Re: CDP 2020-01 re: “Temporary” Closure of Van Wycke Trail

Dear Trinidad Planning Commissioners,

As a Trinidad resident who walks the trails, I am writing to oppose the City of Trinidad’s proposed Coastal Development Permit (CDP) to allow for the “temporary” closure of the Van Wycke Trail (VWT).

I am opposed to this trail closure for many reasons and I support the letters of opposition from Kim Tays and Ted Pease in full. I have also discussed this proposed closure with other residents in town who also oppose it and used the trail regularly prior to the (arbitrary) snow fence barrier installation this past Spring.

The Trinidad City Manager arbitrarily and illegally closed the Van Wycke trail over a year ago without any public meeting or input from residents, the California Coastal Commission or the City’s Trails committee. His actions clearly violated laws and unfairly eliminated any public opportunity to appeal his decision for an entire year. This trail is well used by many residents and others who are comfortable using it, **as it is,** including myself. This trail has been posted “use at your own risk” for years and to my knowledge trail use has been without injury. Many other trails in town are in worse condition than this one, and have been the subject of injuries, yet this particular trail has been singled out for closure. Why is that?

The City has provided no ideas for alternatives other than to look for grants to fund repairs? This is the same situation that occurred with the CalTrans grant to repair this trail last year. When the CalTrans grant was obtained, and after the City spent years of staff time and money working on it, and in the end the project was determined that the proposed “repairs' ' were completely out of line with what was actually needed, or desired by the community. Then the project was revoked. The City’s past practice of chasing grants to obtain funds and to **then** determine alternatives is backwards, and costs the residents of Trinidad greatly. A Coastal Development Permit of this nature, that has NO alternatives, is unacceptable and has been clearly stated by the Coastal Commission in this email statement below.

“As part of any application for a CDP for trail closure, we would want to understand among other things, the reason for the trail closure, the proposed duration (temporary, and if so for how long; or permanent), alternative access routes that could serve the public in an equivalent time, place, and manner to the closed access route, ***and what, if any alternatives exist to closing the trail.”*** **~Tamara L. Gedik**

Coastal Program Analyst

California Coastal Commission

(Please see the complete email below from the Coastal Commission dated 8/26/2019.)

The temporary closure of this trail also appears to line up with the timelines for Prescriptive Rights action? This is of great concern and could perhaps cost us all our ongoing public access to this trail into the future. It appears that with prescriptive rights the trail must have been **in use** during the past five years to make this designation. This is a historic and well used trail despite its current condition and should be continued as such. Repost this trail with notice of "use at your own risk" as was the remedy to keep this trail open approximately 8 years ago.

I question the statements made that the use of the trail does further the damage, to an extent needed to make a closure. This same argument was used on the Wagner Street trail a few years back and those claims were determined to be unfounded. Where are the studies needed to make this claim? Where is the letter from the insurance company making the claim that the trail is unsafe? Why was there so little public information regarding the proposed closure?

All of the trails in town have issues for some users. They have no handrails down steps, some are hand over hand climbing up from the beach, they have uneven steps, they can be washed out at the bottom, and they have a variety of hazards with loose gravel, roots, etc. Most trails in Trinidad are similar, if not in worse condition. State Parks trails at Trinidad State beach and Agate State Beach, and many other locations are also in worse condition. But all of these trails are open to public access, rightfully by law and repairs are constantly made when they can be.

Coastal access is paramount. Closing trails in this manner without an alternative is unacceptable.

"California's coastal bluffs are dynamic, changing features of our coastline. Just because our coastal bluffs are eroding, slumping and shifting does not mean the trails along them should be closed. The toe of the Axel Lindgren Memorial Trail is treacherous, but the City is not closing that trail. I fear that the VWT is being closed, in part, because property owners do not wish to share the trail with the public. They wish to have that view and coastal bluff to themselves. This is a well-known problem in coastal California; where wealthy homeowners try to prevent the public from accessing public coastal trails along their properties and/or erect signs to make the public think that certain property is private when it is not; thus, discouraging the public's legitimate use of coastal trails." Kim Tays

Please accept this email as my OPPOSITION to the City's plans to issue a CDP to "temporarily" close the VWT indefinitely and without any alternatives. A plan for the Van Wyck Trail needs to be more fully analyzed, alternatives to full trail closure considered and research into Prescriptive Rights obtained.

Thank you,

Kathleen Lake
Trinidad Resident

--------- Original Message ---------
Subject: RE: Trinidad Trail Closure and Parking

From: 'Gedik, Tamara@Coastal' <Tamara.Gedik@coastal.ca.gov>

Date: 8/26/19 4:15 pm

To: 'tdavies@trinidad.ca.gov' <tdavies@trinidad.ca.gov>

Cc: 'Merrill, Bob@Coastal' <Bob.Merrill@coastal.ca.gov>

HI Tom,

Thank you for contacting me. Bob did mention your inquiry and I believe he meant to respond so hopefully my response isn't duplicative- Bob please feel free to weigh in.

Regarding your question about the Van Wycke Trail, the posting of signs indicating the closure of any trail would constitute a change in the intensity of use of the trail requiring a coastal development permit (CDP). The City would have to demonstrate in its review of any proposed trail closure that the proposal would be consistent with the City's certified LCP and with the public access and recreation policies of the Coastal Act. As part of any application for a CDP for trail closure, we would want to understand among other things, the reason for the trail closure, the proposed duration (temporary, and if so for how long; or permanent), alternative access routes that could serve the public in an equivalent time, place, and manner to the closed access route, and what, if any alternatives exist to closing the trail. If the trail is described and/or depicted in the certified LCP and closure was intended to be permanent, then the closure would also most likely require an amendment to the certified LCP.

Regarding changes to parking areas, our staff has advised City staff in the past that "the change to the parking restrictions would require a CDP since it would result in a change in the intensity of use of that parking area. The Coastal Commission does routinely evaluate proposed changes to public parking throughout the state as it relates to potential impacts to the public's ability to access the coast consistent with the public access and recreation policies of the Coastal Act. It would be helpful to know as part of the City's analysis of the change, how it would affect traffic flow/circulation and visitor use (e.g., if folks were to access the area for more than 1 hour, would they need to park somewhere else, or move their vehicle?)."

If these developments have already occurred, we would encourage the City to process after-the-fact applications for CDPs; due to the location of both projects (between the sea and the first public road paralleling the sea, and within 300 feet of the coastal bluff), the projects would be appealable to the Coastal Commission.

Sincerely,

~Tamara L. Gedik
Coastal Program Analyst
California Coastal Commission
North Coast District Office
1385 8th Street, Ste. 130 · Arcata, CA 95521
E: Tamara.Gedik@coastal.ca.gov
P: 707.826.8950 · **Fax:** 707.826.8960

~To purchase a whale tail license plate or access Coastal Commission information, go to www.coastal.ca.gov

Gail Kenny
P. O. Box 361
Trinidad, CA 95570
gailgkenny@gmail.com

August 17, 2020

Trinidad City Council and Planning Commission
P. O Box 390
Trinidad CA 95570

RE: Van Wyke Trail

Dear Council Members and Planning Commissioners:

I am a regular user of trails in the City of Trinidad and surrounding area. I'm also on the Trinidad Trails Advisory Committee.

I am challenging the current temporary closure of the Van Wyke Trail. I understand that the City's insurance company said it needed to be closed due to the danger of the slide area of the trail.

There are several other trails that have similar slumping areas in them that are not closed. Some of the slide areas on the trails are trickier to navigate than the Van Wyke Trail. Two of these spots are the beach end of the two trails leading to Old Home Beach. The worst spot is the base of the Axel Lindgren Memorial Trail, and yet this trail is not closed.

On the next few pages are recent photos of 3 slide/slumping areas on City of Trinidad Trails and 2 on Trinidad State Park Trails. The only spot that is officially closed is the Van Wyke Trail.

I recommend that the insurance company that directed the Van Wyke Trail closure be challenged on the closure. The current trail just needs a step added in one spot that will make it easier to navigate. It would be a simple and cheap fix. The trail could remain open and the beam put in to fix the problem with the utilities and storm water drainage.

The cable steps at the beach end of the Axel Lindgren Memorial Trail has been in dire need of repair for more than three years. Please use the current year budgeted funds for trails maintenance to repair that as soon as possible.

Sincerely,

Gail Kenny

Van Wyke Trail slide area

Parker Creek, Old Home Beach end

Beach end of Axel Lindgren Memorial Trail

Trinidad State beach, access from beach near creek

Slide area on trail in Trinidad State Park like slide area on Van Wyke Trail

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Subject: **Public Comment for Trails Committee 8-18-20 and Planning Commission 8-19-20**
From: **Richard Bruce <rmbruce67@gmail.com>**
Date: **Tue, Aug 18, 2020 2:14 pm**
To: **City of Trinidad <cityclerk@trinidad.ca.gov>**
Cc: **"azetter@trinidad.ca.gov" <azetter@trinidad.ca.gov>**

Gabe- Please accept the following email as public comment for both the Trails Committee Meeting tonight 8-18-20 and the Planning Commission meeting tomorrow night 8-19-20.

Regarding the temporary closure of the Van Wycke Trail-
I am opposed to any decision that will lead to the permanent closure of the Van Wycke Trail. As over 40 year residents of Trinidad, my wife and I frequently use the Van Wycke Trail to avoid the heavy vehicular traffic along the Edwards Street corridor when accessing the harbor and beach areas. We, and all City residents that use the trail are **STAKEHOLDERS**, not just the surrounding property owners. If for liability reasons the City decides to "temporarily" close the trail I suggest that language be included in any closure resolution that affirms the City's right of way through the affected area with the goal of re-opening the trail once repairs or an alternate design are completed.

In addition I strongly urge both the Trails Committee and the Planning Commission to thoroughly investigate the feasibility of either a pre-fabricated pedestrian bridge, a re-purposed railcar bridge or other available alternatives to span the failing portion of the trail. At the 8-11-20 City Council meeting the GHD Engineering representative proposed the installation of an I-beam utility support structure to span approximately 50-100 feet in the affected area of the trail. When I asked what size support footings would be necessary (at either end) to support the I-beam he indicated that in "round numbers" approximately 3'x4'x6' footings would be required. If this is already going to be done to support the utility crossing, why not solve the pedestrian issue at the same time and install two I-beams side by side with the utilities underneath and a surface deck of either redwood or metal as a low cost, low impact alternative crossing? I'm sure there are other alternatives that might also be feasible. We need to keep this trail!

Regarding the permanent closure of the Galindo Trail- Based on the comments presented at last week's Council meeting it is my understanding that the proposal for closing the Galindo Trail is based mainly on protecting a Tsurai burial site either in or around the current trail location. I am sensitive to this situation and if it can be shown that the trail does cross the burial location I would support the closure of the trail. However I believe the City should continue to investigate the burial location before making this decision. One suggestion might be to collaborate with the appropriate department at Humboldt State University to see if a student project using non invasive techniques like ground penetrating radar (if available from HSU) be used to survey the trail and surrounding area. This could also provide the Tsurai Ancestral Society with the knowledge of where the grave site is actually located. If the grave location were determined to be outside the footprint of the existing trail it could be respectfully restored with a new "white picket fence" (or other culturally sensitive marking acceptable to the TAS) and the trail could remain open. Please consider this suggestion.

Respectfully,
Dick Bruce
780 Underwood Drive
Trinidad CA

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Subject: FW: Clarification/Correction on Closure of Van Wycke Trail
From: "Trinidad City Clerk" <cityclerk@trinidad.ca.gov>
Date: Tue, Aug 18, 2020 2:22 pm
To: '"Kimberly Tays'" <kimkat067@gmail.com>
Cc: "Angela Zetter" <azetter@trinidad.ca.gov>

Hi Kim,

I was out yesterday, but will make sure your comments are forwarded to the PC and Trails Committee as requested. Sending to Angela Zetter who will see this through.

Gabe

From: Kimberly Tays <kimkat067@gmail.com>
Sent: Monday, August 17, 2020 3:42 PM
To: City of Trinidad <Cityclerk@trinidad.ca.gov>; Eli Naffah <citymanager@trinidad.ca.gov>
Cc: Gedik, Tamara@Coastal <Tamara.gedik@coastal.ca.gov>; Merrill, Bob@Coastal <bob.merrill@coastal.ca.gov>
Subject: Clarification/Correction on Closure of Van Wycke Trail

Hi Gabe,

Please forward this follow-up email to the Planning Commissioners for their 8-19-20 meeting and also to the Trails Committee for their meeting tomorrow night (8-18-20).

Thanks, Kim Tays

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Dear Planning Commissioners:

It appears I am mistaken and that PARSAC **did** recommend closure of the Axel Lindgren Memorial Trail (ALM Trail) in its 2018 report.

The reason I was confused about PARSAC being arbitrary in its recommended closure of the Van Wycke Trail (VWT) and not the ALM Trail, is that the City (to my knowledge) has not tried to close the ALM Trail. A friend of mine recently hiked the ALM Trail and saw no barricades or any official warning signs about the hazardous conditions of the trail. Another reason I was under the impression that PARSAC did not recommend closure of the ALM Trail is because Mr. Naffah sent an email on July 15, 2020 to the City Council, Planning Commission and others (including me) saying the following: *On June 24, 2019, Kin Ong, the General Manager of PARSAC, visited the City. After a discussion in my office, he asked me to join him to see two areas of concern that needed attention. He took me to the Van Wycke Trail and identified that it needed to be closed with signage and a chain, rope or barricade. He also took me to the Axel Lindgren Memorial Trail and identified that proper warning signs needed to be posted. He said that he would send appropriate wording for the signage to Public Works. Kin made the call re: the trails, I did not.* [Emphasis added.]

Nowhere in Mr. Naffah's July 15, 2020 email did he mention anything about PARSAC's recommendation to close the ALM Trail—he only mentioned that Mr. Ong requested proper warning signs be posted on the ALM Trail, and he [Ong] would send the appropriate wording for the signage to Public Works. From Mr. Naffah's summary of his June 24, 2019 site visits with Mr. Ong, it sounded as if PARSAC had dropped its recommendation to close the ALM Trail.

I am not promoting the closure of the ALM Trail or VWT. I am merely questioning why the City is so focused on closing the VWT when PARSAC recommended closure of both trails in 2018.

It seems with issues as important as trails and coastal access, that staff should not only be considering PARSAC's recommendations, they should also be consulting with local Coastal Commission staff, as the mission of PARSAC (reducing liability/claims) conflicts with the Coastal Act's mission (protecting public/coastal access). In fact, the VWT has been barricaded for over a year now without the benefit of a CDP, effectively bypassing the public planning and appeal process.

And so I come back to question of why the City is selectively closing one trail over the other, and conveying the public's perception that the City is working to accommodate the wishes of adjacent homeowners who want to close the VWT to the public.

I apologize for this second email, but I needed to clarify my confusion re: what PARSAC recommended in its 2018 report and what Mr. Naffah summarized in his July 15, 2020 email.

Thank you, Kimberly Tays

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