

Application Submitted: March 2015
Staff: Trever Parker
Staff Report: April 3, 2015
Commission Hearing Date
on Unreasonable Obstruction: April 15, 2015
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2015-02.1

APPLICANT (S): Richard and Naomi Heller, Stephen and Lynda Ruth, Erin Rowe, Bob and Judy Lake, Erik and Jennifer Fraser, Bob and Pam Walters, Gloria Speigle

PROPERTY OWNER: Julie Fulkerson

PROJECT LOCATION: 723 Van Wycke

PROJECT DESCRIPTION: View Restoration Permit (step 1):
Determination of whether 'unreasonable obstruction' of coastal views has occurred by the property owner's vegetation in accordance with the City's Views and Vegetation Ordinance. Discussion of possible restorative action will occur at a later meeting should the process continue.

ASSESSOR'S PARCEL NUMBER: 042-091-03 and -06

ZONING: UR – Urban Residential & OS – Open Space

GENERAL PLAN DESIGNATION: UR – Urban Residential & OS – Open Space

ENVIRONMENTAL REVIEW: Categorically exempt from CEQA per Section 15304(d) of the CEQA Guidelines 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.

SITE CHARACTERISTICS:

The site is located on the south (ocean) side of Van Wycke, just east of the unpaved, trail portion of Van Wycke. The lot that the house is on, (-03) is zoned UR – Urban Residential, and the lot to the west (-06) is zoned OS – Open Space. There are no houses immediately to the south, east or west, which is all zoned OS. But a number of homes, uphill and north / northwest of the property, have views that have been affected by vegetation. The eastern, UR lot is developed with a single-family residence. The properties are located within the Views and Vegetation Overlay Zone.

STAFF COMMENTS:

Applicant proposal

This is only the second application that the City has received under the Trinidad Views and Vegetation Ordinance adopted in 2005. The applicants include the owners of seven neighboring, uphill, properties whose views are all affected by the vegetation growing on the subject properties. The applicants have submitted proof that they have already contacted the property owner to try to work out a solution without City involvement in accordance with Views and Vegetation Ordinance §8.16.090.1. Although the property / vegetation owner has responded, including performing some tree trimming over the years, it has not been to the satisfaction of the applicants. The applicants have submitted a variety of photographs showing the offending vegetation from a variety of angles and viewpoints as well as some older photos showing how views have changed over the years as a result of vegetation growth. They have also submitted a couple of the letters that provide more details about specific views and features that have been blocked, where views have been blocked from and how it has affected them (this information relates to some of the required findings discussed below).

The Views and Vegetation hearing process includes two major decisions that must be made by the Planning Commission. The first is whether the vegetation has ‘unreasonably’ blocked coastal views. If so, the second, and more complicated step, will be to consider what kind of restorative action is required. At this first meeting, the Planning Commission will just be considering the question of unreasonable view blockage. The applicants requested that the unreasonable blockage determination be made first, because the consideration of restorative action will require substantially more time, effort and money, including obtaining professional recommendations. The applicants wanted to wait to embark on that step until after knowing the unreasonable blockage determination would be made.

Property Owner Response

There has clearly been a variety of communications between the vegetation owner and the uphill property owners. While acknowledging that views have been blocked, the vegetation owner has indicated that the trees in question have been pruned to the maximum recommended amount over the years, and that other vegetation on the property has been removed or otherwise maintained. The vegetation owner also cites

concerns over bluff stability when considering tree removal or more drastic pruning that might affect the health of the trees.

I had a chance to meet with the property owner on the site to discuss and view the vegetation up close. While she does not deny that views have been blocked, she is more concerned about bluff stability. Other concerns include environmental responsibility and a general appreciation of vegetation. On my site visit, I noted that, while there was relatively substantial room between the front of the house and the bluff, to either side of the residence are steep banks with fairly recent movement. The property owner did express a willingness to work with the neighbors and Planning Commission through this process in getting some of their views restored. She has also provided some evidence of periodic trimming and maintenance that has occurred.

Vegetation

Based on the application materials, the specific vegetation in question consists of the following:

- A – 5 large Monterey pines (nonnative)
- B – 2 large Monterey pines and several small acacias (nonnatives)
- C – 1 large Monterey pine and 1 cypress intertwined together (nonnatives)
- D – Red alder group (native)
- E – Red alder group (native)

As noted above, at the invitation of Ms. Fulkerson, I visited the property for a closer look at both the vegetation and the bluff on 4/8/15. I also walked the streets and trails surrounding the applicants' properties to not only get an idea of the scale of private view blockage, but also the extent of blockage of public views on 3/26/15. While I have also received invitations to access a few of the applicants' properties, I have not yet had a chance to do so. I believe that that is not essential for this first step of the process. I would encourage Planning Commissioners to visit the area to get a better idea of the vegetation growing there. At some point, we may want to consider adjourning a meeting to the site itself if this process continues to consideration of restorative action.

Vegetation Regulations & Process

In addition to the Views and Vegetation Ordinance, there are a few other City regulations that apply to vegetation. One is Zoning Ordinance §17.56.110, which has been in effect since the Zoning Ordinance was originally adopted. This section limits the heights of fences and hedges along property boundaries. Within the front yard setback of 20 ft., hedges can not exceed 4 ft. Within side and rear property setbacks, hedges are limited to 6 ft. This is a set standard that can be enforced through the nuisance abatement procedures regardless of the Views and Vegetation process. However, much of the offending vegetation consists of trees that do not meet the definition of a hedge. Hedges are defined in the Views and Vegetation Ordinance (§8.16.050) as: *“Any plant material, including trees, stump growth, or shrubbery planted or growing in a dense, continuous line, so as to form a thicket barrier or living fence.”* The pine trees growing along the property lines probably formed a hedge at one time, but now the branches are high enough so that the trunks do not actually form a barrier below the 4 or 6 foot height

limit, and therefore do not constitute a hedge in my opinion. The other trees that are part of this VRP are clearly not hedges.

For these reasons, the Views and Vegetation process is necessary to effectively deal with all the various vegetation on the property and the different views being blocked. The view restoration permit process will be something like an arbitration hearing with likely compromises on both sides. The main issue for the property owner is bluff stability, with other considerations being environmental considerations, privacy and appreciation of the vegetation along with the costs of trimming and removing so much vegetation; the neighbors are trying to restore their coastal views that provide enjoyment of and value to their properties. For such a large project as this, it would be beneficial for all involved to get some sort of report from an arborist or other tree expert on the most appropriate ways to trim and maintain any vegetation that is found to be in violation of City ordinances, including blockage of views; I have suggested this to both the applicants and the property owner. I believe that review by a geologist may also be warranted depending on the proposed restorative actions.

More details are provided below about the process, but the first step for the Planning Commission will be to determine if “unreasonable obstruction” has occurred based on criteria contained in the ordinance. If so, then restorative action will need to be determined at a future time, and such an order will be part of the Planning Commission’s decision. Once that is made, the property owner and applicants will split the costs for having the work done, unless the Planning Commission determines some other division of costs is appropriate. Vegetation maintenance requirements should also be made part of the approval and a notice of such an agreement can be recorded on the deed as a disclosure to any future property owners.

VIEWS AND VEGETATION ORDINANCE

The Views and Vegetation Ordinance was adopted in 2005 as a result of public concern over increasing conflicts between vegetation and views. The ordinance was based on a General Plan design guideline from Appendix B, which states: *“Buildings, fences, paved areas, signs and landscaping, and similar developments, shall not be allowed to significantly block views of the shoreline from key public viewing points or from view points inside structures located uphill from the proposed development.”* Although this standard is included in the Zoning Ordinance as a View Protection finding required for development permits, there was no mechanism included to protect views from vegetation growth that is not associated with a development project, until the adoption of the Views and Vegetation Ordinance. The ordinance sets forth a process by which property owners can apply to the City to have views restored that have been “unreasonably blocked” by vegetation growth.

View Restoration Permit Findings

As part of the view restoration process, the Planning Commission needs to make several findings in accordance with §8.16.090.3.g. Only the first two findings need to be made in this first step of the process, including that the neighbors complied with the initial reconciliation requirement and a determination as to whether coastal views have

been unreasonably blocked. The additional findings will need to be made prior to ordering restorative action. If the Planning Commission determines that unreasonable obstruction has not occurred, then there is no need to continue with this process. However, if the process does continue beyond that, then further determinations will have to be made as to specifically which vegetation unreasonably blocks views and what corrective actions need to be taken. The required findings are listed below:

Step 1:

- i. *The applicant has complied with the early neighbor consultation process and has shown written proof of cooperation on his/her part to resolve conflicts.* Response: There has clearly been a variety of communications between the vegetation owner and the uphill property owners. This means that step one of the Views and Vegetation process (§8.16.090), initial reconciliation, has been met. The applicant letter also indicates that the recommended step of mediation has also been attempted without success.
- ii. *The offending vegetation results in the unreasonable obstruction of view(s) based on the criteria in section 8.16.080.* Response: The Planning Commission must make this determination based on the criteria listed below. The applicants have submitted photographic evidence and written evidence in support of their position.

Unreasonable Obstruction

The Planning Commission must make a determination as to whether the applicants' views have been *unreasonably blocked* by the property owner's vegetation. Ordinance §8.16.070 states that: *No person within the Views and Vegetation Overlay Zone shall plant, maintain, or permit to grow any vegetation that unreasonably obstructs a view from any occupied structure or from key public viewing points within the City.* The criteria for determining whether unreasonable obstruction has occurred is outlined below

The following criteria are to be considered (but are not limited to) in determining whether unreasonable obstruction has occurred, or will occur:

- (a) *The extent of obstruction of a view compared to extent when property was purchased by the complaining party and/or when the General Plan was adopted (May 2, 1978), whichever is longer.*
- (b) *To what extent the view being blocked contributes to the value, use and enjoyment of the property. Obstruction can be considered both that which is existing and that anticipated at vegetation maturity based on the vegetation owner's stated maintenance intentions.*
- (c) *The quality and percentage of the coastal views being obstructed, including obstruction of landmarks, vistas, or other unique features and the quality of the living area or viewpoint from which the view is blocked.*
- (d) *The extent to which the complaining party's view has been diminished over time by factors other than vegetation growth such as new residences or additions.*

Step 2:

Additional findings will be required prior to ordering restorative action. This will occur at a future meeting if the unreasonable obstruction determination is made. However, I have provided those findings in this staff report for context.

- iii. Removal or alteration of the vegetation will not cause an unreasonable infringement of the privacy, reasonable enjoyment or value of the property or the occupants of the property upon which the vegetation is located.*
- iv. Removal or alteration of the vegetation will not cause significant environmental impacts.*

The Views and Vegetation Ordinance contains a list of factors that should be considered in making the findings for Step 2. These will be discussed further if this process continues to that point.

- (i) The hazard posed by a tree or other vegetation to persons or structures including, but not limited to, fire danger and the danger of falling limbs or trees.*
- (ii) The variety of vegetation, its projected rate of growth and maintenance requirements as well as its value or rarity.*
- (iii) Aesthetic quality of the vegetation, including but not limited to species characteristics, size, growth, form, vigor and viewshed.*
- (iv) Location with respect to overall appearance, design, or use of the Vegetation Owner's property.*
- (v) Soil stability provided by the vegetation considering soil structure, degree of slope and extent of the vegetation's root system.*
- (vi) Privacy (visual and auditory) and wind screening provided by the vegetation(s) to the Vegetation Owner and to neighbors.*
- (vii) Energy conservation and or climate control provided by the vegetation.*
- (viii) Wildlife habitat provided by the vegetation.*
- (ix) Whether trees are "Dedicated Trees", as defined herein.*
- (x) The number of people whose views are affected and the distance away from the vegetation that the complaining party is located.*

Restorative Action

The Views and Vegetation Ordinance §8.16.120 includes guidelines for determining the appropriate restorative action. An arborist report should address those guidelines, which will be discussed further in the next step of the process.

ZONING ORDINANCE / GENERAL PLAN CONSISTENCY:

The removal of vegetation on the property will not affect any of the building standards. Design Review is not required for this project. A Use Permit may be required if any trees over 12" DBH are proposed for complete removal. Those findings will be included as part of the second step in the process. The Trinidad General Plan has contained polices protecting public and private coastal views since it was originally adopted in 1978. Although the adopted Zoning Ordinance contained provisions for protecting these views from structural development, it did not adequately protect them from vegetation growth, resulting in the need for the Views and Vegetation Ordinance.

GEOLOGY & SOILS / SLOPE STABILITY:

The vegetation is located in areas mapped as being both of questionable stability and unstable. This will need to be considered as part of any future consideration of restorative action. The project area is not within an Alquist-Priolo Fault Hazard Zone.

SEWAGE DISPOSAL:

The proposed project involves no sewage disposal facilities, and no waste will be generated. The property is served by an intermittent sand filter system that is located just to the east of the house and very near trees labeled by the applicants as A and B. If restorative action is ordered, and any heavy equipment will be used on the site, the leachfield will need to be protected as required by our standard conditions of approval.

LANDSCAPING AND FENCING:

No new landscaping or fencing is proposed as part of this project, but the existing vegetation is the subject of this application as described above.

DESIGN REVIEW / VIEW PRESERVATION:

No Design Review is required for this proposal.

USE PERMIT FINDINGS:

Because this project may ultimately involve the removal of trees over 12" DBH, a Use Permit would be required per Zoning Ordinance section 17.32.030, which only allows removal of trees this large with approval of a Use Permit. Those findings may need to be made as part of the consideration of specific restorative actions in the future, but not for the unreasonable obstruction determination.

PLANNING COMMISSION ACTION:

The only action to consider for this hearing is the issue of whether the vegetation unreasonably blocks coastal views of neighbors. As described above, this would be consistent with the Views and Vegetation Ordinance and provisions of the City's LCP. The application materials show that, with the possible exception of group E, the vegetation in question does present significant view blockage to both private residences and public views from streets and trails. So the planning Commission must determine whether the blockage has been 'unreasonable.'

While I can not make a recommendation based on specific standards of the City's regulations, it does seem like enough information has been provided by the applicants to document view blockage that it warrants serious discussion, further study and consideration of possible restorative actions. And while it is unlikely that all parties will ever be completely satisfied, because of the ongoing disputes between neighbors,

resolution through an impartial, outside body, like the Planning Commission, would likely be beneficial.

While the Planning Commission could consider individual trees or stands of trees as part of this determination, by including all the vegetation, the full range of possible restorative actions can be discussed. The wording of the motions reflects this, but they can be reworded at the meeting. I have included sample motions for both approval and denial of unreasonable obstruction.

Motion for Unreasonable Obstruction

Based on the information contained in the application materials, presented at the public hearing and contained in this staff report, I find that at least some of the vegetation in question does unreasonably block the neighbor's coastal views, and that restorative action as determined by the Planning Commission will be required as part of an approved View Restoration Permit.

Motion for Denial of Unreasonable Obstruction

Based on the information contained in the application materials, presented at the public hearing and contained in this staff report, I find that the vegetation in question does not unreasonably block the neighbor's coastal views, and I move to deny the View Restoration Permit.

CONDITIONS OF APPROVAL:

Until the actual View Restoration Permit and specific restorative action is proposed, only the fee condition has been included, because the project approval is not yet complete. The Planning Commission may consider including specific requests such as arborist or geologic reports as further conditions.

1. The applicants are responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk to place receipt in conditions compliance folder prior to authorization of tree removal or encroachment permit being issued.*

February 2015

RECEIVED FEB 06 2015

Dear members of the Planning Commission,

We are applying for a View Restoration permit. We are sorry for the possible embarrassment that this may bring to the City of Trinidad but we feel that we have finally reached the point where we have no other alternative. Since Charles Fulkerson died in 1999, his daughter has allowed trees on her property over the past 16 years to progressively and unreasonably obstruct our views. While Charles E. Fulkerson was alive he was proactive in trimming the trees on his property when neighbors reached out to him. Sungnome Madrone did some of this work. Some of this pruning was quite severe and can be seen at the 6, 8 and 9 foot elevations on the five Monterey pines just inside the fence line along Van Wycke Street. When this is pointed out to her Julie's response is that her father is dead and that he was afraid of and intimidated by his neighbors. In talking to people who knew and respected him, this is not the Charlie that they knew and admired.

As early as 2001 neighbors noticed that their treasured ocean views were being obstructed by Ms Fulkerson's trees and requested that she trim them. One neighbor was told to learn to love the view of the trees as much as she loved her view of the ocean. The other neighbor who contacted her at this time was told their view was only reduced by .00001% (1/100,000 a gross exaggeration) and the view was fine just as it was. These comments were hurtful and had a chilling effect on the recipients. Other neighbors who have reached out to Ms. Fulkerson over the past 14 years have similarly been treated in a rude and insensitive manner. Several of us have been told that since we didn't live in our homes full time, our views weren't important!!

As you may already know, it was Ms. Fulkerson's continued failure to properly maintain her trees that were increasingly obstructing her neighbor's ocean views, which was a primary impetus for the development of ordinance 2006-02, otherwise known as the Views and Vegetation Ordinance (VVO). The VVO was developed over a period of 3 years, and while it is open to interpretation, its clear intent is in part to "Establish the right of persons to restore coastal views that have been unreasonably blocked by trees or other vegetation".

In 2007/2008 a group of four adjoining property owners entered into mediation with Julie Fulkerson under the auspices of Humboldt Mediation Service. After one session, mediators met with each of the parties individually, and then concluded that continuing the process would not be fruitful. Unfortunately we did not follow up by applying for a View Restoration Permit at that time. Despite having some of her trees trimmed periodically the situation has only gotten worse. Her trees continue to grow upward and spread outward.

Finally, in October 2014 when the pines along Van Wycke Street weren't even trimmed back to the level of the previous pruning (as has been the case for years) and when, yet again, the large cypress and pine west of her home at 723 Van Wycke were untouched neighbors decided that enough was enough. A group of 7 neighbors sent Julie Fulkerson and Lynn Evans the enclosed letter (December 2014) asking for

the restoration of our views. Her responses to all of us were essentially the same (with minor modifications) and an example is enclosed (to Walters 9 January 2015).

Our files of communications with Ms Fulkerson are extensive as are those on file in the City Clerk's Office. It is not reasonable in this cover letter to recapitulate all of the various points that have been made on both sides of this dispute over the years. Instead we will reply to many of the responses in the Fulkerson/Evans January 9 letter.

We note that the requested arborists report is a VVO recommendation, not a requirement for filing for a View Restoration Permit. While such a report will probably indeed be needed we would prefer that this be done after the Planning Commission has agreed that our views have been unreasonable obstructed and that more needs to be done than the occasional pruning that some of the trees currently receive. Past experience and failed mediation clearly show that Ms. Fulkerson is not open to any compromises relating to her trees.

In a personal communication to at least one of us, Ms Fulkerson has dropped her requirement that we obtain a geologists report and a mapping of the trees, their size and species before continuing negotiations. The enclosed materials include photographs from most of her neighbor's properties and a Google Earth aerial photo showing the vegetation in question. Some of the photos also show what we would like to see done to them if possible.

Ms. Fulkerson has consistently maintained that her several internationally certified arborists over the years have trimmed the trees to the maximum extent possible without killing them. We know this not to be true but how to respond and maintain a dialogue? I imagine that all of us have accepted something that was communicated to us while knowing it to be untrue. She further maintains that if killed the bluff will be jeopardized. We have enclosed photos of Monterey Cypress, Monterey Pine, and Red Alder that have been severely pruned and yet remain healthy. In fact, depending in a number of factors, trees may destabilize bluffs. This may be precisely what has happened with the large alder grove just west ^{of} to the large cypress and pine to the west of her residence. Several years ago this was a single alder that slid down slope, toppled over and survived with lateral branches growing into new trunks.

In the fourth paragraph of her January 9 2015 letter she makes an elegant plea for the livelihood of her trees and the health of the bluff. In a letter to the City (9/7/07) she correctly notes (Additional Resource Highlights) that through evapo-transpiration trees remove excess groundwater from slopes thus further stabilizing them. Yet, by her own admission, over the years, she has had dozens of black acacia removed from the bluffs. The inconsistency boggles the mind. When this was pointed out her response was that they were non natives. So are Monterey pine and Monterey Cypress.

Mr. Heller is NOT the only neighbor to offer to pay for tree trimming. Mr. Boquet, Mrs. Speigle and Dr. Ruth have all made such offers at various times. Ms. Fulkerson has ignored these offers. Perhaps the lack of appreciation shown by her neighbors for the limited pruning that Ms. Fulkerson has undertaken is due to the way in which their concerns for their views has been brushed aside and their observation that their views have continued to deteriorate.

It is our hope that the Trinidad Planning Commission will agree that our views have been unreasonably obstructed by trees in Ms. Fulkerson's properties. We further hope that the Planning Commission will help arbitrate this matter to help it come to a just and reasonable resolution. In addition should this result in elimination of some of the trees (red alders) and/or extensive windowing, crown reduction, up-limbing, and maximum height restrictions for the other trees in question; we request that along with annual maintenance that such conditions become part of a CC&R or an MOU so that we don't face a similar situation in a few years.

In closing, we recognize the outstanding public service that Ms. Fulkerson has given to Humboldt County and especially to the City of Trinidad. She has donated countless hours to making this a better place to live. We sincerely hope that her lack of sensitivity relative to her neighbors and their views does not overshadow her many accomplishments for the public at large.

Respectfully Yours,

The Edwards Street View Lovers

Trinidad View Lovers Contact Information

Richard and Naomi Heller, 749 Edwards Street, 1550 Melwood Dr., Glendale, CA 91207

(626) 577-7503, heller49er@earthlink.net

Stephen and Lynda Ruth, 777 Edwards Street, P.O. Box 342, Trinidad, CA 95570 (707) 677-9475

And/or (831) 384-2267, amcroceum@aol.com

Erin Rowe, 779 Edwards Street, P.O. Box 845, Trinidad, CA 95570, (707) 845-4033,

erowemediate@yahoo.com

Bob and Judy Lake, 740 Edwards Street, P.O. Box 621, Trinidad, CA 95570, (707) 677-0151,

bob@katyssmokehouse.com

Erik and Jennifer Fraser, 774 Edwards Street, P.O. Box 108, Trinidad, CA 95570, (707) 616-5084 and/or

(707) 616-5593, efraser77@gmail.com

Bob and Pam Walters, 807 Edwards Street, 2803 Grape Way, Chico, CA 95973 (530) 343-5448,

swi@sunset.net

Gloria Speigle, 829 Edwards Street, 9976 Tilton Mine Road, Redding, CA 96001 (530) 222- 5252) and/or

(530) 245-0100 gloriaspeigle@yahoo.com



City of Trinidad

February 17, 2015

Richard and Naomi Heller
~~442 South Lake Ave~~ 1550 Melwood Dr.
~~Pasadena, CA 91101~~ Glendale, CA
91207

Stephen and Lynda Ruth
PO Box 342
Trinidad, CA 95571

Erin Rowe
PO Box 845
Trinidad, CA 95570

Bob and Judy Lake
PO Box 621
Trinidad, CA 95570

Erik and Jennifer Fraser
PO Box 108
Trinidad, CA 95570

Bob and Pam Walters
2803 Grape Way
Chico, CA 95973

Gloria Speigle
9976 Tilton Mine Road
Redding, CA 96001

Re: View Restoration Permit Application 2015-01, February 2015

Dear Applicants,

I have received your application for a View Restoration Permit for vegetation located at and around 723 Van Wycke Street. I understand that you would like to get a determination of 'unreasonable obstruction' in accordance with the Views and Vegetation Ordinance from the Planning Commission prior to preparing a more complete application package that may include professional assessments and recommendations for the restoration of views. As you know, a determination by the Planning Commission that vegetation growth has caused unreasonable obstruction is the first step in the view restoration process. As has been discussed, I think it is reasonable to pursue the view restoration permit application in this two-step process. However, I can not accept your application as complete at this time, even for the first step of determining unreasonable view blockage.

In order to make a determination of unreasonable obstruction, the Planning Commission will use the criteria set forth in §8.16.080:

- (a) *"The extent of obstruction of a view compared to the extent when the property was purchased by the complaining party and / or when the General Plan was adopted (May 2, 1978), whichever is longer."*
- (b) *"To what extent the view being blocked contributes to the value, use and enjoyment of the property. Obstruction can be considered both that which is existing and that anticipated at vegetation maturity based on the vegetation owner's stated maintenance intentions."*

- (c) *"The quality and percentage of the coastal views being obstructed, including obstruction of landmarks, vistas, or other unique features and the quality of the living area or viewpoint from which the view is blocked."*
- (d) *"The extent to which the complaining party's view has been diminished over time by factors other than vegetation growth such as new residences or additions."*

The first and foremost of these, (a), relates to how the view has been impacted over time. This criteria establishes a context for evaluating the other criteria, and is absolutely necessary for making the unreasonable obstruction determination. However, your application packet provides only one photo that is not current. Before and after photos showing the gradual progression of vegetation growth and loss of views are essential for the Planning Commission to be able to make the determination you are seeking. I know such photos exist, since I have personally seen several of them.

Your application did a good job of identifying the specific vegetation that is causing the obstructions. However, the photos did not identify from where they were taken except for the address. The location from which a view is being blocked is also important for making an unreasonable obstruction determination. Views that are blocked when standing in the bottom corner of a yard are clearly not the same as views that are blocked from a living room picture window. This information is an important consideration for both the second (b) and third (c) criteria that the ordinance sets forth for determining unreasonable view blockage.

The Views and Vegetation Ordinance recognizes the rights of vegetation owners to have and maintain landscaping as well as those whose views may be affected. The Planning Commission can not make a determination of unreasonable obstruction lightly. Therefore, substantial evidence must be provided in order to support a determination of unreasonable obstruction. The more documentation that you can provide, the more likely you are to receive a favorable determination.

At a minimum, your application needs to include 'before and after' photos from similar locations to show how views have been blocked by vegetation growth over time. The photos also need to indicate from where each one was taken. It would also be helpful to indicate the location of key features of each viewshed that are being blocked (though this will become more important during future discussions of restorative action). Consider also including information that shows how the 'value, use and enjoyment' of your properties have been impacted. This could include a range of things from resale or rental data to anecdotes illustrating how your habits or the use of your property has changed with the view blockage.

I hope you find the preceding information helpful. I look forward to receiving a more complete application packet. Please feel free to give me a call at 822-5785 or email me at trever@streamlineplanning.net if you have any questions.

Sincerely,

Trever Parker, City Planner



City of Trinidad

27 February 2015

Dear Members of the Trinidad Planning Commission:

This letter is written in response to City Planner, Trever Parker's request for more information regarding vegetation within the View and Vegetation Overlay Zone that is, in our opinion, unreasonably obstructing the views of seven property owners with homes along Edwards Street.

Included with the application materials is an 11X17 with 3 panoramic photos of our view taken from the southwest corner of our upper deck. The photos were taken with different lenses and have different fields of view making an accurate calculation of the extent to which vegetation managed by Ms Fulkerson has obstructed our view difficult. By eyeballing the 1996/1997 view and comparing it with the October 2014 view my wife and I feel that our overall ocean view (2D) has been reduced by about 45%. If one takes distance to the horizon into account then this loss increases to about 55%.

Were the vegetation in question and new volunteer red alders allowed to continue to grow over the next fifteen years as it has progressed over the past fifteen under Ms Fulkerson's management we could conceivably be left with no ocean view at all except for a small area around the roof line of 723 Van Wycke as we are sure the owner of that property would not allow trees to obscure her unobstructed ocean primary view.

For personal reasons, not being able to see Prisoner Rock and the open water shoreward is by far our most significant loss. This blockage is caused by vegetation patch "C" which includes a large Monterey Cypress, one or two Monterey Pines (both introduced non native trees), and several fruit trees. My father, Ferdinand Ruth, had advanced Parkinson's disease when he and my step mother purchased this property in 1997. Dad was an old school naturalist and spent much of the last 3.5 years of his life in back of the center window off the living room, binoculars in hand, watching the wildlife and comings and goings of fishermen in the launching bay. On my second visit dad was very excited. He had seen a gray whale with a calf swim between Prisoner Rock and Flat Rock. He talked about this same sighting every time I visited him over the next three years. Photo 7B shows the current view from where he sat in the living room. I will probably never see this but I'd like to think I could. He also loved to watch sports fishers moving into and out of the launching bay, now 75% obscured compared to what once was by red alder patches D and E. Other significant views lost to obstructing vegetation patches C, D, and E are enjoyment derived from watching the activities of crabbers, recreational kayakers, and the activities of the mosquito fleet and commercial boats.

We have been told by a real estate agent that the most sought after and thus the most valuable views are those of the rocky coast line. Pine/acacia patches A and B have obscured 100% of our view of Luffenholtz and part of Baker Beaches (below Scenic Drive and north of Houda Point). We have also lost about 80% of our view of the coastal bluff above Scenic Drive. We consider this a secondary view mostly

appreciated from the displays of illegal fireworks on the 4th of July and New Years Eve which now are just dim glows, for the most part, above the trees.

While our enjoyment of our view has been greatly reduced because of the above, what is even worse are our not so nice thoughts about the actions (or lack thereof) and responses of the neighbor who has allowed our views to become ever more obstructed by her vegetation despite repeated requests from her neighbors. Our home, designed by Marvin Trump for Ms Paulie, was built to take full advantage of the then spectacular panoramic ocean views. The only rooms not impacted on the main (upper) level are the bathroom and a small room over the garage. On the lower level the laundry and bathroom never had an ocean view.

For eleven years, from 2001 through 2012 we leased the upper level of our property. With every second tenant or so, we had to change the description of our view in our Craigslist ads. We started with a panoramic ocean view, then changed it to a superior ocean view, and finally called it a nice ocean view. We feel that each change cost us between 25 to 50 dollars a month in rent, resulting in approximately 5 to 10K in lost rent. While we feel that this is logical and reasonable this reduction in income is subjective and cannot be documented.

The reduction in the value of our property does not really concern us as we plan to spend the rest of our lives in this house and don't see what we have to gain by paying an agent to assess the reduced amount that the home could be sold for today compared with what it would be worth if it still had the view it had in 1996/1997.

Were we able to resolve this conundrum on our own we would do the following:

- 1). Monterey pines and black acacia in patches A and B maintained between 12 and 15 feet through a combination of crown reduction, heading back, thinning, trimming and windowing conducted over a period of several years.

- 2). For the Monterey cypress and Monterey pine(s), patch C, blocking our primary view we would not impose the same height restriction. With an artistic arborist, the cypress could be turned into a magnificent living sculpture while eliminating 70% or so of the view blocking vegetation over a period of several years. Our application contains photos of cypress with similar (but not artistic) reduction that are doing fine. Of high importance to us is to have our view of Prisoner Rock back. We would eliminate the Monterey pine(s) associated with the cypress.

- 3). We recommend the elimination of red alder patches D and E. Red alders are relatively short lived and generally considered to be "weed" species typical of early seral stages of ecological succession in ecosystems in this area. Their fibrous root systems are known to absorb and retain water which along with their weight creates shear forces leading to land slippage. This is especially true on slopes with clay layers like the yellow clay and blue goo found here. Large trees exposed to wind, as these are, transmit that force to the slope, further enhancing the possibility of slope failure. Actually alder clump D is a single alder that slid down slope several years ago, fell over, and survived with lateral branches growing into multiple "trunks".

Due to the ease with which "volunteer" alders establish themselves, topping and crown reduction should be used to control them as they begin to obstruct views. We have no problem with Ms Fulkerson continuing to remove black acacia and introduced invasive plants such as pampas grass from her property.

Fellow Edwards Street View Lover, Bob Lake, favors removal (to ground level) of existing pines and cypress and replacement with reduced relief species such as dwarf cypress.

We are certain that with the help of the Planning Commission and an arborist that a reasonable compromise can be reached. Stipulations regarding the vegetation should be codified in a CC&R to run with the deeds of the parcels so that a problem with vegetation similar to the current situation does not reoccur within a few years.

Sincerely,

Stephen and Lynda Ruth

6 April 2015

To: Trever Parker and Members of the Trinidad Planning Commission

RE: View Restoration Permit Application 2015-01, February 2015

Dear Sirs:

We were surprised to receive City Planner, Trever Parker's 17 February 2015 letter indicating that our application for a View Restoration Permit was incomplete and could not be accepted. We modeled our application after the successful application presented by five property owners living on Underwood Drive regarding the Morrison property in March of 2008. We note that none of the materials asked of us were included in the Underwood application and that their "then" photos weren't presented until a Planning Commission meeting held later. We acknowledge that our current photos did not have sufficient information regarding the precise location that each photo was taken from nor the direction of the view. We assumed (incorrectly) that this was self explanatory. This has now been corrected. We agree that photos don't tell the entire story and would be happy to host a field trip to some of the complaining party's properties or to arrange individual visits so that Brown Act provisions are not violated.

When Dr. Ruth responded to Planner Parkers' letter with an email, her follow up reply to us in a private email indicated that while additional information (see below) would be helpful; all that was really needed at this time is 'before' photos. We have made a concerted effort and have located some. None of us feel that having our properties appraised to determine reduction in property value due to our obstructed views is a necessary expense at this time. A former real estate agent that was contacted informally and shown the Ruth's 1996/1997 and October 2014 panoramic views said that the reduced value was between 30 and 50K, perhaps higher. Three of the properties participating in this View Restoration Permit Application are currently vacation rentals and two others were either a vacation rental or a long term lease in the past. All agree that rents could have been higher had views been less obstructed.

Planner Parkers' letter to us included the following:

In order to make a determination of unreasonable obstruction, the Planning Commission will use the criteria set forth in 8.16.080:

- (a) "The extent of obstruction of a view compared to the extent when the property was purchased by the complaining party and/or when the General Plan was adopted (May 2, 1978), whichever is longer."
- (b) "To what extent the view being blocked contributes to the value, use and enjoyment of the property. Obstruction can be considered both that which is

existing and that anticipated at vegetation maturity based on the vegetation owner's stated intentions."

- (c) "The quality and percentage of the coastal views being obstructed, including obstruction of landmarks, vistas, or other unique features and the quality of the living area or viewpoint from which the view is blocked."
- (d) "The extent to which the complaining party's view has been diminished over time by factors other than vegetation growth such as new residences or additions."

We are still searching for early (back to 1978) ground based photos of obscuring vegetation along the coastal bluff to the ocean side of Van Wycke. Aerial photos we have seen suggest that there was little or no view blocking vegetation around that time. Several property owners have purchased or built their homes within the past 10 years when there was already significant tree growth making earlier photos especially important. Please note that we are applying for a View *Restoration* Permit not a view modification or improvement permit. According to Webster's **restore** means "to bring back to a previous condition". We would argue that all of the benefits Ms. Fulkerson has derived from the growth of her trees have been at the expense of her neighbors with exception of the miniscule amount of carbon sequestered (reducing global warming and ocean acidification).

To date, a panoramic view of the Ruth's (777 Edwards Street) dating to 1996/1997 (photo 7C) is the best overall ground-based photo that we have at this time. The Google Earth aerial photo from 2014 (photo "0" in our application) shows the location of five groups of view-blocking trees designated as patches A through E. At that time patches A and B, the pines and acacia along Van Wycke east of the Fulkerson residence were about nine to eleven feet high as estimated from the grape stake fence that can be seen which is five feet high.

Bob and Judy Lake's photos from in front of 740 Edwards (2, 4X6 photos "18B") from about 1995 show that the 3 easternmost pines along the south side of Van Wycke can barely be seen and are thus about 6 to 8 feet high. When they complained about the growth of these pines to Ms. Fulkerson in 2001, they were told by Ms. Fulkerson that the blockage was only .00001% (1/100,000'th) of their view and thus not important. In actuality the blockage was closer to 5%. The view had been very enjoyable due to its being the most direct look at the ocean from the Lakes' living room picture window and the interesting observations that they could make of near shore activity. These pines continue to grow and now block about 10% of their primary ocean view.

The home at 749 Edwards Street once had a truly beautiful world class unobstructed panoramic vista of the bluffs, beaches, sea stacks and ocean from below the memorial lighthouse and nearly all the rocks off Old Home (Indian) Beach around to the rocky shore below Scenic Drive (Baker and Luffenholtz Beaches), Clam Beach, open ocean to Eureka and the Samoa peninsula around to Trinidad Head and the white water off the south end of Trinidad State Beach. With its wrap-around deck, the large windows in nearly every room are designed to take advantage of the then spectacular sights, the impact of every patch of obstructing vegetation (A through E on the Google Earth photo"0") on this home has been heartbreaking. All ocean views have been impacted ranging from about 30 to over 60% depending on

where on the deck or in the bedrooms and open floor plan kitchen, dining and living areas one is situated.

We recognize that without the occasional trimming of the pines that has occurred along Van Wycke, the ocean view from this home to the south and southeast would now be almost totally obstructed. Actually, the ill advised nature of the trimming over the years by different arborists following Ms. Fulkerson's instructions has led to the current conundrum. Without a well considered master plan, each trimming has taken a little off the top of the pines. This has led, over time, to the current "crew cut" look of the pines. The extensive lateral branching of the slowly rising flat topped crown without much interior pruning has created an overly dense canopy that has shaded out and light starved interior branches. Too much canopy reduction at one time could now present a challenge for these trees. It should be noted however, as seen by massive scars from similar earlier efforts carried out at Charles E. Fulkerson's directions to control them, this is something that they have previously survived.

In a separate letter dated February 27, the Ruth's (777) Edwards have already described how pine patches A and B (includes several black acacia) obstruct their view. From the Rowe property at 779 Edwards these trees similarly block views of the beaches below Scenic Drive and much of the ridge line above. As one proceeds south to the properties at 807 and 829 Edwards Street there is less severe but still significant loss of views caused by the growth of these trees of the ridgeline to the east south east above Luffenholtz and Baker Beaches.

The Views and Vegetation Ordinance (VVO) recognizes not only the right of property owners to have their views protected from unreasonable obstruction by vegetation and a means to restore views so impacted; but also the importance of coastal views to the enjoyment of visitors as they are seen from public areas such as the Van Wycke Trail. Although now deemed by the City Planner not to constitute a hedge, at one time these trees were maintained in a hedge like state at five feet in height for a considerable number of years. This can be seen by the large scars on the five pines in vegetation patch "A" and the huge trunk like lateral branches that resulted from such maintenance. Visitors using the trail were able to see ocean and coastal views over the tops of these trees. Tree clusters "C" "D" and "E" also block public enjoyment derived, from seeing much of the of the mosquito fleet, kayakers, fishermen, whale sightings, near and mid shore rocks and other interesting views to the south of the trail.

The fruit trees, Monterey cypress, and associated Monterey pine(s) (patch C) just west of the house at 723 Van Wycke were also about ten feet high in 1996/1997 (see photo 7c) judging from roof over the porch on the west side of this house. The continued and little impeded growth of this group of non native trees over the last 19 years has been truly impressive. With the exception of the Lake's property at 740 Edwards all six of the other applicants and the public's views have been greatly impacted by this cluster of trees dominated by the huge Monterey Cypress with its long Irish settler tail like limbs. A poster board presentation of panoramic views taken over a period of years will be on display at the Planning Commission hearings shows this quite dramatically.

The cypress blocks much of Little Trinidad Head and about half of the launching bay from the southwest side of the deck and west side of the living room of 749 Edwards (see photo #5). Again, as noted elsewhere, the Ruth's lament the loss of their view of Prisoner Rock and much of the mid ocean scenery that they once had caused by vegetation cluster "C". This same tree and its associated pine(s) obscure the enjoyment Erin Rowe (779 Edwards) had in the past from seeing Camel Rock from her master bedroom and deck (see photo 11A). The Frasers (774 Edwards) enjoy looking south from their living room and deck to the near shore waters seen between 749 and 777 Edwards Street. Although this view is not extensive, the glimpses of the mosquito fleet, crabbers and kayakers are important to them. The Monterey Cypress blocks about half of this view (photos 19 and 19A). Now that the Heller's and the Ruth's are aware of the Frasers view and the impact of their vegetation, they vow to do a better job of pruning the apple trees, camilla bush and bamboo.

From the deck of 807 Edwards Street the Monterey cypress and Monterey pine(s) blocks roughly 25% of the coastal bluffs and rocky shoreline to the east and southeast (photos 16 and 17). Roy and Gloria Speigle (849 Edwards) were the first property owners to contact Ms. Fulkerson after her father died to ask her for help to preserve their scenic ocean vista in 2001. This effort was not successful. Due to their property being at a lower elevation and its position to the south of the other applicants, vegetation clump "C" blocks less of their view of the ridge and rocky shore to the east-south east than that of the other property owners in this action seeking relief. This doesn't necessarily make this view less important. Gloria is a real estate agent from the Redding area. She points out that a rocky shore line is the most highly sought view for a home.

From the 96/97 photo (7c) it is difficult to identify what is now a large multi trunked alder (patch D) that partially overhangs the Van Wycke trail but it appears to be sticking up about five feet above the edge of the bluff. In the aerial photo, the west side of the garden fence points directly at it. This alder interferes with the scenic views of all five permit applicants with homes on the south side of Edwards Street. For the Heller's at 749 Edwards it obscures the rest of the launching bay not obscured by the cypress as well as the Seascape Restaurant from the left side of the living room (photo 5). The restaurant can still be seen from the west facing window on the side of the house (photo 6). The most significant impact of alder clump "D" from the Rowe property at 797 Edwards is the blockage of the remaining portion of Prisoner Rock not blocked by a previously existing large alder on property believed to be owned by the Rancheria (photo 13). From the deck of the Walters/Norlie/Norton property at 807 Edwards this alder patch blocks an additional 20% or so of their ocean view. Fortunately it does not obstruct viewings of Camel Rock or Prisoner Rock. This alder of itself compromises about 20% of the view of the water from the deck of 829 Edwards. This is about 5% more than the pre existing alder(s) behind it that we believe are on land owned by the Rancheria (see photos 20 and 21).

Lastly, alder patch E didn't exist at this time (1996/1997) but can now be located as the hedge between 779 and 807 Edwards is oriented directly at it. From looking at the aerial photo and the vegetation overlay map we believe, but are not sure, that this vegetation is on the westernmost Fulkerson property. While considerable smaller in size than the other patches of vegetation under consideration this alder is also currently blocking valued views from the five properties on the south side of Edwards

Street. Given the rapid growth of alders it won't be long before this tree is also a major impediment to our enjoyment of our views.

After the very limited trimming that was done in October of 2014 and resistance by Ms. Fulkerson to further work until we initiated this application, we became convinced that it was vital that the Planning Commission become involved and hopefully facilitate in effect binding arbitration to find a reasonable compromise to the more than a decade long problem with the trees on Ms. Fulkerson's property. As called for in the VVO we would request that whatever is decided to be codified in a CC&R so that we don't face this same situation again in a few years.

In an effort to be transparent we note here that Eric and Jennifer Fraser were the only applicants who wanted our application to be free of any references to Ms. Fulkerson and the history and nature of her interactions with her neighbors relating to their views. All others felt it was important for the Commission to know of their efforts and those of several previous property owners to peacefully and privately resolve the slow destruction of their treasured seascapes and how they have been rebuffed.

While still searching, we have not yet located photos from 807 or 829 Edwards that were taken more than a year or two ago. We expect to be able to locate some by the time of the May 20 Planning Commission meeting. Even if we are not able to find good "then" photos for these properties, this should not be a problem since "then" photos from other properties (especially Ruth 1996/1997) allow a good idea of what those views were like. We understand that Ms. Fulkerson will not be able to make the April 15 meeting due to another obligation and thus we expect this matter to be continued. This additional delay is unfortunate since we did not ask for a special meeting when we found that the March Planning Commission meeting was cancelled due to a conference that the City Planner wanted to attend.

From her 2007 letters to the City Council (see files in City Hall) we have a fairly good idea of how Ms. Fulkerson will respond to our application. This matter could probably be expedited if the Planning Commission felt that we have presented sufficient information to declare that our views and those of the public have been unreasonably obstructed. If this is done we could then move forward with getting an arborists report on a process to restore our views and those of the public as well. Given the experience of George Bucquet, former owner of 749 Edwards Street, in 2004 (see files in City Hall) we think it is important that Ms. Fulkerson not be allowed to communicate with our arborist before his report is produced. It is clear from Mr. Bucquet's letter that what was agreed to regarding the pruning and trimming of the Monterey Pines alongside Van Wycke between him and Grey of Action Tree Care was not what was accomplished. He became so upset over this that he left Trinidad after first threatening to turn his property into a Buddhist retreat.

The Van Wycke Trail is one of the most heavily used trails in Trinidad. Clay soils and significant subsurface water flow have led to substantial erosion and slumping over the years and it is now in jeopardy of no longer being useable. The City has posted "use at your own risk" signs on each end of the threatened portion of the trail. Sungnome Madrone was recently directed to look into repairing this

portion of the trail but found that he could not proceed without trespassing on one or more of the properties involved in this View Restoration Permit application. Should the view blocking vegetation along the trail be substantially reduced the property owner(s) would no longer object to having trail restoration work proceed. At a recent public meeting seeking citizen input on improving life in our village, fixing the Van Wycke Trail was noted as a priority by several attendees.

From the above it can be seen that if our application is successful not only will our enjoyment of our ocean views be recovered, but that the restored views will benefit the citizens of Trinidad and will lead to the enhanced enjoyment of Trinidad's scenic beauty by thousands of visitors using the Van Wycke Trail as well.

Sincerely Yours,

The Edwards Street View Lovers

December 2014

Dear Julie Fulkerson and Lynn Evans,

We hope that this letter finds you well.

As a long time Trinidad resident we are sure you can agree that the special character and ambiance of residing along Edwards Street is attributed primarily to the views of the ocean, the rocky coastline, the off shore islands, Trinidad Harbor, and the boat launching bay.

The purpose of this letter is to inform you that we are seeking to reestablish and maintain coastal views that have been lost due to poorly managed growth of trees located on your property. According to Trinidad City Ordinance No. 2006-02, **your property is located within the View and Vegetation Overlay Zone.** As you may already know, the purpose of the Overlay Zone is to establish that **all residents living within the Overlay Zone have the obligation to maintain the vegetation growing on their property.** Section 8.16.070 of the ordinance clearly outlines that "No person within the Views and Vegetation Overlay Zone shall plan, maintain or permit to grow any vegetation that unreasonably obstructs a view from any occupied structure or from key public viewing points within the city." Additionally, Trinidad Zoning Ordinance No. 17.56.110 outlines that hedges located in a residential zone be maintained at a height of 6 feet. Due to the size, location and sheer quantity of the trees on your property, your vegetation affects many of your surrounding neighbors' views. As a result, **this directly reduces the value, use and enjoyment of our properties.**

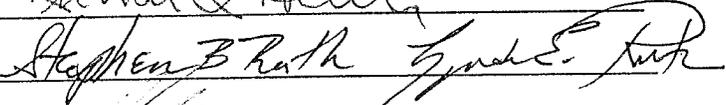
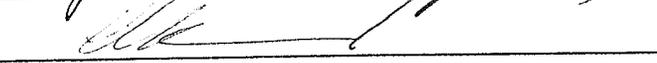
We, your neighbors on Edwards Street, request that you take immediate action to restore our views and bring the vegetation on your property into full ordinance compliance. **We are not seeking removal of any of the vegetation on your property unless deemed necessary by an unbiased and independent authority.** What we are seeking is a mutually agreeable solution to view restoration and vegetation maintenance now and into the future. While mediation on this matter failed several years ago, we are hopeful a better outcome may result at this time.

A combination of trimming, pruning, shaping, windowing, heading back and topping of your numerous trees is required in order for you to bring your property into compliance.

Enclosed with this letter you will find a copy of Ordinance No. 2006-02 and Zoning Ordinance No. 17.56.110 for your reference.

Your response to this letter within the next 30 days would be appreciated as we are seeking to remedy this situation during the winter pruning season. Thank you in advance for your cooperation in this matter.

Sincere Regards,

Richard and Naomi Heller	749 Edwards Street	
Stephen and Lynda Ruth	777 Edwards Street	
Erin Rowe	779 Edwards Street	

Bob and Judy Lake 740 Edwards Street R. Lake Judith M. Lake

Bob and Pam Walters 807 Edwards Street Pam Walters Bob Walters 12.9.2014

Erik and Jennifer Fraser 774 Edwards Street Erik Fraser Jennifer Fraser

Gloria Speigle 829 Edwards Street Gloria Speigle

January 9, 2015

Dear Erin Rowe,

We received your letter regarding our trees and will ask that you review the Views and Vegetation Ordinance and proceed to Step 1, as outlined on page 6, and present us with a report from a licensed, certified arborist that outlines options for trimming our trees in a feasible manner that may be mutually agreeable. It is important that your report indicate specifically which trees you are referencing, including their location, size and species. Photographs and drawings that illustrate the options are also recommended.

We would also ask that you supplement your arborist's report with a geologist report for the land beneath the trees you seek to impact. It is our understanding that risking the health of our trees is a risk to the bluff. We need to see that disclaimed if we are to continue negotiations.

You may also note that as recently as October 2014, we hired a licensed, internationally certified arborist to trim 7 of our pines and completely remove 9 acacias. He was clear that he took as much off the pines as he felt possible for their health. He noted that the trees along Van Wycke are particularly stressed from years of overcutting. We have always hired the best internationally certified and licensed arborists around to manage these trees. We trust their work and their knowledge.

We trim, prune, and remove trees and shrubs throughout our property on an on-going basis. We have been very proactive about the health of our bluff for the 15 years we have lived here, just as our family was before us for 40 years. We understand very well that we live on an unstable bluff. While residing here, we have seen cliff failures above us on Van Wycke and below us on the trail, both within just a few feet of our property. We also understand that every California coastline tree is vital. We have trees that impact our views and we would never dream of removing them or risking their livelihood. They are part of the whole, and without them, the whole is jeopardized. We watch this environment year round, we experience the brunt of the storm fronts and the drought of summer, we have lived in this area a very long time, and we are keenly aware of why we need these trees on our property to survive. Our intent has always been to protect the coast for the future, to be good stewards of this land and this community. Therefore, the health of the trees must be paramount in any action taken.

We have trimmed, windowed and removed large, lateral branches of our cypress multiple times solely for a view enhancement for you and your neighbors, the Ruths, but you were not satisfied. You argued that all of our trees should be maintained at a height of 6 feet, which we find unreasonable.

Two years ago Mr. Heller was the first neighbor who offered to pay for our tree trimming, but he never followed through, although we did. He has since indicated he would bring in an expert from Japan, but... never did. In all the times we have removed vegetation, purely to be good neighbors, no one has ever expressed any degree of

satisfaction or appreciation. It is easy for us to conclude from this that neither the collective nor individual interests will ever be happy with what we do, but we remain hopeful.

Your letter states that a combination of trimming, pruning, shaping, windowing, heading back and topping of our numerous trees is in order. We have done all of those things, and completely removed trees and shrubs as well. We look forward to a report that offers more concrete resolutions.

Point of view is a very personal perception. We're doing our best to look at the big picture.

Sincerely,

Julie Fulkerson and Lynn Evans
723 Van Wycke
PO Box 330
Trinidad, CA 95570
707-677-3750
juliefulkerson@mac.com

January 9, 2015

Dear Stephen and Lynda Ruth,

We received your letter regarding our trees and will ask that you review the Views and Vegetation Ordinance and proceed to Step 1, as outlined on page 6, and present us with a report from a licensed, certified arborist that outlines options for trimming our trees in a feasible manner that may be mutually agreeable. It is important that your report indicate specifically which trees you are referencing, including their location, size and species. Photographs and drawings that illustrate the options are also recommended.

We would also ask that you supplement your arborist's report with a geologist report for the land beneath the trees you seek to impact. It is our understanding that risking the health of our trees is a risk to the bluff. We need to see that disclaimed if we are to continue negotiations.

You may also note that as recently as October 2014, we hired a licensed, internationally certified arborist to trim 7 of our pines and completely remove 9 acacias. He was clear that he took as much off the pines as he felt possible for their health. He noted that the trees along Van Wycke are particularly stressed from years of overcutting. We have always hired the best internationally certified and licensed arborists around to manage these trees. We trust their work and their knowledge.

We trim, prune, and remove trees and shrubs throughout our property on an on-going basis. We have been very proactive about the health of our bluff for the 15 years we have lived here, just as our family was before us for 40 years. We understand very well that we live on an unstable bluff. While residing here, we have seen cliff failures above us on Van Wycke and below us on the trail, both within just a few feet of our property. We also understand that every California coastline tree is vital. We have trees that impact our views and we would never dream of removing them or risking their livelihood. They are part of the whole, and without them, the whole is jeopardized. We watch this environment year round, we experience the brunt of the storm fronts and the drought of summer, we have lived in this area a very long time, and we are keenly aware of why we need these trees on our property to survive. Our intent has always been to protect the coast for the future, to be good stewards of this land and this community. Therefore, the health of the trees must be paramount in any action taken.

You have asked in the past that we top the alders, but every arborist we have consulted tells us right away that alders will die when topped, and quickly. We have trimmed, windowed and removed large, lateral branches of our cypress multiple times solely for a view enhancement for you and your neighbor, Ms. Rowe, but you were not satisfied. You yelled at, argued with, and harassed our workers on more than one occasion, and trespassed on our property during the work, without consulting us.

Two years ago Mr. Heller was the first neighbor who offered to pay for our tree trimming, but he never followed through, although we did. He has since indicated he

would bring in an expert from Japan, but... never did. In all the times we have removed vegetation, no one has ever expressed any degree of satisfaction or appreciation. It is easy for us to conclude from this that neither the collective nor individual interests will ever be happy with what we do, but we remain hopeful.

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Julie Fulkerson and Lynn Evans
723 Van Wycke
PO Box 330
Trinidad, CA 95570
707-677-3750
juliefulkerson@mac.com

January 9, 2015

Dear Richard and Naomi Heller,

We received your letter regarding our trees and will ask, as we have via email, that you review the Views and Vegetation Ordinance and proceed to Step 1, as outlined on page 6, and present us with a report from a licensed, certified arborist that outlines options for trimming our trees in a feasible manner that may be mutually agreeable. It is important that your report indicate specifically which trees you are referencing, including their location, size and species. Photographs and drawings that illustrate the options are also recommended.

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You may also note that as recently as October 2014, we hired a licensed, internationally certified arborist to trim 7 of our pines and completely remove 9 acacias. He was clear that he took as much off the pines as he felt possible for their health. He noted that the trees along Van Wycke are particularly stressed from years of overcutting. We have always hired the best internationally certified and licensed arborists around to manage these trees. We trust their work and their knowledge.

We trim, prune, and remove trees and shrubs throughout our property on an on-going basis. We have been very proactive about the health of our bluff for the 15 years we have lived here, just as our family was before us for 40 years. We understand very well that we live on an unstable bluff. While residing here, we have seen cliff failures above us on Van Wycke and below us on the trail, both within just a few feet of our property. We also understand that every California coastline tree is vital. We have trees that impact our views and we would never dream of removing them or risking their livelihood. They are part of the whole, and without them, the whole is jeopardized. We watch this environment year round, we experience the brunt of the storm fronts and the drought of summer, we have lived in this area a very long time, and we are keenly aware of why we need these trees on our property to survive. Our intent has always been to protect the coast for the future, to be good stewards of this land and this community. Therefore, the health of the trees must be paramount in any action taken.

Two years ago you offered to pay for our tree trimming, but you never followed through, although we did. In all the times we have removed vegetation, no one has ever expressed any degree of satisfaction or appreciation. It is easy for us to conclude from this that neither the collective nor individual interests will ever be happy with what we do, but we remain hopeful.

Your letter states that a combination of trimming, pruning, shaping, windowing, heading back and topping of our numerous trees is in order. We have done all of those things, and

completely removed trees and shrubs as well, and have committed to continuing to do so. We look forward to a report that offers more concrete resolutions.

Point of view is a very personal perception. We're doing our best to look at the big picture.

Sincerely,

Julie Fulkerson and Lynn Evans
723 Van Wycke
PO Box 330
Trinidad, CA 95570
707-677-3750
juliefulkerson@mac.com

January 9, 2015

Dear Erik and Jennifer Fraser,

We received your letter regarding our trees and will ask that you review the Views and Vegetation Ordinance and proceed to Step 1, as outlined on page 6, and present us with a report from a licensed, certified arborist that outlines options for trimming our trees in a feasible manner that may be mutually agreeable. It is important that your report indicate specifically which trees you are referencing, including their location, size and species. Photographs and drawings that illustrate the options are also recommended.

This step is of particular importance since we are not sure how any of our vegetation could be impacting your view in a negative way. Your home is on the north side of Edwards, is not adjacent to our house, and is at an elevation that exceeds the height of our home or our trees.

We would also ask that you supplement your arborist's report with a geologist report for the land beneath the trees you seek to impact. It is our understanding that risking the health of our trees is a risk to the bluff. We need to see that disclaimed if we are to continue negotiations.

You may also note that as recently as October 2014, we hired a licensed, internationally certified arborist to trim 7 of our pines and completely remove 9 acacias. He was clear that he took as much off the pines as he felt possible for their health. He noted that the trees along Van Wycke are particularly stressed from years of overcutting. We have always hired the best internationally certified and licensed arborists around to manage these trees. We trust their work and their knowledge.

We trim, prune, and remove trees and shrubs throughout our property on an on-going basis. We have been very proactive about the health of our bluff for the 15 years we have lived here, just as our family was before us for 40 years. We understand very well that we live on an unstable bluff. While residing here, we have seen cliff failures above us on Van Wycke and below us on the trail, both within just a few feet of our property. We also understand that every California coastline tree is vital. We have trees that impact our views and we would never dream of removing them or risking their livelihood. They are part of the whole, and without them, the whole is jeopardized. We watch this environment year round, we experience the brunt of the storm fronts and the drought of summer, we have lived in this area a very long time, and we are keenly aware of why we need these trees on our property to survive. Our intent has always been to protect the coast for the future, to be good stewards of this land and this community. Therefore, the health of the trees must be paramount in any action taken.

Two years ago Mr. Heller was the first neighbor who offered to pay for our tree trimming, but he never followed through, although we did. He has since indicated he would bring in an expert from Japan, but... never did. In all the times we have removed vegetation, purely to be good neighbors, no one has ever expressed any degree of

satisfaction or appreciation. It is easy for us to conclude from this that neither the collective nor individual interests will ever be happy with what we do, but we remain hopeful.

Your letter states that a combination of trimming, pruning, shaping, windowing, heading back and topping of our numerous trees is in order. We have done all of those things, and completely removed trees and shrubs as well. We look forward to a report that offers more concrete resolutions.

Point of view is a very personal perception. We're doing our best to look at the big picture.

Sincerely,

Julie Fulkerson and Lynn Evans
723 Van Wycke
PO Box 330
Trinidad, CA 95570
707-677-3750
juliefulkerson@mac.com

January 9, 2015

Dear Bob and Pam Walters,

We received your letter regarding our trees and will ask that you review the Views and Vegetation Ordinance and proceed to Step 1, as outlined on page 6, and present us with a report from a licensed, certified arborist that outlines options for trimming our trees in a feasible manner that may be mutually agreeable. It is important that your report indicate specifically which trees you are referencing, including their location, size and species. Photographs and drawings that illustrate the options are also recommended.

This step is of particular importance since we are not sure how any of our vegetation could be impacting your view in a negative way. Your home is located some 400 feet west of our property, and at a much higher elevation. Your property does not abut our property in any direction.

We would also ask that you supplement your arborist's report with a geologist report for the land beneath the trees you seek to impact. It is our understanding that risking the health of our trees is a risk to the bluff. We need to see that disclaimed if we are to continue negotiations.

You may also note that as recently as October 2014, we hired a licensed, internationally certified arborist to trim 7 of our pines and completely remove 9 acacias. He was clear that he took as much off the pines as he felt possible for their health. He noted that the trees along Van Wycke are particularly stressed from years of overcutting. We have always hired the best internationally certified and licensed arborists around to manage these trees. We trust their work and their knowledge.

We trim, prune, and remove trees and shrubs throughout our property on an on-going basis. We have been very proactive about the health of our bluff for the 15 years we have lived here, just as our family was before us for 40 years. We understand very well that we live on an unstable bluff. While residing here, we have seen cliff failures above us on Van Wycke and below us on the trail, both within just a few feet of our property. We also understand that every California coastline tree is vital. We have trees that impact our views and we would never dream of removing them or risking their livelihood. They are part of the whole, and without them, the whole is jeopardized. We watch this environment year round, we experience the brunt of the storm fronts and the drought of summer, we have lived in this area a very long time, and we are keenly aware of why we need these trees on our property to survive. Our intent has always been to protect the coast for the future, to be good stewards of this land and this community. Therefore, the health of the trees must be paramount in any action taken.

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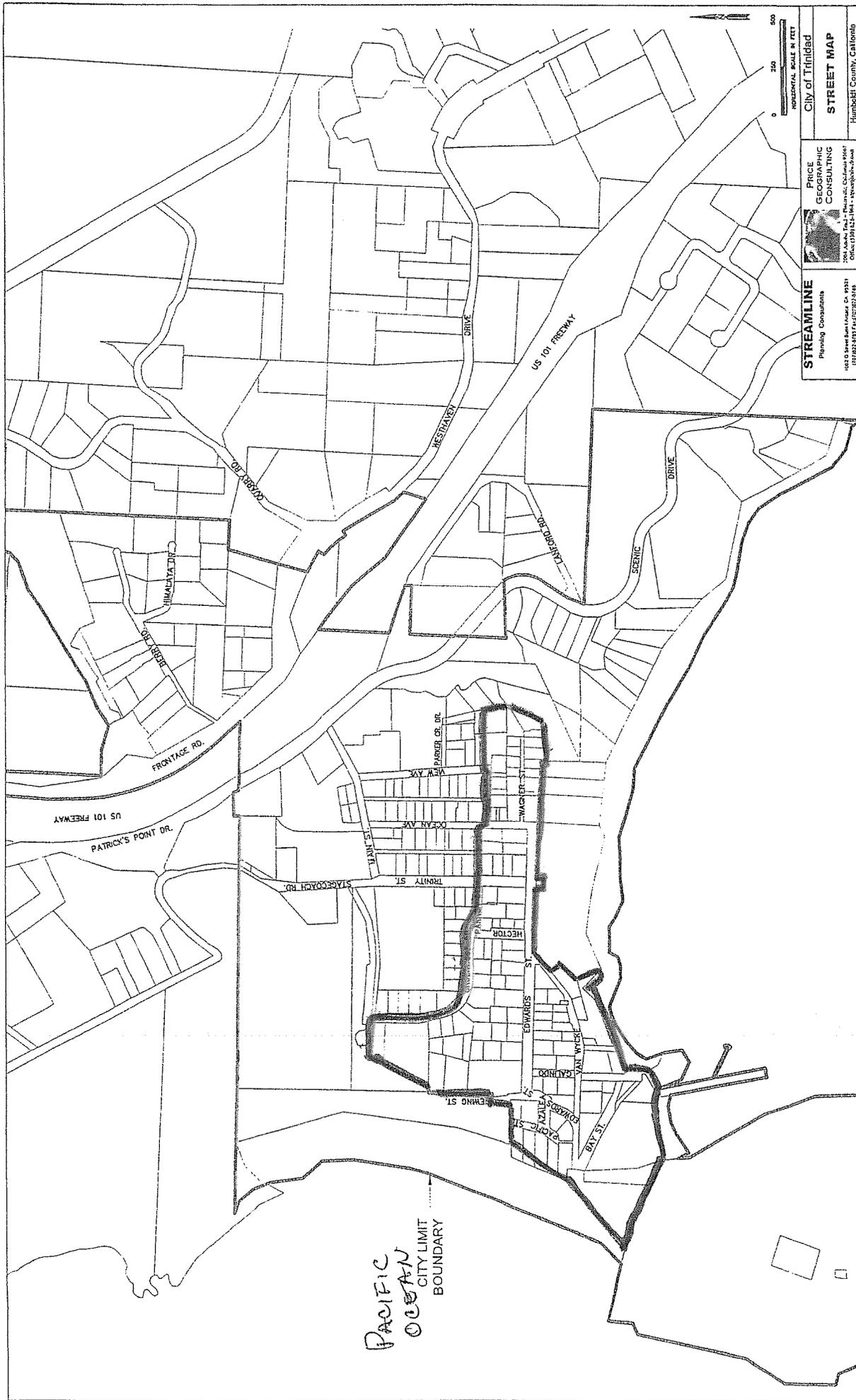
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Point of view is a very personal perception. We're doing our best to look at the big picture.

Sincerely,

Handwritten signatures of Julie Fulkerson and Lynn Evans in cursive script.

Julie Fulkerson and Lynn Evans
723 Van Wycke
PO Box 330
Trinidad, CA 95570
707-677-3750
juliefulkerson@mac.com



BOLD LINE DEPICTS VIEW+VEGETATION OVERLAY ZONE

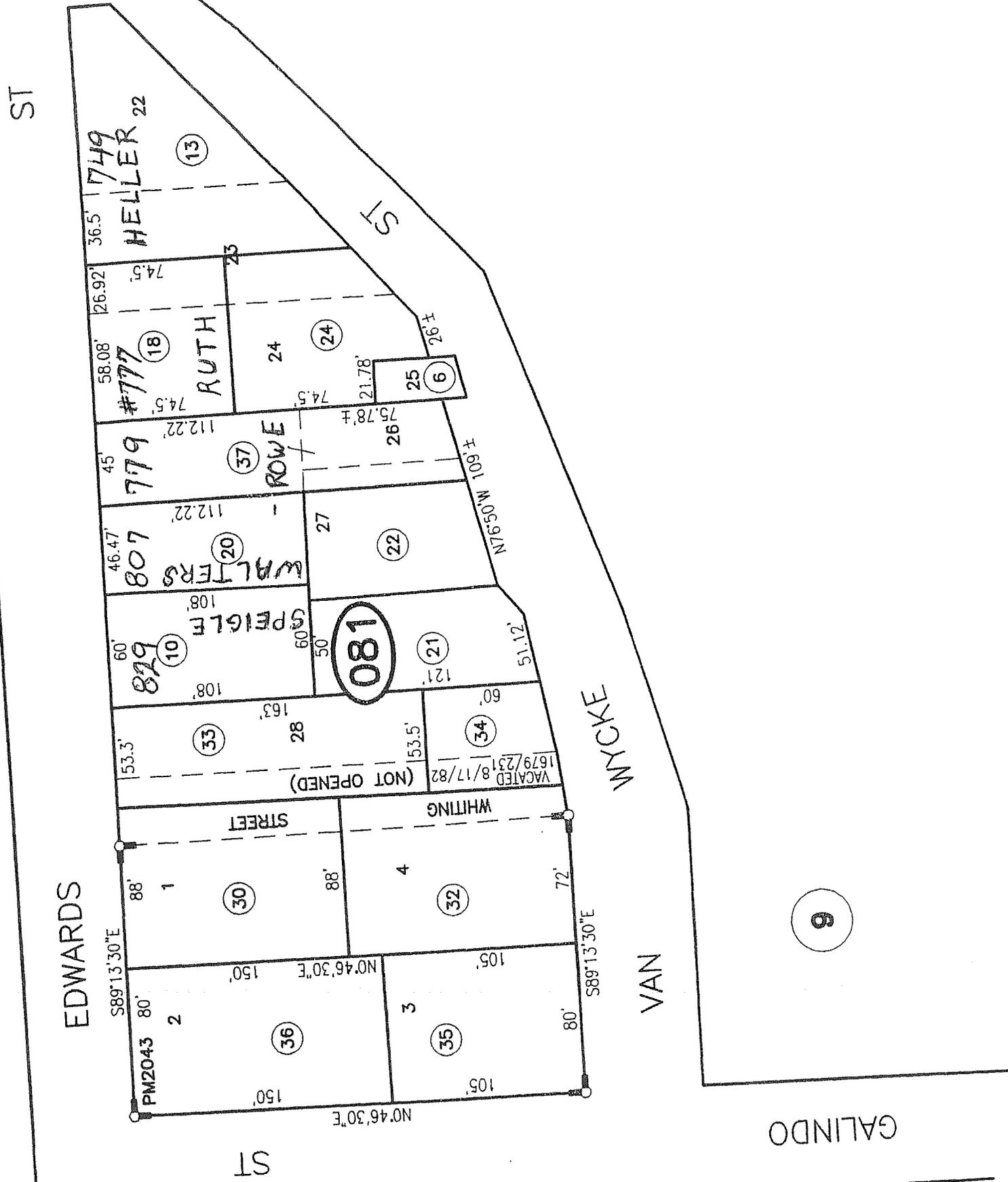
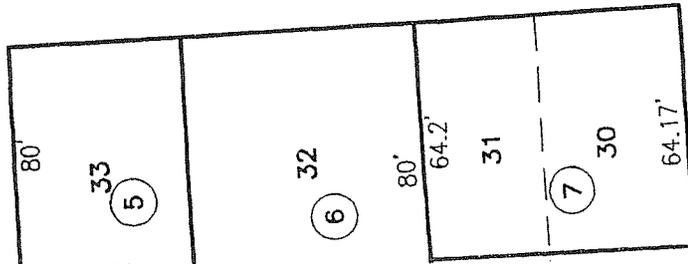
PACIFIC
OCEAN
CITY LIMIT
BOUNDARY

STREAMLINE
Planning Consultants
1000 S. Street, Suite 200, Ukiah, CA 95521
Phone: 707/438-1234
Fax: 707/438-1235
www.streamlineplanning.com

PRICE
GEORGE
CONSULTING
1000 S. Street, Suite 200, Ukiah, CA 95521
Phone: 707/438-1234
Fax: 707/438-1235
www.pricegeorge.com

City of Trinidad
STREET MAP
Humboldt County, California





GALINDO

VAN

WYCKE

EDWARDS

ST

ST

HELLER 22

RUTH

ROWE

WALTERS

SPEIGLE

WHITING STREET

9

081

VACATED 8/17/82
1679/231°W
(NOT OPENED)

N 75° 39' 50" W 109' ±

S 89° 13' 30" E

S 89° 13' 30" E

N 0° 46' 30" E

N 0° 46' 30" E

N 0° 46' 30" E

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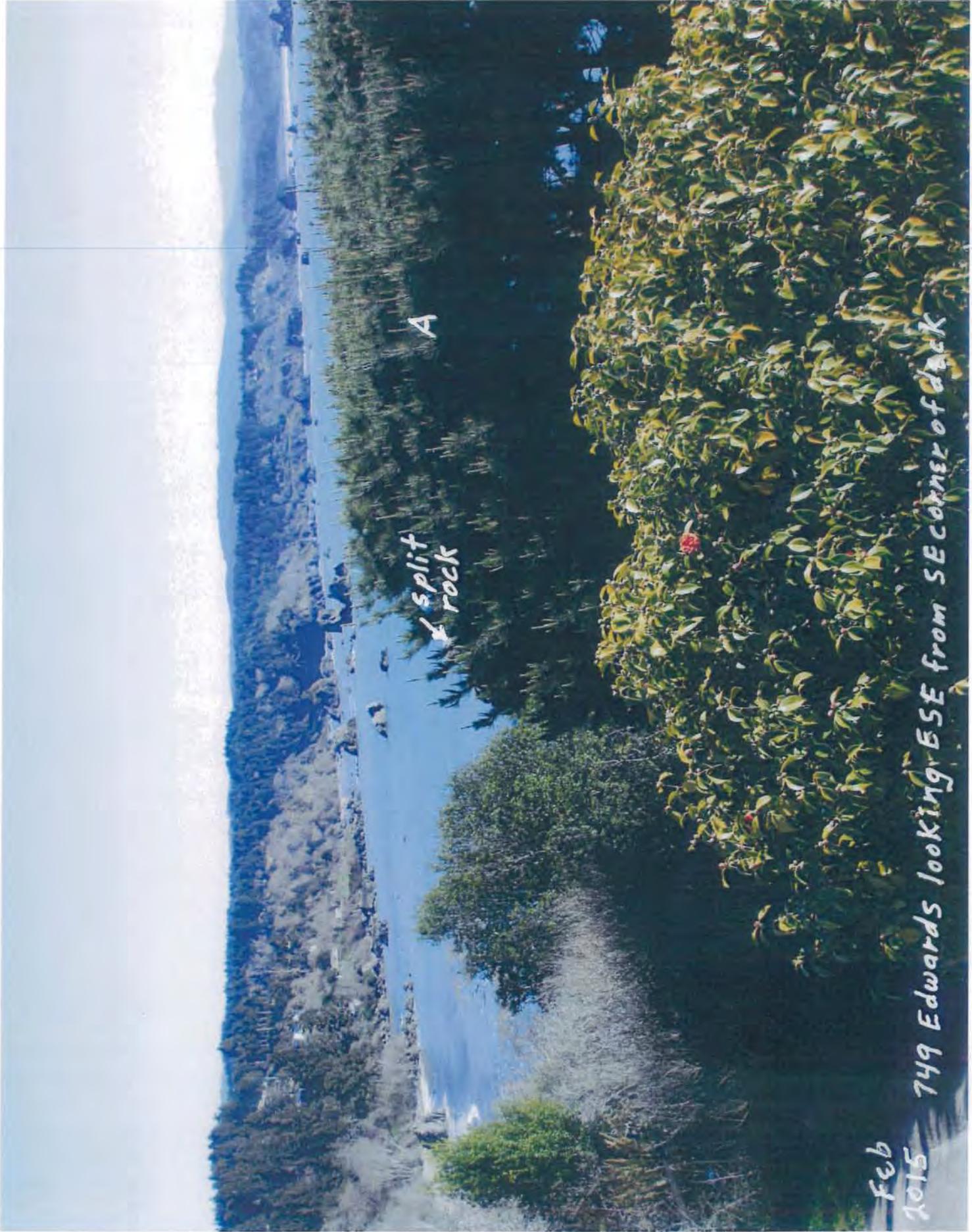
3



Google ear

Photo # D

photo
#1
now



A

split
rock

Feb
2015 749 Edwards looking ESE from SE corner of dock

BIDDLE

From
file in
city Hall

**AFTER
RECENT
TRIM**

2-2006

4-20-08

photo 1A
"then"



Split rock

van Wycke

April 2008 749 Edwards looking ESE from SE corner of deck

Photo #2 Taken from deck outside E side
of living room looking SE



B

A

Feb 2015

749 Edwards

A

10' story pole A
↙

Photo #3 Taken from deck outside w side of living room looking SE



B

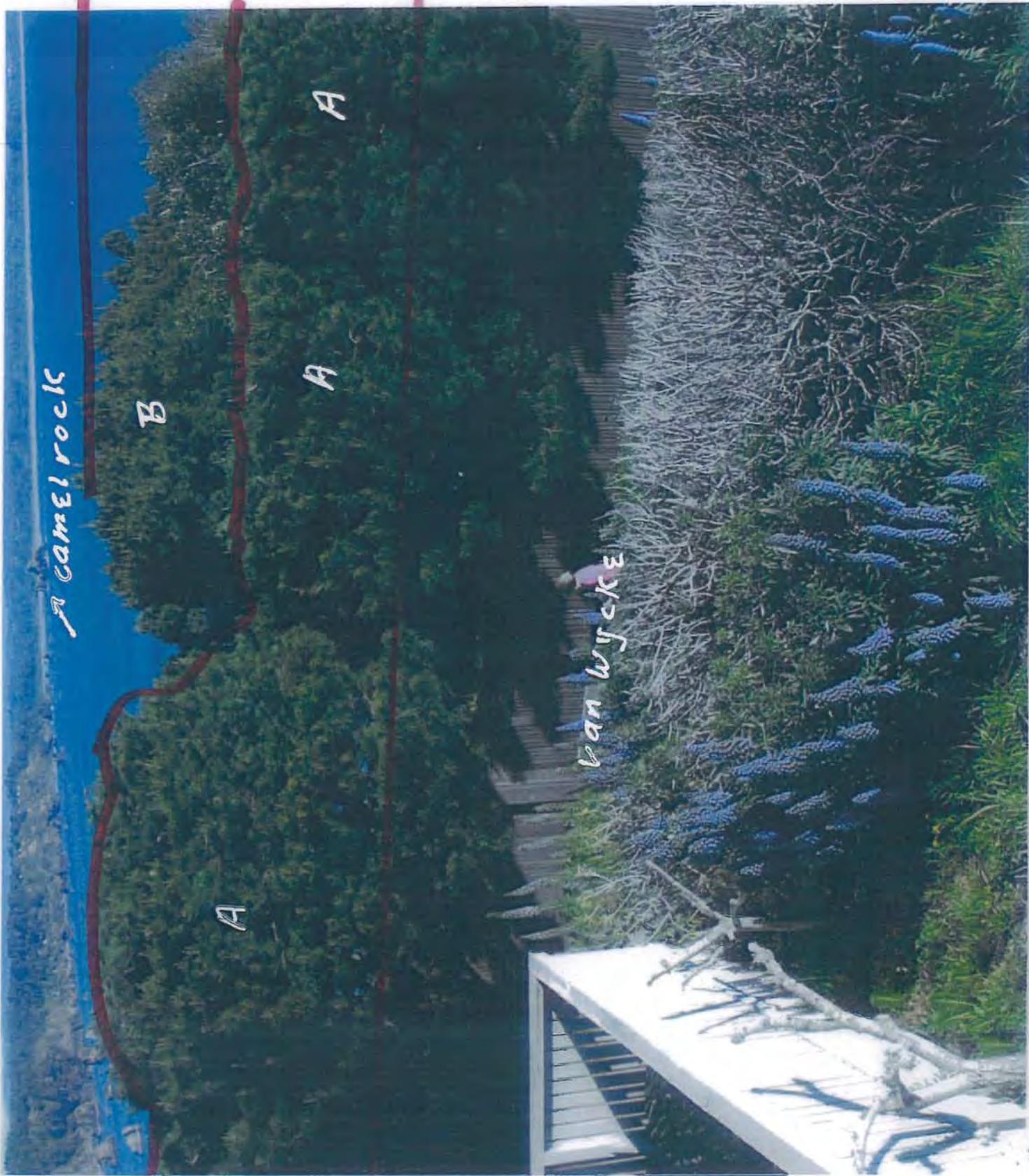
A

A

A

Feb 2015

749 Edwards



CAMEL ROCK

B

A

A

van Wycke

NOT TRIMMED

AFTER RECEIVED TRIM

2/2006

From file in city hall

BIDDLE

4-20-08

Photo 3A April 2008 749 Edwards looking SE - similar to photo #3 but taken from master bedroom on SW corner of house - upper level "Then"

Photo #4 Taken from SW corner of deck just outside
W side of living room

B

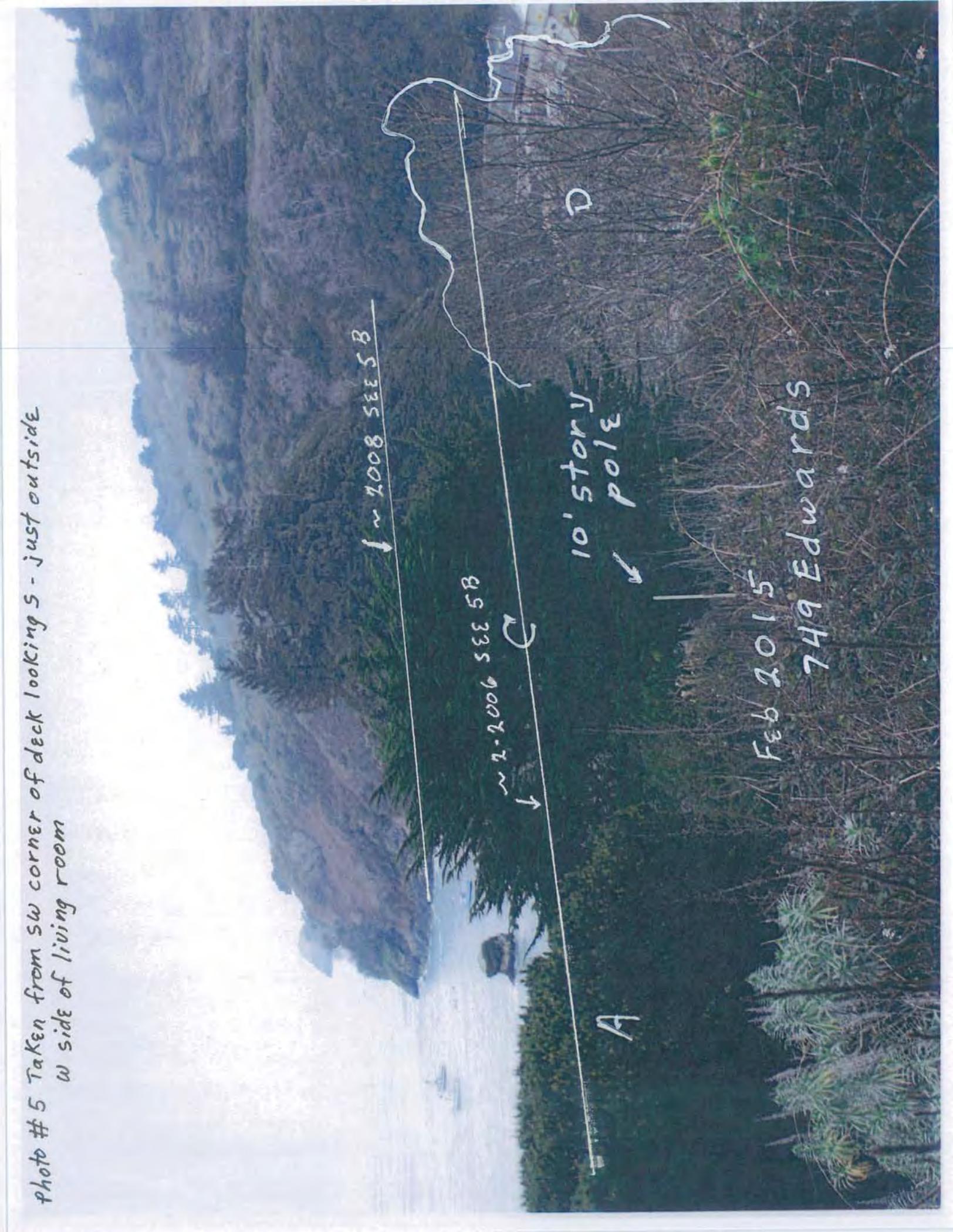
A

A

Feb 2015
749 Edwards



photo # 5 Taken from SW corner of deck looking S - just outside W side of living room



85335 8007 ~ ↓

85335 9007 ~ ↓

10' story pods ↓

D

A

Feb 2015
749 Edwards
510293

BIDDLE

from file
in City Hall

**NOW AFTER
RECENT TRIM**

2-2008

4-20-08



723
van
wycke

photo 5B "Then" April 2008 749 Edwards - Taken from a few feet in back of the right center of the living room picture window looking S

Photo #6 Taken from SW
corner of deck looking
SW

Feb 2015
749 Edwards

C

D
launching Bay
totally obscured

E

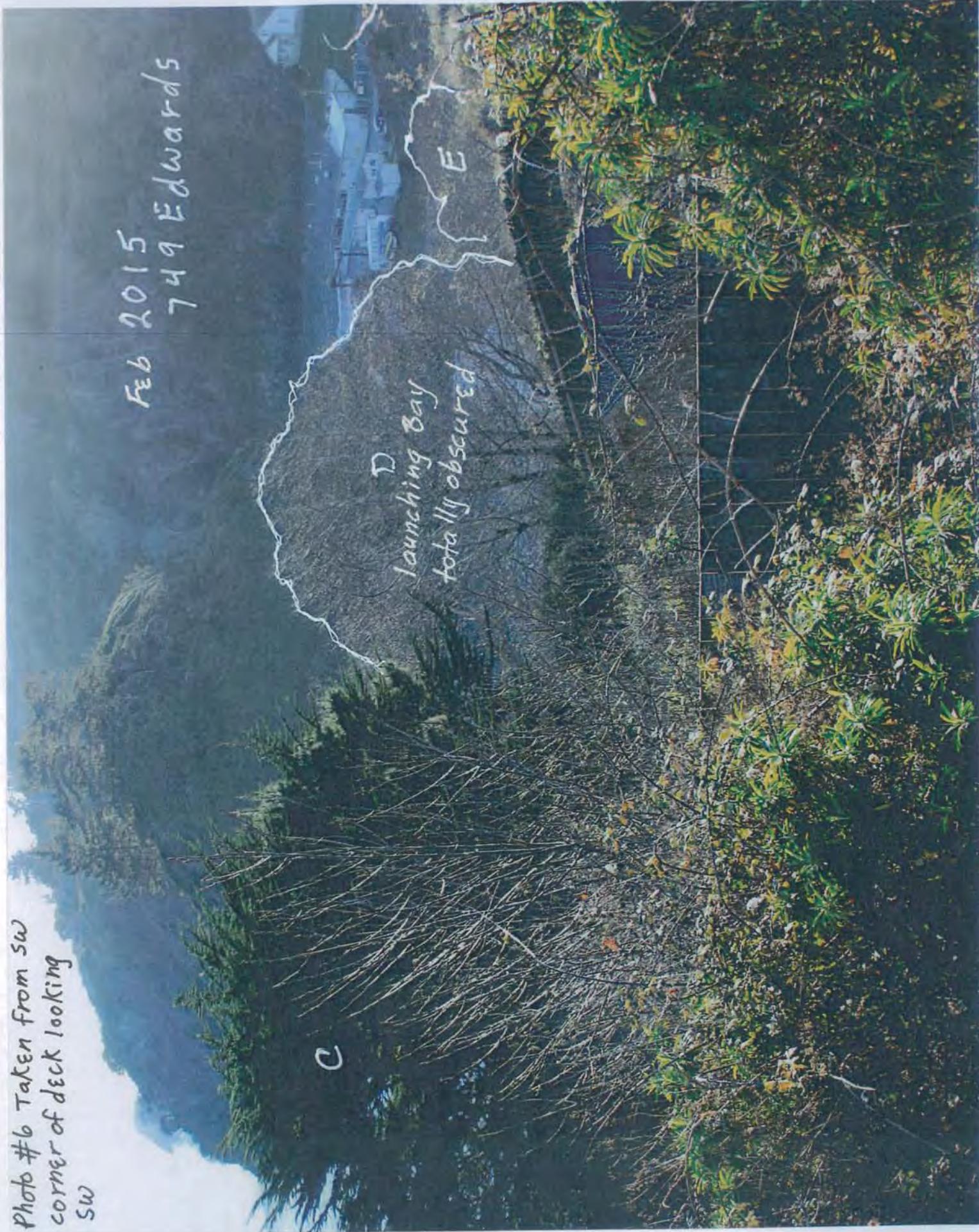


Photo #7 Taken from SW corner of deck looking S. Living room window wall is behind to the right and Kitchen window is behind to the left



A

773
VAN WYCKE

fruit trees

B

D

#7

E

reference line to
compare with 1997

Oct 2014
777 Edwards



Photo 7A Taken from NW corner of deck with back against door into living room. Photo shopped - looking SE to SW



1997
777 Edwards



erd and Jane on the deck with our our fabulous view! WATER - BIRDS - WHALES Come Share!



reference line to compare with #7

Bought house in Trinidad, CA

An Eventful, Happy Year in the lives of FERD & JANE

SEASON'S GREETINGS



Photo 7B Taken from living room looking south



8 January 2012 777 Edwards

[Redacted text block]

[Redacted text block]

[Redacted text block]

4G

Photo #8 Taken from SE corner of deck outside studio looking SE



Feb 2015

777

Edwards

B

A

A

A

photo # 9 Taken from
SW corner of deck
looking S



723 Van
WYEKE
↓

C

D

Feb 2015
777 Edwards



Photo #10 taken from
SW corner of deck

Feb 2015 looking SW
777 Edwards

D

E

Photo # 11 Taken from deck outside master bedroom looking ESE



A

A

B

A

A

Feb 2015
779 Edwards

photo 11A



photo #12 Taken from deck outside master bedroom looking SE

SEE 4X6 I + II

C

FEB 2015

779 EDWARDS

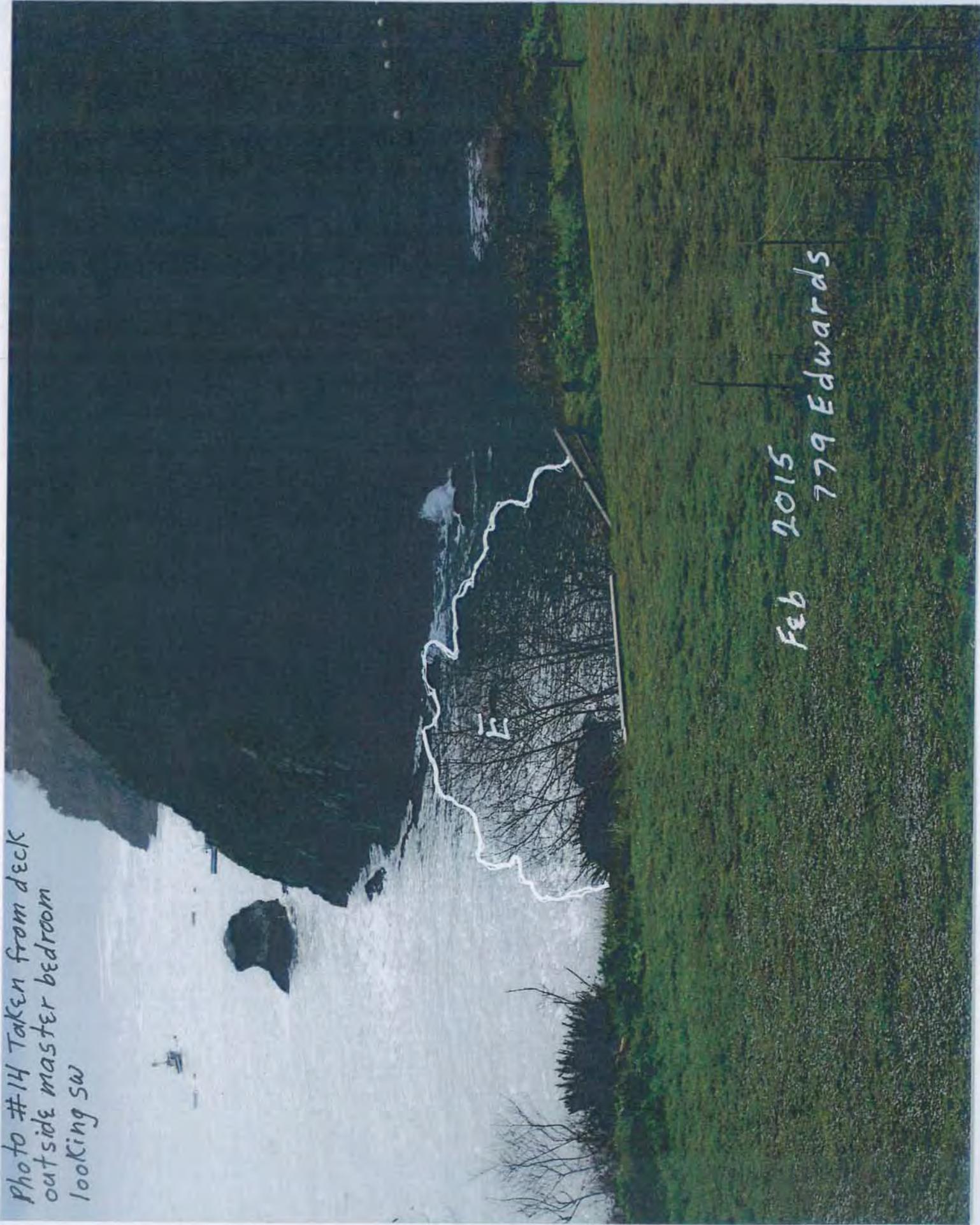


Photo # 13 Taken from deck outside master bedroom looking S



Feb 2015
779 Edwards

Photo #14 Taken from deck
outside master bedroom
looking SW



Feb 2015
779 Edwards

Photo #15 Taken from deck outside livingroom looking ESE



A B A

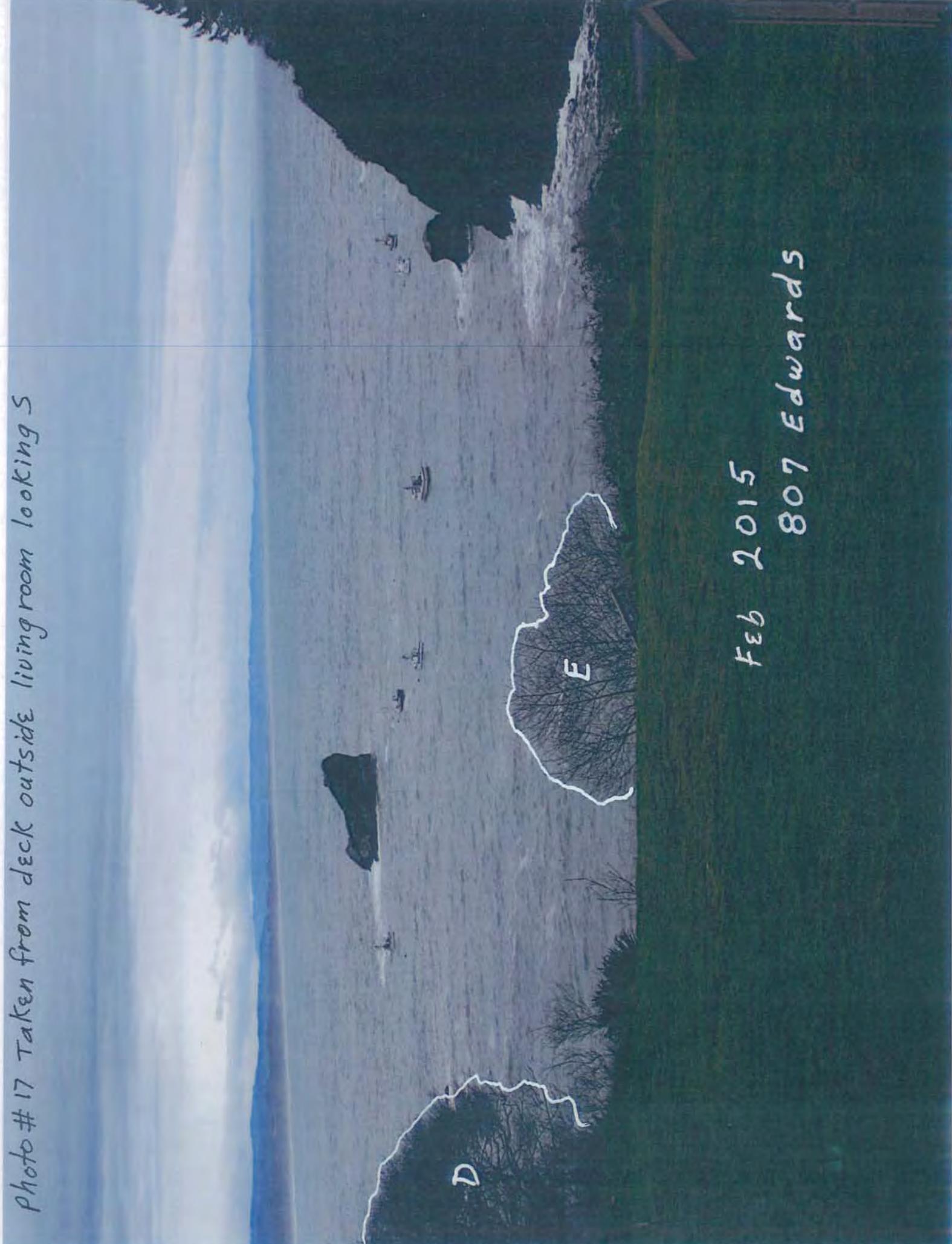
Feb 2015
807 Edwards

Photo # 16 Taken from deck outside living room looking SE



Feb 2015
807 Edwards

photo # 17 Taken from deck outside living room looking S



Feb 2015
807 Edwards

Photo # 18 Taken from just outside of SE corner of house standing
on crab bin facing S



Photo # 18A Taken from ground level near back of lawn looking south



749 Edwards
↗

A

B

A

B

circa 2005

740 Edwards

2 photos taken from parking area behind lawn
and in front of 740 Edwards looking S
photos taken around 1995



749
Edwards
↖

photo 18B

Photo # 19 Taken from S end of deck just w of living room looking S



Feb 2015
774 Edwards

Photo taken from W side of living room
before room was bumped out - looking south

19 A



April 2005
774 Edwards

Photo #20 Taken from SE corner of deck
looking SE



Feb 2015

829 Edwards

Photo 21 Taken from SE corner of
deck looking S

Feb 2015
829 Edwards



Photo of 723 Vanwycke viewed from the ocean
22

