricted to protect public safety.

4. *Treatment given, as appropriate, to such aspects as landscaping, screening, open space, parking and loading areas, service areas, lighting and signs;* Response: The proposed road maintenance does not require landscaping or include, open space, parking, loading, service areas, lighting or signs. The maintenance activities are consistent with historic road maintenance and are compatible with the open space nature of Trinidad Head.

C. *That such use or feature as proposed will comply with the applicable provisions of this title, will be consistent with the policies and programs of the general plan and will in carrying out and be in conformity with the Trinidad coastal program.* Response: As described above in "Zoning Ordinance/General Plan Consistency," the proposed project is consistent with both the Zoning Ordinance and General Plan and will carry out policies, consistent with the Trinidad Local Coastal Program by maintaining coastal recreational opportunities.

D. *That the proposed use or feature will have no significant adverse environmental impact or there are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the conditional use permit may have on the environment.* Response: The proposed road maintenance occurs within the existing road system and does not have the potential for adverse environmental impacts and is exempt from CEQA per CEQA Guidelines §15301 allowing maintenance of existing roads and other facilities.

E. *When the subject property is located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line where there is no beach, whichever is the greater, that:*

1. *The development provides adequate physical access or public or private commercial use and does not interfere with such uses;* Response: The purpose of the proposed road maintenance is to preserve existing access. Although the road is closed to public vehicular access, the road maintenance allows adequate access for pedestrians and the two government facilities located on the Head, as well as provide access for emergency vehicles. Pedestrian access may be minimally restricted during grading activities to protect public safety
2. *The development adequately protects public views from any public road or from a recreational area to, and along, the coast;* Response: The proposed road maintenance activities will not affect public views.
3. *The development is compatible with the established physical scale of the area;* Response: The road maintenance is consistent with and necessary to preserve the scale of the existing road and trail system.
4. *The development does not significantly alter existing natural landform;* Response: The proposed road maintenance activities will be improving upon the existing,

though compromised, water drainage features and existing roadway and will not significantly alter the existing natural landform of the Trinidad Head.

5. *The development complies with shoreline erosion and geologic setback requirements.* Response: Trinidad Head is not an area mapped as being unstable or questionably stable on Plate 3 of the General Plan. Road maintenance is consistent with the existing road and trail system.

STAFF RECOMMENDATION

The project is consistent with the City's Zoning Ordinance, General Plan, and other portions of the City's LCP. It is also consistent with the Coastal Act and associated regulations, and the necessary findings for granting approval of the project can be made, as detailed above. Should the Planning Commission agree with staff's analysis, and find these provisions accurate, then staff recommends that the Planning Commission approve the project with a motion similar to the following:

Based on application materials, information and findings included in this Staff Report, and based on public testimony, I find that the proposed project is consistent with the City's certified LCP, and the provisions and regulations of the Coastal Act, and I move to approve the project as submitted and described in the attached project description.

PLANNING COMMISSION ACTION:

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).

Trinidad Head Road Maintenance Guidelines

The purpose of this document is to set forth guidelines for the maintenance of Trinidad Head roads on City property. These roads are necessary for access to critical facilities located on Trinidad Head, including federal property. The federal government retains an access easement over the roadways. Rainfall, erosion, vegetation growth and road use all cause degradation of the roadway over time, resulting in the need for periodic maintenance. Activities mainly involve maintaining road surfaces and drainage features (ditches, waterbars and culverts) to ensure proper stormwater drainage. Vegetation trimming and maintenance was addressed in a separate permit (Trinidad 2011-06), which is still in effect.

General Maintenance Guidelines for all Road Segments

- Road segments are as shown on the map at the end of this document.
- Maintenance activities will be conducted primarily with hand tools, including “power tools” such as weed whackers, hedge clippers, etc for vegetation. Hand tools such as shovels, picks, and McLeods will be used for road edges, if needed, to direct runoff away from road.
- On all road segments, clearing small ditches and culverts inundated with soil and vegetation to allow proper storm water drainage.
- On all road segments conducting periodic maintenance, as needed, on road edges and culverts to allow for proper water drainage. Most maintenance will occur starting in September to avoid flowering and nesting periods, and prior to the first major rains of the season. Minor maintenance may occur at other times. Maintenance may occur during the wet season, if needed, as long as it is not actively raining and if adequate erosion control measures are taken to ensure sediment does not reach the Bay.
- Soil disturbance outside of previously disturbed areas will not occur.
- On all road segments, trimming or mowing of vegetation to allow for full width of road. Trimming allows for easy vehicle access when need, such as emergency vehicles. Vegetation maintenance guidelines are further described as part of permit Trinidad 2011-06. Cal Fire road standards have a 10ft width minimum for access roads with single lane traffic.

Trinidad Head Road Maintenance Guidelines

- On all road segments, trimming or mowing of vegetation 2-3 feet away from the edge of the road in accordance to practices set by previous Trinidad Head Vegetation Maintenance Guidelines found in permit number 2011-06a.
- Maintenance and repair activities that exceed the parameters of this document will require an additional coastal development permit.

Road Segment 1 (Lower Segment)

Location: Paved roadway from parking lot to road intersection with the trail. Road not as steep as middle and upper sections and is approximately 700 ft. in length.



Picture 1: Typical Road Segment 1.

Purpose and Need

- Road edges become clogged with dirt and vegetation over time requiring maintenance.
- If left untrimmed, over time the vegetation will begin to grow / lean over the road and the ditch becomes clogged with dirt and plant material, reducing the capacity of the ditch and impeding proper storm water drainage along this road segment.

Specific Maintenance Activities:

- Only minimal maintenance is required for this road segment.
- Hand tools such as shovels, picks, and McLeods will be used, as needed, for clearing road edges on side of the road to control and direct runoff away from road.
- The inside ditch is generally 1.5 to 2 ft. in width. Clearing will not exceed the existing ditch dimensions, which are limited by the pavement and the inside bank.
- Maintenance work to occur approximately every 2 years, as needed.

Road Segment 2 (Middle Segment)

Location: The paved roadway from the intersection of the gravel roadway to the intersection of the trail. Paved roadway is approximately 1900 ft. in length and varies from 12 to 14 ft in width.



Picture 2 (Left): Section of road where poor water drainage is resulting in wear on the road **Picture 3 (Right):** Gravel from the upper segment is accumulating on, and to the edges of the road. Note the discoloration on the road from fine sediment.

Purpose and Need

- Vegetation growth on the side of the road, road use, and erosion are preventing proper water displacement and road has visible signs of wear, erosion and improper drainage (See Pictures 2 & 3).

Trinidad Head Road Maintenance Guidelines

- Gravel from upper segment of road, which should not be washing away, is being carried down to this middle segment and accumulating on top of, and alongside the paved road.
- Culverts and ditches alongside road are overgrown with vegetation and filling with dirt. If left unmaintained, over time these drainage features will begin to clog, impeding proper storm water drainage along road segment (see Pictures 4 & 5).

Maintenance Activities:

- Hand tools will be used for clearing 1 to 2 ft along the edges of the road, where needed, to control runoff.
- Any gravel transported from upper road segment present on the paved road to be cleared using brooms and disposed of offsite.
- Culverts to be cleared with hand tools. Clearing will not occur more than 3 ft. from the end of the culvert.
- The inside ditch is generally 1.5 to 2 ft. in width. Clearing will not exceed the existing ditch dimensions, which are limited by the pavement and the inside bank.
- Maintenance work to occur approximately every 2 years, as needed.



Picture 4 (Left) and Picture 5 (Right): This is a typical culvert along the middle road segment that is not working as efficiently due to vegetation overgrowth.

Road Segment 3 (Upper Segment)

Location: Gravel Road from the cross area down to the intersection with the paved road.

Road segment is approximately 1250 ft. long and varies in width of 10-12ft.

Purpose and Need.

- Periodic grading and gravel augmentation is needed to prevent water from flowing directly on top of the gravel road, causing erosion. Along a majority of the gravel road there are signs of washout where finer sediment particles are being swept away leaving behind the larger gravel rocks. (See Picture 8).
- Road edges become inundated with dirt and vegetation over time requiring regular maintenance.
- Vegetation overgrowth along the side of the road, as well as road use and erosion, has rendered many of the water bars ineffective, allowing for erosion and road degradation.
- The waterbars that were placed four years ago are hard to find and not functional as a result of road use, erosion, and vegetation growth. These need to be redone and then regularly maintained.

Maintenance Activities

- Hand tools such as shovels, picks, and McLeods will be used for clearing shallow ditches on side of the road, where needed, to control runoff away from road.
- Ditch clearing and other minor maintenance will occur approximately every 2 years, as needed.
- Apply up to 30 cubic yards of gravel along the 1250 ft. long upper gravel road segment. Applying 30 cubic yards of gravel along the 10ft (average) wide road equates to less than 1inch in depth of new gravel.
- It is estimated that three dump truck loads would be required, each load carrying 10 cubic yards in order to bring the required gravel for road maintenance. These trucks would need to travel up the road to reach the gravel segment.

Trinidad Head Road Maintenance Guidelines

- Minimal grading of upper gravel road in the form of outsloping in order to prevent water from concentrating flow on top of gravel, and to allow for proper water drainage that does not degrade the road.
- A combination of tail gate spreading, hand work, and equipment use will be utilized for the gravel application. Grading will be done with the smallest available equipment such as a bobcat or John Deer 110 tractor.
- Grading maintenance of the upper gravel road segment will only occur every 3-5 years as needed to prevent road degradation.
- Pedestrian access will be restricted for the minimum amount of time and area necessary to ensure public safety. Access to other parts of the roadway and trails will be maintained at all times.
- Waterbars will be replaced, with the exact locations depending upon the curvature of the road and general flow of water. Waterbars generally extend 3 to 4 ft. outside of the roadway in order to ensure proper drainage.



Picture 6 (Left): Area of road where water is flowing directly on top of gravel, taking with it the finer sediment particles. Vegetation on the side of the road is not allowing for proper water drainage away from the road. **Picture 7 (Right):** What remains of a previous waterbar from 4 years ago. This was the most readily visible waterbar and its function is impaired due to the growth of vegetation.



Picture 8: Close up view of where water flow on the road is carrying away the finer sediment particles. This image shows that the road maintenance is needed in order to allow for proper drainage alongside the road.



Picture 9: Typical segment of upper gravel road with wall of vegetation.

Road Maintenance on Trinidad Head



TRINIDAD PLANNING COMMISSION AGENDA ITEM REPORT

Date: October 21st 2015

Item: CONSIDERATION AND DEVELOPMENT OF NEW VACATION DWELLING UNIT REGULATIONS TO CAP THE NUMBER AND/OR DENSITY OF VDUs IN TRINIDAD

Background:

At their June 30th 2015 meeting, the City Council created an ad-hoc Vacation Dwelling Unit (VDU) Committee composed of Councilmembers Jack West and David Winnett. The committee was directed to develop a recommendation for the Council regarding a potential amendment to the existing VDU Ordinance to include a cap on the number of VDUs in the City. In the meantime, the City Council has adopted an interim urgency ordinance that has put a moratorium on new VDU business licenses while the City considers this issue.

This VDU Committee held three public meetings and worked with both staff and the public on this issue. The Committee made their recommendations to the Council at their September 9 meeting. The Council discussed and confirmed, modified or expanded on those recommendations. As part of their action, the Council directed staff to work with the Planning Commission to develop new regulations based on the Committee and Council recommendations.

The key issues are presented in table format below, with the Council’s recommendations, and other possible alternatives included.

ISSUE	COUNCIL RECOMMENDATION	POSSIBLE ALTERNATIVES
Should there be any limit or cap on VDUs?	Yes	Yes or No
Cap Details – How many, and what mechanism.	Fixed number in the range of 20 to 30 (approx. number of current active permits)	% of housing stock Absolute number By zoning type By area of the City (neighborhood) By distance from nearest other VDU Absolute ban in residential zones
Treat partial owner-occupied differently?	This came up as part of the discussions, but was not voted on.	Owner-occupied at least part of the year (how long?) vs. absentee owners
Require ‘activity’ on License?	Yes (4-1) – 0 to 60 days activity (nights occupied) per year.	Y or N; (City to define ‘activity’ (x dollars, or x nights of use, or....))
License Term	Annual (5-0) – but renewal guaranteed assuming on-going compliance with the VDU Ordinance	Some other term? Longer term, but when it expires, you go back to the waiting list?

ISSUE (Cont)	COUNCIL RECOMMENDATION (Cont.)	POSSIBLE ALTERNATIVES (Cont.)
Transferability of Permits	Not Transferable (needs input from City Attorney)	a) Fully transferable, can be moved to another house with updated application, can be bought and sold... b) Runs w property, transferable to new owner with change in ownership (via sales and / or inheritance) c) Not transferable – expire upon change in ownership– limited one year license specific to owner and property.
If a cap goes into place that is lower than current VDU #, how do we get there?	Attrition (5-0) – We move towards a lower number as licenses are not renewed, or end with changes in property ownership	a) Gradual via attrition b) Abrupt shift – only issue new cap-based number of licenses at next annual renewal date. This would require developing a process to select who gets a permit. (Based on lottery, or seniority, or...?)
How do we manage a waiting list for permits?	First come first serve	a) Lottery of all interested parties at time of availability. b) Keep a ranked ‘first come first served’ list, new parties go on the bottom. c) Bidding process
Other Issues:	Not specifically discussed by the Council. Staff have identified some sections of the existing ordinance that may need clarification.	a) Definition of VDU b) Location and number c) Enforcement d) Other?

Process Summary:

The existing VDU ordinance was made part of the City’s zoning ordinance, and any new regulations would be processed as an amendment to the existing ordinance. Section 17.68.030 of the zoning ordinance requires the Planning Commission to conduct a public hearing(s) on all amendments. Because of the range of options open for consideration, staff has not yet drafted any regulatory language, but will do so based on the Planning Commission discussions. Once the new regulations are drafted to their satisfaction, the Planning Commission will make a recommendation to the City Council. The City Council will then consider, possibly modify, and adopt (or not) the ordinance amendment. If the Council formally adopts the amendment, it then has to go to the Coastal Commission for certification prior to it taking effect.

VDU Regulatory History:

The City has been discussing VDUs in depth for many years, so I know most of you are very familiar with the issues. But I did want to highlight a few facts to ensure everyone is on the same page. The number of VDUs operated in the City has been increasing since at least 2000. Because of public concerns, the Planning Commission discussed the issue in 2005, but recommended that

the City not take any action to regulate them at that time. As the number of VDUs continued to increase, the City took the issue up again in 2010. The City Council appointed a committee made up of two Councilmembers and members from various segments of the community, including the Planning Commission, business owners and concerned citizens. That VDU Committee drafted an ordinance, which eventually went through the same process as described above.

The first (and existing) VDU ordinance was performance based, focusing on addressing concerns over parking, septic systems, noise, water use, and guest behavior via increased licensing requirements and limitations on nuisances and VDU occupancy. However, the existing VDU Ordinance does nothing to limit the overall number of vacation rentals in Trinidad. The original ordinance took many years to get into effect due to the public hearing process and negotiations with Coastal Commission staff during the certification process. A version of that original ordinance was finally certified by the Coastal Commission in its current form in March 2015 and went into effect in June 2015.

Admittedly, the City has not had much chance to implement the existing ordinance due to the staff time and learning curve necessary for enacting a new licensing system, and because of the push for some kind of cap that has occurred this summer. The City Council adopted a 45-day moratorium on new VDU license applications that went into effect after June 30, 2015, the day that VDU license applications were due under the existing ordinance. The moratorium has been extended for another 10 months, and can be extended to up to a total maximum of two years (another one year extension allowed), while the City works on these new regulations.

VDU Trends:

The number of homes being used as vacation rentals in Trinidad has increased substantially over the last fifteen years. The City issued 7 licenses for vacation rentals in 2000, and received 38 applications in 2015. With a City housing stock of approximately 205 units, not counting the RV / trailer parks (see discussion below), this is an increase from about 3.4% of City dwelling units in 2000, to about 18.5% today. Figure 1 below presents these numbers graphically, and shows an average trend over this time period of about 10 new conversions to active vacation rentals every five years, or two a year. This economic trend has resulted in new businesses and jobs in and around Trinidad, both in directly managing VDUs, and in providing other services for the visitors to Trinidad that use this form of lodging. It has also led to steadily increasing revenues for the City via the Transient Occupancy Tax.

The actual number of housing units in Trinidad has become a point of discussion. The number is not as easy to determine as it seems. The City did a comprehensive update of its Housing Element in 2013, and the recent estimates of 220 to 230 housing units came from that data. Fortunately, Trinidad is a small town, small enough to actually count housing units, with some margin of error of course. There are 225 lots zoned PD, UR or SR, 47 or 48 of which are vacant, leaving 177 or 178 parcels with residential development (note that some parcels in the PD zone contain commercial uses, but were generally all once residences and could be again). There are about half a dozen residential units in commercial zones as well. Second units are more difficult to determine, but there are close to 20 additional known second and other multi-family units on those developed parcels. This equates to pretty close to 205 housing units, not including the trailer parks. As we know, most of those trailers and RVs are actually occupied by long-term

residents, and there are another 60 to 80 of those. RVs are excluded from the definition of VDUs, but they do provide a form of affordable housing. Depending on the type of cap, if any, the City adopts, the number of housing units may need to be more precisely determined.

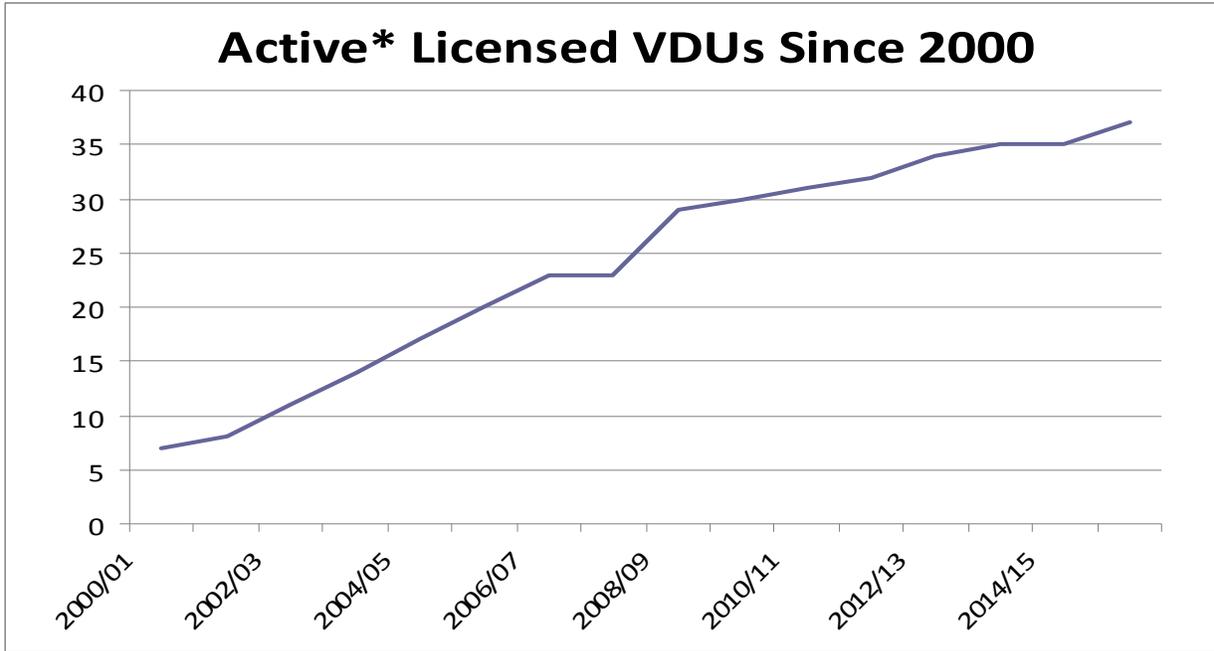


Figure 1. Active Licensed Vacation Rentals in Trinidad from 2000 to 2015.

*The 2015 number (38) is total licenses, as we cannot yet fully determine which have been active in the past summer. For all prior years, ‘active’ means the City received TOT tax receipts that year.

Issues and Concerns with VDUs

This upward trend in the number of VDUs has been accompanied by citizen concerns about the effects of vacation rentals on the community character, civic life, public health, and general welfare of Trinidad. Long time citizens find themselves with fewer and fewer neighbors as the homes on their street become vacation rentals. A concern is that more vacation rentals mean fewer families with children in Trinidad Elementary School, and parents to serve on the School Board. Less residents means less citizens to serve in community organizations like the Lions Club, Civic Club, Museum Society, Trinidad Coastal Land Trust, and Friends of the Library, or to staff our Volunteer Fire Department and respond to emergencies, or participate in local government as Council members, Planning Commissioners, and volunteers for the City. Engaged citizens are the basic fabric that makes up a community, and with so few homes in Trinidad to start with, staff are sympathetic to the argument that making such a high proportion of homes unavailable for residents will increasingly fray that fabric and damage the community

The city organized a community goals and priorities meeting this spring, followed by a voting process to prioritize among the ideas generated. From the sixty ballots received, the third and fifth highest ranked ideas were to “*Increase live in : vacation ratio*” (ranked third), and “*Return city to a community of residents—moratorium on vacation rentals and phase out—decide on limit*” (ranked fifth).

However, City staff also recognize the benefits that VDUs can provide, and not just from the substantial funds that are brought into the City through TOT taxes (\$126,000 in FY 14/15). Several different sides of this issue have been presented at the public meetings, including the fact that not all VDUs are run as investments by absentee owners. VDUs are also a way to make homes more affordable for residents that may not otherwise be able to live here. There are examples of homeowners that live in Trinidad most of the year and just rent their homes out during the summer tourist season. Trinidad has long been a tourist destination, and VDUs provide important overnight accommodations for visitors, which are otherwise sparse in the area due to the lack of hotels and other such facilities that are limited by septic system requirements. Adequate visitor accommodation is of particular importance to the Coastal Commission.

Tonight's Discussion

While the Council was able to go through each of the listed issues and state their various opinions on them to give you the range of options you see in the table above, I am not recommending a similar approach at this meeting for several reasons. The Council meeting was quite long, but the Councilmembers did not come up with any kind of consensus or decision on many of the listed issues. As a result, the options for the Planning Commission are pretty broad, which is why I did not try to propose any draft ordinance language at this time. In addition, I think the specifics of several of the issues / questions will depend on what is decided as to whether to recommend a cap and what form that cap might take. Therefore, I am recommending that the Planning Commission only discuss the first two issues listed in the table above. These two issues result in at least four questions, which are:

- (1) Should there be a cap at all; and
- (2) If so, what mechanism should be used (e.g. absolute number or percent of housing);
- (3) What is the appropriate limit (e.g. 30, or 15%); and
- (4) Should there be a subcap by neighborhood or distance restriction.

There seems to be fairly broad support for some kind of cap, but widely differing opinions about the details. Because the options are still wide open, I have provided you with some of the information requested, created and reviewed at the recent VDU Committee meetings. These include maps showing zoning and parcels in the City that hold VDU licenses for FY 14/15 and FY 15/16. Note that activity for the FY 15/16 is only a best guess because the TOT taxes have not been evaluated yet. In addition, I provided a table that was originally prepared by Jonna Kitchen, local resident and manager of Trinidad Retreats (a VDU management service); I have modified it to provide more of a staff perspective and to update it based on discussions at the Council meeting, including a row for a ban on VDUs in residential areas.

Staff Recommendation:

Review and discuss the recommendations of the City Council, receive public input, and provide direction to staff on the four questions listed above (or as many as you can get through). You can also request additional information for the next meeting. I would suggest that the Planning Commission discuss these issues and then vote on each one in turn; consensus does not have to be reached. I should then be able to start to draft some regulatory language to amend the VDU ordinance for future discussion. I hope to have enough guidance that I can start reviewing and providing sample ordinances and regulatory language at the next meeting.

Option	Pros	Cons
<p>No Cap – Continue as is and let the VDU Ordinance take effect.</p>	<p>No more staffing or City Council time required.</p> <p>Allows for possible increase in VDU's and possible increase in TOT's.</p> <p>Allows time for VDU Ordinance to take effect and measure outcome on growth in VDUs as well as addressing problematic VDUs.</p> <p>Allows staff to focus on other priority issues and to implement and enforce the ordinances already on the books.</p>	<p>VDU's may keep increasing with resulting increases in certain negative impacts to the community, neighborhoods and individuals.</p> <p>It is problematic to reduce the number of VDUs already in existence and would have to occur slowly over time should the City decide to enact a cap in the future.</p>
<p>Flat Cap - Choose a flat # of homes allowed in the city to become VDUs based on current housing inventory, i.e., 30 VDU permits maximum</p>	<p>Simple approach.</p> <p>Easy to implement.</p> <p>Easy to track.</p> <p>Doesn't require much extra staff time.</p> <p>Randomized approach so no discrimination based on VDU location.</p>	<p>Does not help with density issues on certain streets.</p> <p>Does not consider changes in housing inventory.</p>
<p>% Total Cap - Choose a % of homes allowed in city to become VDUs, i.e. 25% of annual housing stock may be permitted to be VDUs.</p>	<p>Allows for growth in VDU permits if housing inventory increases.</p>	<p>Does not help with density issues on certain streets.</p> <p>Requires some staff time to determine housing inventory and annually recalculate # of permits in current circulation vs. amount allowable as new homes are built.</p>

Option	Pros	Cons
<p>% Cap by Street - Allow a certain % of houses to be VDU's per street, i.e., 25% of houses per street can be VDU's. Example - if Ocean Ave. has 16 houses then 4 can be VDU's.</p>	<p>Addresses "density" issues per street right away.</p> <p>If a street is already at the determined cap % then no more VDU's allowed until a permit expires, etc.</p> <p>Would allow for growth if new housing units were added to a street.</p>	<p>Would require some staff time initially and annually to determine how many housing units there are per street and how many VDU's would be allowable.</p> <p>Would have to determine how streets or neighborhoods are defined.</p> <p>Would not address "clustering".</p> <p>Could be considered discriminatory by some homeowners.</p> <p>Could complicate wait list issues</p>
<p>Measured Distance Cap - Allow VDUs as long as they are a certain distance apart from one another, i.e. a VDU must be at least 100 ft. from another VDU.</p>	<p>Would address both density issues and "clustering" per street.</p> <p>Would effectively allow more VDU's where there is more space between homes like Scenic Dr. and less in the center of town where homes are closer together.</p>	<p>Very complex & time consuming. Requires mapping & measuring.</p> <p>Requires a lot of staff time initially, annually and every time a new permit application gets processed.</p> <p>Would require detailed mapping and measuring of distance between current and future VDU's when a new permit application is submitted..</p> <p>Could seem arbitrary depending on who is measuring the distance and from where.</p> <p>Could be considered discriminatory as far as property rights.</p>
<p>Ban – No VDUs on residentially zoned properties.</p>	<p>Little staff time required to implement.</p> <p>Would address both the negative community and neighborhood impacts.</p> <p>Could consider a ban in just UR zone</p>	<p>Higher potential for litigation.</p> <p>Would severely limit the number of potential VDUs.</p> <p>Could increase impacts on residents living in the PD zone.</p> <p>Would have to provide solid justification in order to receive CCC certification.</p>

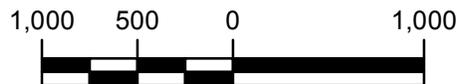
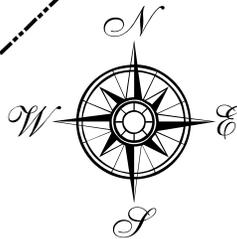
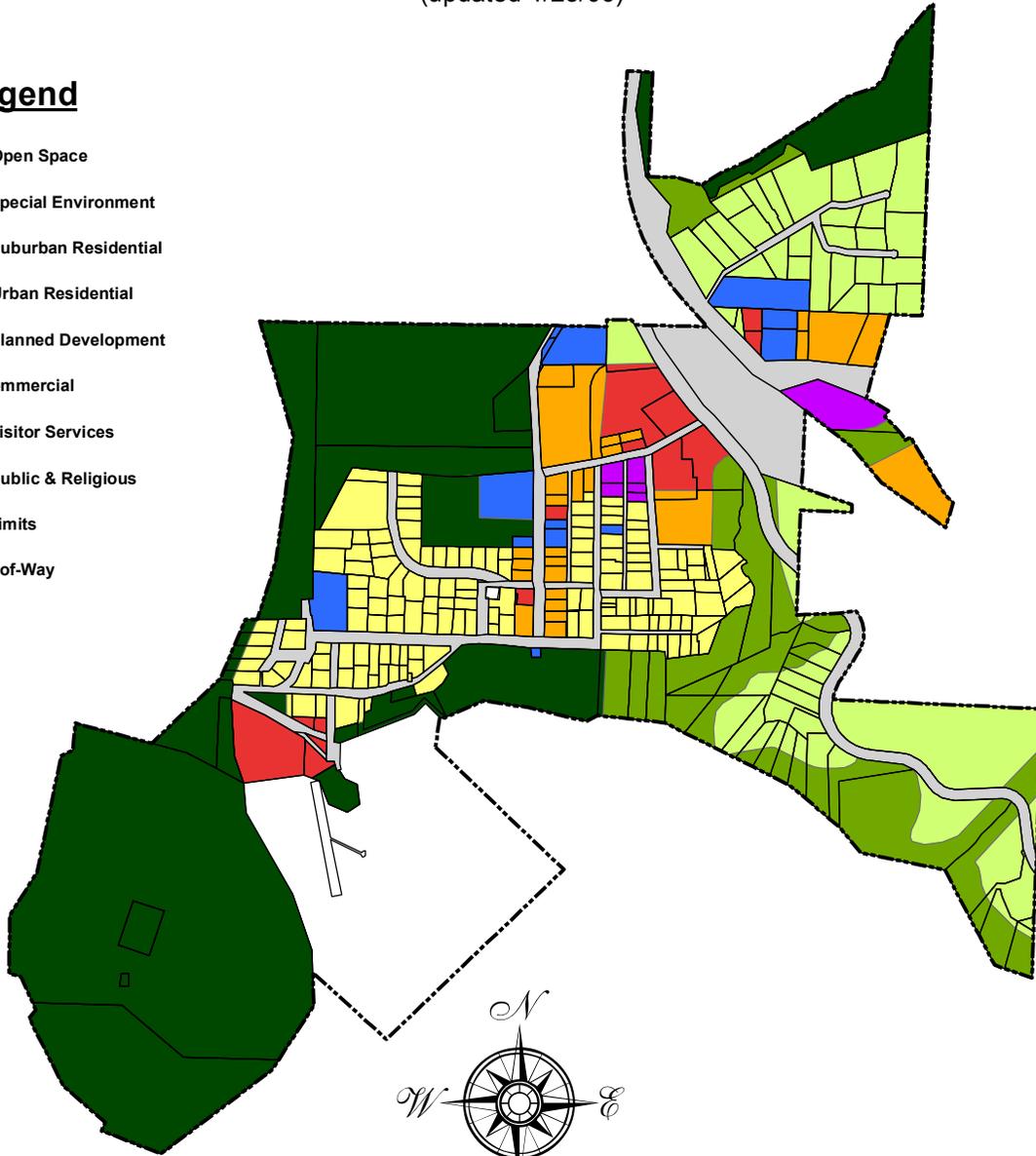
City of Trinidad

Land Use & Zoning

(updated 1/23/06)

Legend

-  OS - Open Space
-  SE - Special Environment
-  SR - Suburban Residential
-  UR - Urban Residential
-  PD - Planned Development
-  C - Commercial
-  VS - Visitor Services
-  PR - Public & Religious
-  City Limits
-  Right-of-Way



1 inch = 1,000 feet



www.trinidad.ca.gov

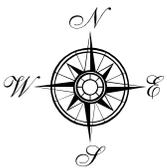
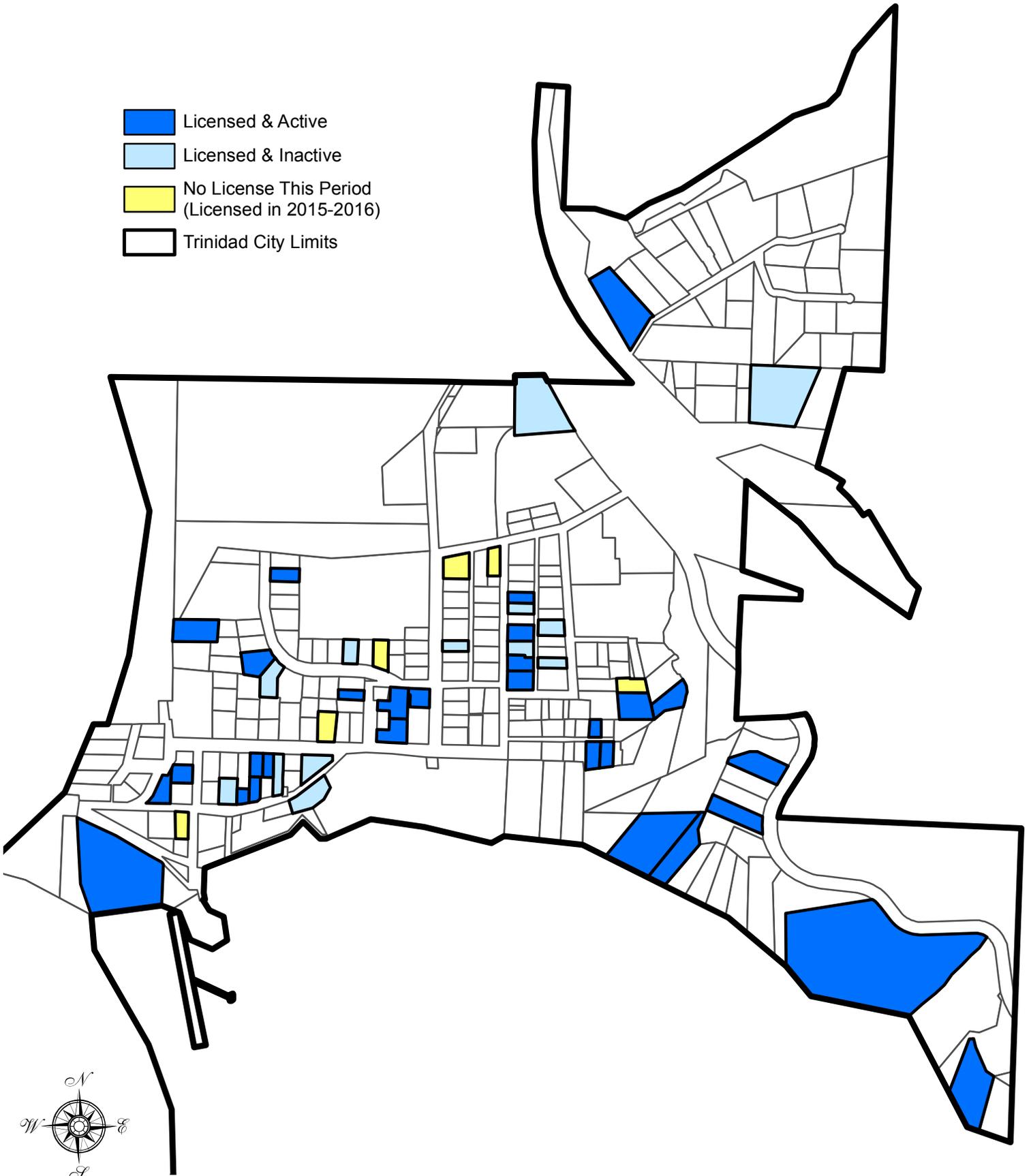
www.streamlineplanning.net



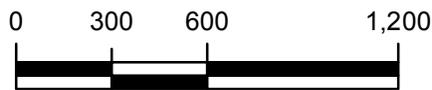
This map for display purposes only.
For an official Land Use determination see Plate 1B
of the General Plan (July, 1978)

VDU License Status 2014-2015

-  Licensed & Active
-  Licensed & Inactive
-  No License This Period
(Licensed in 2015-2016)
-  Trinidad City Limits



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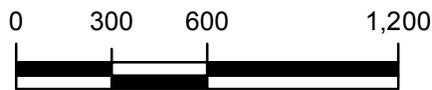
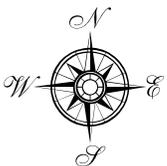
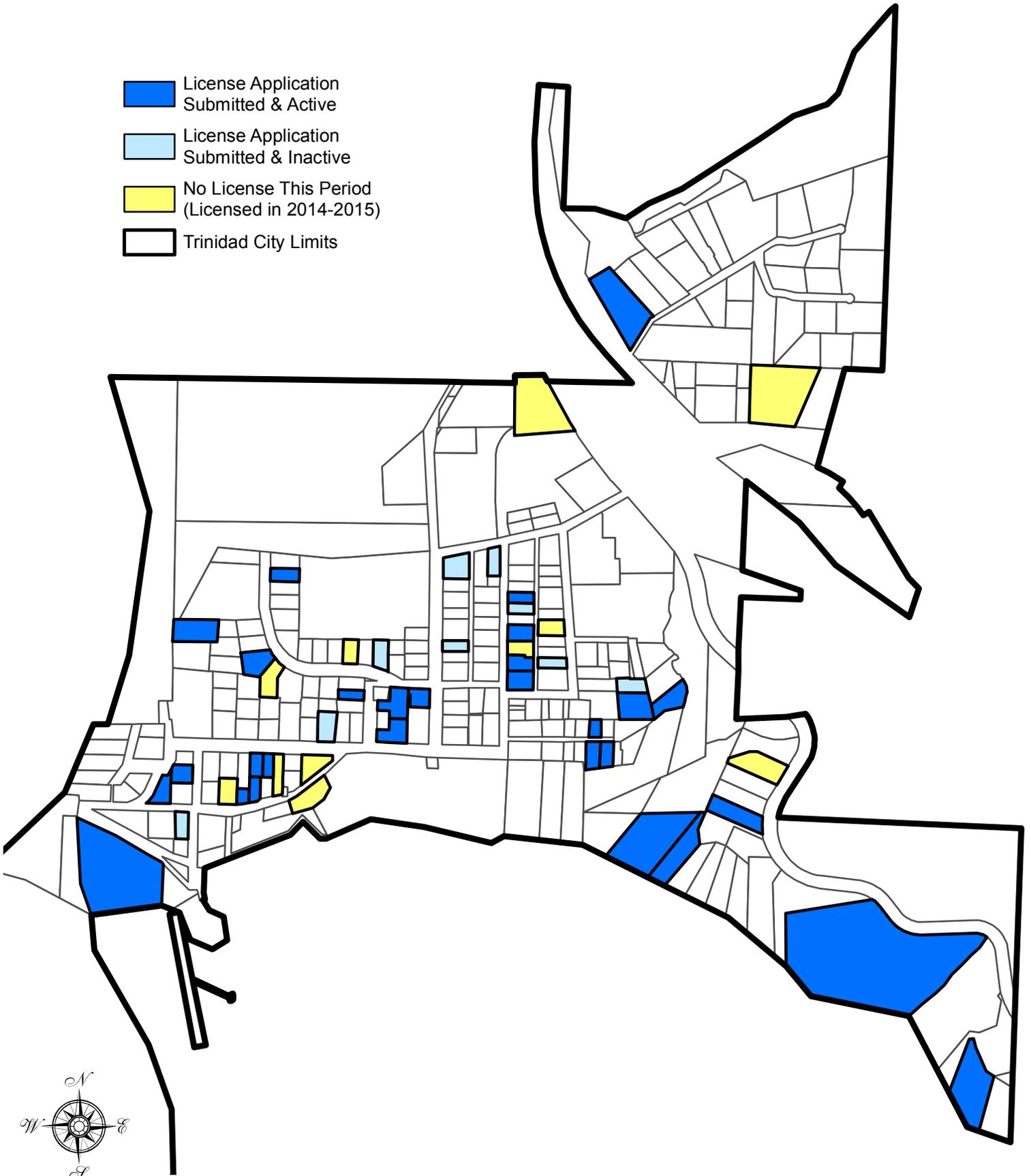
1" = 600 feet



8/10/15

VDU License Status 2015-2016

-  License Application Submitted & Active
-  License Application Submitted & Inactive
-  No License This Period (Licensed in 2014-2015)
-  Trinidad City Limits



1" = 600 feet

