

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE
TRINIDAD PLANNING COMMISSION
Wednesday, March 20, 2019**

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

Commissioners Present: Graves, Johnson, Stockness, Kelly, Lake
Commissioner Absent: none
City Planner Staff: Parker
City Staff: Zetter, Naffah

II. APPROVAL OF MINUTES

January 16, 2019

Commissioner Johnson requested two clarifications. He requested clarification on the composition and approval of a resolution for the STR Committee. Commissioner Lake confirmed that it has been composed, but was pulled from the City Council's agenda in March, so it must be re-agendized for the next Council meeting on April 10, 2019.

An update was made on page 5 of 7 under Commissioner Comments/Questions.

"Commissioner Stockness questioned if **water** is going to be discussed." It was changed to "Commissioner Stockness questioned if **the water section of the circulation element** is going to be discussed."

Commissioner Lake requested clarification regarding her nomination to the STR Committee.

Commissioners Graves and Lake discussed preparation of minutes and transparency. City Manager Naffah stated that in the interest of accuracy it is best to have both the Administrative Assistant and City planner review the minutes, and to move to a more abbreviated format. Commissioner Stockness was in support of City Manager Naffah's statement.

Motion to reconvene the approval of the January 16, 2019 minutes at the April 17, 2019 meeting, so the Commissioners can gain clarification on Commissioner Lake's nomination from the audio recording. Motion passed (5-0) by acclamation.

III. APPROVAL OF AGENDA

Approval of the re-ordering of the agenda was made by acclamation. *Passed unanimously (5-0).*

IV. ITEMS FROM THE FLOOR

A. Grau (City Resident) advised his public comments at the City Council meetings are either incomplete or biased when presented in the minutes. He questioned the Commissioners' attendance at the Reinman 2018-05 hearing and spoke in opposition of the balcony construction.

L. Farrar (City Resident) spoke in opposition of the downtown pedestrian improvement project.

V. AGENDA ITEMS

- a. Van Wycke Bicycle and Pedestrian Connectivity Project: Discussion/Decision on responses to comments and whether to approve the proposed Mitigated Negative Declaration and Initial Study for this project pursuant to the California Environmental Quality Act.

Commissioner Graves confirmed with the Commissioners that no ex parte communication took place.

Staff report: City Planner Parker provided additional context as to how the project fits in with the City planning process. She confirmed that the City has been seeking funding for the project over the course of multiple years and noted that, in the past, there was community support. Parker clarified that Cal Trans will not release grant funding for phase two until phase one (environmental review) is completed. Parker stated that phase two of the project would include additional public outreach and meetings. She advised that the project will include an updated geotechnical report, which will inform the final design of the retaining wall. She confirmed property owners upslope of the project will be included in the discussion. She advised the CEQA document is one step amongst multiple, and is solely addressing the environmental impacts. At this point in the process, alternatives have not been thoroughly discussed, as it is not required at this time. She clarified that the City cannot close the trail without an LCP amendment and a Coastal Development Permit.

Parker confirmed that a few minor changes and corrections have been made to the CEQA document in response to the comments made at the February Planning Commission meeting and during the public comment period. She stated that, factually, the information is correct. She opined that recirculation of the document is not necessary. Staff is recommending approval of the Mitigated Negative Declaration.

Commissioners Questions/Comments:

Commissioner Lake spoke in opposition of the project. She questioned the mitigation of environmental impacts, specifically of the retaining wall installation. She stated her

concern of the steep slope and the impact to the bluff over time. Lake stated the timeline is problematic and has created a reactionary CEQA document. She mentioned that tribal entities have objected the project. Lake requested a cumulative impact analysis.

Commissioner Johnson addressed the update provided to the Council on October 17, 2016, stating that he is under the impression that the City has the capability to make design changes. Johnson requested clarification on the proposed class one bike path. City Planner Parker confirmed bikes have been removed from the trail portion on the Van Wycke Trail. Parker stated there will be separate bike paths on Edwards St.

Commissioner Kelly stated she is concerned with safety. She advised that she would like the project to move forward to the next step, with the understanding that the Commission will see more of the plans and additional documentation. She stated from there, the City can then mitigate any environmental and cultural concerns.

Stockness confirmed the project has been discussed since 2008, and advised the City needs transportation alternatives for residents and tourists. She echoed Kelly's safety concerns. She also stated her concern regarding environmental impacts, of installation of the retaining wall on the slope, but did advise that she would like the project to move forward to in order to see the alternatives. She stated that she wants easements and the storm drain addressed.

Commissioner Graves requested confirmation as to whether the Planning Commission will have the opportunity to weigh in on the final environmental impacts of the project. Parker confirmed that permits and the design review will come before the Planning Commission, and additional conditions can be added at that time to address any new or residual issues. Significant changes to the project could require revisions and recirculation of the CEQA document.

Commissioner Lake requested clarification on the statement that the Council will "likely" be involved in the next steps in the project. City Planner clarified that the City Council will need to approve a new scope of work for the next phase of the grant. As to the timeline of their involvement in public meetings and presentations, Parker stated that she does not have information regarding scheduling. No hearings are required before the Council at this point. Parker confirmed that the CEQA document is not required to come before the Council again.

Commissioner Lake questioned the involvement of the tribal communities. City Planner Parker confirmed that the City has consulted with all three tribal entities. The City is committed to continuing to involve tribal entities through government to government consultations and public outreach meetings. Mitigation in the CEQA document requires cultural monitoring, continued consultation and development of an inadvertent discovery protocol.

Commissioner Lake stated that safety is not part of the CEQA document. City Planner Parker advised that public safety is mentioned in multiple sections, such as hazards. Lake opines safety can be improved for pedestrians with installation of stop signs. She also stated that the proposed bike path does not improve safety.

Public Comment:

City Resident, A. Grau, spoke in opposition of the project, as it does not fit the character of the City.

D. Grover (City Resident) stated he is concerned about the project moving forward before alternatives are discussed. He stated there are ways to integrate the retaining wall into the natural design that will lessen the environmental impact.

L. Farrar (City Resident) spoke in opposition to the project. She opined that the vegetation disturbance has been glossed over, and she is concerned invasive species may be planted.

D. Cox (City Resident) spoke in opposition of the project and stated she has additional concerns unrelated to the environmental impacts. She stated she is concerned that the grant funding will allow extensive soldier piling.

Commissioner Discussion:

Commissioner Lake questioned the size of the retaining wall. Parker advised that different sizes are mentioned, as there is not a final design.

Commissioner Johnson stated he is not in favor of how this project has to be handled, as decisions are being made prior to a submittal of a final design. He stated that he is currently neutral to the project, but he is willing to vote it forward to the next step, as it will allow the Planning Commission and public to understand the project in more detail. He requested that the City Engineer be made aware that there needs to be a robust plan for public input, so public comment meetings need to happen on an incremental basis.

Commissioner Stockness recommended that the City Engineer give a presentation to the Commission. Commissioner Johnson advised the engineer will not be able to provide more information, since the City can't access more grant funding or proceed with the design until the CEQA document is completed.

Commissioner Lake stated that if the CEQA document is approved the Commission is stating that the environmental impacts are mitigated. Commissioner Graves echoed Commissioner Lake's statement. Parker advised the Commission or City Council can request an update to the CEQA document changes arise, further stating the

Commission can deny the project through the permit process. Parker also mentioned that Coastal Act standards must be addressed in the future permits.

Commissioner Lake stated there is not a mandate for public meetings/environmental clarifications. Parker confirmed that GHD is required to provide public outreach meetings, per the grant requirements. Public meetings are also mandatory during the permitting process.

Commissioner Kelly requested further clarification. She questioned if there is recourse if the Planning Commission, City Council, and the public find a problem with the design elements. Parker confirmed that the City can always choose not to move forward with the project.

Commissioner Graves reminded the Commission that if the document is approved it falls on the Planning Commission's shoulders to ensure that the project is environmentally sound.

Commissioner Lake questioned how the Commission can mitigate problems farther into the project. Parker advised it requires multiple permits and design review, so it will come before the Planning Commission again. Parker further clarified that the Planning Commission can add additional conditions of approval.

Commissioner Graves stated that not all of their questions will be answered upon the initial study and checklist, but that there will be opportunities during other permitting phases to weigh in on the project. Graves opines the project feels like it is driven by grants, not about need. Graves is also concerned with the timeline, as he feels that the project will take longer than the estimated completion date.

Parker echoed Graves statement that there will be more opportunities through the permitting process. Parker advised the CEQA document is general and analyzes the worst case scenario, since the design has not been completed.

Public Comments:

S. Madrone (Greater Trinidad Area Resident) spoke in opposition of the project. Stating the project doesn't solve the problem, but instead only treats the symptom in an area of sensitivity. He stated CEQA does require due diligence in finding the least damaging alternatives, but he opines the project should be a small footprint, not the current estimated size. He suggests the City needs to have the Tsurai involved.

Commissioners Discussion:

Motion – (Lake/Graves) to deny the adoption of the Mitigated Negative Declaration for the Van Wycke Bicycle and Pedestrian Connectivity Project

*Ayes – Lake, Graves
Nays – Johnson, Kelly, Stockness*

Motion to deny the adoption of the Mitigated Negative Declaration failed. (3-2)

Commissioner Kelly stated that if the negative declaration is rejected funding will be difficult. Commissioner Kelly opined that the City will likely get a scaled back version in the end. Stockness echoed Commissioner Kelly's statement. Stockness further stated that the trail needs to be improved because pedestrians will use it regardless.

Commissioner Lake advised that the City may end up with a 150 ft. wall, and then the Commission cannot vote it down. City Planner Parker confirmed that the Planning Commission can vote to deny a 150 ft. wall.

Motion to continue the hearing at the next meeting at which the City Engineer and support staff will be present (Stockness/Kelly). Passed unanimously (5-0)

Johnson is in support of having the City Engineer provide a presentation, but reminded the Commission that they will not receive additional/new information. However, he advised it is beneficial, as it will give the Planning Commission an opportunity to ask questions.

- b. Reinschmidt 2019-02: Design Review and Coastal Development Permit to construct a new 36-ft x 24 ft., 864 sq. ft., 24-ft tall, detached garage with attic storage area and half bath. The garage was previously approved by the Planning Commission in February 2007, but was never constructed, and the approval has expired. Located at: 15 Berry Road; APN: 515-331-47

Vice Chair, Johnson confirmed that Chair Graves has left the meeting due to a health issue.

Staff Report: City Planner Parker stated the project was previously approved in 2007. Presently, there is a premanufactured home onsite, but the previously approved garage was never built and the approval/permit expired. There is an existing pad, so additional ground disturbance will not occur. The site is on a minor slope towards Mill Creek and there is quite a bit of vegetation growth. View shed is not a concern. There are conditions of approval that will be addressed during the permitting process.

Garages are not regulated as detached accessory structures based on past precedent; if they were the height limit would be limited 15 ft. and would have no rear or side setbacks. The applicant is requesting to construct a previously approved 25 ft. two car garage. Parking will not change, building codes are met, the septic system will not be impacted, and building materials are consistent with the materials already onsite. It

does require design review, as it is a new structure. Staff recommendation is for approval for the project.

Commissioner Questions/Comments:

Commissioner Kelly questioned if there are square footage limitations for garages. Parker stated that there is not a limitation; however in section H of the design criteria provides guidance for residential square footage limitations. Kelly requested information on the lighting plan. Parker confirmed the City doesn't presently have any lighting standards. Commissioner Stockness questioned the floor plan. Parker confirmed it is an open floor plan.

Commissioner Lake requested clarification on the plans, specifically the attic layout and the floor height. She questioned if there is a separate water meter, and how is a detached garage an integral part of the residence. She stated that while the City does not regulate garages as detached accessory structures, other surrounding cities do. She opined that, due to this it should be considered a detached structure, and thus be limited to 15 ft. in height. Commissioner Johnson stated that he is less concerned about the height, as it is zoned SR, but instead requests a condition be added that the present concrete pad meets all building codes.

Parker stated that Commissioner Lake can request the floorplan. Parker clarified that the garage has a steep pitched roof, and there is not a separate water meter.

Commissioner Stockness questioned if a bathroom could be installed in an accessory structure. Parker confirmed the City's ordinance is silent on the issue.

Commissioner Johnson stated the definition of a garage needs to be addressed during the General Plan update. He stated that currently the garage will require design review. However, he notes if the Planning Commission adds a condition of approval that the structure is constructed to a height limit of 15 ft., design review is no longer required.

Commissioner Stockness stated the Commissioners should go to the site and reconvene the discussion during the April meeting.

Public Comment:

Resident D. Cox spoke in opposition of the project. She opined that a STR with parking does not need a two car garage.

Resident A. Grau echoed Resident Cox's opinion adding that a garage is not necessary and it is likely to be converted into something else.

Resident, L. Farrar, spoke in opposition of the project. She stated she is in favor of consistency.

Commissioners Discussion:

Commissioner Lake spoke in opposition of a 25 ft. garage. She is concerned that this will be approved as an integral part of the residence.

Commissioner Kelly stated that the Commission cannot confirm what the usage of the garage will be, but the garage seems rather large for the site. Kelly echoed Commissioner Johnson's statement regarding addressing the definition of a garage in the General Plan, for the sake of consistency. She stated she wishes to see the site prior to making a decision.

Commissioner Johnson stated the Commission could request the applicant to install site poles.

Public Comment:

Resident D. Cox requested confirmation if neighbors were notified.

Greater Trinidad Area Resident S. Madrone discussed dimensions of the structure for clarity.

John Dean (City Resident) questioned why not just deny it if it's not 15 ft.

Commissioners Questions/Comments:

Commissioner Lake requests the plans for the interior second floor and access to the attic. City Planner Parker confirmed that the Commission can make request that as part of the continuance. It was clarified by Parker that depending on changes, setbacks may not be required.

Motion – (Lake/Kelly) to request the applicant redesign the garage to 15 ft. in height and consider it an accessory structure.

Ayes: Lake, Kelly

Nays: Stockness, Johnson

Motion to request the redesign and classification failed 2-2.

Commissioner Kelly clarified that she voted for the redesign and classification of accessory structure, because the City needs to define what an accessory structure vs a garage is.

Motion – (Stockness/Johnson) to continue the project with requests for additional information from the applicant, and for the applicant to be present. Additional

information includes detailed interior floorplans and access to the attic, while also suggesting redesigning the structure to 15 ft. in height and to install site poles.

*Ayes: Johnson, Kelly, Stockness
Nays: Lake*

Motion passed 3-1.

- c. Winnett 2019-01: Design Review and Coastal Development Permit to construct a new 24-ft x 15-ft, 360 sq. ft., 16-ft tall, semi-detached area. The garage will be attached to the residence by a 5-ft x 8-ft breezeway. Located at: 586 Hector Street; APN 042-041-017 *This item will be continued to the April 20, 2019 Planning Commission meeting.*

Commissioner Lake disclosed ex parte communication.

- d. CAL FIRE 2019-03: Grading and Coastal Development Permit for installation of approximately 5,400 linear ft. (approximately 600 ft. of which is within City limits) of 1.5 -in. diameter water line from the City of Trinidad to CAL FIRE Trinidad Station. This is an individual water line connection, not a mainline, to provide potable water to the fire station only, consistent with an LCP amendment recently approved by the City and the coastal Commission. Located at: Patrick's Point Dr. right-of-way, from Main St. to the CAL FIRE Trinidad Forest Fire Station, 923 Patrick's Point Dr. *This item will be continued to the April 20, 2019 Planning Commission meeting.*

Public Comment:

S. Madrone, Greater Trinidad Area Resident, stated multiple properties outside City limits want access to City water, while also mentioning the current water puzzle, due to entitlements and riparian rights.

VI. COUNCIL REPORT

City Planner Parker confirmed that Eli Naffah has been hired as the new City Manager. Additionally, she stated that a presentation was provided in regards to the Trinidad Rancheria Hotel Project.

VII. STAFF REPORT

Parker confirmed that multiple projects are coming to a close, such as Clean Beaches Final Report, Van Wycke Report, Phase Two of the Stormwater Project, etc. She confirmed that she is presently working on the water supply assessment of the General Plan.

Commissioner Comments:

Commissioner Kelly stated that she is composing the executive summary and vision statement for the General Plan with Parker's oversight.

Commissioner Lake requested a schedule and a joint meeting with the City Council. Johnson proposed Parker provide an existing schedule, and the Commission can offer up discussion.

VIII. FUTURE AGENDA ITEMS

Confirm a Planning Commission liaison
Van Wycke Bicycle and Pedestrian Connectivity Project
Reinschmidt 2019-02
Winnett 2019-01
CAL FIRE 2019-03

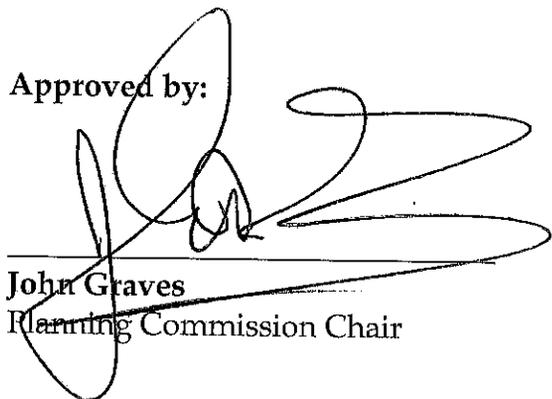
IX. ADJOURNMENT

Next meeting is April 17th. Meeting has been adjourned at 9:04 pm.

Submitted by:

Angela Zetter
Administrative Assistant

Approved by:


John Graves
Planning Commission Chair